

June 23, 2021

To: Middletown Board of Appeals Members

RE: MIDDLETOWN BOARD OF APPEALS  
CASE MT-B-21-5

Dear Member:

Enclosed are copies of materials for your review that will be discussed at the Middletown Board of Appeals (BoA) meeting scheduled for June 30, 2021 at 7:00 PM, held Virtually at the Middletown Municipal Center, at 31 West Main Street:

1. Copy of staff report that addresses applicant's request
2. Copy of variance appeal submitted by the applicant
3. Copy of Notice to adjacent property owners
4. Copy of Notice of Public Hearing
5. Copy of all applicable Sections of the Code
6. Copy of all other pertinent Case materials
7. Copy of previous hearing minutes for approval

If you have any questions, please contact me at your earliest convenience via phone, 301-371-6171, and/or email me at: [zoning@ci.middletown.md.us](mailto:zoning@ci.middletown.md.us).

Sincerely,



Mark Hinkle  
Zoning Administrator

Enclosures

**MIDDLETOWN BOARD OF APPEALS**

June 14, 2021

ZONING ADMINISTRATOR  
STAFF REPORT

MT-B-21-5

*Applicant:* Lancaster Craftsmen Builders

*Location:* 815 E. Main Street Middletown, MD 21769

*Request:* Variance from the Section 17.20.030 - Building height regulations in commercial districts of the Middletown Municipal Code.

*Zoning:* TC – Town Commercial

Section(s) of the Code that Apply:

17.20.030 - Building height regulations in commercial districts

17.44.050 - Variances (see attachment)

17.44.070 - Public Hearings (see attachment)

Staff Recommendation:

The applicant is filing for variance from a section of the Middletown Municipal Code. Section 17.20.030 - Building height regulations in commercial districts requires that “*No building shall exceed thirty-six (36’) in height or exceed sixty thousand (60,000) square feet in size.*” ***The Applicant is requesting a variance that allows a maximum height of approximately forty-two feet six inches (42’ 6”).***

Staff notes that this project has previously been submitted and approved by the Planning Commission, the building that was approved was three stories and 52' 6". The developer has reimagined the project and changed course, they have a desire to reduce the size of the building and to reduce the footprint on the existing lot however, section 17.20.030 was modified on September 14, 2020, to reduce building heights in Commercial Districts to 36' and therefore the proposed building is no longer in compliance.

The Applicant states a variance is required to Sections 17.20.0300 – Building height regulations. The requested variance and continued prudence by the Planning Commission will ensure an appropriately sized and visually appealing building will greet residents and visitors as they enter Middletown from the east.

Staff notes that if the variance requested is granted, it will not alter the essential character of the neighborhood or district in which the property is located, nor substantially impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare. ***Staff finds the variance as presented by the applicant as reasonable to afford them relief from Section 17.20.030 of the Code while representing a reasonable modification of the regulation in use with the understanding that this is still to be reviewed by the Middletown Planning Commission for all other requirements related to the development of this property.***



Mark Hinkle  
Middletown Zoning Administrator

