



TOWN OF OCEAN CITY

The White Marlin Capital of the World

BOARD OF ZONING APPEALS AGENDA Thursday, June 13, 2024 6:00 p.m.

Meetings are held in the Council Chambers of City Hall located at 301 Baltimore Avenue, Ocean City, Maryland.

I. Administrative Matters

- a. Findings of Fact – BZA 2689 (Stephen Kansak)
- b. Findings of Fact – BZA 2691 (McGinty Marine Construction)
- c. Findings of Fact – BZA 2684 (Robert Wright and Teresa Rodriguez Wright)
- d. Findings of Fact – BZA 2688 (Joseph E. Moore for Bayside 75)

II. Public Hearings

AT 6:00 PM

Pursuant to the provisions of Section 110-93(3), Powers of the Code, an appeal of Section 110-95(1)(a) has been filed to request (1) a variance of 5.2 feet from the 10-foot separation distance requirement for a 6' X 12' proposed addition to be 4.8' from a neighboring unit; (2) a variance of 0.2 feet from the 5-foot side yard setback for a 6' X 12' proposed addition to be 4.8 feet from the side property site line; and (3) a variance of 4.8 feet from the 10-foot separation distance requirement for a proposed covered deck to be 5.2' from a neighboring unit. The site of the appeal is described as Lot 110 of Sundowner Mobile Home Park Plat. It is further described as being located on the south side of Denny Lane and is locally known as 111 Denny Lane, in the Town of Ocean City, Maryland.

APPLICANT: JOHN L. STANTON (BZA 2690 #24-09400012)

AT 6:10 PM

Pursuant to the provisions of Section 110-93(2), Powers of the Code, an appeal of Sections 110-94(3)(a) has been filed to request a special yard exception from the front yard setback to allow for the screened enclosure of an existing covered patio. The site of the appeal is described as Unit #5 of Lot 7 of the plat entitled "33rd Street Shopping Plaza Condominium." It is further described as being located on the east side of Coastal Highway and is locally known as 3316 Coastal Highway, in the Town of Ocean City, Maryland.

APPLICANT: OC WASABI (BZA 2692 #24-09400014)

AT 6:20 PM

Pursuant to the provisions of Section 110-93(2), Powers of the Code, an appeal regarding Sections 110-99 has been filed to request an amendment to BZA Case 2581 #21-09400003 to allow for a pergola to be constructed over a portion of the 6 parking spaces that were waived as part of that application. The site of the appeal is described as Lots 3, 4, 5, 6, and 7, for Building 1 and Lots 19, 20, 21, 22, and 23 for Building 2, Block 87, of the Fenwick Plat. It is further described as being located on the west side of Coastal Highway and is locally known as Beach Barrels at 13207 Coastal Highway, in the Town of Ocean City, Maryland.

APPLICANT: RAYMOND MCGRATH (BZA 2693 #24-09400015)

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

MATTHEW M. JAMES
President

ANTHONY J. DELUCA
Secretary

PETER S. BUAS
JOHN F. GEHRIG, JR.
J. FRANKLIN KNIGHT
CAROL L. PROCTOR
WILLIAM C. SAVAGE III

CITY MANAGER
TERENCE J. MCGEAN, PE

CITY CLERK
DIANA L. CHAVIS, MMC

III. Other Business

- a. End of Year Report – Kay Gordy, Zoning Administrator
- b. Discussion on amendment to the rules and procedure to allow for the President and Secretary to endorse all findings of fact.

**BOARD OF ZONING APPEALS
MINUTES
TOWN OF OCEAN CITY, MARYLAND**

**Meeting of
Thursday, May 16, 2024**

ATTENDEES:

Members

Christopher Rudolf, Chair
John Moran
Brian Shane
Dan Stevens

Staff

Chase Phillips, Zoning Analyst
Kay Gordy, Zoning Administrator
George Bendler, AICP, Director
Maureen Howarth, Board Attorney

The meeting was called to order at 6:00 p.m., and it occurred at City Hall located at 301 Baltimore Avenue in the Town of Ocean City, Maryland.

6:00 PM

I. Administrative Matters

Minutes and Findings of Fact

The Board reviewed the minutes from the April 25, 2024 meeting.

Motion/ John Moran **Second/** Dan Stevens to approve the minutes from the April 25, 2024, meeting. The motion passed (3-0-1), with one abstention from Brian Shane.

The Board reviewed the Findings of Fact for BZA Case 2685 (Kristina L. Watkowski).

Motion/ Dan Stevens **Second/** John Moran to approve the Findings of Fact for BZA Case 2685 (Kristina L. Watkowski). The motion passed (3-0-1), with one abstention from Brian Shane.

The Board reviewed the Findings of Fact for BZA Case 2686 (Kristina L. Watkowski).

Motion/ John Moran **Second/** Dan Stevens to approve the Findings of Fact for BZA Case 2686 (Kristina L. Watkowski). The motion passed (3-0-1), with one abstention from Brian Shane.

The Board reviewed the Findings of Fact for BZA Case 2687 (Heritage Outdoor Solutions, LLC).

Motion/ John Moran **Second/** Dan Stevens to approve the Findings of Fact for BZA 2687 (Heritage Outdoor Solutions, LLC). The motion passed (3-0-1), with one abstention from Brian Shane.

II. Public Hearings

At 6:00 PM

Pursuant to the provisions of Section 110-93(2), Powers of the Code, an appeal of Section 110-94(2)(b) has been filed to request a special parking exception to (1) waive one (1) parking space from required parking; and, (2) to reduce the size of one (1) parking space to 9' X 16.9', rather than the 9' X 20' space required by Code. The site of the appeal is

described as Lot 15 of the plat entitled “Village West, Part One.” It is further described as being located on the south side of Bayshore Drive and is locally known as 601 Bayshore Drive, Unit 15, in the Town of Ocean City, Maryland.

APPLICANT: STEPHEN KANSAK (BZA 2689 #24-09400011)

Chase Phillips, Zoning Analyst, presented this case to the Board. This presentation included a summary of the request, the staff report and staff exhibits, and code analysis. It was stated that this application complies with local and state noticing requirements.

Mr. Stephen Kansak, designer and Applicant, presented the Applicant’s testimony.

No persons were present during this hearing to provide public testimony.

The Board found that the criteria for granting the special parking exceptions were not met.

Motion/ John Moran Second/ Dan Stevens to deny the special parking exception to waive one (1) space from the required parking for the reconstruction of a new townhome. This motion passed unanimously (4-0).

Motion/ John Moran Second/ Brian Shane to deny the special parking exception to reduce the size of one parking space to 9’ X 16.9’ rather than 9’ X 20’ required by Code. This motion passed (4-0).

AT 6:10 PM

Pursuant to the provisions of Section 110-93(3), Powers of the Code, an appeal of Section 110-95(1)(a) has been filed to request (1) a variance of 5.2 feet from the 10-foot separation distance requirement for a 6’ X 12’ proposed addition to be 4.8’ from a neighboring unit; (2) a variance of 0.2 feet from the 5-foot side yard setback for a 6’ X 12’ proposed addition to be 4.8 feet from the side property site line; and (3) a variance of 4.8 feet from the 10-foot separation distance requirement for a proposed screened deck to be 5.2’ from a neighboring unit. The site of the appeal is described as Lot 110 of Sundowner Mobile Home Park Plat It is further described as being located on the south side of Denny Lane and is locally known as 111 Denny Lane, in the Town of Ocean City, Maryland.

APPLICANT: JOHN L. STANTON (BZA 2690 #24-09400012)

This application was postponed and rescheduled for the June 13, 2024, meeting.

AT 6:20 PM

Pursuant to the provisions of Section 110-93(2), Powers of the Code, an appeal of Section 110-94(1) has been filed to request approval of marine construction for a pier, dock, and boatlift on a property which has no established principal use on the premises. The site of the appeal is described as Lot 91 A of the plat entitled “Lots 91 – 96, Section Three, Harbourside at Heron Harbour.” It is further described as being on the north side of South Heron Gull Court and is locally known as 316 South Heron Gull Court, in the Town of Ocean City, Maryland.

APPLICANT: MCGINTY MARINE CONSTRUCTION (BZA 2691 #24-09400013)

Chase Phillips, Zoning Analyst, presented this case to the Board. This presentation included a summary of the request, the staff report and staff exhibits, and code analysis. It was stated that this application complies with local and state noticing requirements.

Mr. Keith Coffin, Property owner, and Josh Schleupner of McGinty Marine Construction (Applicant) provided testimony that served as the Applicant's presentation.

No persons were present during this hearing to provide public testimony.

The Board found that the criteria for granting the special use exception were met.

Motion/ Brian Shane **Second/** John Moran to approve the request for a special use exception to allow for boat lift, dock, and pier which has no established principal use on the premises. This motion passed unanimously (4-0).

The Board discussed the use of docusign for the adoption of Findings of Fact with Ms. Howarth, the Board's attorney. It was decided that the signatures should be by hand and not electronic. The Board also discussed the procedural aspects of approving Findings and Fact and how this relates to the building permit process.

Chairman Rudolf entertained a motion to adjourn.

Motion/ Brian Shane **Second/** Dan Stevens to adjourn. This motion passed unanimously (4-0).

The meeting adjourned at 6:22 p.m.

Approval of Minutes

Christopher Rudolf, Chairman

Date

**BOARD OF ZONING APPEALS
MINUTES
TOWN OF OCEAN CITY, MARYLAND**

**Meeting of
Thursday, April 25, 2024**

ATTENDEES:

Members

Christopher Rudolf, Chair
John Moran
Emily Nock
Dan Stevens
Brian Shane

Staff

Chase Phillips, Zoning Analyst
George Bendler, AICP, Director
Kay Gordy, Zoning Administrator
Maureen Howarth, Board Attorney

The meeting was called to order at 6:00 p.m., and it occurred at City Hall located at 301 Baltimore Avenue in the Town of Ocean City, Maryland.

6:00 PM

I. Public Hearings

AT 6:00 PM

Pursuant to the provisions of Section 110-93(2), Powers of the Code, an appeal of Sections 110-94(3)(a) and 110-94(2)(b) has been filed to request (1) a special yard exception from the front yard to build upon an existing dwelling that has a legally nonconforming front yard setback of 8 feet, rather than 10 feet required by Code; and (2) a special parking exception to waive 0.5 (1) parking space from the required three (3) parking spaces. The site of the appeal is described as Lot 7 of the plat entitled “Beach Village”. It is further described as being located on the east side of Wight Street and is locally known as 14022 Wight Street, in the Town of Ocean City, Maryland.

APPLICANT: ROBERT WRIGHT AND TERESA RODRIGUEZ-WRIGHT (BZA 2684 #24-09400007)

Chase Phillips, Zoning Analyst, presented this case to the Board. This presentation included a summary of the request, the staff report and staff exhibits, and code analysis. It was stated that this application complies with local and state noticing requirements.

Mr. John Childs, contractor and representative of the Applicant, provided the Applicant presentation.

No persons were present during this hearing to provide public testimony.

The Board found that the criteria for granting the special exceptions were met.

Motion/ Emily Nock **Second/** John Moran to approve the special yard exception for additional construction onto an existing townhome to comply with the legally nonconforming setback of 8 feet. The motion passed unanimously (5-0).

Motion/ Brian Shane **Second/** Emily Nock to approve the special parking exception to waive 0.5 parking space from required parking. The motion passed (3-2) with Mr. John Moran and Mr. Dan Stevens in opposition.

AT 6:10 PM

Pursuant to the provisions of Section 110-93(2), Powers of the Code, an appeal of Sections 110-94(2)(b) has been filed to request a special parking exception from design standards to allow for 8 out of 42 required garaged parking spaces to have dimensions of 10' X 18'. The site of the appeal is described as Lots 13, 14, 15, 16, 17, and 18, Block 108, of the plat entitled "Oceanbay City." It is further described as being located on the north side of the 75th Street and is locally known as 110 75th Street, in the Town of Ocean City, Maryland.

APPLICANT: JOSEPH E. MOORE, FOR BAYSIDE 75 (BZA 2688 #24-09400010)

Chase Phillips, Zoning Analyst, presented this case to the Board. This presentation included a summary of the request, the staff report and staff exhibits, and code analysis. It was stated that this application complies with local and state noticing requirements. Mr. George Bendler, Director, also provided information to the Board regarding a recent Ordinance (#2024-07) that was passed by the Mayor and City Council.

Mr. Joseph Moore, Esq., Applicant, and Mr. Steven Cirile, Designer, provided the Applicant's presentation which included consistency with the Comprehensive Plan, a summary of the project, reasons for consistency with the criteria to grant a special parking exception, and parking analyses.

Two members of the public were present to provide testimony. Mr. Wayne Shiplet provided comments regarding stormwater management but was not in opposition to the parking request. Mr. Robert Pepper had a question regarding setbacks but was not in opposition to the parking exception.

The Board found that the criteria for granting the special parking exceptions were not met.

Motion/ John Moran **Second/** Dan Stevens to deny the special parking exception for 8 out of 42 spaces to be 10' X 18' rather than 10' X 20' as required by Code. The motion passed (3-2) with Mr. Brian Shane and Ms. Emily Nock in opposition to the motion to deny.

Chairman Rudolf entertained a motion to adjourn.

Motion/ Emily Nock **Second/** Brian Shane to adjourn. This motion passed unanimously (5-0).

The meeting adjourned at 7:33 p.m.

Approval of Minutes

Christopher Rudolf, Chairman

Date

TOWN OF OCEAN CITY
BOARD OF ZONING APPEALS

Findings of Fact

Meeting of May 16, 2024

APPLICATION: **BZA 2689 (#24-09400011)**

APPLICANT: **Stephen Kansak**
 11236 West Marie Drive
 Bishopville, Maryland 21813

PROPERTY OWNER: **Laura Bankeroff**
 14707 Poplar Hill Road
 Germantown, Maryland 20874

SUBJECT SITE: **601 Bayshore Drive, Unit 15**
 Ocean City, Maryland 21842

Opinion

A hearing was held before the Town of Ocean City Board of Zoning Appeals (hereinafter “Board”) on May 16, 2024, at 6:00 p.m. for the application of Stephen Kansak (hereinafter “Applicant”) BZA 2689(#24-09400011). Pursuant to Town Code Section 110-94(2)(b), the Applicant requested (1) a special parking exception to waive one (1) space from required parking for the reconstruction of an existing townhome; and (2) a special parking exception from design standards to reduce the size of one parking space to 9’ X 16.9’ rather than 9’ X 20’ required by Code.

The site of the appeal is described as Lot 15 (Unit 15) of the plat entitled “Village West, Part One.” It is further described as being on the south side of Bayshore Drive and is locally known as 601 Bayshore Drive, Unit 15, in the Town of Ocean City, Maryland.

Chase Phillips, Zoning Analyst, was sworn in and presented the staff report with exhibits (Staff Exhibit #1, Pages 1 and 2). He stated the property is within the Medium Residential (R-2) Zoning District. He informed the Board that Section 110-93(2) of the Town Code states that the Board of Zoning Appeals shall have the power to hear and decide upon requests for special exceptions that the Board is authorized, specifically, to pass under this chapter. This section states that special exceptions are permitted if the Board finds that, in its opinion, and as a matter of fact, there will be no substantial affect adversely onto the uses of adjacent properties. Further, Section 110-94(2)(b) states that the Board of Zoning Appeals may grant special exceptions to parking and loading requirements and design standards, specifically waiving or reducing such parking or loading requirement when the character or use of the building is such as to make the full provision of parking unnecessary.

Additionally, Mr. Phillips stated that Section 110-932, entitled Minimum Number of Spaces, requires 3 parking spaces for this unit which is proposed to have 4 rooms that count toward required parking. 2 spaces are able to be provided and 1 of 2 spaces is requested to be smaller than the minimum dimensions of 9' X 20' that is required. Lastly, Mr. Phillips showed the Board one page of the drawings submitted with the requested construction permit which represents the parking spaces, and it was noted that the full-size space proposed is within the garage and the second space (unenclosed space) is the space that is requested to be smaller than the minimum (Applicant Exhibit #1, Page 1). Mr. Phillips informed the Board that this application complies with the noticing requirements of local and state law.

The Applicant's Case

Mr. Stephen Kansak, designer and Applicant, was sworn in and testified the following:

- 1) The existing unit has a ground floor that mainly consisted of one (1) bedroom and a living room, kitchen, dining room combination. The second floor mainly consisted of two bedrooms with a shared bathroom.
- 2) The proposed unit has a new level to accommodate the garage. This proposal has a family room and garage as the ground floor. The second floor has two bedrooms and two bathrooms. The third floor has the living-kitchen-dining room combination as well as an office. The rooftop area is an enclosed bar and lounge area which is not counted towards required parking.
- 3) Regarding the parking availability, there is a unique circumstance because there is a brick paver area that is often used for parking but is not within the metes and bounds of the lot as it is within the public right-of-way. There is room for a vehicle here. He stated this creates extra depth for one of the spaces.
- 4) The other reason this property is unique because there is ample off-street parking on the streets of Bayshore Drive, Lark Lane, and Gull Way. Additionally, there are two spaces provided when other townhome units on Bayshore Drive only have one.

Mr. Rudolf asked if Mr. Kansak believes there to be any negative impact to adjacent properties. He stated that the units directly adjacent to these units matter the most, and both unit owners on each side of this dwelling have no objection to this request because they too have asked for similarly designed renovations.

Mr. Moran asked how deep the existing off-street parking space is for this unit. He stated that it is approximately 21 feet and that the proposed home extended 5 feet closer to the street. This is the reason for the requested reduction in the unenclosed parking space that is 16.9 feet deep. Mr. Moran asked whether this unit will remain as a residence. Mr. Kansak confirmed that it will be.

Mr. Shane asked if there is documentation regarding the lack of any objection from adjacent and nearby unit owners. Mr. Kansak stated that he does not.

It was specified that the total rooms that count towards parking include: (1) the downstairs living room; (2) bedroom 1; (3) bedroom 2; (4) the office. This does total 4 rooms which equates to 3 off-street parking spaces.

Mr. Shane asked if the home was going to be utilized as a short-term rental. Mr. Kansak confirmed that it will not be.

Mr. Stevens asked about the potential for the garage (enclosed) space to be turned into a storage space. Mr. Kansak stated that a Jeep is planned to be housed in the garage.

Public Comment

No one was present to provide public testimony.

No other agencies provided comment on this application.

No written comments were received by the Department of Planning and Community Development.

Findings of Fact

The Board, based upon the testimony and evidence presented, finds that:

- 1) The character and use of the property is residential as it is used for a townhome. Therefore, there is no change in the character or use of the building as to make the full provision of parking unnecessary as the property will continue to be residential. The evidence within this application shows the proposed reconstruction should be subject to the Zoning Code as written.
- 2) While the home complies with the proposed setbacks, the request to reduce the size of the unenclosed parking space outside of the garage is a result of the new home being built closer to the street. Furthermore, the area of the brick pavers is a part of the public right-of-way and cannot be used for off-street parking.

Conclusion

After closing the hearing, the Board deliberated the first request. Based upon the evidence and testimony presented and their findings, Mr. John Moran made a motion to deny the request for to waive (1) parking space from required parking for the reconstruction of a new townhome on the basis that there was no evidence that the full provision of parking was not necessary. This was seconded by Mr. Dan Stevens. The motion passed unanimously (4-0).

The Board then deliberated the second request. Based upon the evidence and testimony presented and their findings, Mr. John Moran made a motion to deny the request to reduce the size of one (1) parking space to 9' X 16.9' rather than the 9' X 20' required by Code on the basis that there was no evidence that the full provision of parking was not necessary. This was seconded by Mr. Brian Shane. The motion passed unanimously (4-0).

Approval of Findings

Christopher Rudolf, Chairperson

John Moran

Brian Shane

Dan Stevens

TOWN OF OCEAN CITY
BOARD OF ZONING APPEALS

Findings of Fact
Meeting of May 16, 2024

APPLICATION: **BZA 2691 (#24-09400013)**

APPLICANT: **McGinty Marine Construction**
 12050 Industrial Park Road
 Bishopville, Maryland 21813

PROPERTY OWNERS: **Keith and Shelley Coffin**
 P.O. Box 4347
 Ocean City, Maryland 21842

SUBJECT SITE: **314 South Heron Gull Court**
 Ocean City, Maryland 21842

Opinion

A hearing was held before the Town of Ocean City Board of Zoning Appeals (hereinafter “Board”) on May 16, 2024, at 6:20 p.m. for the application of McGinty Marine Construction (hereinafter “Applicant”) BZA 2691 (#24-09400013). Pursuant to Town Code Section 110-94(1), the Applicant requested a special use exception for marine construction on a lot that has no established principal use on the premises.

The site of the appeal is Lot 91A of the plat entitled “Lots 91 – 96, Section Three, Harbourside at Heron Harbour.” It is further described as being located on the north side of Heron Gull Court and is locally known as 314 South Heron Gull Court, in the Town of Ocean City, Maryland. The Property is located within the Single Family Residential (R-1) Zoning District.

Chase Phillips, Zoning Analyst, was sworn in and presented the staff report with exhibits

(Staff Exhibit #1, Pages 1 and 2). He stated the property is within the Single Family Residential (R-1) Zoning District. He provided the Board with the relevant Code sections. Specifically, Section 110-93, entitled Powers of the Board of Zoning Appeals, states that the Board shall have the power to hear and decide upon applications for special exceptions. Special exceptions are permitted when the Board finds, in its opinion, and as a matter of fact, such exceptions will not substantially or adversely affect the uses of adjacent properties. Section 110-94(1) states that special exceptions include special use exceptions that are specified in the district regulations. Lastly, Section 110-273, of the R-1 District Regulations, states that “private boat docks, wharves, piers, and mooring piles to be located on a property which has no established principal use on the premises shall require a special use exception.”

Mr. Phillips provided project history. He informed the Board that this project first went to the Board of Port Wardens in September of 2023, and a decision was not made because of the zoning regulations. The Department of Planning and Community Development received this application in April of 2024. Soon thereafter, the Maryland Department of the Environment issued permits for the project, and these approvals were received by staff on May 1, 2024. He informed the Board that this application complied with local and state noticing requirements.

Mr. Moran asked about the difference between the current use of the Property and what is considered the request for the special use exception. Mr. Phillips confirmed that the lot being vacant is the current use, and the special use exception is for the marine construction.

The Applicant’s Case

Mr. Keith Coffin, property owner, and Mr. Josh Schlepner, Applicant, were sworn in. Mr. Schlepner testified to the following:

- 1) The Maryland Department of the Environment (MDE) has issued the permits for the construction. The construction includes a dock, pier, and boat lift, and this proposal will fall within the ordinary requirements. The only difference is that the lot is vacant.
- 2) Part of the reason why construction is proposed before the house is because the shoreline is rip rap which would make it more difficult to do if a home was there.
- 3) Mr. Coffin stated this is a unique circumstance because there were two lots, and a lot line adjustment needed to be completed for the subject site of Lot 91A to be built upon.
- 4) Mr. Coffin testified that:
- 5) He intends to sell both Lot 92 (existing home) and Lot 91 (vacant but with marine construction).
- 6) Janice and Bob White, property owners on the other side the canal, have the same configuration of owning two separate lots but having a house on one and a dock, pier, and boatlift on the other lot that is vacant. These properties are known as 319 and 321 North Heron Gull Court.
- 7) Lot 89 and 90 on South Heron Gull Court have the same configuration of a dock and pier on the vacant lot and a home on the other.
- 8) This request has been granted in Heron Harbour before.

Mr. Moran asked if there is any evidence that the lots negatively impact neighbors. Mr. Coffin stated that he hasn't received any complaints and specified that this proposed dock and pier will be parallel with the rip rap so it will not go further than the docks and piers that others have. Furthermore, the canal will still be wide enough for shared use between property owners.

- 9) This application has been advertised through Board of Port Wardens as well as Board of Zoning Appeals. Therefore, residents in the area should be aware.

Mr. Stevens asked if this was a buildable lot. Mr. Coffin confirmed that this subject site does hold the 7,500 square foot minimum size, so it qualifies to be built upon.

Mr. Rudolf asked how many boat lifts are proposed. Mr. Coffin confirmed that one (1) boat lift is proposed.

Mr. Moran asked if the proposed dock and boat lift on Lot 91 would be the only improvements.

Mr. Coffin confirmed this to be true.

Mr. Shane asked which Lot has an existing home and for clarification about the property line adjustment. Mr. Coffin confirmed that Lot 92 has the home, and the property line adjustment was completed because Lot 91 was not wide enough to have a dwelling.

10) Mr. Coffin says he has spoken with the neighbors and has not received any objection.

Public Comment

No one was present to provide public testimony.

No other agencies provided comment on this application.

No written comments were received by the Department of Planning and Community Development.

Findings of Fact

The Board, based upon the testimony and evidence presented, finds that:

- 1) There is no anticipated impact to the neighborhood.
- 2) Granting this request will not substantially affect adversely the use of adjacent and neighboring properties.
- 3) Staff Exhibit #1 Page 1 shows neighboring properties with docks and boat lifts, that do not affect their neighbors, and there is testimony that these marine improvements will create any functional issue for the neighbors.

- 4) Adjacent and nearby property owners have received notice of this proposal, as well as Board of Port Wardens, and no objection has been received.

Conclusion

After closing the hearing, the Board deliberated and based upon the evidence and testimony presented and their findings, Mr. Brian Shane made a motion to approve the request for a special use exception to allow for a boatlift, dock, and pier on Lot 91A which has no established principal use on the premises, as neighboring and adjacent properties will not be substantially affected adversely. This was seconded by Mr. John Moran. The motion passed unanimously (4-0).

Approval of Findings

Christopher Rudolf, Chairperson

John Moran

Brian Shane

Dan Stevens

TOWN OF OCEAN CITY
BOARD OF ZONING APPEALS

Findings of Fact

Meeting of May 30, 2024

APPLICATION: **BZA 2684 (#24-09400007)**

APPLICANT: **Robert Wright and Teresa Rodriguez-Wright**
 11214 River View Drive
 Potomac, Maryland 20854

SUBJECT SITE: **14022 Wight Street**
 Ocean City, Maryland 21842

Opinion

A hearing was held before the Town of Ocean City Board of Zoning Appeals (hereinafter “Board”) on May 30, 2024, at 6:00 p.m. for the application of Robert Wright and Teresa Rodriguez-Wright (hereinafter “Applicant”) BZA 2684 (#24-09500007). Pursuant to Town Code Sections 110-94(3)(a) and 110-94(2)(b), the Applicant made a request (1) for a special yard exception to build upon an existing townhouse which has a legally nonconforming setback of 8 feet; and (2) for a special parking exception to waive 0.5 (1) space from the required 3 parking spaces.

The site of the appeal is described as Lot 7 of the plat entitled “Beach Village” (hereinafter “the Property”). The Property is further described as being on the east side of Wight Street and is locally known as 14022 Wight Street, in the Town of Ocean City, Maryland. The Property is within the Moderate Residential (R-3A) Zoning District.

Chase Phillips, Zoning Analyst, was sworn in and presented the staff report with exhibits (Staff Exhibit #1 Pages 1, 2, and 3). Mr. Phillips presented the Board with the applicable sections of the Zoning Code of the Town of Ocean City. Section 110-93(2) states that the Board shall have the power to hear and decide on applications for special exceptions. Specifically, Section 110-94 states that these special exceptions are permitted if the Board finds that, in its opinion, and as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring properties.

Mr. Phillips also stated the Section 110-94(3)(a) allows for yard exceptions in a front, side, or rear yard when that yard does not (legally) conform to such yard regulations in a way similar to the exception applied for. Section 110-94(2)(b) allows for special parking exceptions to waive or reduce requirements and design standards in any district whenever the character or use of the building is such as to make the full provision of parking unnecessary. Lastly, Section 110-366 states that the minimum depth of a front yard shall be 10 feet in the R-3A District, and Section 110-932 requires 2.5 spaces for each three-bedroom unit and 0.5 space for each bedroom thereafter. The Applicant proposes to add a bedroom. This would make 4 bedrooms in total which would require 3 spaces. Two are able to be provided.

Ms. Emily Nock asked to confirm the difference between 0.5 space and 1 space. Mr. Phillips explained that the Code requires fractional spaces to be rounded up. Mr. Phillips stated that this application complies with all local and state noticing requirements.

The Applicant's Case

Mr. John Childs, representative and contractor of the Applicant, was sworn in and testified the following:

- 1) The proposal is to create an addition to the top floor to add more living space.
- 2) Other townhouse units in the same building have completed the same project and have the same setbacks and provided parking.

Mr. John Moran asked the Applicant to confirm that the requested setback for the additional and waiving of a parking space have already been granted. Mr. Childs confirmed that is has. He stated there are 2 or 3 townhomes in the past 10 years that have a very similar floor plan proposal and were constructed

- 3) Mr. Childs testified that you could fit four cars under the unit.

Mr. Rudolf asked if other unit owners functionally fit four cars under the unit. Mr. Childs confirmed that it is functional. He stated one neighbor has 4 vehicles.

Mr. Rudolf asked if Mr. Childs has any reason to believe that these requests would negatively impact the surrounding properties. Mr. Childs stated he has no reason to believe this because this project also makes the roof more secure because many units still have flat roofs and this will no longer have a flat roof after renovation.

Mr. Stevens asked about the width of the building and the width of the parking exception. Mr. Phillips stated he believes the width of unit to be approximately 15 feet and the parking pad could be slightly larger. Mr. Stevens asked how four cars could fit. Mr. Phillips stated the depth of the parking area could be more than the minimum requirement of 20 feet per space and that these existing units may use the space that technically within in the right-of-way to have more parking depth.

Public Comment

No members of the public were present to provide testimony.

No other agencies provided comment on this application.

No other comments were received by the Department of Planning and Community Development.

Findings of Fact

The Board, based upon the testimony and evidence presented, makes the following findings of fact:

- 1) Regarding the special yard exception, there is no evidence that there is any negative impact to adjacent properties.
- 2) Regarding the special yard exception, similar requests have been granted to nearby units. No one appeared to proffer any evidence that these previously granted yard exceptions have created impact to adjacent and nearby properties. The renovation will be within the same 8 ft front yard setback that exists today.
- 3) Regarding the special parking exception, the parking can fit two cars.
- 4) Regarding the special parking exception, waiving one space for the construction of an additional bedroom will not have any substantial or adverse impacts to parking on adjacent properties.

Conclusion

Based on the evidence and testimony presented and the Board's findings, Emily Nock duly made a motion to approve the special yard exception to allow for the addition to built upon an existing townhome with a legally nonconforming setback of 8 feet on the basis that there will be no substantial or adverse impact to adjacent properties as the 8 feet setback exists today and existing

adjacent lots also enjoy the 8 feet setback. This was seconded by John Moran. The motion passed unanimously (5-0).

Based on the evidence and testimony presented and the Board's findings, Mr. Brian Shane duly made a motion to approve the special parking exception to waive 0.5 (1) parking space from required parking on the basis that it will not substantial impact to neighboring properties. It was seconded by Ms. Emily Nock. The motion passed (3-2), with Mr. Christopher Rudolf, Ms. Emily Nock, and Mr. Brian Shane in support and Mr. John Moran and Mr. Dan Stevens in opposition.

Approval of Findings of Fact

Christopher Rudolf, Chairperson

Emily Nock

Dan Stevens

John Moran

TOWN OF OCEAN CITY
BOARD OF ZONING APPEALS

Findings of Fact

Meeting of May 30, 2024

APPLICATION: BZA 2688 (#24-09400010)

APPLICANT: Joseph E. Moore, Esquire
On behalf of Bayside 75
Williams, Moore, Shockley & Harrison, LLP
3509 Coastal Highway
Ocean City, Maryland 21842

PROPERTY OWNER: Geetika Singh
1521 Board Run Road
Landenberg, Pennsylvania 19350

SUBJECT SITE: 110 75th Street
Ocean City, Maryland 21842

Opinion

A hearing was held before the Town of Ocean City Board of Zoning Appeals (hereinafter “Board”) on May 30, 2024, at 6:10 p.m. for the application of Joseph Moore for Bayside 75 (hereinafter “Applicant”) BZA 2688 (#24-09400010). Pursuant to Town Code Sections 110-94(2)(b), the Applicant made a request for a special parking exception for 8 out of 42 required parking spaces to be 10’ X 18’ rather than 10’ X 20’ that is required by the Zoning Code.

The site of the appeal is described as Lots 13, 14, 15, 16, 17, and 18, Block 108, of the plat entitled “Oceanbay City” (hereinafter “the Property”). The Property is further described as being on the north side of 75th Street and is locally known as 110 75th Street, in the Town of Ocean City, Maryland. The Property is within the Local Commercial (LC-1) Zoning District.

Chase Phillips, Zoning Analyst, and Mr. George Bendler, Director, were sworn in and presented the staff report with exhibits (Staff Exhibit #1 Pages 1, 2, and 3). This property consists of 6 lots that are currently made up of 2 parcels of land. Mr. Phillips stated the request is to have 8 out of 42 required parking spaces to have dimensions of 10' X 18' instead of 10' X 20' and that these 8 spaces are proposed to be within an enclosed garage with one space in each of the 8 units being affected. Mr. Phillips also provided history of this project to the Board. He explained that this property known as 110 75th Street currently has 8 structures and 6 of them are small cottages. The property has been purchased, and a site plan for the redevelopment of this site into 14 townhome units was received by the Department of Planning and Community Development. The proposal will have 4 buildings. Two buildings will have 2 units each and two buildings will have 4 units each. The units are proposed to be supported by a combination of garaged and unenclosed parking, and the parking spaces in question involve the two buildings in the rear that have 4 units each. It is here that each unit's 3-car garage is proposed to have one space that measures 10' X 18'.

Mr. Phillips stated that Section 110-93(2) allows the Board to have the power to hear and decide upon applications for special exceptions when such exception is authorized by the regulations of the chapter. This section states that special exceptions are permitted if the Board finds that, in its opinion, such exception will not substantially or adversely affect the uses of adjacent and neighboring properties. Section 110-94(2)(b) states that special parking exceptions to waive or reduce off-street parking requirements can be applied for in any district and can be approved whenever the character or use of the building is such as to make the full provision of parking unnecessary.

Mr. Bendler informed the Board that this application is related to a code amendment to revise parking standards, specifically for enclosed garage spaces. Ordinance #2024-07 was recently passed, and it amended the requirements for garage spaces to be 10' x 20'. Mr. Bendler stated there is a new restaurant at 75th Street and minimum on-street parking in the area. Mr. Bendler showed aerial imagery of 75th Street which showed approximately 32 on-street parking spaces; although, it is important to note that on-street parking is not marked, and this is an estimate. Mr. Phillips stated that the application complied with all local and state noticing requirements.

The Applicant's Case

Mr. Joseph Moore, Esq., Applicant, made an opening presentation to the Board. He stated:

- 1) This is a significant redevelopment of a Town property that is currently underutilized and not in modern condition.
- 2) This request involves a special exception which can be granted for a deviation from parking standards when the nature of the use is such to make the full complement as not required.
- 3) The full provision of 42 required spaces is being provided. However, a deviation from design standards is requested to allow 8 of these 42 spaces to be of smaller dimensions.

The criteria to grant a special parking exception states that it is permitted if the Board finds that, in its opinion, the exception will not substantially or adversely affect the uses of adjacent properties. Mr. Moore cited *Mossburg v. Montgomery County* (1995) in which he states it was recognized that a government has made a policy that special exceptions are allowed when a certain standard is met. He discussed whether the special exception would cause a uniquely detrimental effect at this particular location. (Applicant's Exhibit 11)

- 4) Mr. Moore proffered excerpts from the Ocean City Comprehensive Plan as Applicant Exhibit #4.
- 5) The economic development chapter of the Comprehensive Plan sets an objective to provide orderly redevelopment of real estate that enhances the town, generates taxes, and contributes to support services. Another objective states that locations that are underdeveloped or obsolete are desired to be redeveloped. Paragraph 4 encourages property renovations that maintains the level of real estate assessment value (Applicant Exhibit #4).
- 6) The land use and community character chapter of the Comprehensive plan sets objectives to maintain the integrity of residential neighborhoods, to promote long-term homeownership and quality of life, to encourage property investment that maintains value and retains safe neighborhoods, and to encourage infill development (Applicant Exhibit #4).
- 7) This proposal comports with the objectives of the Comprehensive Plan.
- 8) He proffered photographs of the site (Applicant Exhibit #5) and the assessment summary sheets. This summary proves the existing cottages were built in 1958 (Applicant Exhibit #6).

Mr. Moore called Mr. Steven Cirile as his first witness. Mr. Cirile was sworn in and testified the following:

- 1) He is a land planner and has worked with properties in Ocean City for over 35 years.
- 2) Applicant Exhibit 1 was shown. This page showed the placement and location of buildings and parking. Applicant Exhibit #7 was shown. This page showed an overlay of units onto aerial imagery that shows the existing site.

- 3) The property will have access from 75th Street. There will be a main drive aisle and then an interior drive. The initial drive aisle is 23 feet wide, and the interior drive is 22-feet wide.
- 4) Most spaces are Code compliant. The spaces in green (Applicant Exhibit #1) illustrates the spaces that are the subject of this request.
- 5) The spaces in question are split between the two buildings in the rear. These units each have 3 car garages and each unit has one space in the rear (i.e. the interior tandem space) that has 18 feet of depth rather than the 20 feet of depth that is required by Code.
- 6) The condominium will be providing limited common elements which makes the land under each unit a part of that unit. This way, cars would not be permitted to intrude onto the parking spaces of other units that are held in different ownership.
- 7) There is no other element of the garages that does not comply with the Code.
- 8) The tandem configuration of parking provides a total of 38 feet of depth for the two spaces. The garages are functional for 3 cars, so there is no impediment to the uses of land outside of each garage that would be due to the 2-foot discrepancy in parking space depth.
- 9) The parking regulations of Ocean City are not defective, but the American Institute of Architects sets minimum dimensions of 9.5' X 18' for parking spaces. Applicant's Exhibit 8- American Institute of Architects' standards.
- 10) Each of the four units, which have 4 bedrooms each, provides for adequate parking because they are reserved for the owners of that unit. These 3 spaces are functional.
- 11) In the scenario that a family of related persons visits the home, only one vehicle is expected to be utilized. The full utilization of all 3 spaces would be more uncommon.

12) The full complement of a 10' X 20' parking spaces is not necessary. This is the case because the dimensions of 9 vehicles were researched, and the only vehicle to not fit within a 10' X 18' space was the Ford F-150 super cab. However, it was noted that this vehicle is so large that it would not fit within a 10' X 20' space either. The remainder of all of the other vehicles would fit in the tandem depth proposed at 38 feet for two spaces. Three Chevrolet Suburban vehicles would fit in the 3-car garage as proposed. Applicant's Exhibit #9.

13) The property owners have drafted the declaration of condominium declaration for Bayside 75 (Applicant Exhibit #10). This declaration includes restrictions that require delegated parking spaces to be used for parking; and additionally, it states that if the use of delegated parking spaces is for another purpose, and if this purpose creates a parking issue for the condo, that the board of directors can fine the unit owners.

14) The parking for Saltwater 75 or any surrounding site does not affect the off-street parking for this site.

Mr. Brian Shane asked why a parking exception is applied for specifically. Mr. Moore stated that it could be viewed that that there is greater impact to adjacent properties if a variance was sought.

Ms. Nock asked whether someone could receive a fine if the tandem space was not desired to be utilized. Mr. Moore stated that they would either use the other garaged space or park on the street.

Fines are expected to apply if the tandem was used for another purpose. It was also stated that they intend to build storage in the garages. Ms. Nock asked if the owners do not want to park in the garage because it is too small, what will happen. Mr. Moore stated the car would park on the street.

15) Mr. Cirile presented Applicant Exhibit #3, the video which shows a digital rendering of the proposal.

Mr. Moore also submitted Applicant's Exhibits #5 and #6 through Mr. Cirile. The public hearing was closed and then reopened to allow for public comment.

Public Comment

Mr. Wayne Shiplet, resident of 111 76th Street (Bay One), informed the Board that he finds there to be bad drainage towards the rear of the property. Mr. Cirile explained how the site has been designed to manage stormwater runoff – many of which are codified requirements for site plan approval- and the stormwater will drain towards 75th Street not towards the alley. Mr. Shiplet mentioned that he thinks many people who visit Saltwater 75 park on the surrounding streets, including his street of 76th. He stated 75th Street and 76th Street are filled with cars. He stated that the wait staff for the restaurant cannot find parking and it is very bad on holidays. Mr. Rudolf asked whether he thinks the proposal of the townhouses will present a detriment to the neighborhood. Mr. Shiplet found it to be a good question and was not sure what impact it would have. He stated the project would be better for the neighborhood because of what is occurring at the cottages today.

Mr. Stevens asked about the sale of the property. Mr. Moore stated that the clients (property owners) settled on the property on the day of the hearing.

Mr. Shane asked if there was opportunity to redesign the building to accommodate the 2 feet needed. Mr. Cirile stated that there is no opportunity for a redesign because of bulk regulations under zoning and environmental requirements. He stated the design added the new 22ft driveway and he believes that is where the project lost 2 feet for the garages. He reaffirmed that there would be no modification of setbacks without a variance, and this would not be an appropriate request and he did not think they could obtain it.

Mr. Robert Pfeffer, resident of 111 76th Street, stated that he is concerned about the setbacks. He asked for confirmation of the setbacks on the north side of the property. He also stated that he thinks this project would be a dramatic improvement to the site and the neighborhood. He asked whether the setback is owned by the property owner and not the town. It was confirmed that land within a setback is still a part of the property and owned privately. Mr. Cirile explained that there is a 10-foot setback from heated wall to the property line. Mr. Rudolf asked if he has any comments regarding parking. Mr. Pfeffer stated he has no objection to the current proposal for parking.

No other agencies provided comment on this application.

No other comments were received by the Department of Planning and Community Development.

Findings of Fact

The Board, based upon the testimony and evidence presented, makes the following findings of fact:

- 1) The Mayor and City Council has recently recognized the current parking regulations to be insufficient and made adjustment to improve upon the functionality of new garage parking spaces.
- 2) The implementation of the condominium declaration restrictions is favorable but irrelevant to the necessity for full size 10' X 20' parking spaces.
- 3) There is no evidence that would support why the required the full parking dimensions are unnecessary.
- 4) Full-sized parking spaces are necessary because of the testimony that the nearby restaurant either experience a high demand for parking or have parking agreements with adjacent properties.

- 5) The smaller garage space may cause owners/renters to not use the garage space, and the on-street parking is strained in the area.

Conclusion

Based on the evidence and testimony presented and the Board's findings, Mr. John Moran duly made a motion to deny the special parking exception request to allow for 8 out of 42 required parking spaces to have dimensions of 10' X 18' rather than 10' X 20' as required by Code. This motion was made on the basis that there is no evidence that proves the full garage parking dimension are unnecessary. It was seconded by Dan Stevens. The motion passed (3-2) with John Moran, Dan Stevens, and Christopher Rudolf in favor and Emily Nock and Brian Shane in opposition.

Approval of Findings of Fact

Christopher Rudolf, Chairperson

Emily Nock

Dan Stevens

John Moran



STAFF REPORT

DATE: June 13, 2024

TO: Board of Zoning Appeals

FROM: George M. Bendler, AICP, Planning & Zoning Director
Karen J. (Kay) Gordy, Zoning Administrator
Chase M. Phillips, Zoning Analyst

RE: Variance requests for a proposed addition and proposed screened deck to be built at 111 Denny Lane, Ocean City
BZA 2690 (#24-09400012)

Applicant: John L. Stanton, Contractor
116 Sand Dollar Lane
Ocean City, Maryland 21842

Property Owners: Ron and Brenda Nolt
111 Denny Lane
Ocean City, Maryland 21842

Subject Property: 111 Denny Lane
Ocean City, Maryland 21842

Request: The applicant has made three (3) requests:

- a. A variance of 5.2 feet from the 10-foot separation distance requirement for a proposed 6' X 12' addition to be 4.8 feet from a neighboring unit; and,
- b. A variance of 0.2 feet from the 5-foot side yard setback requirement for a proposed 6' X 12' addition to be 4.8 feet from a side yard property site line; and,
- c. A variance of 4.8 feet from the 10-foot separation distance requirement for a proposed screened deck to be 5.2 feet from a neighboring unit. (**Applicant Exhibit #1**)

Property Description: The property is described as Lot 110 of the Sundowner Mobile Home Park Plat. It is further described as being located on the

south side of Denny Lane and is locally known as 111 Denny Lane, in the Town of Ocean City, Maryland. (**Staff Exhibit #1**)

Zoning: Mobile Home (MH) Residential Zoning District

Relevant Code References:

1. Ocean City Code – Chapter 110

Article II, Division 4, Board of Zoning Appeals

Section 110-93 (Powers of the Board of the Zoning Appeals)

(3) To hear and decide on applications for variances upon which the Board is specifically authorized to pass under this chapter.

2. Ocean City Code – Chapter 110

Article II, Division 4, Board of Zoning Appeals

Section 110-95 (Variances)

(1)(a) The Board shall have the power to grant variances to minimum yard requirements.

3. Ocean City Code – Chapter 110

Article IV, Division 7, MH Mobile Home Residential Zoning District

Section 110-422 (Permitted Uses)

(1)(i) There shall not be a distance of less than 10 feet between the sides of any two mobile homes or extensions thereof, nor shall any part of the mobile home extend closer than 5 feet to the boundaries of the individual mobile home site or exceed 15 feet in height.

4. Maryland Land Use Code Article 4-206 – Variances

Courts in Maryland have recognized a two-part test to determine whether a variance should be granted. The deciding authority asks, first, whether the subject property is “unique” compared to neighboring properties such that the zoning provision affects the subject property disproportionately; and, second, whether a “practical difficulty” or unnecessary hardship” results from that uniqueness.

A. Uniqueness or Peculiarity

- Whereby reason of the exceptional narrowness, shallowness, or unusual shape of a specific property, or by reason of exceptional topographic

conditions or other extraordinary situations or special conditions of property the literal enforcement would make it exceptionally difficult to comply.

- The uniqueness, then, must have a nexus with the aspect of the zoning law from which a variance is sought.
 - a. Investigate unusual features of the property.
 - b. Investigate surrounding properties to see if they share the same unusual features.

B. Practical Difficulty

- Whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- Whether the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- Whether relief can be granted in such fashion that the spirit of the ordinance will be observed, and public safety and welfare secured.
- Not because of any action taken by the applicant.
- Not contrary to public interest.

5. Ocean City Code – Chapter 110 Article II, Division 4, Board of Zoning Appeals Section 110-95 (Variances)

(2) Variances based on hardship may only be granted by the board upon the applicant demonstrating to the board that exceptional hardship upon the applicant would exist if the variance is not granted. It is not enough to simply allege hardship or simply to say that hardship is one of the grounds on which the variance is sought. There must be a showing of facts to clearly indicate that hardship is involved in a case and the extent of the hardship. The applicant has the burden of demonstrating the hardship and the extent thereof. **When determining hardship, the board will consider the following:**

A. That the hardship is unique to the particular lot, tract or parcel of land for which the variance is requested and is not a hardship shared by all or most of the properties in the general neighborhood.

B. That the hardship is not a financial one alone, although it may be considered along with the other hardships demonstrated by the applicant.

C. That the hardship is not merely for the convenience of the applicant.

D. That the hardship is due to the exceptional narrowness, shallowness, size or shape of the specific piece of property.

E. That the hardship is due to the exceptional topographical conditions or other extraordinary situations or conditions of the specific piece of property.

F. That the hardship is due to the use or development of property immediately adjacent to the property of the applicant.

(3) No variance shall be authorized unless the board finds that the condition or situation of the property involved or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

Public Comment: As of May 13, 2024, the Department of Planning and Community Development has received one letter of public comment. It is from the Sundowner Mobile Home Park. It states that the park is in objection to the proposed screened deck. (Staff Exhibit #2)

Staff Recommendation: Staff respectfully asks that the Board carefully review the application materials and staff report, accept testimony from the applicant and any persons who come forward to testify, then weigh the evidence and craft the decision including findings of fact with advice from the Board attorney for these requests:

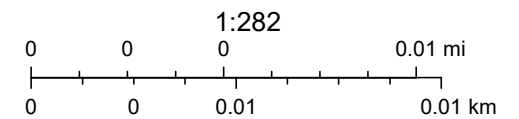
- a. A variance of 5.2 feet from the 10-foot separation distance requirement for a proposed 6' X 12' addition to be 4.8 feet from a neighboring unit; and,
- b. A variance of 0.2 feet from the 5-foot side yard setback requirement for a proposed 6' X 12' addition to be 4.8 feet from a side yard property site line; and,
- c. A variance of 4.8 feet from the 10-foot separation distance requirement for a proposed screened deck to be 5.2 feet from a neighboring unit.

111 Denny Lane



5/14/2024, 10:29:31 AM

• Addresses 2022 Imagery ■ Green: Band_2
 TOC_Parcels_ ■ Red: Band_1 ■ Blue: Band_3



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastatyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

111 Denny Lane Zoning Map



6/10/2024, 3:44:44 PM

Active Building Permits

- Issued
- Pending

TOC_Parcels_

Zoning

MH

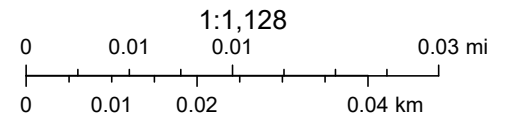
R-3A

2022 Imagery

Red: Band_1

Green: Band_2

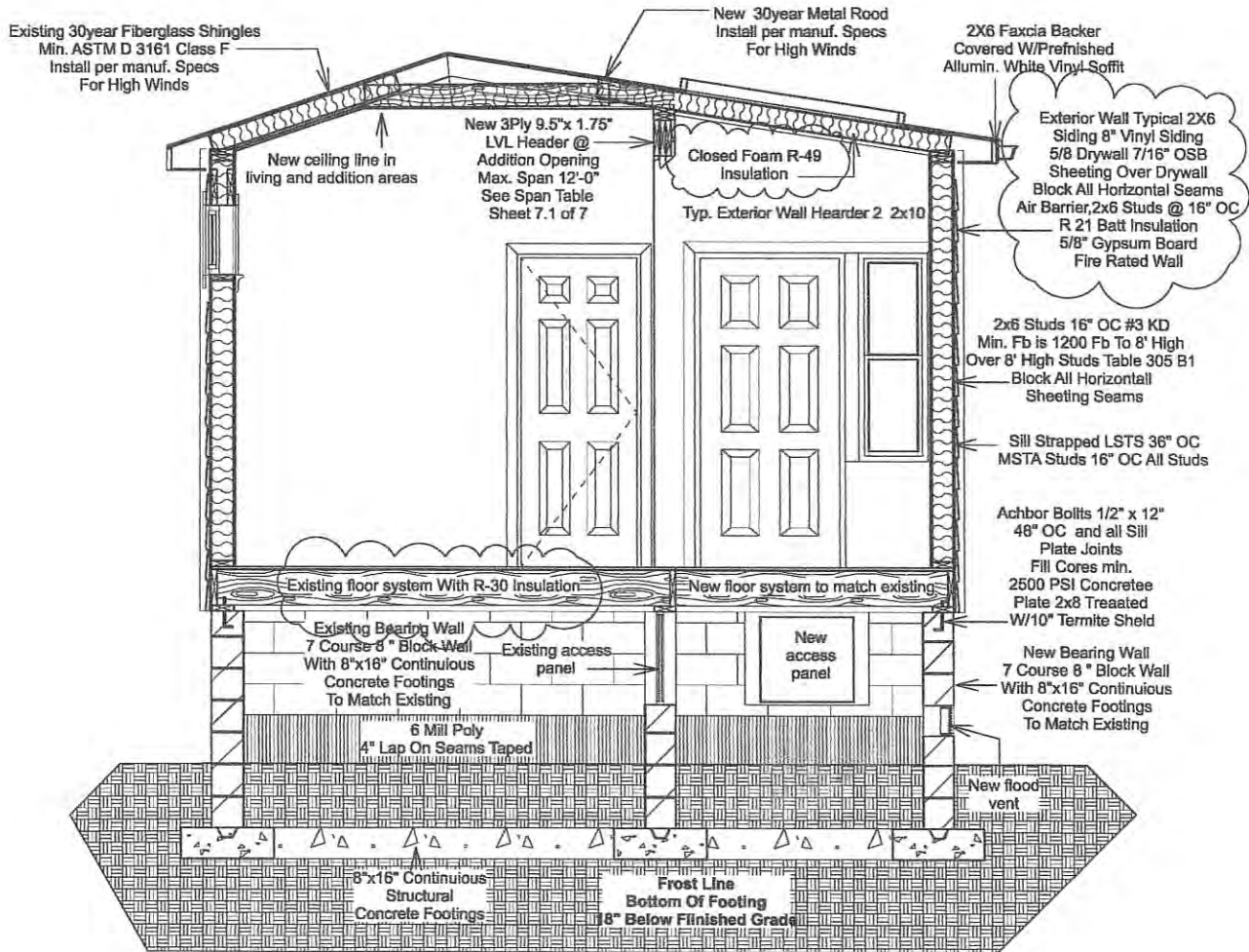
Blue: Band_3



Esri Community Maps Contributors, Town of Ocean City, MD, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

Department of Planning & Community Development
Town of Ocean City, MD

fire rated
drywall



Constuct a 6'x12' Addition & New Covered Deck

DEMO

1. Remove Existing Deck, Deck Boeard & Pergola
Reuse Materal Where Where Possible
2. Remove Entrance Door And Window Reuse
If Possible

FOOTINGS & FOUNDATION

1. All 8" X 18" Footing Will Be Dug To County,
Township And tate Code Per Plans
2. 8" Block Foundation With Tie Bolts
3. 32"x24" Acss Panel Installer
Plastic Installed Under Slab
4. 2-16"x8" Flood Vents

FRAMING HOUSE

1. Sill Plate 2x6 Treated Over Termite Shield & Foam
2. Joists 2x10 To Match Existing
3. Walls 2x6 Ext. Walls & 2x4 Int. Walls To be
Framed @ 16" OC
4. Double 2x4 & 2x6 Top Plates
5. 2x10 Headers For All Windows and Doors
6. 2x12 Or Better @ Garage Vehicle Doors
7. 7/16" OSB To Be Installed On The Walls And Roof
8. 2x8 Rafters To Be Installed With A 2x10 Ridge Board
Installed To catch All Rafters
9. 2x6 Fascia Boards To Be Framed Along Eaves And Rakes
Of the New Roof
10. Block It Or Tyvek To Be Installed On The Walls
11. All Framing, Hardware And Accessories Will Meet County,
Township And State Codes

ROOF/SIDING

1. Roof And Framing To Be Built To All
State And Local Codes
2. Headers To Be Double 2x10 Unless Otherwise Noted
3. Metal Roof Over Addition And New Deck
5. Siding. Closely Match Existing House Color As Close
As Possible
6. Soffit To Be White Vinyl, Full Vent
7. Fascia To Be PVC White Coil Stock, Custom Bent On Site
6. Eaves To Have White Gutters And Downspouts Where Required

ELECTRICAL

1. Electrical Allowance Of \$2,00.00 Included In Contract
2. Additional Electrical Scope Of Work May Be Added Upon
Consultation With Electrician And Final Price Determined

INSULATION

1. Insulation To Code For The Addition Floor, Walls,
Ceiling And Roof

DRYWALL

1. 1/2" Drywall Purchase, Delivered, Installed
2. Drywall To Be Finished and Sanded
3. Paint/Trim Included

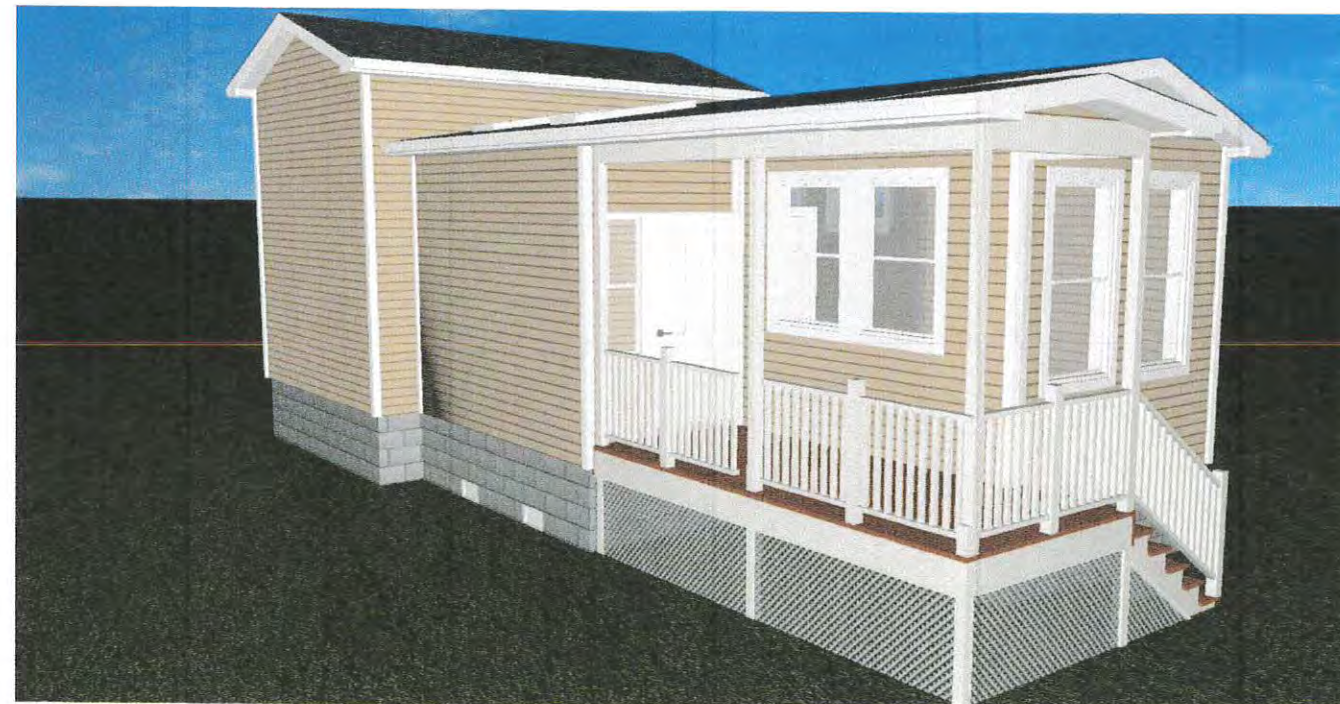
HVAC - NONE / PLUMBING- NONE

Applicant Exhibit #1 Page 1

EXISTING



PROPOSED



Drafting By
Arden Johnson
302-300-5057
1ardensway@gmail.com

COVER
111 Denny Lane, Ocean City, MD
Lot 110 Sundowner Mobile Home Park

Ron & Brenda Nolt
111 Denny Lane
Ocean City, MD 21842

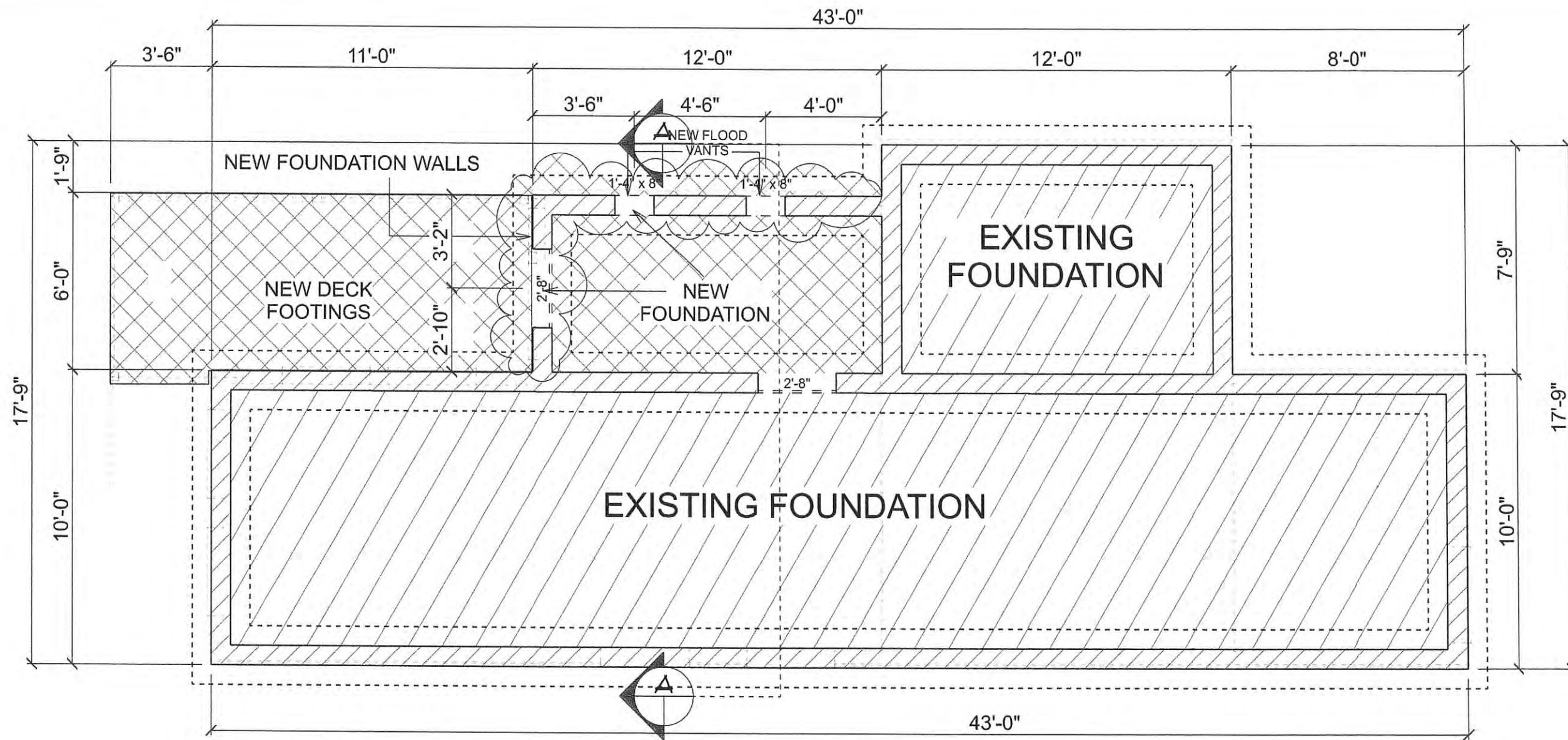
ORIGINAL DATE 02.23.2024

REVISIED
PRINTED
Monday, March 4, 2024

COVER

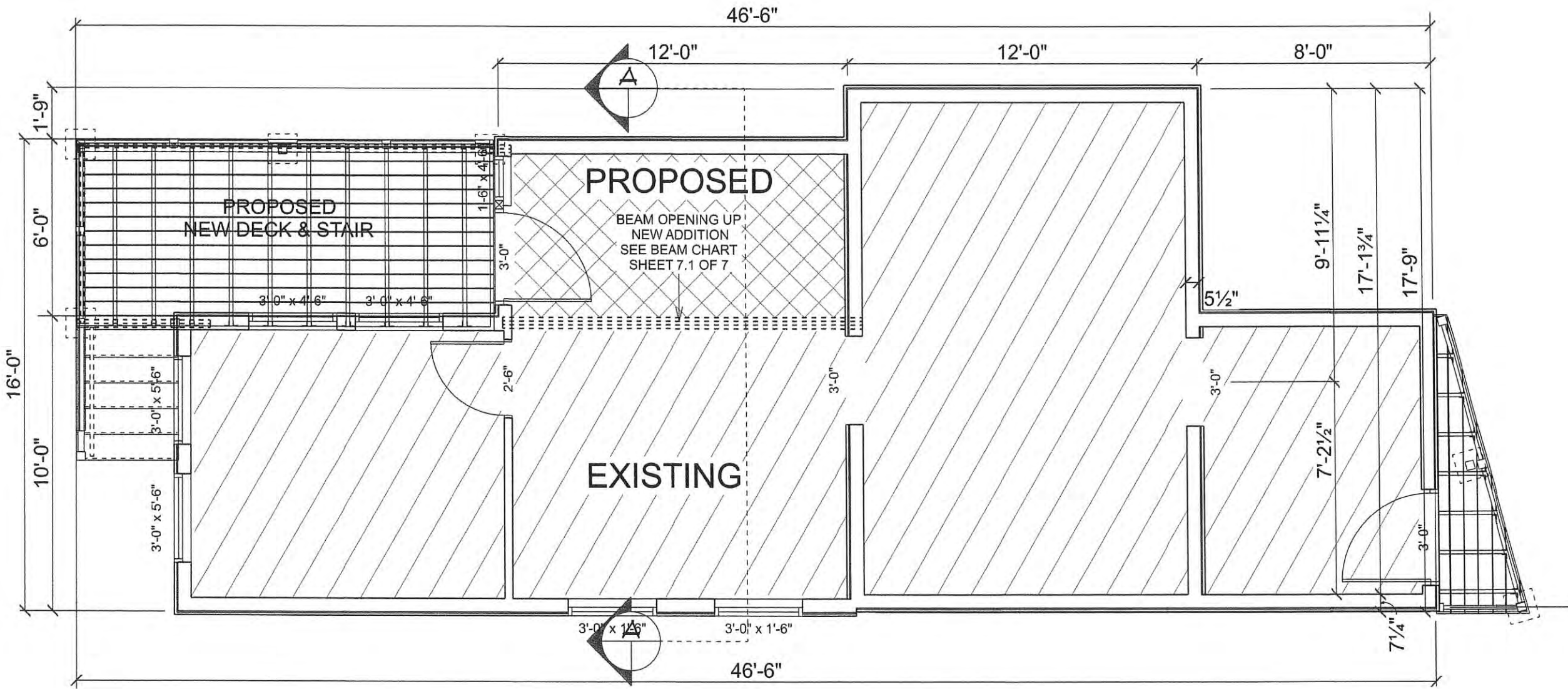
SCALE =
NO SCALE

Sheet
1 of 7



FOUNDATION NOTES

1. All wall footings 18"x8"
2. Walls 8" Block
 - a. Height 56"
 - b. Width 8"
3. Anchor Bolts 1/2" x 12"
48" OC and all Sill
Plate Joints
Fill Cores min.
2500 PSI Concrete
Plate 2x8 Treated
W/10" Termite Shield
4. FROST LINE Bottom of Footing
To Be 18" Below Finished Grade
5. 2 Flood Vents As Shown



STORMWATER AND CRITICAL AREA WAIVER

< 250 SQ FT

(This work to be added to future improvements)

J. L. [Signature]

3/8/2024

Signature

Date

86 accumulative square feet

Drafting By
Arden Johnson
302-300-5057
1ardensway@gmail.com

MAIN FLOOR
111 Denny Lane, Ocean City, MD
Lot 110 Sundowner Mobile Home Park

Ron & Brenda Holt
111 Denny Lane
Ocean City, MD 21842

ORIGINAL DATE 02.23.2024

REVIS
PRINTED
Monday, March 4, 2024

MAIN FLOOR

SCALE
1/4"=1'

Sheet
4 of 7



FRONT ELEVATION



REAR ELEVATION

Drafting By
Arden Johnson
302-300-5057
1ardensway@gmail.com

FRONT & REAR ELEVATION

111 Denny Lane, Ocean City, MD
Lot 110 Sundowner Mobile Home Park

Ron & Brenda Nolt
111 Denny Lane
Ocean City, MD 21842

ORIGINAL DATE 02.23.2024

REVIS
PRINTED
Monday, March 4, 2024

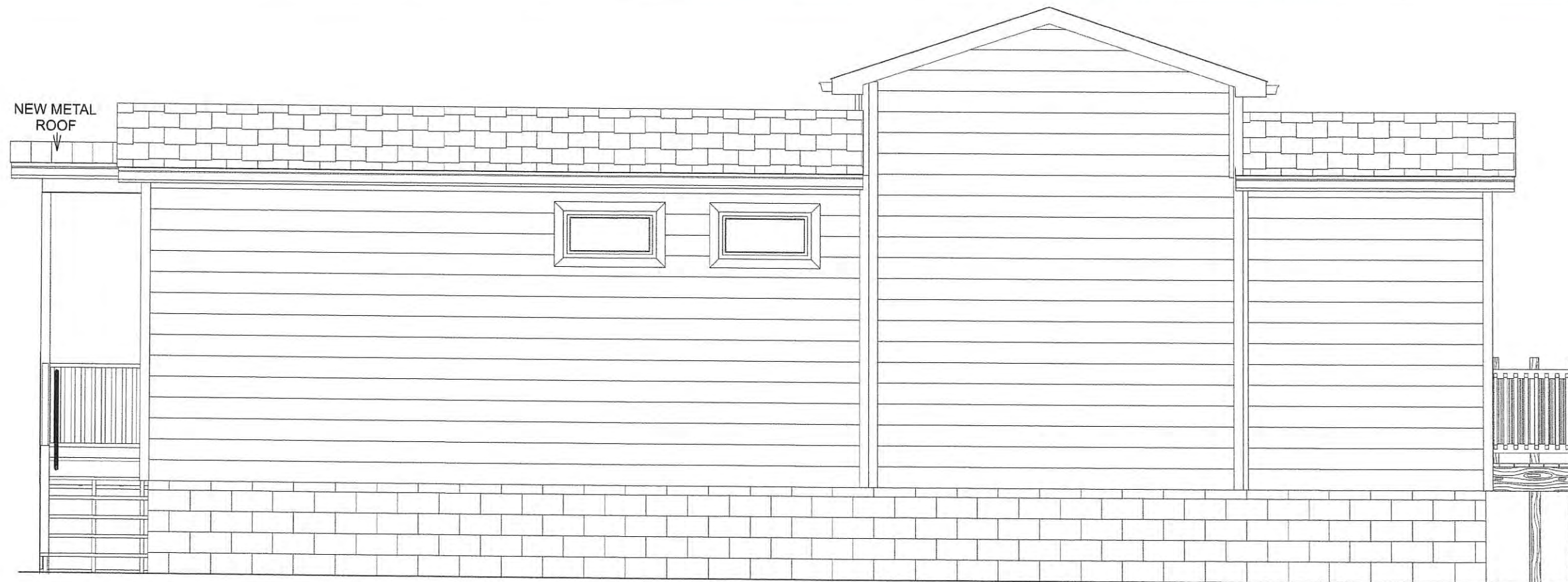
FRONT & REAR
ELEVATIONS

SCALE
1/4"=1'

Sheet
5 of 7



LEFT ELEVATION



RIGHT ELEVATION

Drafting By
Arden Johnson
302-300-5057
1ardensway@gmail.com

RIGHT & LEFT ELEVATION

111 Denny Lane, Ocean City, MD
Lot 110 Sundowner Mobile Home Park

Ron & Brenda Nolt
111 Denny Lane
Ocean City, MD 21842

ORIGINAL DATE 02.23.2024

REVISID
PRINTED
Monday, March 4, 2024

RIGHT&LEFT
ELEVATIONS

SCALE
1/4"=1'

Sheet
6 of 7

Existing 30year Fiberglass Shingles
Min. ASTM D 3161 Class F
Install per manuf. Specs
For High Winds

New 30year Metal Roof
Install per manuf. Specs
For High Winds

2X6 Faccia Backer
Covered W/Prefinished
Allumin. White Vinyl Soffit

New ceiling line in
living and addition areas

New 3Ply 9.5"x 1.75"
LVL Header @
Addition Opening
Max. Span 12'-0"
See Span Table
Sheet 7.1 of 7

Typ. Exterior Wall Header 2 2x10

Exterior Wall Typical 2X6
Siding 8" Vinyl Siding
7/16" OSB Sheeting
Block All Horizontal Seams
Air Barrier, 2x6 Studs @ 16" OC
R 21 Batt Insulation
1/2" Gypsum Board

Sill Strapped LSTS 36" OC
MSTA Studs 16" OC All Studs

2x6 Studs 16" OC #3 KD
Min. Fb is 1200 Fb To 8' High
Over 8' High Studs Table 305 B1
Block All Horizontal
Sheeting Seams

Achbor Bolts 1/2" x 12"
48" OC and all Sill
Plate Joints
Fill Cores min.
2500 PSI Concrete
Plate 2x8 Treated
W/10" Termite Sheld

New Bearing Wall
7 Course 8" Block Wall
With 8"x16" Continuous
Concrete Footings
To Match Existing

Existing floor system

New floor system to match existing

Existing Bearing Wall
7 Course 8" Block Wall
With 8"x16" Continuous
Concrete Footings
To Match Existing

Existing access
panel

New
access
panel

6 Mill Poly
4" Lap On Seams Taped

New flood
vent

8"x16" Continuous
Structural
Concrete Footings

Frost Line
Bottom Of Footing
18" Below Flinished Grade

Drafting By
Arden Johnson
302-300-5057
1ardensway@gmail.com

SECTION - A
111 Denny Lane, Ocean City, MD
Lot 110 Sundowner Mobile Home Park

Ron & Brenda Nolt
111 Denny Lane
Ocean City, MD 21842

ORIGINAL DATE 02.23.2024

Monday, March 4, 2024

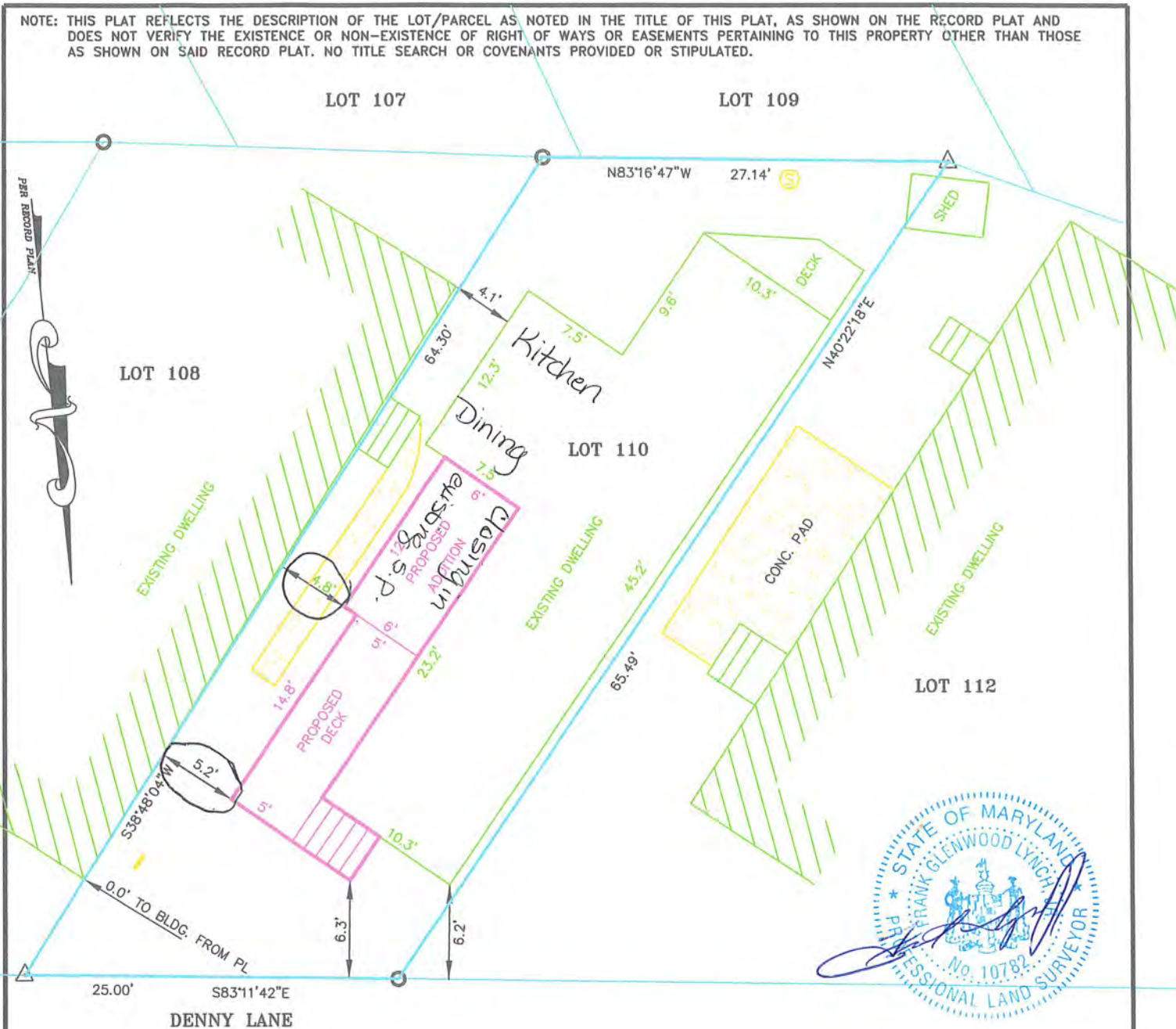
REVISED
PRINTED

SECTION - A

SCALE
1/2"=1'

Sheet
7 of 7

NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT OF WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.



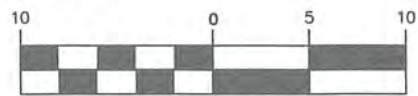
PROPOSED ADDITION
 LOT 110 - SUNDOWNER MOBILE HOME PARK
 TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND
 TOWN OF OCEAN CITY

MIN. ACCURACY = 0.1'±

REFERENCE

LOT AREA: 1,421 S.F. ±
 FLOOD ZONE: AE PER FIRM NO. 24047C0058H
 DATED 7-16-2015, BFE=5
 EX. ZONING : MH

NOTES



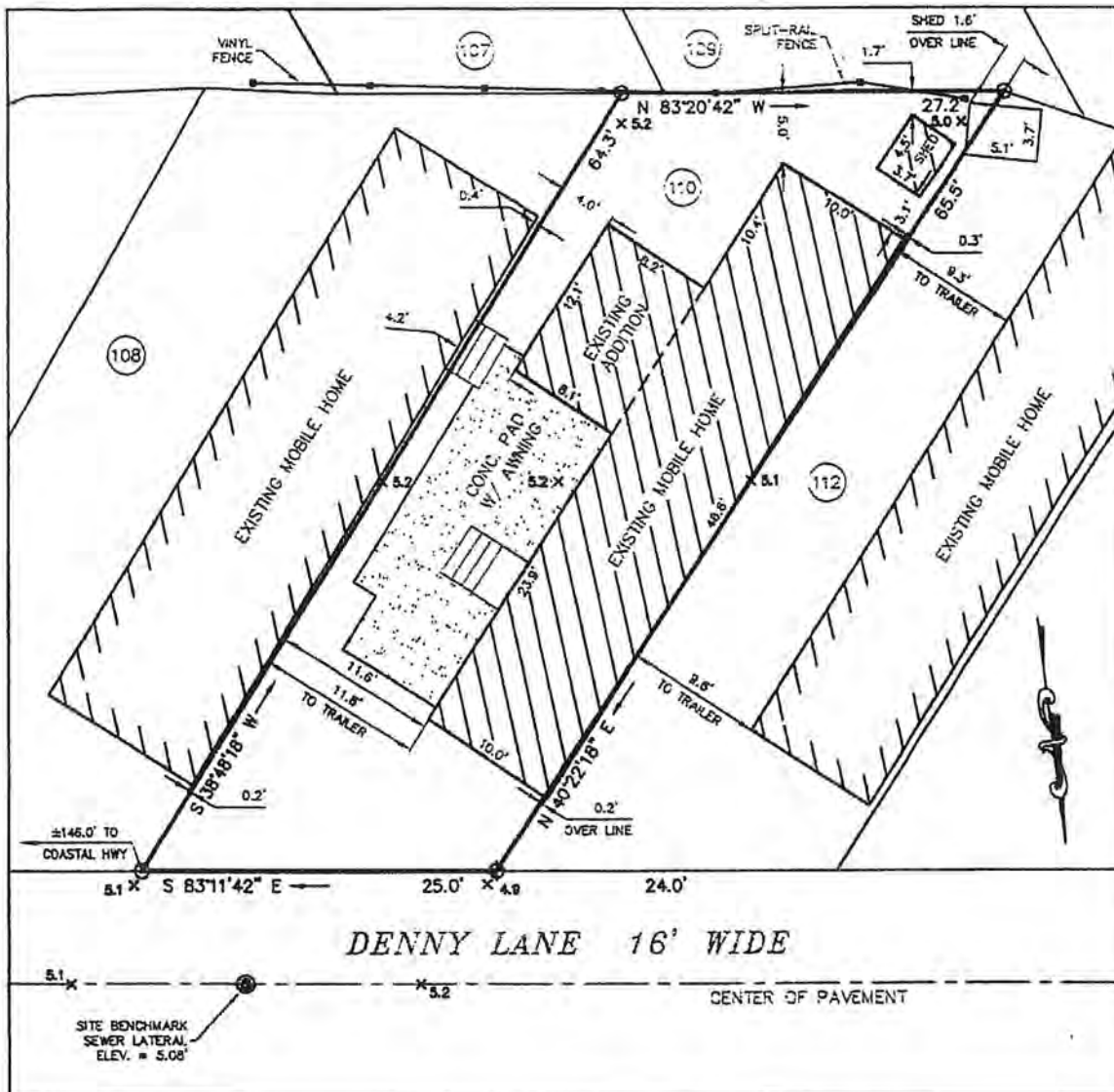
(IN FEET)
 1 inch = 10 ft.

- DENOTES MARKER FOUND
- △ DENOTES UNMARKED POINT

Frank G. Lynch, Jr.
 & Associates, Inc.

SURVEYING · LAND PLANNING
 10535 RACETRACK ROAD · BERLIN MARYLAND 21811
 (410) 641-5353 · 641-5773

DRAWN BY FGL JR.
 FILE NO. 12409-24
 DATE 4-10-2024



AREA OF LOT 110 = ±1,421 SQ. FT.

OWNER:

STEPHEN SKLAR

ADDRESS:

111 DENNY LANE
OCEAN CITY, MARYLAND 21842

NOTES:

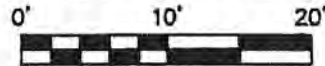
THIS PROPERTY IS SITUATED WITHIN FLOOD HAZARD ZONE A6 (EL 8) AS SHOWN ON FIRM MAP # 245207-0003-F, DATED 03/04/86.

THIS PROPERTY IS IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, ZONE: IDA (INTENSELY DEVELOPED AREA).

ELEVATIONS SHOWN ARE IN FEET ABOVE MEAN SEA LEVEL, 1977 DATUM.

LEGEND:

- ◆ DENOTES RE-BAR, FOUND
- DENOTES PLATTED CORNER
- x&3 DENOTES EXISTING SPOT ELEVATION



GRAPHIC SCALE



L. E. Bunting, Jr. 1/11/12
L. E. BUNTING, JR. DATE:

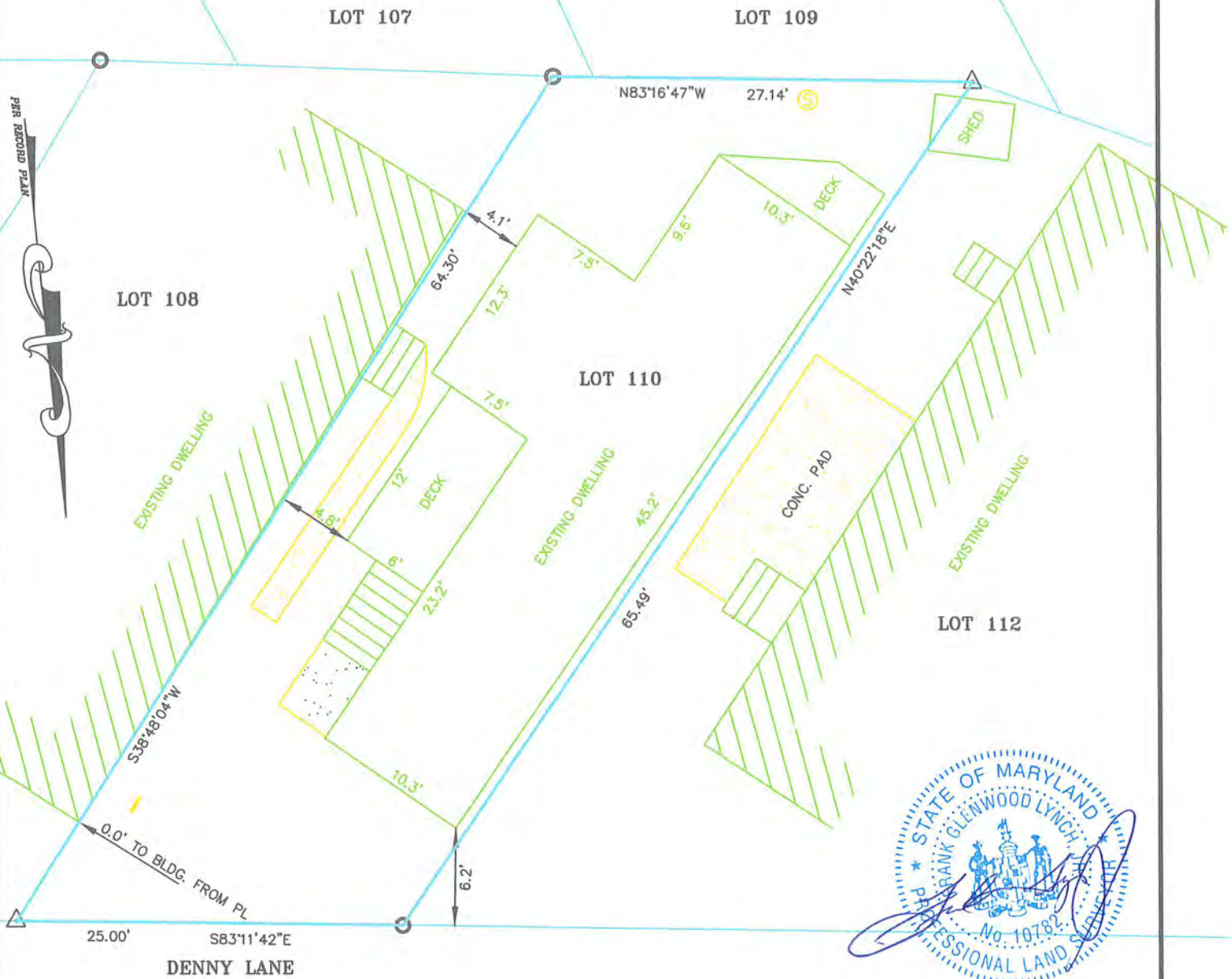
I CERTIFY THAT THE SURVEY SHOWN HEREON IS AN ACCURATE TRANSIT-TAPE SURVEY; AND THERE ARE NO ENCROACHMENTS ACROSS THE PROPERTY LINES OTHER THAN THOSE SHOWN.

L. E. Bunting Surveys, Inc.
MARYLAND & VIRGINIA
LAND SURVEYING
24 BROAD STREET
BERLIN, MARYLAND 21811
410-641-3313

DEED REFERENCE:
WCL 811/181
PARCEL # 7647A
TAX MAP # 118

LOCATION SURVEY	
SUNDOWNER PARK, INC. LOT 110 TENTH TAX DISTRICT WORCESTER COUNTY, MARYLAND	
SCALE: 1" = 10'	DATE: 09/21/11
JOB NO. 9050LS/11	REV: 01/11/12

NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT OF WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.



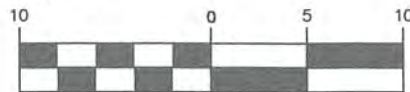
AS CONSTRUCTED SURVEY
LOT 110 - SUNDOWNER MOBILE HOME PARK
TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND
TOWN OF OCEAN CITY

MIN. ACCURACY = 0.1'±

REFERENCE

LOT AREA: 1,421 S.F. ±
 FLOOD ZONE: AE PER FIRM
 NO. 24047C0058H
 DATED 7-16-2015. BFE=5
 EX. ZONING : MH

NOTES



(IN FEET)
 1 inch = 10 ft.

- DENOTES MARKER FOUND
- △ DENOTES UNMARKED POINT

Frank G. Lynch, Jr.
& Associates, Inc.

SURVEYING · LAND PLANNING
 10535 RACETRACK ROAD · BERLIN MARYLAND 21811
 (410) 641-5353 · 641-5773

DRAWN BY FGL JR.
 FILE NO. 12409-24
 DATE 4-10-2024



13403 Coastal Highway, Ocean City, MD 21842 | sundownerpark@verizon.net | 410.250.5442

May 8, 2024

Brenda & Ron Nolt
2795 Zink Road
Manheim, PA 17545

Re: Lot #110, 111 Denny Lane, Ocean City, MD 21843

Dear Brenda & Ron Nolt,

This letter is in reference to the request you submitted to the Sundowner Board in regards to lot #110 improvements.

The Board is in agreement and approved the request to enclose your existing front entry deck (*only*) on February 3, 2024 with the following requirements: (1) the walls can only be extended to the edge of the existing deck (located by the front entrance); (2) the new walls must adhere to the Town of Ocean City fire codes, and (3) must get permit from Town of Ocean City prior to construction. As previously discussed on February 11, 2024, Sundowner Board did not approve a new additional screened deck. It was stated to Brenda Nolt to submit blueprints of the proposed deck with setbacks so we can review and discuss. We oppose any additional improvements at this time.

On February 6, 2024, the office received a letter from TOC, Christopher Rudolph advising us of a public hearing on Thursday, May 16, 2024 at 6:10 p.m. to seek an appeal under Section 110-96(1)(a) to include request for:

1. A variance of 5.2 feet from the 10-foot separation distance requirement for a 6' x 12' proposed addition to be 4.8 feet from a neighboring unit; and,
2. A variance of 0.2 feet from the 5-foot side yard setback for a 6' x 12' proposed addition to be 4.8 feet from the side property line; and
3. A variance of 4.8 feet from the 10-foot separation distance requirement for a proposed screened deck to be 5.2 feet from a neighboring unit.

Please be advised, at this time, we are not in agreement to this appeal and the listed request. Our decision is based on the land use affecting your neighbors and the setback requirements for safety and the need for prior approval from the Sundowner Board of Directors.

Please contact us if you have further questions.

Best Regards,

BOARD OF DIRECTORS
Rick Pritchard, President
John Patras, Vice President

Staff Exhibit #2 Page 2

Darlene Pedersen, Secretary
Earl Hughes
John Thompson
Gina Anderson
Wm. Craig Wilson

CC: George Bendler, Director of TOC Department of Planning and Community Development
Chase Philips, Zoning Analyst, TOC Department of Planning and Community Development
John Stanton, Contractor



STAFF REPORT

DATE: June 13, 2024

TO: Board of Zoning Appeals

FROM: George M. Bendler, AICP, Planning & Zoning Director
Karen J. (Kay) Gordy, Zoning Administrator
Chase M. Phillips, Zoning Analyst

RE: A request for a special yard exception for screened enclosure of an existing covered outdoor dining area **BZA 2688 (#24-09400010)**

Applicant: Chich Diu
OC Wasabi
3316 Coastal Highway
Ocean City, Maryland 21842

Property Owners: Anthony Christ / Jon Christ – Managing Agent
812 32nd Street
Ocean City, Maryland 21842

Request: The applicant has filed an appeal to request a special yard exception for a screened enclosure of an existing outdoor covered dining area. Specifically, the existing roofline is 1.3 and 1.6 feet from the front property line along Coastal Highway (**Applicant Exhibit #1**)

Property Description: The site of the appeal is described as Unit #5, Lot 7, of the plat entitled “33rd Street Shopping Plaza Condominium.” It is further described as being located on the west side of Coastal Highway and is locally known as 3316 Coastal Highway, in the Town of Ocean City, Maryland (**Staff Exhibit #1**)

Zoning: LC-1 Local Commercial Zoning District

Project History: Building Permit #15-00028196, which was issued on March 3, 2015, permitted the replacement of a damaged roof. This is the red roof of the front of the building shown on Staff Exhibit #1, Page 3.

The screened enclosure that is the basis of this request received a correction notice from the department’s zoning inspector on April 10 for not having a permit for the enclosure itself. The applicant has since taken all proper actions to seek approvals for the enclosure to be used permanently.

Relevant Code References

Ocean City Code – Chapter 110

Article II, Division 4, Board of Zoning Appeals

Section 110-93 – Powers

...

(2) The board shall have the power to hear and decide upon application for special exceptions upon which the board is specifically authorized to pass under this chapter.

In order to provide for adjustments in the relative location of uses and buildings of the same or different classifications, to promote the usefulness of these regulations as instruments for fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special exceptions are permitted within the allowed district as stated in this section. Special exceptions are permitted if the board finds that, in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property under the terms of this chapter.

Ocean City Code – Chapter 110

Article II, Division 4, Board of Zoning Appeals

Section 110-94 – Special Exceptions

...

(3)(a) An exception to yard regulations is permitted on a lot where, on said lot or on the adjacent lot, there is front, side, or rear yard that does not conform to such yard regulations in a way similar to the exception applied for, but such exception shall not encroach onto an existing or proposed right-of-way.

Ocean City Code – Chapter 110

Article IV, Division 10, LC-1 Local Commercial District

Section 110-516 – Bulk Regulations

...

(4) Front yard setback of 10 feet

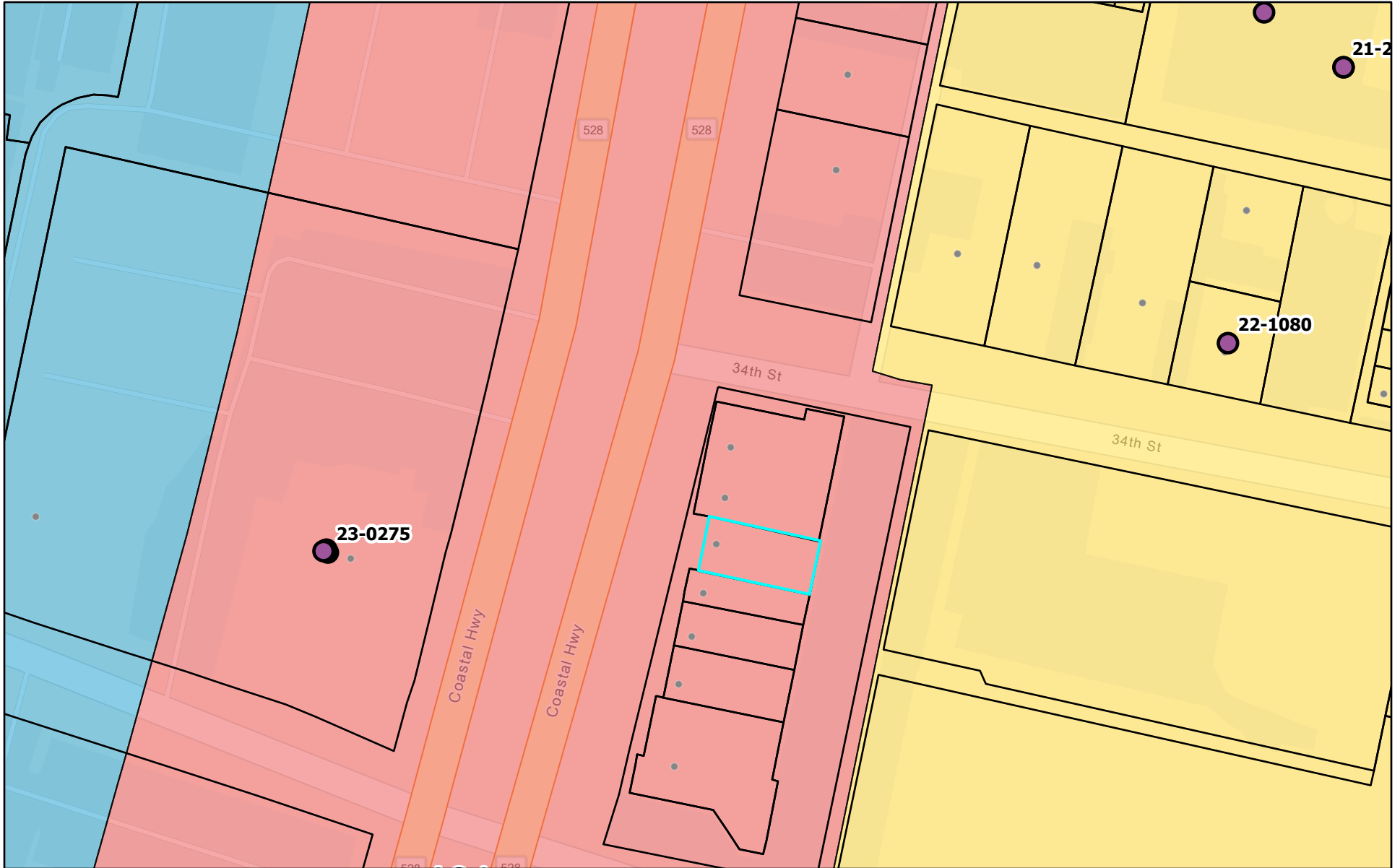
Staff Recommendation: Staff respectfully asks that the Board carefully review the application materials and staff report; accept testimony from the applicant and any persons who come forward to testify; then weigh the evidence and craft the decision including findings of fact with advice from the Board attorney for these requests:

- a. a special yard exception for a screened enclosure of an existing covered dining area



OC Wasabi – Red roof, third unit from left: 3316 Coastal Highway

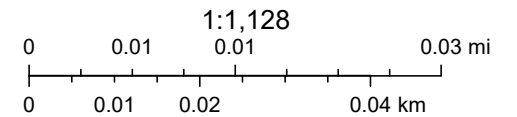
OC Wasabi Zoning



6/10/2024, 11:03:46 AM

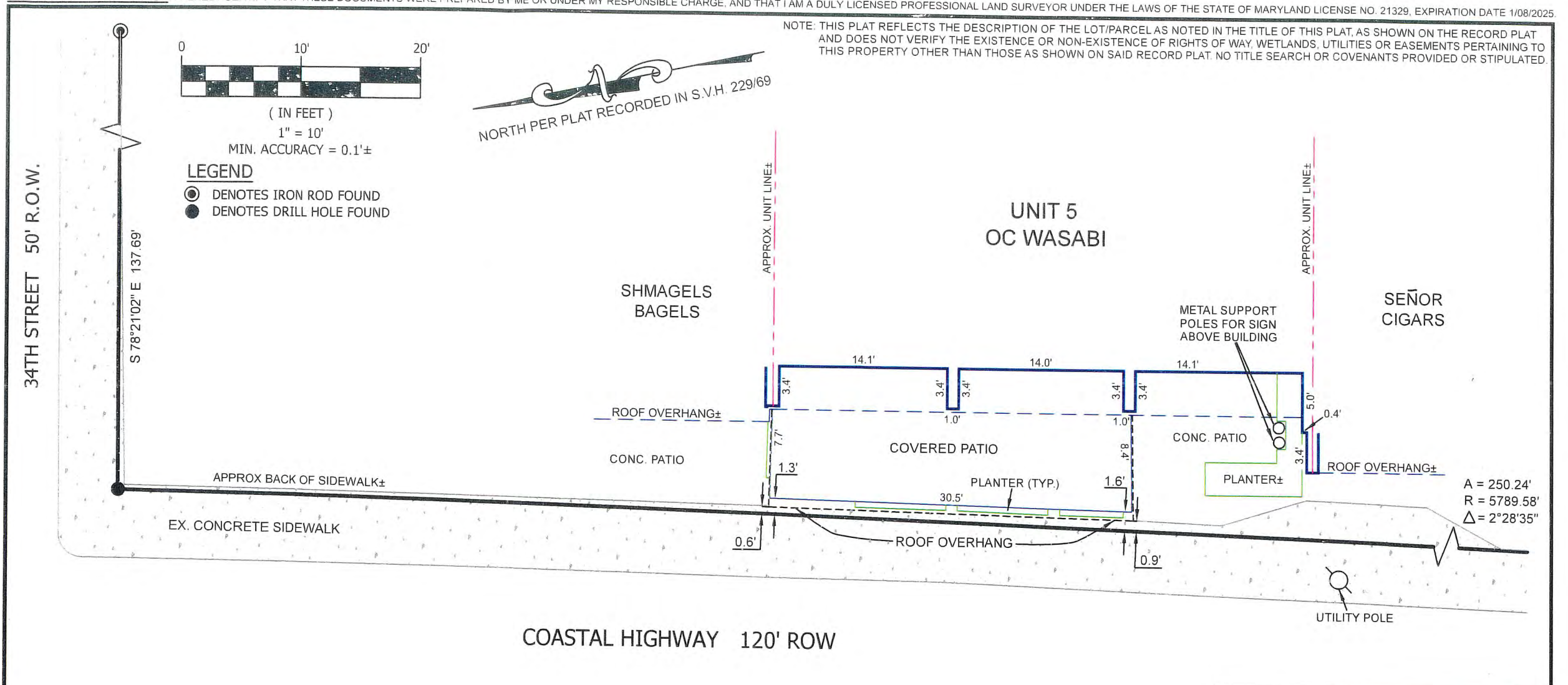
Active Building Permits Zoning

- Issued
- TOC_Parcels_
- R-3
- LC-1
- R-2



Applicant Exhibit #1 Page 1

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 21329, EXPIRATION DATE 1/08/2025



GENERAL NOTES:
 ADDRESS: 3316 COASTAL HIGHWAY
 TAX MAP 112, PARCEL 6146
 PLAT REF.: SVH 229/69
 DEED REF.: RHO 2482/290
 EX. ZONING: LC-1
 FLOOD ZONE: X
 PER FIRM NO. 245207 0177 H
 DATED JULY 16, 2015.
 CRITICAL AREA DESIGNATION: I.D.A.

AS-CONSTRUCTED SURVEY
 - UNIT 5 -
 33RD STREET SHOPPING PLAZA
 TOWN OF OCEAN CITY
 TENTH TAX DISTRICT
 WORCESTER COUNTY, MARYLAND



RUSSELL T. HAMMOND
Surveying, L.L.C.

SURVEYING - LAND PLANNING
 10310 Hotel Road Bishopville, MD 21813
 (410) 352-5674 - (410) 726-8076

DRAWN BY	R. SAVAGE
FILE NO.	2024-3596
DATE	04/25/2024

RUSSELL T. HAMMOND SURVEYING L.L.C. RESERVES ITS COMMON LAW COPYRIGHT IN THESE PLANS, PLATS, OR OTHER DOCUMENTS. ANY AMENDMENTS, COPYING OR DISTRIBUTION, INCLUDING COMPUTER GENERATED AMENDMENTS, IS PROHIBITED UNLESS PERMITTED IN WRITING BY RUSSELL T. HAMMOND SURVEYING L.L.C.



STAFF REPORT

DATE: June 13, 2024

TO: Board of Zoning Appeals

FROM: George M. Bendler, AICP, Planning & Zoning Director
Karen J. (Kay) Gordy, Zoning Administrator
Chase M. Phillips, Zoning Analyst

RE: Request to amend BZA 2581 (#21-09400003) to allow for a pergola to be constructed over a portion of the 6 spaces that were waived as part of this application **BZA 2693(#24-09400015)**

Applicant: Raymond McGrath
13220 Stone Harbor Lane
Ocean City, Maryland 21842

Property Owners: Robert R. Barnes (Sandlars, LLC)
P.O. Box 9781
Arnold, Maryland 21012

Subject Property: 13207 Coastal Highway
Ocean City, Maryland

Request: The applicant has made a request to construct a 17.5' X 22.5' mechanically screened pergola over a portion of the 6 parking spaces that received a special parking exception through BZA 2581 (#21-09400003) (**Applicant Exhibit #1**)

Property Description: The property is described as Lots 3, 4, 5, 6, and 7, for Building 1 and Lots 19, 20, 21, 22, and 23 for Building 2, Block 87, of the Fenwick Plat. It is further described as being located on the west side of Coastal Highway and is locally known as Beach Barrels at 13207 Coastal Highway, in the Town of Ocean City, Maryland. (**Staff Exhibit #1**)

Zoning: Local Commercial (LC-1) Zoning District

Project History: BZA 2581 was brought before the Board of Zoning Appeals on February 25, 2021, and the request was to waive 7 off-street parking spaces to construct a 962 square foot open deck/tiki garden in front of the existing restaurant.

It was during this meeting that the Board of Zoning Appeals voted to waive 6 spaces, relocate 1 ADA space to another area, and prohibit outdoor music and an outdoor bar.

The deck was constructed in 2022 and passed building and zoning final inspections on June 13, 2022 and July 19, 2022, respectively.

Relevant Code References:

1. **Ocean City Code – Chapter 110**
Article II, Division 4, Board of Zoning Appeals
Section 110-99 (Amendment of Special Exception or Variance)

...

After the board has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted or if the board does not specify some longer period than one year for good cause shown. Once a special exception or variance has expired, the provisions of these regulations shall thereafter govern.

2. **Ocean City Code – Chapter 110**
Article II, Division 4, Board of Zoning Appeals
Section 110-94 (Special Exceptions)

...

(2)(b) Waiver or reduction of the parking requirements and design standards ...

Special exceptions are permitted if the board finds that, in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring properties.

Public Comment: As of June 10, 2024, the Department of Planning and Community Development has not received any public comment.

Staff Recommendation: Staff respectfully asks that the Board carefully review the application materials and staff report, accept testimony from the applicant and any persons who come forward to testify, then weigh the evidence and craft the decision including findings of fact with advice from the Board attorney for these requests:

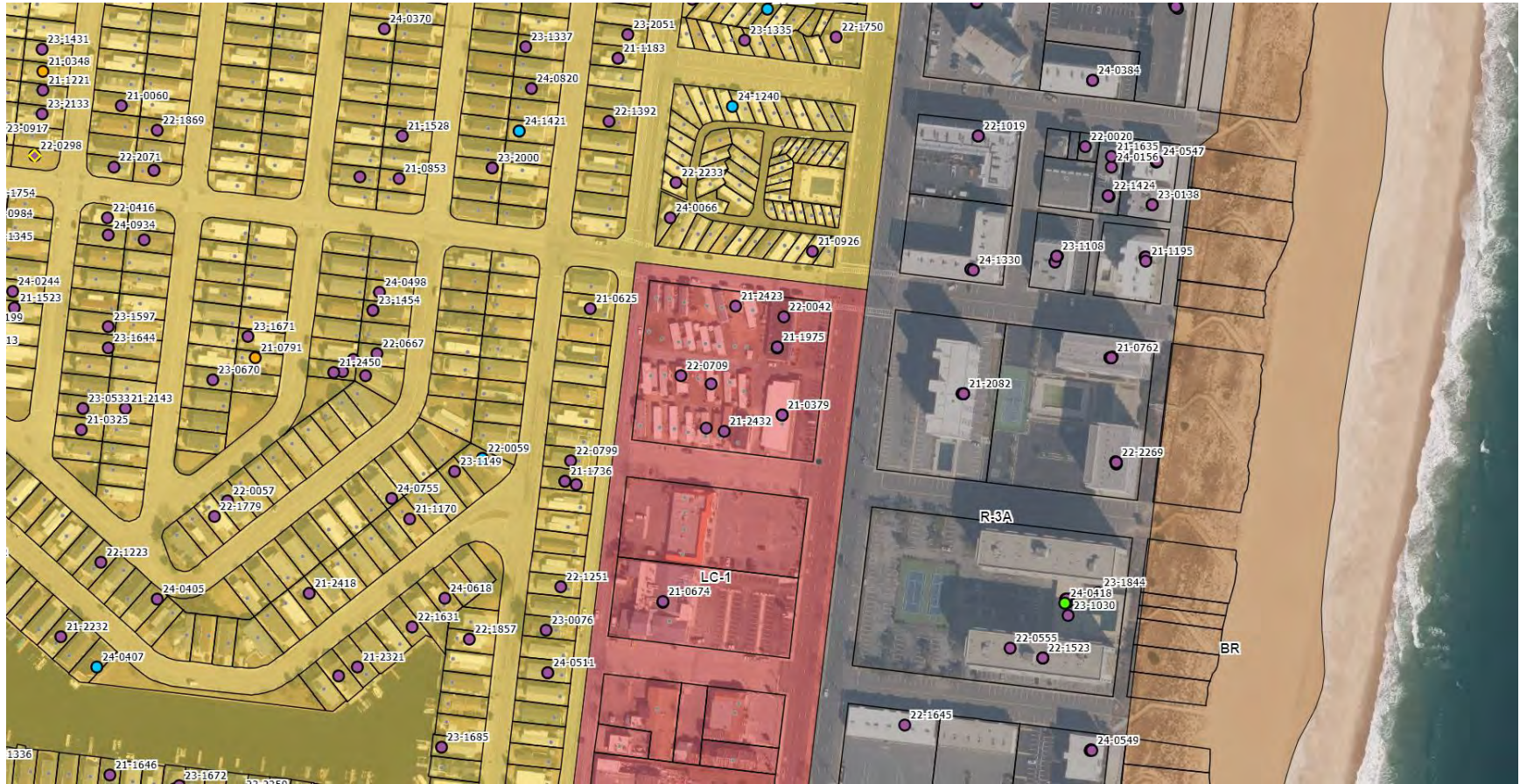
- A. To construct a 17.5' X 22.5' mechanically screened pergola over a portion of the 6 parking spaces that received a special parking exception through BZA 2581 (#21-09400003).

Staff Exhibit #1 Page 1



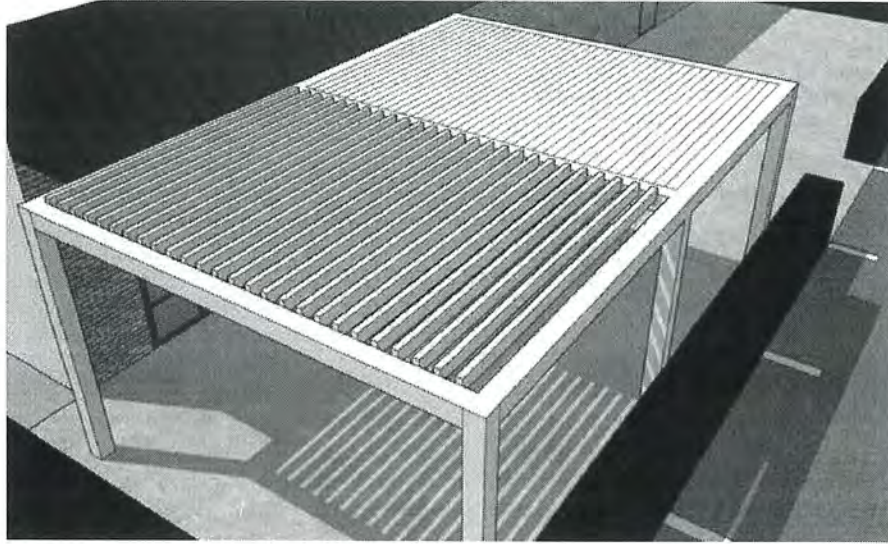
Beach Barrels – 13207 Coastal Highway. Post-deck construction site conditions as of February 2024.

Staff Exhibit #1 Page 2

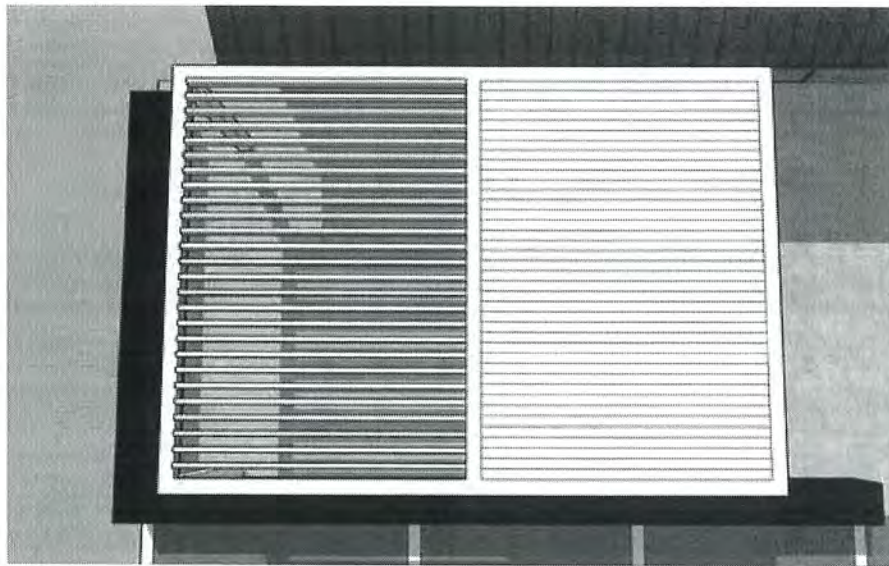


Beach Barrels – Zoning Map

Beach Barrels/ Ocean City

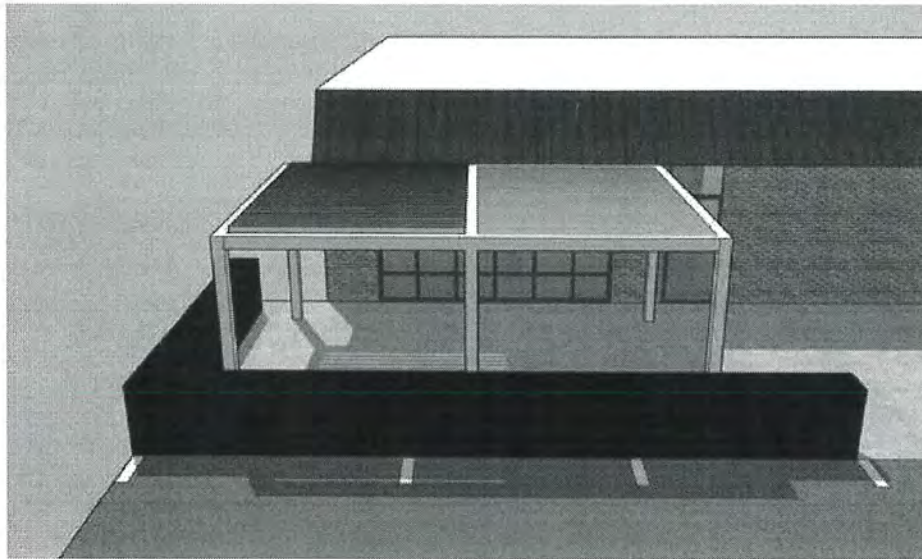


Top / side view

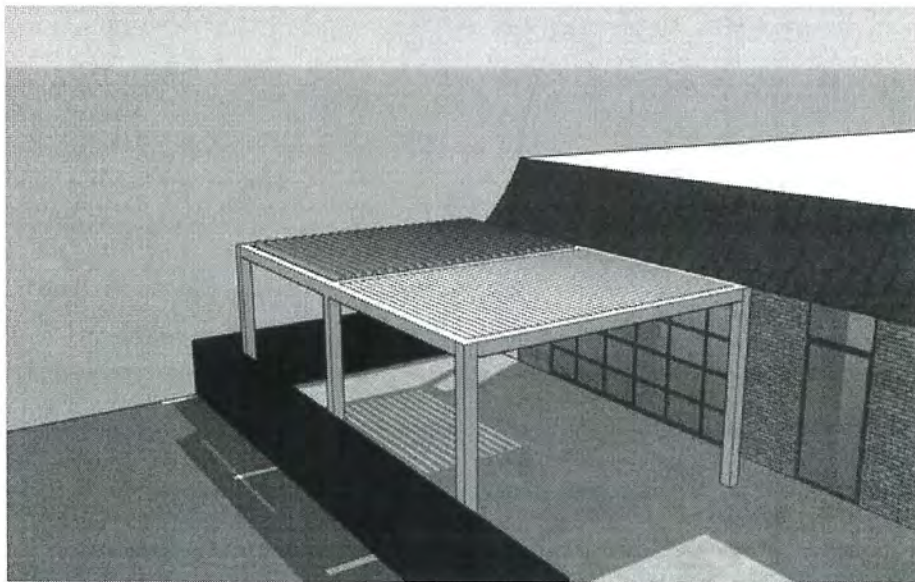


Top View

Beach Barrels/ Ocean City



Front View



Side View



TOWN OF OCEAN CITY

The White Marlin Capital of the World

Board of Zoning Appeals
P.O. Box 158
Ocean City, MD 21843
410-289-8855

March 26, 2021

Request #21-09400003

Mr. Raymond McGrath
Beach Barrels
203 143rd Street
Ocean City MD 21842

Dear Mr. McGrath:

Re: BZA 2581 Special Parking Exception Request to waive seven (7) parking spaces to create a permanent 962 square foot open tiki garden deck

At the public hearing held on Thursday, March 25, 2021, the members of the Board of Zoning Appeals considered the above referenced appeal pursuant to the provisions of Section 110-93(2), Powers, of the Code of the Town of Ocean City, Maryland, hereinafter referred to as the Code. The appeal was filed under the provisions of Section 110-94(2)(b) requesting a special parking exception to waive 7 parking spaces to construct a 962 square foot tiki garden bar area for outdoor dining. The entire site of the appeal is described as Lots 3, 4, 5, 6, and 7 for Building 1 and Lots 19, 20, 21, 22, and 23 for Building 2, Block 87 of the Fenwick Plat; further described as located on the west side of Coastal Highway between 132nd and 133rd Street, encompassing street addresses of 13201-13209 Coastal Highway, and known locally as Beach Barrels, 13207 Coastal Highway, in the Town of Ocean City, Maryland.

Based on the testimony and exhibits presented during the public hearing, the Board concluded that you have substantially complied with the requirements of Section 110-94(2)(b) of the Code. Consequently, the Board voted unanimously (3-0-2) of those present, Chairperson Alfred Harrison and Member Brian Shane absent, to approve the request for the special parking exception with these clarifications and conditions of approval with the stipulation that the project shall comply with all other applicable governmental regulations.

- 1) Testimony revealed this outdoor dining area will not include an outdoor bar or outdoor music. Strictly for outdoor dining purposes only.
- 2) Motion and second was to approve the creation of the permanent deck with no bar and to add one (1) handicapped-accessible parking space next to the deck in the area between the two buildings, therefore reducing the granted request from seven (7) parking spaces waived to six (6).

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

MATTHEW M. JAMES
President

ANTHONY J. DELUCA
Secretary

PETER S. BUAS
JOHN F. GEHRIG, JR.
J. FRANKLIN KNIGHT
LLOYD MARTIN
MARK L. PADDACK

CITY MANAGER
DOUGLAS R. MILLER

CITY CLERK
DIANA L. CHAVIS, CMC

www.oceancitymd.gov

P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158



City Hall – (410) 289-8221 • FAX – (410) 289-8703

Staff Exhibit #2 Page 2

Mr. Raymond McGrath
Beach Barrels
203 143rd Street
Ocean City MD 21842
Page Two

In accordance with Section 110-98 of the Code, it should be noted that the special parking exception so approved shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which such special parking exception was granted or if the Board does not specify some longer period than one (1) year for good cause shown.

Sincerely,

Christopher Rudolf
Secretary

cc: Mayor and City Council
Doug Miller, City Manager
Bill Neville, Planning Director, Planning & Community Development
Kay Gordy, Zoning Administrator, Carter Finney, Zoning Analyst
All Board of Zoning Appeals Members
Valerie Gaskill, Attending Attorney for the Board
Heather Stansbury, Maureen Howarth, Ryan Bodley, Will Esham, attorneys for the Town
Sandlars, LLC, Robert Barnes, Managing Partner
Brian Peter Cosby, P.A. Attorney for the applicant
Rene Robert Mueller, Architect PLLC
John Lyon, MAPS Parking, Traffic Consultant
Tommy Hammon
Peter J. Laviola
Dirk W. Widdowson, Attorney for Excalibur Condominium (opposition)
Barbara Charen
Robert Hemp
John Jenkins, Excalibur Condo Association president
File BZA #21-09400003
PZ #21-18100012



STAFF REPORT

DATE: February 25, 2021

TO: Board of Zoning Appeals

FROM: William W. Neville, AICP, Planning & Zoning Director
Karen J. (Kay) Gordy, Zoning Administrator
Carter P. Finney, Zoning Analyst I

RE: Special Parking Exception
BZA 2581, File #21-09400003

Applicant: Raymond McGrath
Beach Barrels, LLC
203 143rd Street
Ocean City MD 21842

Request: The applicant is requesting a Special Parking Exception to waive an additional seven (7) off-street parking spaces to construct a permanent 962 square foot open deck/tiki garden bar in the front of the existing restaurant/bar.

Property Description: The site of the appeal is described as Lots 3, 4, 5, 6, and 7 for Building 1 and Lots 19, 20, 21, 22, and 23 for Building 2, Block 87 of the Fenwick Plat; further described as located on the west side of Coastal Highway between 132nd and 133rd Street, encompassing street addresses of 13201-13209 Coastal Highway, and known locally as Beach Barrels, 13207 Coastal Highway, in the Town of Ocean City, Maryland.

Zoning: LC-1, Local Commercial, Zoning District

Parking Required: Parking requirements are assessed in accordance with Code Section 110-932(b)(22) Shopping centers, shopping plazas, retail stores, personal service establishments and convenience food stores greater than 5,000 square feet of gross floor area.

Staff Exhibit #3 Page 2

a. One space per 225 square feet of gross floor area, except for movie theaters, which shall comply with the parking requirements as set forth in subsection (24) hereof.

b. When restaurants, fast food restaurants, cocktail lounges, taverns, nightclubs or other establishments for the consumption of food or beverage on or off the premises located at the shopping center:

1. If these establishments, individually or in total, comprise 25 percent or less of the gross floor area of the shopping center, the parking requirement shall be that for shopping centers.

2. If these eating and drinking establishments, individually or in total, comprise more than 25 percent of the gross floor area of the shopping center, parking shall be provided for the floor area in excess of the 25 percent as set forth in subsection (20) hereof. The parking calculation shall be computed for the retail and eating and drinking establishments separately and then combined.

Reference to Code Section 110-932(b)(20) above: Restaurants, fast food restaurant, cocktail lounge, tavern or nightclub or other establishments for the consumption of food or beverages on or off the premises: One space per 100 square feet of enclosed gross floor area, minimum of five spaces; with the following modifications:

a. The area of outdoor dining (unenclosed) is exempt from parking requirements up to an area equal to the enclosed gross square feet and thereafter is required one space per 200 square feet of unenclosed outdoor dining area in excess of the enclosed gross floor area.

b. The exemption applies only if a roofed over area remains at least 51 percent open on all sides with no enclosure of any kind. A railing system no higher than 42 inches with open pickets shall not be considered an enclosure.

c. Establishments with nonconforming parking status may only exempt parking for outdoor dining equal to the number of parking spaces provided onsite at the rate of one space per 100 square feet of outdoor dining area.

Staff Exhibit #3 Page 3

Parking provided

And breakdown: 45 total

10,555 square foot shopping center:

a. Retail store – 6,155 sq. ft. gr. fl. area (1/225)	27.35
b. 25% restaurant use gr. sq. ft. 2639 (1/225)	<u>11.73</u>
Total required spaces at 1/225	39.08

c. Remaining restaurant use 1,761 gr. sq. ft.	
1 parking space per 100 gr. sq. ft.	<u>17.61</u>
Total required spaces combined	56.69 (57)

Nonconforming

Parking Summary: 12 Space Nonconformity

Synopsis: The current shopping center enjoys a 12 space parking nonconformity. The proposed tiki garden/deck of 962 gross square feet would not require more parking since it is less than the area of enclosed gross square footage of restaurant use. However, in order to create this permanent outdoor dining area, it would be necessary to obtain a legal waiver of 7 additional spaces, increasing the degree of nonconformity and causing the shopping center to be deficient in 19 parking spaces total.

Relevant Code References

Ocean City Code (Chapter 110 - Zoning Regulations):
Article II, Division 3, Nonconforming Uses, Structures, Lots
Article II, Division 4, Board of Zoning Appeals
Article IV, Division 10, LC-1, Local Commercial District
Article V, Division 3, Off-street Parking

Special Exceptions.

In order to provide for adjustments in the relative location of uses and buildings of the same or different classifications, to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special exceptions are permitted within the allowed district. Special exceptions are permitted if the board finds that, in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property under the terms of this chapter.

Special Exceptions to Parking and Loading Requirements - Section 110-94(2)b - Waiver or reduction of the parking requirements and design standards

Staff Exhibit #3 Page 4

in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities.

Staff Recommendation: Planning & Zoning staff respectfully asks that the Board accept testimony from the applicant and any persons who come forward to testify and weigh the decision with advice from the Board attorney.

CALENDAR YEAR 2023 REPORT

HEARINGS AND MEETINGS COMPLETED BY DECEMBER 2023

COMPILED BY KAREN J. (KAY) GORDY, ZONING ADMINISTRATOR ^{KJG}

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVALS:

1. FISHER ARCHITECTURE C/O LAUREN WHITE - (FILE #22-18100024) -

Amendment to previously approved site plan #22-18100010 for Phase 2, providing an additional 3,050 gross square feet of commercial office space for the Harrison Group Office. With the previously approved and permitted 8,045 gross square feet, the total is 11,095 gross square feet upon completion. The site of the application is described as Lots 73 (zoned R-2), 74, 75 and 76 (zoned LC-1), Neptune Development Plat; further described as located on the northwest corner of Kingfish Street and Philadelphia Avenue, and locally known as **1801 Philadelphia Avenue**, in the Town of Ocean City, Maryland.

Site Plan amendment approval on January 14, 2023

Building Permit #22-1626 issued on March 3, 2023 and CO issued on February 15, 2024.

2. WICKED PROFESSIONAL SERVICES INC., C/O DONALD LITTLETON - (FILE #23-18100002) - Site plan review of proposed 1200 square foot open, unenclosed outdoor dining deck. The site of the application is described as Lots 1-28, Block 106 of the Ocean Bay City Plat; further described as located between 77th and 78th Streets, and locally known as the Bayside Skillet, **7701 Coastal Highway**, in the Town of Ocean City, Maryland.

Site Plan approval on March 21, 2023

Building Permit #23-159 issued on March 22, 2023 and completed June 7, 2023

3. JOSEPH G. THOMPSON, ARCHITECT, PLLC - (FILE #23-18100003) – Site plan review of proposed change of use of tenant spaces on the first floor and addition of outdoor bar associated with restaurant use at the existing Lankford Hotel. The site of the application is described as Lots 4, 7-9, and half of Lot 5, Block 9N of the Sinepuxent Beach Company Plat; further described as located on the west side of Atlantic Avenue between 8th and 9th Streets,

and known locally as The Lankford Hotel at **801-807 Atlantic Avenue**, in the Town of Ocean City, Maryland.

Site Plan approval on March 21, 2023

Building Permits #23-0606, #23-1165, #23-1166 and #23-1167 completed and closed.

4. AMERICAN LEGION POST #166 - (FILE #23-18100004) - Site Plan Review of REVISED plans for proposed elevated deck and patio bar over the existing parking lot with enclosed space totaling 758 gross square feet. The site of the appeal is described as part of Lot 2 and Lots 3-6, Block 69 of the Sinepuxent Beach Company Plat; further described as located on the southeast corner of Philadelphia Avenue and 24th Street, and known locally as The American Legion Post #166 at **2308 Philadelphia Avenue**, in the Town of Ocean City, Maryland.

Site Plan approval on February 22, 2023

Building Permit #23-370 completed and closed May 23, 2024

5. ATLANTIC PLANNING & DEVELOPMENT, INC. - (FILE #23-18100005) - Site Plan Review for proposed redevelopment consisting of 100 hotel rooms with amenities, nine (9) employee housing units, 8,780 gross square feet of commercial space, with onsite and offsite required parking. The site of this application is described as Lots 1, 2, 11 and 12, Block 7N of the Sinepuxent Beach Company Plat; further described as the northern portion of Block 7N, bounded by Atlantic Avenue on the east side, 7th Street on the north side, and Baltimore Avenue on the west side, and locally known as The Majestic Hotel, **613 Atlantic Avenue**. A portion of the required parking area is on Lot 10, Block 20N of the Sinepuxent Beach Company Plat; further described as located on the west side of Baltimore Avenue between 6th and 7th Streets, all within the Town of Ocean City, Maryland.

Site Plan approval on December 19, 2023.

No associated building permits have been applied for to date

6. NIKO DHIMA - (FILE #23-18100006) – Site Plan Review of proposed three (3) townhouse style multi-family units, each with four (4) bedrooms and three (3) parking spaces. Also includes (1) 10' x 20' parking space deed-restricted to owner's hotel at 8 St. Louis Avenue. The site of this application is described as Lot 12, Block 41N of the Sinepuxent Beach Company

Plat, dated 1891; further described as located on the west side of St. Louis Avenue and east side of Bayview Lane, and known locally as **209 St. Louis Avenue**, in the Town of Ocean City, Maryland.

Site Plan approval on June 6, 2023

Building Permit #24-595 in plans review

7. OCEAN 82, LLC C/O KIMMERLY MESSICK & TEEN VEBARES - (FILE #23-18100007) – To request the Planning and Zoning Commission amend a condition of approval for Site Plan File #21-18100018 to install garage doors at all eleven (11) units at face of building abutting the drive aisle that is access to each unit's parking area. The site of this application is described as Lots 12, 13 & 14, Block 50 of the Isle of Wight Plat; further described as located on the north side of 82nd Street and the east side of Wilmington Lane, and known locally as **8240 Wilmington Lane and 14 82nd Street**, in the Town of Ocean City, Maryland.

Site Plan amendment approved on March 21, 2023

Building Permit #22-1313 and unit permits associated with 14 82nd Street Units A-F are issued and are complete – Certificate of Occupancy issued April 29, 2024

Building Permit #22-1320 and units permits associated with 8240 Wilmington Lane Units A-E are issued and are complete – Certificate of Occupancy issued April 26, 2024

8. OC SEACRETS C/O LEIGHTON W. MOORE, PRINCIPAL - (FILE #23-18100008) - Site Plan Review of Your Beach Bayfront Event Venue to create an open bayfront venue with associated restrooms and food prep and to amend existing site plan **PZ File #21-18100027** for change of use on the second and third floors from storage for the ABC Liquor retail store to restaurant use with limited storage as part of the event venue. The site is described as unnumbered lots of Parcel 6838, Tax Map 0113; further described as located on the west side of Coastal Highway between 49th Street and Bay Overlook Lane, and known locally as **5005 Coastal Highway**, in the Town of Ocean City, Maryland.

Site Plan approval on May 2, 2023. Phase II #24-18100005 approved May 7, 2024

Building Permit #23-880 was issued on February 13, 2024 with work in progress

9. **BIKE WORLD, LLC C/O JOHN BARRETT, PRINCIPAL - (FILE #23-18100009) –** Site Plan review of proposed 36' X 20' (720 enclosed gross square feet) accessory structure to store bicycles. The site is described as 6 ½ lots, Block 1S of the Ocean City OT Plat; further described as located on the west side of Atlantic Avenue (boardwalk) between S. Division and S. 1st Streets, and known locally as Windsor Resorts/Trimper Rides at **700 S. Atlantic Avenue**, in the Town of Ocean City, Maryland.

Site Plan approval on May 2, 2023

Building Permit #23-0911 completed and closed – actual address used within the amusement park is **802 S. Atlantic Avenue**

10. **142ND STREET OF OCEAN CITY LLC - (FILE #23-18100010) – REVISED –** amendment to approved site plan closing the ingress/egress points on Coastal Highway pursuant to Code Section 110-184(a)(6) and with approval by MDOT State Highway Administration Permit #SHA-1-WO-0066-23-DO. The site of the application is described as Tax Map 0118, Parcel 7248A, Lots 9-11; Parcel 7249A, Lot 12; and Parcel 7250A, Lot 13, Block 48 of the Fenwick 1 Plat; further described as located on the northwest corner of 142nd Street and Coastal Highway and known locally as **14201 Coastal Highway, 104 142nd Street and 106 142nd Street**, in the Town of Ocean City, Maryland.

Site Plan amendment approved on April 17, 2023

Multiple building/unit permits have been issued as of July 1, 2023

Approved addresses for 16 3-bedroom units:

100 142nd Street master site address

102 142nd Street Units A-E, 104 142nd Street Units A-E, and 106 142nd Street Units A-F

11. **143 COASTAL DEVELOPMENT, LLC - (FILE #23-18100011) – REVISED –** amendment to approved site plan closing the ingress/egress points on Coastal Highway pursuant to Code Section 110-184(a)(6) and with approval by MDOT State Highway Administration Permit #SHA-1-WO-0065-23-DO. The site of the application is described as Tax Map 0118, Grid 5, Parcel 7214A, Lot 2; Block 47 of the Fenwick 1 Plat; further described as the full city block located on the west side of Coastal Highway, the north side of 143rd Street, the south side of 144th Street, and east side of Sinepuxent Avenue, and known locally as **14301**

Coastal Highway, and formerly the Fox Sun & Surf Theaters, in the Town of Ocean City, Maryland.

Site Plan amendment approved on April 17, 2023

Multiple building/unit permits have been issued as of July 1, 2023

Approved addresses for 56 3-bedroom units:

14300 Sinepuxent Avenue master site address

102 143rd Street Units A-G, 104 143rd Street Units A-G, 14302 Sinepuxent

Avenue Units A-G, 14304 Sinepuxent Avenue Units A-G, 105

144th Street Units A-G, 103 144th Street Units A-G, 14303 Coastal

Highway Units A-G, 14301 Coastal Highway Units A-G

12. MHROC PROPERTY OWNER, LLC C/O KEVIN SNELBAKER, PRINCIPAL - (FILE #23-18100012) - Site Plan review and approval of proposed 230-room hotel with onsite required parking, and 17,780 gross square feet of commercial and accessory space. The site of this application is described as Lots 1 thru 12, Block 48N of the Sinepuxent Beach Company Plat; further described as the entire block located on the west side of Atlantic Avenue, east side of Baltimore Avenue, north side of 13th Street, and south side of 14th Street; and locally known as 1301 Atlantic Avenue (Beach Plaza Hotel), 1305 Atlantic Avenue (Bo-Con Apartments), 1307 and 1309 Atlantic Avenue, and 1304 and 1306 Baltimore Avenue in the Town of Ocean City, Maryland.

Site Plan approved on September 19, 2023.

No associated building permits have been applied for to date

13. LUX QOZP PROPERTIES 2, LLC; LUX QOZP PROPERTIES 3, LLC – MIKE RAMADAN, PRINCIPAL - AND NICK’S GOLF, LLC – NICHOLAS GERACIMOS, PRINCIPAL - (FILE #23-18100013) - Site plan review of proposed change of use from restaurant to 15 multiple-family dwelling units (apartments) and 2,969 square feet of office space. The site of the application is described as Tax Map 111 - Parcel 4233, Lots 3, 4, 5, and 6; a portion of Parcel 4232, part of Lots 7-8, (1,479.6 square feet); and a portion of Parcel 4230, Lots 1-2 (916.2 square feet); Block 6 of the N Ocean City Plat; further described as located on the north side of 20th Street, the east side of Philadelphia Avenue, and the south side of 21st Street and locally known as 2004 Philadelphia Avenue, in the Town of Ocean City. Required parking to be located on Lots 150-153 of the Neptune Development Plat; further described as being located

on the west side of Philadelphia Avenue and east side of Herring Way, and locally known as 1907 Philadelphia Avenue, in the Town of Ocean City, Maryland.

Site Plan approval on December 19, 2023.

Demolition Permit #23-1139 was issued on November 30, 2023, Building Permit #23-1913 was issued on November 2, 2023 and work is progressing

14. LUX QOZP PROPERTIES 4, LLC, C/O MIKE RAMADAN, PRINCIPAL AND NICK'S GOLF, LLC, C/O NICHOLAS GERACIMOS, PRINCIPAL - (FILE #23-18100014)

– Site plan review of proposed 18-hole miniature golf course and accessory kid's playground. The site of the proposed use is described as Lot 143 of Parcel 3261, Lot 144 of Parcel 3262 and Lot 145 of Parcel 3263 of the Neptune Development Plat; further described as located on the west side of Philadelphia Avenue and the east side of Herring Way, and locally known as 2009-2013 Philadelphia Avenue, in the Town of Ocean City, Maryland. Required parking to be provided on Lot 154 of Parcel 3272 of the Neptune Development Plat; further described as located on the east side of Herring Way, the north side of Dolphin Street and west side of Philadelphia Avenue, and locally known as 1901 Philadelphia Avenue, also in the Town of Ocean City, Maryland.

Site Plan approved October 3, 2023.

Building Permit #22-1745 was issued on November 10, 2023 and work is progressing

CONDITIONAL USES:

1. **S & S PROPERTIES AND RON CROKER - (FILE #23-12100001)** - Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-544, Uses permitted by Conditional Use in the SC-1, Shopping Center, Zoning District by reference to 110-514(10), Uses permitted by Conditional Use in the LC-1, Local Commercial District to permit a water-related recreational activity - specifically to operate five (5) rental pontoon boats at the existing pier projecting into the Isle of Wight Bay. The site of the proposed use is described as Map 113, Parcel 7015, Land Unit 4-C, 10,255 square feet of the Village Land Condominium; further described as located on the west side of

Coastal Highway, at the pier directly behind the Taphouse Tavern, and locally known as 4507 Coastal Highway, in the Town of Ocean City, Maryland.

Withdrawn by applicant prior to public hearing

2. PARASAIL SARASOTA, LLC C/O BRAD DONAHUE – DBA OCEAN CITY PARASAIL ADVENTURES - (FILE #23-12100002) – Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-514, Uses permitted by Conditional Use in the LC-1, Local Commercial, District, to permit water-related recreational activity with one (1) parasail boat and three (3) reserved parking spaces as required by Section 110-932(b)(30)a. The site of the request is described as Lots 2, 3, 4, 5, 20, 21, 22, 23, 24 and the northerly ½ of Lots 18 and 19, Block 120 of the Isle of Wight Land Company Plat, further described as located on the southerly side of 64th Street and the west side of Coastal Highway, on the property known as Dead Freddie's Restaurant, 105-64th Street, in the Town of Ocean City, Maryland.

Withdrawn by application after public hearing but prior to advancing to Mayor and City Council.

3. LUX QOZP PROPERTIES 4, LLC, C/O MIKE RAMADAN, PRINCIPAL AND NICK'S GOLF, LLC, C/O NICHOLAS GERACIMOS, PRINCIPAL - (FILE #23-12100003) – Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-514(8), Uses permitted by Conditional Use in the LC-1, Local Commercial District to permit an 18-hole miniature golf course with an accessory kid's playground. The site of the proposed use is described as Lot 143 of Parcel 3261, Lot 144 of Parcel 3262 and Lot 145 of Parcel 3263 of the Neptune Development Plat; further described as located on the west side of Philadelphia Avenue and the east side of Herring Way, and locally known as 2009-2013 Philadelphia Avenue, in the Town of Ocean City, Maryland. Required parking to be provided on Lot 154 of Parcel 3272 of the Neptune Development Plat; further described as located on the east side of Herring Way, the north side of Dolphin Street and west side of Philadelphia Avenue, and locally known as 1901 Philadelphia Avenue, also in the Town of Ocean City, Maryland.

Conditional Use approval on September 6, 2023, and Conditional Use Agreement fully executed on October 20, 2023. Site Plan approved on October 3, 2023 and building permit issued on November 10, 2023.

4. **JAY TAUSTIN, PRINCIPAL - (FILE #23-12100004)** – Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-544, Uses permitted by Conditional Use in the SC-1, Shopping Center Commercial District to permit an 18-hole miniature golf course. The site of the proposed use is described as part of 6.890 acres of beach land, Map 0117, Parcel 5151A of the Fenwick Plat; further described as located on the west side of Coastal Highway between 128th Street and 130th Street; and locally known as the Montego Bay Shopping Center, **12901 Coastal Highway**, in the Town of Ocean City, Maryland.

Conditional Use approval on November 21, 2023, and Conditional Use Agreement fully executed on February 27, 2024. Site Plan approved on March 19, 2024 and Grading permit issued on April 2, 2024.

COMBINATION SUBDIVISION/SITE PLAN:

1. **DOLPHIN STREET DEVELOPMENT OF OC, LLC – C/O JEFF THALER & RAVINDER SINGH, PRINCIPALS - (FILE #23-16100001)** - Preliminary subdivision plat review and site plan review of proposed Atlantic View duplex dwellings, 13609 Atlantic Avenue on the west side of Wight Street and Atlantic Blue duplex dwelling, located on the east side of Wight Street, 13610 Wight Street. The purpose is to subdivide both parcels creating 6 duplex dwelling units that are fee simple. The sites of the application are described as Tax Map 0118, Parcel 8374A, N 1/3 Lots 7-9; and Parcel 8375A, Lot 6, Block 16 of the Fenwick 2 Plat; further described as located on the east and west sides of Wight Street and south side of 137th Street, and known locally as **13609 and 13610 Wight Street**, in the Town of Ocean City, Maryland.

Preliminary subdivision plat of 13609 Wight Street, Atlantic View duplex dwellings and preliminary subdivision plat of the duplex dwelling previously constructed prior to subdivision at 13610 Wight Street were approved on November 21, 2023. The site plan for 13609 Wight Street was also approved same date.

Atlantic Blue building permits #23-1200 & 1201 for **13610A & B Wight Street** were issued on July 11, 2023.

Atlantic View duplexes were readdressed as **3 137th Street A & B and 5 137th Street A & B**. Those permits - #23-1976, #23-1977, #23-1978 and #23-1979 were issued on February 16, 2024.

REZONING:

1. **MAYOR AND CITY COUNCIL (FILE #23-14100004)** - Zoning Map Amendment to remove PG-1 Overlay District from 112 100th Street and add the same to 10021 Coastal Highway.

December 18, 2023 - First reading of Ordinance 2023-22 to Amend the Zoning District Map of the Town of Ocean City, Changing the Zoning Classification of Certain Properties as PG-1, Public Governmental Zoning (recognizing a property swap at 100th Street between the Mayor and City Council and Delmarva Power and Light). Motion was made by Council Member Peter Buas to approve the ordinance on first reading and seconded by Council Member J. Franklin Knight and passed unanimously (6-0-1) of those present with Council Member DeLuca absent.

January 16, 2024 – Second reading of Ordinance 2023-22 as described above. Council Secretary Tony DeLuca motioned to approve the ordinance on second reading and seconded by Council Member J. Franklin Knight. Ordinance was adopted unanimously (7-0).

STAFF DETERMINATION OF NONCONFORMITY:

1. **AMERICAN LEGION POST #166 (FILE #23-18100001)**
 - 2308 Philadelphia Avenue
2. **HARRISON BW BOARDWALK, INC. (FILE #23-18100015)**
 - 2600 Baltimore Avenue

CODE AMENDMENTS: (Existing language in bold, *proposed language additions in italics*)

1. **PLANNING & ZONING COMMISSION (FILE #23-14100001)** - To consider amending Chapter 110, entitled Zoning, to **require minimum number and dimensions of enclosed garage parking spaces and associated driveway apron** by amending Article V, entitled Supplemental Regulations, Division 3 Off-Street Parking, Section 110-932 entitled Minimum Number of Spaces and Section 110-935 entitled Design Standards.

First Planning and Zoning Commission public hearing was October 3, 2023. The six amendments for consideration were:

- (1) An increase from 2.5 spaces to 3.0 spaces for multifamily dwellings and townhomes;
- (2) A requirement that at least 1.0 space per unit be open and unenclosed if more than 2.0 spaces are required per unit;
- (3) A stipulation that excludes the general storage of objects from the required vehicular use area beneath buildings;
- (4) A design standard for garage parking that requires 12 feet X 22 feet for one space, 23 feet X 22 feet for 2.0 spaces, 34 feet X 22 feet for 3.0 spaces.
- (5) A design standard for interior drive aisles that requires a minimum of 20 feet of width for two-way traffic a 90-degree angles for parking spaces;
- (6) A design standard that requires an apron with a minimum driveway apron of 5 feet.

The Commission continued deliberations at the October 17, 2023 meeting:

The Commission expressed interest in having an exemption from amendment (2) for lots that are 50 wide or less.

The Commission expressed interest in having the minimum width placed at 10 feet and having a minimum depth of 21 feet for all enclosed garage spaces, with the minimum width increasing to 20 feet for two cars and 30 feet for 3 cars.

The Commission expressed interest in requiring a 5-foot-wide driveway apron.

The Commission expressed interest in excluding the general storage of objects from the required vehicular use area and for this amendment to be an enforceable Code section.

Lastly, various discussions were had regarding the logistics of development and creating a recommendation that balances all of the perspectives and testimony that has been provided.

Motion was made by Commissioner Palmer Gillis to recommend a favorable approval for Code amendments, as revised and mentioned above. The motion was seconded by Commissioner Pamela Robertson. Commissioners Pamela Robertson, Palmer Gillis, Janet

Hough, and Maryellen Rosenblit voted in favor. Commissioner Joel Brous and Chair Person Joe Wilson voted against. The motion passed (4-2-0).

Item was placed on the October 31, 2023 Work Session agenda before the Mayor and City Council. A motion was made by Council Member Peter Buas and seconded by Council Member Carol Proctor to remove the proposed code amendment regarding garage parking from any future work session and remand back to the Planning Commission to revise its recommendation so it is consistent with the approved motion of the Mayor and Council at the December 13, 2022 Joint Meeting, addressing *parking space size only*. Motion carried (6-0-1) with Council Member John Gehrig, Jr. absent.

On December 5, 2023, the Planning Commission reconsidered the proposed garage parking space amendments in light of the comments made by Mayor and City Council on October 31, 2023.

Motion was made by Commissioner Kevin Rohe and seconded by Commissioner Palmer Gillis to send a favorable recommendation to the Mayor and Council that the size of enclosed garage spaces have a minimum width of 12 feet and a minimum depth of 24 feet. The motion passed (4-2-0) with Commissioners Joel Brous and Chair Person Joe Wilson dissenting.

The amendment as favorably recommended was discussed at the Joint Meeting between the Mayor and City Council and the Planning Commission and staff on February 27, 2024. Motion to revise the zoning code by advancing the proposed ordinance for first reading on Monday, March 4, 2024.

First reading on March 4, 2024. After several motions that were rescinded and withdrawn, Council Member Carol Proctor motioned that the City Manager return with drive aisle, depth and width options and recommendations. Council Member J. Franklin Knight seconded and the motion passed (6-1), with Council Member Peter Buas opposed.

City Manager Terry McGean presented options and recommendations for residential parking garage standards – two car garages should be a minimum of 19' wide by 20' deep with an 18' wide door and single car garages should be a minimum of 11' wide by 20' deep with a 10' wide door. Paved drive aisles should include minimum clearances from structures to ensure adequate maneuvering space, along with a chart of approved changes.

Motion by Council Secretary Tony DeLuca and seconded by Council Member Peter Buas to draft an ordinance to adopt revised parking standards to address one and two-car residential garages, and to advise the Planning Commission and Board of Zoning Appeals of these approved revisions. Motion passed unanimously (7-0).

Ordinance 2024-07 to Amend Chapter 110, Entitled Zoning (off-street garage parking as reviewed at the April 9 Mayor and Council Work Session) was approved for First Reading as motioned by Council Member Peter Buas and seconded by Council Member J. Franklin Knight and passed unanimously of those present (6-0-1), Council President Matthew James absent.

Second reading of Ordinance 2024-07 as described above on May 20, 2024.

Ordinance adopted with unanimous vote of (7-0), Council Secretary Tony DeLuca making the motion, and Council Member John Gehrig, Jr., seconding.

2. PLANNING & ZONING COMMISSION (FILE #23-14100002) - To consider amending Chapter 110, entitled Zoning, to amend Code Section 110-2. Definitions, **by defining ‘dormer’, ‘attic’, ‘habitable attic’, and revising the definition of ‘building, height of’ to allow habitable attic space in compliance with all applicable provisions of the Code**, along with related amendments to Section 110-422, maximum building height in the Mobile Home Residential District, Section 110-865.27, benefits of development incentives in the Upper Downtown Design Overlay Zone, and Section 110-932, minimum number of off-street parking spaces, to clarify the use of these spaces and the required parking necessary.

First Planning and Zoning Commission public hearing was October 3, 2023. The purpose of this amendment is to:

- (1) establish a definition of dormer
- (2) create incentives for employee housing in the Upper Downtown Overlay Area
- (3) establish a definition for habitable attic
- (4) revise the definition for height of building
- (5) create parking requirements for any space used for habitable attics

The Commission continued deliberations at the October 17, 2023 meeting:

The Commission expressed they had a consensus that the parking requirement for a habitable attic in multiple-family and townhome units should warrant one additional half space and that one full additional space should be required for habitable attics in single family homes and duplexes.

Commissioner Palmer Gillis made a motion to recommend a favorable approval to the Mayor and City Council as revised, seconded by Commissioner Janet Hough. The motion passed unanimously (6-0).

Item was placed on the Work Session agenda of November 28, 2023. Motion was made by Council Member Peter Buas to approve recommended changes with exception of amendments to Section 110-932, Minimum number of spaces, and to forward to first read. Seconded by Council Member William C. Savage, III, and passed by a vote of (5-2), Council Members DeLuca and Gehrig, Jr. opposed.

First reading of Ordinance 2023-21 to Amend Chapter 110, Entitled Zoning (amends several sections in regards to dormer/habitable attic definitions as presented at the November 28 Mayor and Council Work Session) on December 18, 2023. Motion was made by Council Member Peter Buas to approve the ordinance on first reading without the amendment to the parking requirement. Council Member J. Frank Knight seconded and the motion passed (4-2-1) with Council Members John Gehrig, Jr., and William C. Savage, III, opposed and Council Secretary Tony DeLuca absent.

Second reading of Ordinance 2023-21 as described above was held on January 16, 2024. Tony DeLuca, Council Secretary, made the motion to amend on second reading this ordinance to include previously stricken paragraphs relative to parking contained in Section 110-932(b)(2) and to add back requisite parking (as presented at the November 28, 2023, work session); Motion amended and seconded by Council Member J. Franklin Knight to adopt the ordinance as drafted tonight but add *habitable attic* to the definition of *Accessory room* in Section 110-2 and remove the word *unfinished* from the definition of *Attic, habitable* in Section 110-2. Ordinance 2023-21 was adopted with a (6-1) vote, Council Member John Gehrig, Jr. opposed.

3. PLANNING & ZONING COMMISSION (FILE #23-14100003) - To consider amending the Zoning Code to allow Maximum Building Height Measurement from Grade, Freeboard Elevation or Above Ground Level Parking Under Building.

This amendment has yet to move forward to public hearing stage.

BOARD OF ZONING APPEALS

APPEAL TO ADMINISTRATOR'S INTERPRETATION:

SPECIAL EXCEPTIONS:

1. **JOSEPH G. THOMPSON, PLLC - (BZA 2641 #23-09400001)** - Special parking exception to waive 16 parking spaces for proposed new commercial tenant spaces and outdoor dining. The site of the appeal is described as Lots 4, 7-9, and half of Lot 5, Block 9N of the Sinepuxent Beach Company Plat; further described as located on the west side of Atlantic Avenue between 8th and 9th Streets, and known locally as **801-807 Atlantic Avenue**, in the Town of Ocean City, Maryland.

BZA approval for a waiver of 14 parking spaces received on February 23, 2023

Reference Planning & Zoning Site Plan application #3

2. **SINEPUXENT POST #166 - (BZA 2642 #23-09400002)** – Special parking exception to waive 3 parking spaces for the construction of an elevated outdoor patio bar. The site of the appeal is described as part of Lot 2 and Lots 3-6, Block 69 of the Sinepuxent Beach Plat; further described as located on the southeast corner of Philadelphia Avenue and 24th Street, and known locally as The American Legion Post 166 at **2308 Philadelphia Avenue**, in the Town of Ocean City, Maryland.

BZA approval received on February 9, 2023

Building Permit #23-370 was issued on April 7, 2023

3. **ROBERT'S COASTAL CONSTRUCTION, INC - (BZA 2643 FILE #23-09400003)** – Special parking exception to waive one (1) required parking space for the construction of two (2) newly created bedrooms providing a total of two parking spaces for the four bedrooms. The site of the appeal is described as Lot 34 of the Caine Keys II Extended Plat; further described as located on the east side of Point Lookout Road, and known locally as **10622 Point Lookout Road**, in the Town of Ocean City, Maryland.

BZA approval received on February 9, 2023

Building Permit #22-1617 was issued on June 6, 2023

4. DELMARVA IRISH AMERICAN CLUB C/O RICK MEEHAN - (BZA 2644 #23-09400004) –Special use exception to allow temporary special events during the Ocean City St. Patrick’s Day celebrations, and also pursuant to Section 110-94(2)(b) an associated special parking exception to accommodate the tents and other proposed activities. The site of the appeal is described as Parcel 7011, Lots 4A, 4B, 4BA, & 4BB, of the Village Land Condominium plat; located on the west side of Coastal Highway at the 45th Street intersection, and locally known as 45th Street Village, **4501 Coastal Highway**, in the Town of Ocean City, Maryland.

BZA approval received on February 23, 2023 for a period of 5 years

5. MICHAEL & MARGARET PRESTIFILIPPO - (BZA 2648 #23-09400005) - Special parking exception of one (1) space for the addition of a new accessory room to be considered a bedroom per Code Section 110-933(a). The site of the appeal is described as Unit 9, Parcel 6196 of the Sea Village Plat, further described as located on the west side of Atlantic Avenue between 35th and 36th Streets, and known locally as **3513 Atlantic Avenue Unit 9**, in the Town of Ocean City, Maryland.

BZA request denied on March 9, 2023

6. THRIFT & TREASURES – (BZA 2649 23-09400006) - Special use exception to allow outdoor display of merchandise incidental to the on-premise use. The site of the appeal is described as Lots 33 & 34 of the Skyline Development Plat, further described as located on the northwest corner of Bayshore Drive and Philadelphia Avenue, and locally known as Thrift and Treasures, **2609 Philadelphia Avenue**, in the Town of Ocean City, Maryland.

BZA approval received on April 27, 2023 for a period of one year.

7. DEMETRIOS G. KAOURIS FOR CHRISTOPHER J. FONTANA – (BZA 2650 #23-09400007) - Special use exception to allow a private boat dock on a property that has no established principal use on the premises. The site of the appeal is described as Lot 59 of the Caine Harbor Mile Plat, further described as located on the east side of Shipwreck Road north of Jamestown Road, and locally known as **11614 Shipwreck Road** in the Town of Ocean City, Maryland.

BZA request denied on May 25, 2023

8. **COUNTRY WIDE BUILDERS INC. – (BZA 2653 #23-09400008)** - An after the fact special parking exception to design standards to allow the two (2) required parking spaces remain 19' in depth instead of the 20' required by Code. The site of the appeal is described as Lot 1644, Section 2 of the Melson Avenue Plat, located in Montego Bay Mobile Home Park, further described as located on the northwest corner of 133rd Street and Nantucket Road, and known locally as **13301 Nantucket Road**, in the Town of Ocean City, Maryland.

Application withdrawn prior to hearing – repaired the driveway to meet the 20' depth requirement.

Building Permit #22-298 received Certificate of Occupancy on January 18, 2024

9. **HUGH CROPPER IV & KRISTINA WATKOWSKI – (BZA 2655 #23-09400009)** - Special parking exception to waive one (1) parking space for the addition of a 3rd floor with two (2) newly created bedrooms. The site of the appeal is described as Unit 12, Parcel 0604A of the Ocean Village Plat; further described as located on the west side of Atlantic Avenue between 78th and 79th Streets, and known locally as **7801 Atlantic Avenue Unit 12**, in the Town of Ocean City, Maryland.

BZA approval received on May 25, 2023

Building Permit #23-1508 issued on October 5, 2023 and work is in progress

10. **BIKE WORLD LLC C/O JOHN BARRETT - (BZA 2657 FILE #23-09400010)** - Special use exception to allow a leased bicycle rental within the interior of the hotel in the R-3 Zoning district. The site of the appeal is described as Lots 4-9, Block 79N of the North Ocean City Plat, further described as located on the east side of Baltimore Avenue and the north side of 26th Street, and locally known as the Flagship Hotel, **2600 Baltimore Avenue**, in the Town of Ocean City, Maryland.

BZA approval received on June 22, 2023

11. **HARRISON'S CUSTOM CYCLES - (BZA 2660 #23-09400011)** - Special use and parking exceptions to allow temporary special event tents to include vendors during Delmarva Bike Week in a parking lot. The site of the appeal is described as Lots 131, 132, & 133 of the Neptune Development Plat; further described as on the west side of Herring Way, locally known as Fishtails, **2107 Herring Way**, in the Town of Ocean City Maryland.

BZA approval received on August 24, 2023 for a period of one year

12. **FARMER'S BANK OF WILLARDS C/O CELESTE RAYNE - (BZA 2662 #23-09400012)** - Special use exception to allow a temporary special event tent during the Bank's Grand Opening celebration to be held on October 5th and 6th, 2023; and also pursuant to Section 110-94(2)(b) requesting a special parking exception to waive 16 parking spaces in the parking lot to accommodate the tent as shown on the site plan. The site of the appeal is described as Lots 1-3, of the Oceanbay City plat, revised; located on the east side of Coastal Highway between 87th and 88th Streets, and locally known as The Farmer's Bank of Willards, **8700 Coastal Highway**, in the Town of Ocean City, Maryland.

BZA approval received on September 28, 2022

13. **JELAR CORPORATION - (BZA 2666 # 23-09400013)** – Special exception to parking and loading requirements to allow a waiver or reduction of the parking requirements and design standards due to the character and location of the use of the building in order to extend an existing restaurant area, said exception being required for 21 parking spaces and 1 required loading zone area, and to allow a waiver of design standards to allow 6 provided spaces to be located in a stacked configuration for employees only, applicant is providing 56 parking spaces of the 77 spaces required by Code. The site of the appeal is described as Lots 17, 18, 19, and 20 of the plat entitled "Plat of the Original Town of Ocean City." It is further described as being located on the west side of Atlantic Avenue, the Boardwalk, and is locally known as Fun City and Purple Moose Saloon property, **100 South Atlantic Avenue**, in the Town of Ocean City, Maryland

BZA approval received on November 16, 2023

14. **JOSEPH E. MOORE, ESQUIRE, ATTORNEY FOR 1106 CAVU INC., t/a ANNABELLE'S BARBEQUE AND CREAMERY - (BZA 2667 #23-09400014)** - Special yard

exception for the enclosure of an existing covered dining area for year-round dining. The site of the appeal is described as Lots 1, 2, 3, 4 & 5, Block 19 of the Oceanbay City Plat, further described as located on the west side of Coastal Highway and is locally known as Oceanbay Shopping Center, **6401 Coastal Highway**, in the Town of Ocean City, Maryland

BZA approval received on September 8, 2022

Building Permit #23-2330 was issued on March 19, 2024

15. **BK MERCHANDISING, INC. - (BZA 2668 #23-09400015)** - Special outdoor display of merchandise exception. The site of the appeal is described as Lot 1A, Block 121, of the Isle of Wight Land Company Plat. It is further described as being on the northwest corner of Coastal Highway and Route 90 and is locally known as **6201 Coastal Highway**, in the Town of Ocean City, Maryland.

BZA approval received on December 14, 2023 for a period of 3 years

VARIANCES:

1. **LINDA & MICHAEL MARTIN – (BZA 2645 #23-09500001)** - After-the-fact variances in the MH-Mobile Home zoning district, for a newly constructed single-family dwelling unit and HVAC units which encroaches into the required 5' eastern side yard setback and the required 10' western front yard setback along Oyster Lane. The site of the appeal is described as Lot 1119, Section 3A, of the Montego Bay Mobile Home Park Plat; further described as located on the southeast corner of Beachcomber Lane and Oyster Lane, and locally known as **211 Beachcomber Lane**, in the Town of Ocean City, Maryland.

BZA approval received on March 9, 2023, also issued a revised date to move the HVAC units to July 20, 2023

2. **CHRISTOPHER CHRISTIAN – (BZA 2646 #23-09500002)** - Variance to the side yard setback to allow egress stairs remain as required by the Fire Marshall providing a maximum remaining setback of 10". The site of the appeal is described as Lot 41, Parcel 3343, of the Neptune Development Plat, further described as located on the west side of St. Louis

Avenue between 16th and 17th Street, and locally known as **1619 St Louis Avenue**, in the Town of Ocean City, Maryland.

BZA approval received on February 23, 2023

Building Permit #23-072 issued on March 9, 2023

3. FISHER ARCHITECTURE LLC C/O HEATHER MORRISON – (BZA 2647 #23-09500003) - Special parking exception to design standards to allow 42 parking spaces on the satellite parking lot at the southwest corner of 15th Street and Baltimore Avenue, dedicated to the entire Hyatt Place Hotel project – Hyatt Place East located at 1 16th Street and the future Hyatt Place West, to be addressed as 101 16th Street, to be a minimum of 8’3” x 18’ instead of 9’ x 20’ as required by Code, and 9 parking spaces which back out into Wilmington Lane to be a minimum of 10’ x 18’ instead of 10’ x 20’ as required by Code. Also, on the same satellite lot and the future hotel site, pursuant to the provisions of Section 110-95(1)(a), requesting variances for the satellite parking lot to 1) Code Section 30-553(c)(8)(h)(ii), the five-foot landscape area required to be provided between vehicular use areas and public street rights-of-way. On the 15th Street boundary, request is to allow minimal width of 3.24 feet. On the Philadelphia Avenue boundary, the applicant is requesting to reduce the requirement to a minimal width of 2.22 feet; 2) Code Section 30-553(8)(h)(iii), requesting a variance to the two-foot, six-inch landscape area required to be provided along adjacent properties and public alleyways. On the south property line adjacent to another parcel, the applicant is requesting to reduce the requirement to a minimal width of 2.25 feet; 3) Code Section 30-553(8)(h)(iv), requesting a variance to the five percent plantable areas required to break up the vehicular use areas for all uncovered parking areas which contain 30 or more parking spaces; 4) Code Section 30-553(15)(a) requesting variance to the required perimeter landscape ratio of one tree for each 35 linear feet and five shrubs for every one tree. Also requesting variances on the main Hyatt Place West site to 1) Code Section 30-553(8)(h)(iii), requesting a variance to the two-foot, six-inch landscape area required to be provided along adjacent properties and public alleyways. On the south property line adjacent to another parcel, the applicant is requesting to reduce the requirement to a minimal width of 2.26 feet; and 2) Code Section 30-553(15)(a), requesting variance to the required perimeter landscape ratio of one tree for each 35 linear feet and five shrubs for every one tree. The sites of the appeal are described as (satellite parking lot) Tax Map 0111, Parcel 4185, Lots 11 and 12, Block 54N of the Sinepuxent Beach Company

Plat, locally known as **1409 Baltimore Avenue**; and the site of the future Hyatt Place West Hotel - described as Tax Map 0111, Parcel 4187, Lot 7, locally known as 1507 Baltimore Avenue; Parcel 4188, Lot 6, locally known as 1509 Baltimore Avenue and 103 16th Street; Parcel 4172, Lot 1, locally known as 1508 Philadelphia Avenue; Parcel 4171, Lot 4, locally known as 105 and 107 16th Street – all part of Block 1 of the C. Edward Shute Plat – to be readdressed and locally known as **101 16th Street**, in the Town of Ocean City, Maryland.

BZA variance approvals (4) granted on February 23, 2023

4. **2600 JUDLEE OC LLC – (BZA 2651 #23-09500004)** - Variance to the rear yard to encroach 5' into the required 10' setback. The site of the appeal is described as part Lot 9 of the Skyline Development Plat; further described as located on the east side of Judlee Avenue, and to be locally known as **2602 Judlee Avenue**, in the Town of Ocean City, Maryland.

Application withdrawn by applicant prior to the hearing

5. **SHOTTI'S POINT BAR & GRILL – (BZA 2652 #23-09500005)** – Variance to the Maryland Atlantic Coastal Bays Critical Area Setback to allow the construction of a roof into the required setback. The site of the appeal is described as Lot 13 of the H&T Development Plat; further described as located on northwest corner of Hitchens Avenue and Coastal Highway, and locally known as **3505 Coastal Highway Unit 1**, in the Town of Ocean City, Maryland.

Application is on hold pending more Critical Area information to move forward

6. **JOSEPH E. MOORE for BOBLITS INVESTMENTS LLC – (BZA 2654 #23-09500007)** - A 5' variance to the 10' side yard setback requirement for a four (4) story building providing a remaining 5' setback. The site of the appeal is described as Lot 10, Block 44, of the Oceanbay City Plat; further described as located on the north-east corner of Coastal Highway and 76th Street, and locally known as **7600 Coastal Highway**, in the Town of Ocean City, Maryland.

BZA approval received on May 25, 2023

This variance approval has expired if the applicant has not yet obtained a building permit – our files do not indicate it being applied for.

7. JOSEPH E. MOORE, ESQ. FOR 8TH STREET PROPERTIES LLC – (BZA 2656 #23-09500008) - Variance to the required 20' front yard where decks and porches can be built, reduced to zero (0') at the boardwalk, Atlantic Avenue. This will allow the front deck and stairs approved with PZC #23-18100003 dated March 21, 2023, to form an area elevated above the Boardwalk for the outdoor dining area as well as provide access to the hotel and commercial units facing the boardwalk. The site of the appeal is described as Lots 4, 7, 8, 9, 10 and east ½ of Lot 5, Block 9N of the Sinepuxent Beach Company Plat; all lands further described as located on the northwest corner of 8th Street and Atlantic Avenue, east and west sides of Washington Lane, and east side of Baltimore Avenue, and locally known as The Lankford Hotel, **801 Atlantic Avenue**, in the Town of Ocean City, Maryland.

BZA request denied on June 8, 2023

8. SP BURGERS INC – (BZA 2658 #23-09500009) - Variance to front yard setback for covered patio leaving .33' remaining. The site of the appeal is described as located at **1501 Philadelphia Avenue** in the Town of Ocean City, Maryland.

Application is on hold at the applicant's request

9. JOHN L STANTON FOR FRANK L OLIVER – (BZA 2659 #23-09500010)
- Requesting 3 after the fact variances: (1) a variance to the north side 5' yard setback leaving no remaining setback, (2) a variance to the rear 5' setback leaving no remaining setback, and (3) a variance to the requirements of Section 110-422(1)(i) to allow less than 10' between the sides of any two mobile homes or extensions thereof. The site of the appeal is described as Lot 120 of the Sundowner Park Plat; further described as located in the Sundowner Mobile Home Park located on the east side of Sinepuxent Avenue between 134th and 135th Street, and known locally as **13404 Sinepuxent Avenue**, in the Town of Ocean City, Maryland.

BZA variance approval received on September 28, 2023

Building Permit #22-1649 was issued a Certificate of Occupancy on December 15, 2023.

10. **GEORGE WHITNEY – (BZA 2661 #23-09500011)** - An after-the-fact variance to allow a 4' x 14.30' deck to remain in the side yard setback, providing a 2.47' setback instead of 5' as required by Code. The site of the appeal is described as Lot 408, Section 5B, of the Montego Bay Mobile Home Park Plat; further described as located on the west side of Sandy Hill Drive, and locally known as **153 Sandy Hill Drive**, in the Town of Ocean City, Maryland.

BZA variance request denied on September 28, 2023

Building Permit #22-2235 passed final inspection on December 28, 2023

11. **HUGH CROPPER, IV, ESQ., FOR EFFIE'S BEACH, LLC – (BZA 2663 #23-09500012)** – Request for a variance pursuant to the provisions of Section 30-554(d)(1)(d) and Section 30-554(d)(3) to reduce the Atlantic Coastal Bays Critical Area (ACBCA) Buffer Management Area (BMA) from 25 feet to 1 foot 3.5 inches (a total encroachment of 23 feet 8.5 inches) for a proposed impervious retaining wall. A second variance request has been filed pursuant to the provisions of Section 30-554(d)(7) to reduce the required ACBCA BMA vegetation percentage from 40 percent to 30.48 percent (a reduction of 9.52 percent in required plantings). The site of the appeal is described as Tax Map 0110, Parcel 2520, unnumbered lot(s), Block 21 consisting of 45,742 square feet of land area, located on the plat entitled "Mean High Water Survey – Lands of AWS 450 Limited Partnership - Town of Ocean City – Tenth Tax District – Worcester County, Maryland" made by Frank G. Lynch, Jr. & Associates, dated March 24, 2017; further described as located on the west side of Philadelphia Avenue and bounded by the waters of the Ocean City Inlet and Isle of Wight Bay at the property's east side, and locally known as **700 S. Philadelphia Avenue**, in the Town of Ocean City, Maryland.

BZA variances were approved on October 12, 2023

12. **JOSEPH E. MOORE, ESQ., FOR WINDWARD CONDOMINIUM ASSOCIATION – (BZA 2664 #23-09500013)** - Variance to the rear yard setback to allow reconstruction of exit stairs required for emergency ingress-egress, providing a 1' setback instead of 4' as allowed by

Code Section 110-905. The site of the appeal is described as Lot 27, Block 17, on the Revised Reassembled Plat No. 2 of Fenwick, Maryland; further described as located on the south side of 138th Street, and locally known as **5 138th Street**, Windward Condominiums, in the Town of Ocean City, Maryland.

BZA variance approved on October 12, 2023

Building Permit #23-2209 was issued on May 8, 2024 and work is progressing

13. GALLEON CONDOMINIUM C/O STEPHEN KENNY - (BZA 2665 #23-09500014) -

Variance to rebuild the southwest stair tower to building and life safety code, providing a minimum 1'9" setback instead of the required 5' side yard setback as required by Code. The site of the appeal is described as Lot 11, Block 23, Plat of Fenwick, Maryland. It is further described as being on the south side of 144th Street and is locally known as The Galleon Condominium, **11 144th Street**, in the Town of Ocean City, Maryland.

BZA variance approved on November 16, 2023

Building Permit #23-2219 issued on December 11, 2023 and work is progressing

14. TYLER BUILDING CO. - (BZA 2669 #23-09500015) - request variances from side yard setbacks: **1)** A 0.36-foot variance from the 5-foot side yard setback has been requested for a proposed porch. **2)** A 0.22-foot variance from the 5-foot side yard setback has been requested for a proposed addition. **3)** A 0.35-foot variance from the 5-foot side yard setback has been requested for a proposed addition. The site of the appeal is described as Lot 14, Block 21 of the Section One-C plat entitled Caine Woods. It is further described as being located on the west side of Fountain Road and is locally known as **13809 Fountain Road**, in the Town of Ocean City, Maryland.

BZA variances approved on November 16, 2023

Building Permit #23-1372 in Plan Review with Revised Plans

15. BEACHWOOD CONSTRUCTION, INC. - (BZA 2667 #23-09500016) - Variance requests are for: (1) a 5-foot variance from the 10-foot side yard setback requirement for proposed steps; and (2) a 2-foot variance from the 10-foot side yard setback requirement for a proposed dwelling. The site of the appeal is described as Lot 1 of the White Sands Village Plat. It is further described as being located on the east side of Wight Street and is locally known as

14400 Wight Street, in the Town of Ocean City, Maryland.

BZA variances were approved on November 16, 2023

Building Permit #23-1635 was issued on April 4, 2024 and work progresses

16. **NICK'S GOLF, LLC – (BZA 2671 #23-09500017)** - A variance to reduce the amount of landscaping required for the development of the site commonly known as Nick's Golf; and a variance from the 4-foot and 6-foot height maximums to allow for an existing fence to remain at 10 feet in height. The site of the appeal is described as Lots 143 or Parcel 3261, Lot 144 of Parcel 3262, and Lot 145 of Parcel 3263 of the Neptune Development Plat. It is further described as being on the west side of Philadelphia Avenue, the east side of Herring Way, and it is locally known as 2009, 2011, and 2013 Philadelphia Avenue in the Town of Ocean City, Maryland.

Application postponed until the January 11, 2024 hearing

17. **OLYMPIC 1 APARTMENTS LLC C/O VANGJEL TELO - (BZA 2673 #23-09500018)** - A) requesting a variance for both the 10' north and south side yard setbacks in order to revise previously approved site plan PZ File #21-18100017 for a 20-room hotel to be built at 608 Baltimore Avenue (1); B) requesting a variance to Section 110-369, Landscaping, in the R-3A, Moderate Residential zoning district, in accordance with both Section 110-831.26 and Section 30-553(c)(8)(h)(ii), to the required five-foot perimeter landscape strip on the east side of the properties known as 505, 509 and 511 Baltimore Avenue (2), (3), and (4); and Section 30-553(c)(8)(h)(iii), to a two-foot, six-inch landscape area provided at adjacent properties, along the north property line at 511 Baltimore Avenue (4). C) The applicant's final request is that the Board of Zoning Appeals lift an approval condition imposed with BZA 2593 #21-09500012 that two efficiency units at 505 Baltimore Avenue (2) be removed from rental since parking is now provided according to Code. The sites of the appeal are described as (1) Part of Lot 3, Block 7N of the Sinepuxent Beach Company Plat; further described as located on the east side of Baltimore Avenue and west side of Washington Lane, and locally known as 608 Baltimore Avenue; (2) Lot 9 and part of Lot 10, locally known as 505 Baltimore Avenue; (3) Part of Lots 10 and 11, locally known as 509 Baltimore Avenue; and (4) Part of Lot 11, locally known as 511 Baltimore Avenue, all in Block 19N of the Sinepuxent Beach Company Plat; further described as

located on the west side of Baltimore Avenue and east side of Wilmington Lane in the Town of Ocean City, Maryland.

BZA variances approved on December 14, 2023

OTHER ACTIONS THAT WERE DELAYED FROM THE 2022 CALENDAR YEAR AND MISCELLANEOUS ITEMS:

REZONING:

1. **MAYOR AND CITY COUNCIL TOWN OF OCEAN CITY - (FILE #22-14100008)** - a zoning map amendment is proposed for multiple parcels designated as P/G-1 Public /Governmental zoning district. A public/governmental, P/G-1, use classification is designed to designate those parcels owned by the city, state or federal government upon which some governmental use or service either exists or is contemplated. The intent of this district is to clearly define areas of public ownership and provide a formal method of public notification for the use, acquisition or sale of these properties. The properties so designated will retain their underlying zoning classification with the addition of the suffix P/G-1.

The P/G-1 (ADDED) sites are described as:

- 1) Museum Annex - Parcel 2636, locally known as 217 S. Baltimore Avenue.
- 2) Beach Patrol - Parcels 2576, 2577 and 2587, locally known as 109 Talbot Street, 110 Dorchester Street and 107 Talbot Street, respectively.
- 3) Department of Public Works South - Parcels 3942 and 3949, known locally as 210 and 200 St. Louis Avenue, respectively.
- 4) 4th Street Parking Lot - Parcels 4057, 4058, 4059, 4060 and 4061, locally known as 408 Philadelphia Avenue, 404 Philadelphia Avenue, 400 Philadelphia Avenue, 104 4th Street and 405 Wilmington Lane, respectively.
- 5) Department of Public Works Parking - Parcels 6686 and 8435, locally known as 200 64th Street;
- 6) Future Department of Public Works Site - Parcels 6670, 6671, 6672, 6676, 6677 and 6678, locally known as 115 67th Street, 111 67th Street, 109 67th Street, 104 66th Street, 106 66th Street, and 108 66th Street, respectively
- 7) Delmarva Power & Light Company - Parcel 1864 A, identified as Lot C-2 of Parcel 20, locally known as 10021 Coastal Highway.

The P/G-1 (REMOVED) sites are described as:

- 1) OCDC Model Block - Parcels 2549, 2560, 2547, 2546, known locally as 114 Somerset Street, 112 Somerset Street, 109 Dorchester Street, and 107 Dorchester Street, respectively.
- 2) Department of Public Works Surplus Property - Parcel 4600, known locally as 2600 A Judlee Avenue.
- 3) Former Water Tank Site - Parcel 6680, known locally as 118 66th Street.
- 4) 100th Street Parking Lot - Parcel 1864 A, identified as Lot C-1.1 of Parcel 20, known as 112 100th Street.

First reading of Ordinance 2023-02 to Amend the Zoning District Map of the Town of Ocean City, Changing the Zoning Classification of Certain Properties to Add the PG-1 Public Governmental Zoning and to Remove the PG-1 Public Governmental Zoning (as approved at the October 17, 2022 Regular Meeting), excluding the 100th Street properties until a later date, on **February 6, 2023**. Motion was made by Council Secretary Tony DeLuca to approve the ordinance on first reading. Council Member J. Frank Knight seconded and the motion passed (6-1) with Council Members Peter Buas recused.

Second reading of Ordinance 2023-02 as described above was held on **March 6, 2023**. Tony DeLuca, Council Secretary, made the motion to approve on second reading. Council Member J. Franklin Knight seconded, ordinance was adopted with a vote of (5-1-1), Council Member Carol Proctor absent, and Council Member Peter Buas recused.

CODE AMENDMENTS:

1. **PLANNING & ZONING COMMISSION (FILE #22-14100001)** - To consider amending **Chapter 110, entitled Zoning**, to amend the definition of **Employee housing, onsite**, to *Employee housing, accessory*; and to add the definition of *Employee housing, non-accessory*. Also, to allow *employee housing, non-accessory*, in various zones as conditional use permits. These amendments and additions will also include performance standards that are applicable to zoning, building and life safety codes.

First Planning and Zoning Commission public hearing was April 19, 2022. Favorably recommended to the Mayor and City Council on May 31, 2022 and was remanded back to staff and Commission for more comprehensive review.

Placed on January 18, 2023 Planning and Zoning Commission agenda as an administrative discussion item. Discussion continued at the February 22, 2023 meeting. Refining work on the draft ordinance continued on the March 21, 2023 agenda. This topic continued to be an administrative item on Planning Commission agendas through April 4, 2023.

Second Planning and Zoning public hearing held on May 2, 2023. The Commission closed the hearing on this date and continued post-public hearing discussion on the May 16, 2023 agenda. Motion was made by Commissioner Palmer Gillis and seconded by Commissioner Pam Robertson with a vote of (6-0) to forward a favorable recommendation of draft ordinance with recommendations #1-5, below:

RECOMMENDATION #1: Parking requirements for employee housing should remain unchanged with option for BZA consideration of special parking exceptions. **No change.**

RECOMMENDATION #2: Supplemental regulations apply to new employee housing projects or change of use when incentives such as density or parking exceptions are based on provision of employee housing. **Revise Section 110-886(e) to include statement**

RECOMMENDATION #3: Deed restrictions to be recorded after site plan approval or before building permit. **Revised for further clarification- see Sec. 110-886(e)(12).**

RECOMMENDATION #4: Age of the onsite manager – restore minimum age from previous version Section 110-886(e)(9) Supplemental Regulations live-in manager for greater than 16 residents shall be 21 years old or older. **Included in current draft.**

RECOMMENDATION #5: Any sleeping or bedroom with an exterior wall shall have at least one (1) window. **Included in revision - see 110-886 (e).**

AND INCLUDING THESE AMENDMENTS:

- 1. Change the tier 3 threshold from 60 to 40;**
- 2. Limit R-2 and R-2A to tier 1 (16 persons or below);**
- 3. Limit R-3 to tier 1 and tier 2 projects (40 persons or below);**
- 4. And any projects greater than 16 persons (tiers 2 and 3) should be by conditional use.**

First reading of Ordinance 2023-12 to Amend Chapter 110, Entitled Zoning (to allow employee housing accessory or non-accessory in various zoning districts as stated in the ordinance and to incorporate new supplemental zoning regulations that include minimum standards for employee housing and identify a tiered approval process) on July 3, 2023. Motion was made by Council Secretary Tony DeLuca to **approve first reading with directive that the city solicitor returns on second reading with a recommendation for an appropriate length of time for rental or lease agreements.** A ninety-day minimum and a four month plus 1-day duration was discussed. Motion seconded by Council Member Carol Proctor and approved with a vote of (6-0-1), Council Member Will Savage, III absent.

Second reading of Ordinance 2023-12 as described above was held on July 17, 2023. City Solicitor Heather Stansbury reviewed: Option 1, More than thirty (30) days; Option 2, Minimum of ninety (90) days; and Option 3, Minimum of four (4) months and one (1) day along with the pros and cons of each option.

Option 1 was recommended: Tony DeLuca, Council Secretary, motioned and Council Member Peter Buas seconded **to adopt 2023-12 as presented at First Reading but amending subsection (f)(11) of Section 110-886 with Option 1; Motion amended and seconded to 1) eliminate *transient housing as defined in the building code of Ocean City* and inserting *no less than 30 days*; 2) for staff to review a bifurcated rental license with the separation of short term and long term being 30 days; 3) eliminate Section 110-886(g)(4)(b); and 4) revert back to original language in Section 110-932, Minimum number of parking spaces (as recommended by the Planning Commission).** Council Member Peter Buas disagreed with amending Section 110-932 and withdrew his second. **Motion died.**

Motion made by Council Secretary Tony DeLuca to adopt 2023-12 as presented at First Reading but amending subsection (f)(11) of Section 110-886 with Option 1 and to 1) eliminate *transient housing as defined in the building code of Ocean City* and inserting *no less than 30 days*; 2) for staff to review a bifurcated rental license with the separation of short term and long term being 30 days; 3) eliminate Section 110-886(g)(4)(b); and 4) revert to original language in Section 110-932, Minimum number of parking spaces (as recommended by the Planning Commission). Second by Council Member John Gehrig, Jr. Motion was defeated (2-5) with Council President Matthew James and Members Peter Buas, J. Franklin Knight, Carol Proctor and Will Savage, III, opposed.

Motion made by Council Member Peter Buas to adopt 2023-12 as presented at First Reading but amending subsection (f)(11) of Section 110-886 with Option 1 and to 1) eliminate *transient housing as defined in the building code of Ocean City* and inserting *no less than 30 days*; 2) for staff to review a bifurcated rental license with the separation of short term and long term being 30 days; and 3) eliminate Section 110-886(g)(4)(b). Seconded by Council Member Carol Proctor and adopted with a vote of (6-1), Council Secretary Tony DeLuca dissenting.

ORDINANCES:

1) **Ordinance 2023-09 First Reading held on June 5, 2023** Authorizing the Mayor and City Council to Convey Certain Air Rights (above the 16-foot-wide alley known as Washington Lane at 613 Atlantic Avenue, Majestic Hotel). Council Secretary Tony DeLuca motioned to approve the First Reading of Ordinance 2023-09. Council Member J. Franklin Knight seconded, and was approve with a vote of (5-0-2), Council Members Peter Buas and William Savage, III abstaining.

Second Reading – rescheduled for July 3, 2023 Regular Session.

Rescheduled **Second Reading held on July 3, 2023**. Council Secretary Tony DeLuca motioned to adopt Ordinance 2023-09 as presented. Council Member John Gehrig, Jr., seconded the motion. Ordinance adopted (4-0-3), Council Member William Savage, III, absent; Council Member J. Franklin Knight away; and Council Member Peter Buas, recused.

2) **Ordinance 2023-18 First Reading held on October 2, 2023** to Abandon and Convey Certain Air Rights above a portion of Alley known as Washington Lane between 13th and 14th Street for the Oceanfront Boardwalk Hotel: Council Secretary Tony DeLuca motioned to approve First Reading of Ordinance 2023-18: Motion amended and seconded by Council Member J. Franklin Knight to approve First Reading of Ordinance 2023-18 contingent upon confirmation of a Code compliant project as to accessory use. Approved (6-0-1), Council Member Carol Proctor absent.

Second reading of Ordinance 2023-18 as amended, described above was held on October 16, 2023. Council Secretary Tony DeLuca made the motion to adopt as amended, Council Member William C. Savage, III seconded. Ordinance 2023-18 adopted with a vote of (6-0-1), Council Member Carol Proctor absent.