



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

Meeting Minutes for July 21, 2021

Case # MT-B-21-6 & MT-B-21-7

The Middletown Board of Appeals (BoA) met on Wednesday, July 21, 2021 at 7:00 p.m. via Zoom meeting. Present were BoA members Daphne Gabb (Chairwoman), Sean Mahar, and Jonathan Minchoff (alternate), Mark Hinkle (Zoning Administrator) and Patty Guyton (recording secretary).

Others present: Jon Canty (19 East Main St), David Mallon (Representative/Contractor for Jon and Allison canty) and Richard and Karen Maiello (119 Prospect St).

Minutes – Chairwoman Gabb asked if there were any corrections to the June 30, 2021 BoA meeting minutes as submitted. Hearing no comments, the minutes were approved.

Case MT-B-21-6 - The applicant has requested the following variances from the Middletown Municipal Code, Section 17.32.170 – Modifications to Yard Requirements that states that an accessory structure cannot exceed 10% of the rear yard and not to exceed 700 square feet. The proposed plan is to “*relocate an existing 1,174sf barn to conform to all side and rear yard accessory setbacks; new barn to be 1,116 sf.*” This lot, sub-divided from 19 E. Main St., is a narrow, older, undeveloped lot that was created before zoning laws and does not meet current standards and therefore creates a hardship for the applicant to adhere to the standards. The current accessory building resides on this lot. Based on the application it appears that the proposed plan is to eventually build a single-family home along with the proposed barn, this project would be accessed from E. Green Street. The relocation of the barn, and its smaller size, to within the proper setbacks would make the barn blend in better with the environment and be less visible from the street.

The applicant has submitted all required documentation and justifications for the requested variances as well as plot plans showing the proposed location of the building. Staff has reviewed all information provided and concurs with the applicant that the variance should be granted. By granting this variance, the current non-conforming structure would be removed, and a new structure would be built in an area to bring it into conformity.

If the variance applied for and requested is granted, staff notes that it will not alter the essential character of the neighborhood or district in which the property is located on the E. Green St., nor substantially impair the appropriate use or development of adjacent property and/or confronting properties, nor be detrimental to the public welfare. Staff supports the variance as presented by the applicant as reasonable to afford them relief from Section 17.32.170 of the Middletown Municipal Code while representing a reasonable modification of the regulation in use.

Discussions: David Mallon (Representative/Contractor for Jon and Allison Canty) stated that the new barn will meet the setbacks required and blend in better with the surroundings. He also stated that there is no street address link to this property currently, owners will need to contact the Planning Commission to get an address.

Action: Motion by Board member Mahar to approve the variance as presented with the condition that the applicant go to the Middletown Planning Commission for all other requirements related to the development of this property. Seconded by Board member Minchoff. Motion carried (3-0).

Case MT-B-21-7 - The applicant has requested the following variances from the Middletown Municipal Code, Section 17.32.170 – *Modifications to yard requirements*, that states “allowable Projections of Structure into Yard and Other Modifications to Yard Requirements. Architectural features of buildings such as windowsills, cornices, roof overhangs, and unenclosed porches that do not have a roof may project into the required yard not more than six feet but may not be closer than six feet to a lot line. Open fire escapes, fireproof outside stairways, chimneys and flues may project into the required yard not more than six feet. Unenclosed ground floor terraces or unenclosed patios may extend into any yard area but may not be closer than six feet to a lot line.”

The applicant is requesting the following variance, side yard setback to be reduced by approximately 4'. The property is in the R-1 district. Based on the application it appears that a request is being made to construct a ground level deck extension. The lot was created prior to zoning laws and does not meet current standards as established by the Town and the placement of the house on the lot along with the unique shape of the lot makes it a hardship for the applicant to appropriately construct a deck while staying 6' from the side yard setback.

The applicant has submitted all required documentation and justifications for the requested variances as well as plot plans showing the proposed location of the deck. Staff has reviewed all information provided and concurs with the applicant that the variance should be granted.

If the variance applied for and requested is granted, staff notes that it will not alter the essential character of the neighborhood or district in which the property is located on Prospect Street, nor substantially impair the appropriate use or development of adjacent property and/or confronting properties, nor be detrimental to the public welfare. Staff supports the variance as presented by the applicant as reasonable to afford them relief from Section 17.32.170 of the Middletown Municipal Code while representing a reasonable modification of the regulation in use.

Discussions: Mark Hinkle (Zoning Administrator) noted that a resident contacted him reporting she was against this variance. He instructed her to submit a written concern for him to share with the Board of Appeals members, since she was unable to attend the meeting. No letter was submitted for meeting.

Some members had concerns about the setbacks being too close to property line but after looking at the lot survey and the unique shape of the lot. Members agreed that the lot is an odd shape and that the homeowners did not create this hardship.

Action: Motion by Board member Minchoff to approve the variance as presented. Seconded by Board member Mahar. Motion carried (3-0).

The meeting adjourned at 7:30p.m.

Respectfully submitted,

Patty Guyton
Town Receptionist