



MIDDLETOWN BOARD OF

APPEALS

**Middletown, Maryland 21769
Meeting Minutes for November 30th, 2022
Case # MT-B-22-6**

The Middletown Board of Appeals (BOA) met on Wednesday, November 30th, 2022, at 7:00 p.m. Present were BoA members Daphne Gabb (Chairwoman), Jonathan Minchoff, Rodney O'Neal, Robert Wilkes (Zoning Administrator) and Jen Rhinaman (recording secretary).

Others present: Andrew Brown representing Middle Creek Holdings, I, LLC (applicant). Joseph Holliday (98 Summers Drive), and Lauren Sinay (96 Summers Drive), were present via LifeSize.

Minutes – Chairwoman Gabb asked if there were any corrections to the November 9, 2022, BOA meeting minutes as submitted. Board member Minchoff motioned to accept the minutes and Board member O'Neal seconded the motion. Motion carried (3-0).

Case MT-B-22-6- The applicant is filing for a variance of approximately 18' from the required 35' front yard setback (Summers Drive side) to construct a triplex residential structure at 406 W. Green Street. The lot is in the Town Commercial District. The property in question is .295 acres and the proposed structure is approximately 36' X 40'.

Staff notes that the lot at 406 w. Green Street is rectangular in shape. It is narrow in the width of the south boundary being 67.96 feet and the north boundary being 61.00 feet. The east and west boundaries are 185.98 feet and 176.05 feet. The lot is zoned for commercial development, but residential development is authorized in a Town Commercial zone in accordance with Section 17.20.060 of the municipal code.

The above conditions create a hardship by limiting the development options available to the applicant in building a multifamily residential unit if the front and side setbacks remain at 35 feet and 12 feet. The setbacks total 47 feet and when subtracted from the lot width of 67.69 feet leaves approximately 21 feet of buildable space. These physical limitations make it difficult for the applicant to construct a residential unit on the property in strict conformity of the zoning ordinance.

If the variance is granted, staff notes that it will not alter the essential character of the neighborhood or district in which the property is located. Also, it will not impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. Staff supports the variance as presented by the applicant as reasonable to afford them relief from Section 17.16.070 of the Code Staff also notes a previously approved variance at this property for a variance of 22 feet from the 35-foot front yard setback on the Summers Drive side of the property (MT-B-16-1).

Discussion - Robert Wilkes, Zoning Administrator, reviewed the variance with the Board.

Public Comment - Joseph Holliday (98 Summers Drive) stated his concern about having a multi-family dwelling in the neighborhood. Andrew Brown, (applicant), stated that the structure would be a two-story house with a walkout basement. Joseph Holliday also stated his concern regarding the structure creating an obstruction of the view when driving up such a narrow street. Robert Wilkes, Zoning Administrator, stated that there will still be 17 feet from the road to the structure, which would not cause an obstruction. Joseph Holliday and Lauren

Sinay both voiced their concern regarding parking and traffic on Summers Drive. Robert Wilkes, Zoning Administrator stated that there will be 6 spaces allocated to the rear of the structure, which is concurrent with the Town Code.

Action: Motion by Board member Minchoff to approve the variance of approximately from the required 35' front yard setback (Summers Drive side) to construct a triplex residential structure at 406 W. Green Street, which is zoned for commercial development to be sent forward to the Planning Commission for further approval and future public comment. Seconded by Board member O'Neal. Motion carried (3-0).

The meeting adjourned at 7:13 p.m.

Respectfully submitted,

Jen Rhinaman
Town Receptionist