



**MIDDLETOWN BOARD OF APPEALS
Middletown, Maryland 21769**

Meeting Minutes for July 12, 2018

Case #MT-B-18-1

The Middletown Board of Appeals (BoA) met on Thursday, July 12, 2018 at 7:00 p.m. at the Middletown Municipal Center, 31 W. Main Street, Middletown, MD 21769. Present were BoA members Daphne Gabb (Chairwoman), Tim Coakley, Tommy Routzahn, and Alex Kundrick (alternate), Cindy Unangst (Acting Zoning Administrator) and Annette Alberghini (recording secretary).

Others present: Noel Manalo (Miles & Stockbridge), Tom Poss (Verdant Development Group) and Marvin Wilke (resident).

Election of BoA Chairman for 2018 – Board member Coakley nominated Daphne Gabb to continue as the BoA Chairman for 2018. Seconded by board member Routzahn. Motion carried (3-0)

Minutes – Chairwoman Gabb asked if there were any corrections to the July 26, 2017 BoA meeting minutes as submitted. Hearing no comments, the minutes were approved.

Case MT-B-18-1 (Chesterbrook Land, LLC, Chesterbrook Phase 2 Development)– The applicant is requesting a variance for building height regulations for property located at the intersection of Broad and Franklin Streets for proposed construction of multi-family units. The acting zoning administrator stated that for this case all appropriate actions were taken; it was properly advertised, adjoining property owners were notified and the property was properly posted.

Staff Report:

A building height variance was approved by the Middletown Board of Appeals for this development on January 13, 2015 (Case #MT-B-15-1). Both the Site Plan and building height variance approval for this development have since expired. The Site Plan was resubmitted to the Middletown Planning Commission for reapproval. The Planning Commission granted conditional approval of the Site Plan on May 21, 2018, conditional upon receiving the building height variance approval from the Board of Appeals.

The request today is for the variance from Town Ordinance Section 17.16.050 - Building height regulations and unit limitations for structures in residential districts. Nothing has changed from the previous submittal. The applicant is proposing the construction of eighteen multi-family units in the Chesterbrook Phase 2 development. The applicant is requesting a variance that allows a height of three stories with a maximum height of forty (40) feet. This variance allows the applicant to use design features that facilitate a reduction in the amount of impervious surface due to less parking spaces needed. The

small lot size and the new storm water management regulations necessitate reducing the impervious surface in the development. The applicant has received a copy of the staff report and all information that was provided to the BoA members in support of the meeting this evening.

The acting zoning administrator noted that this developer is constructing the same type of town homes in Walkersville, MD which required a text amendment to their town code which increased the height limit from 35 feet to 45 feet.

Discussions:

Chairwoman Gabb asked for questions and comments.

Board member Routzahn asked what the Town has lead the developer to believe regarding the opening of Broad Street to Route 17. The acting zoning administrator stated that several years ago there was discussion of opening Broad Street to Route 17 but it was determined by State Highway to be cost prohibitive. However, with the construction of the new fire company building, the Middletown Fire Company is approaching the State Highway Administration to inquire about having a restricted opening from Broad Street onto Route 17 which would have gate-controlled access, to be used by the Middletown Fire Company only. Mr. Poss reviewed the Site Plan which indicates the road improvements they would be installing as part of the development, including a right-turn lane which would address infrastructure constraints if that access is granted in the future.

Marvin Wilke, 16 Locust Boulevard, Middletown, MD asked what approving the height variance would mean for development within the rest of the Town. The acting zoning administrator stated that each variance is granted on a case by case basis so this would not impact other properties in town.

Board member Coakley asked what the overall height of these buildings would be in relationship to other homes or buildings around them. Mr. Poss stated that these buildings would be similar in height to buildings surrounding them.

Action:

Motion by Board member Routzahn to approve the variance to grant the five additional feet in height, seconded by Board member Coakley. Motion carried (3-0).

The meeting adjourned at 7:23 p.m.

Respectfully submitted,

Annette Alberghini
Town Receptionist