



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

**Meeting Minutes for September 20, 2018**

**Case #MT-B-18-2**

The Middletown Board of Appeals (BoA) met on Thursday, September 20, 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 Unanagst (Acting Zoning Administrator) and Annette Alberghini (recording secretary).

Others present: Tracy Diggs (Frederick County Office of Project Management).

**Minutes** – Chairwoman Gabb asked if there were any corrections to the July 12, 2018 BoA meeting minutes as submitted. Hearing no comments, the minutes were approved.

**Case MT-B-18-2 (Frederick County Department of Facilities & Project Services, Middletown Fire Station 7 Sign)**– The applicant is requesting a variance on the dimensions used to calculate the total square footage of a monument sign. 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:**

The applicant is filing a request for a variance from Section 17.36.030(F) of the Middletown Municipal Code to accommodate the construction of signage for the new fire station on the lot. The request is for a variance of how the sign area is determined for a monument sign. When using the maximum height of the sign by the maximum width of the sign (minus the bottom 18 inches of the base), the square footage equals 68 square feet. According to Section 17.36.100(A)(4), the maximum size for a freestanding sign is one (1) square foot per five (5) linear feet of street frontage, up to a maximum size of fifty (50) square feet. The street frontage is well over 400 linear feet, so the maximum size allowed would be 50 square feet. If just the surface area of the sign is used, and the stone base is not included, the proposed sign would meet the maximum size regulation with a square footage of 49 square feet.

Staff notes that the lot at 401 Franklin Street is approximately 2.73 acres in size and is located in an OS zoned district. An aerial view of the property shows the irregular shape of the property. The front boundary of the property is Franklin Street. Walnut Pond, an R-1 zoned residential community, is located directly across the road from the proposed fire station.

The conditions for this property (irregular shape) coupled with the location of the building on the site which makes the Fire Station not clearly visible when approaching from the north, have created an unnecessary hardship for the applicant due to the property's irregular physical shape and not conditions generally created by the provisions of the zoning ordinance. Because of these physical limitations noted along with the need that the location of the Fire Station be apparent and obvious, the applicant wants to ensure the property signage is clearly visible. Staff also assumes that when designing the signage for the property, the applicant believed that the surface area of the sign would be used in determining the square footage with the base not being included.

If the variance applied for/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 300 and 400 blocks of Franklin 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 17.36.030(F) of the Middletown Municipal Code while representing a reasonable modification of the regulation in use.

**Discussions:**

Chairwoman Gabb asked for questions and comments.

The overall height of the sign was reviewed. It is 8 feet tall and meets Town Code. The Board of Appeals members asked how far back from the street the sign will be located. The acting Zoning Administrator showed its location on several plans and an overhead picture. It was determined that it would not impede traffic sight lines.

**Action:**

Motion by Board member Coakley to approve the variance of how the sign area is determined for a monument sign as proposed, seconded by Board member Routzahn. Motion carried (3-0).

The meeting adjourned at 7:13 p.m.

Respectfully submitted,

Annette Alberghini  
Town Receptionist