



#### BOARD OF ZONING APPEALS AGENDA Thursday, May 30, 2024 6:00 p.m.

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

#### I. <u>Public Hearings</u>

#### 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)

#### 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 75<sup>th</sup> Street and is locally known as 110 75<sup>th</sup> Street, in the Town of Ocean City, Maryland.

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

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



### **STAFF REPORT**

DATE:	May 30, 2024				
TO:	Board of Zoning Appeals				
FROM:	ROM: George Bendler, AICP, Planning & Zoning Director Karen J. (Kay) Gordy, Zoning Administrator Chase Phillips, Zoning Analyst				
RE:	Requests for a special yard exception and a special parking exception for expansion of living space for an existing townhome BZA 2684 (24-09400007)				
<u>Applicant:</u>	Robert Wright and Teresa Rodriguez-Wright 11214 Riverview Drive Potomac, Maryland 20854				
Subject Prop	erty: 14022 Wight Street Ocean City, Maryland 21842				
<u>Request:</u>	<ul> <li>The applicant has made two (2) requests:</li> <li>a. A special yard exception from the front property line to build upon an existing townhome and for this addition to be 8 feet from front property line; and,</li> <li>b. A special parking exception to waive 0.5 (1) parking space from the required off-street parking (Applicant</li> </ul>				
<u>Property</u> <u>Description:</u>	Exhibit #1) The property is described as Lot 7 of the Beach Village – Ocean City, Worcester County, Maryland Plat. It 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. (Staff Exhibit #1)				
<u>Zoning:</u>	Moderate Residential (R-3A) 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)

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

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

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

(3)(a) An exception to the yard regulations is permitted on a lot where, on said lot or on the adjacent lot, there is a front side or rear yard that does not conform to such yard regulations

(2)(b) Waiver or reduction of the parking requirements and design standards in any district whenever the character or use of the building is such as to make the unnecessary the full provision of parking facilities. Waivers shall not be permitted for the portion of a development project that utilizes transferable development rights to increase its base density.

#### 3. Ocean City Code – Chapter 110

#### Article IV, Division 5, R-3A Moderate Residential District Section 110-366 (Bulk Regulations)

(4) Minimum depth of front yard shall be ten (10) feet

#### 4. Ocean City Code – Chapter 110 Article V Division 3, Off-Street Parking Section 110-932

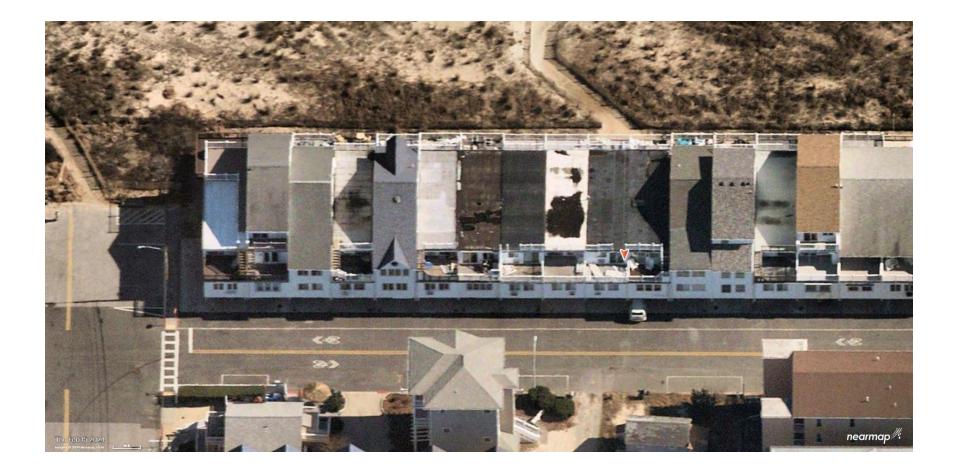
(b)(2) – Multiple family dwelling and townhouse: 2.5 spaces for each three-bedroom unit, plus one-half space per each additional bedroom over three bedrooms.

4 bedrooms total = 3 spaces required. 2 present – request is to waive 0.5

**<u>Public Comment:</u>** As of April 5, 2024, the Department of Planning and Community Development has not received any letters of public comment.

**Staff Recommendation:** Staff respectfully ask 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:

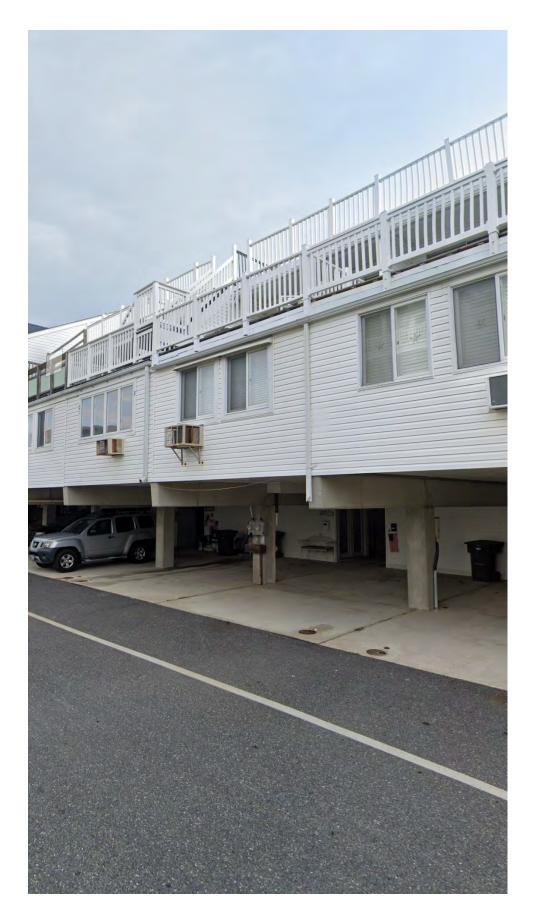
- A special yard exception from the front property line to build upon an existing townhome and for this addition to be 8 feet from front property line; and,
- A special parking exception to waive 0.5 (1) parking space from the required offstreet parking

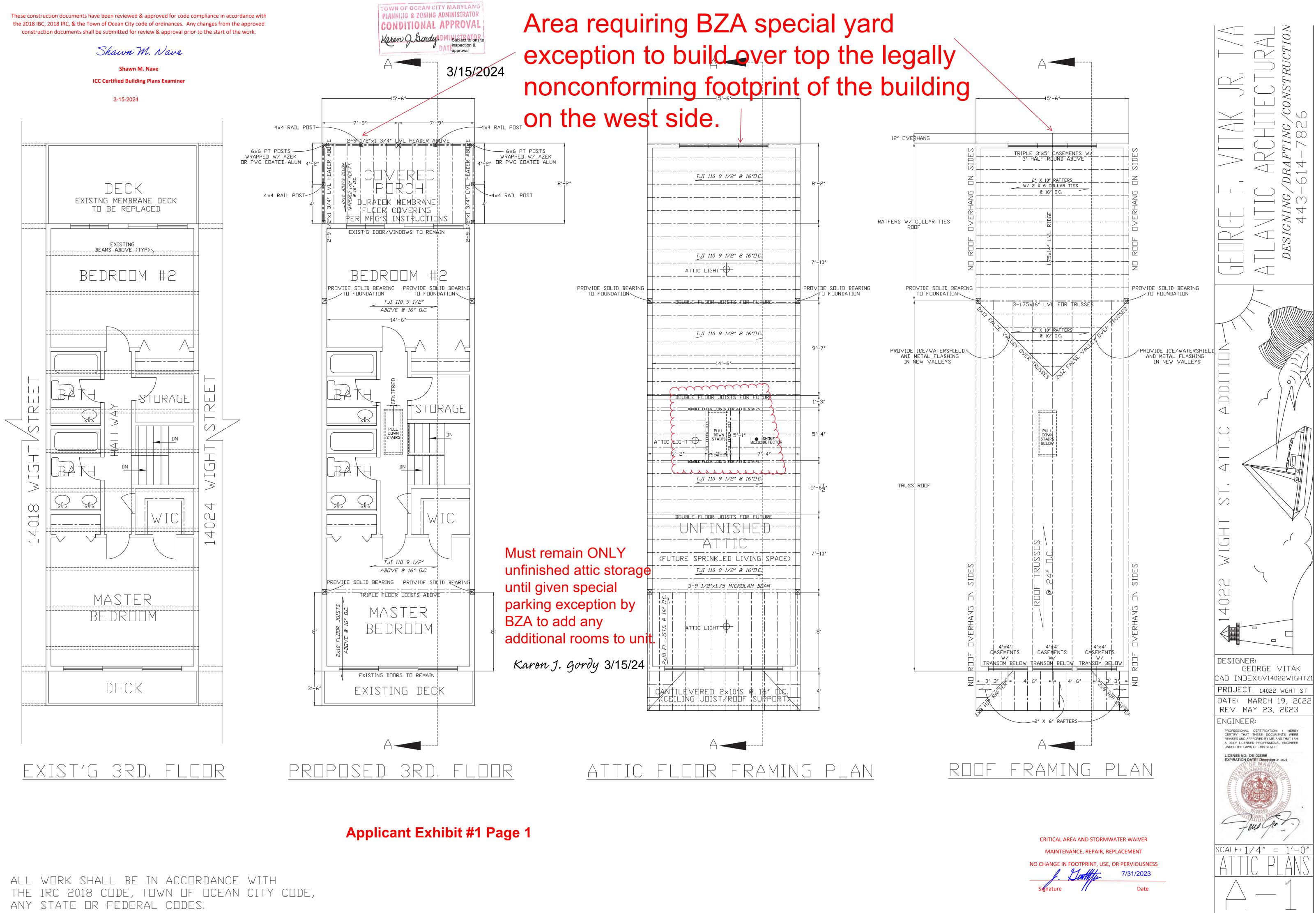


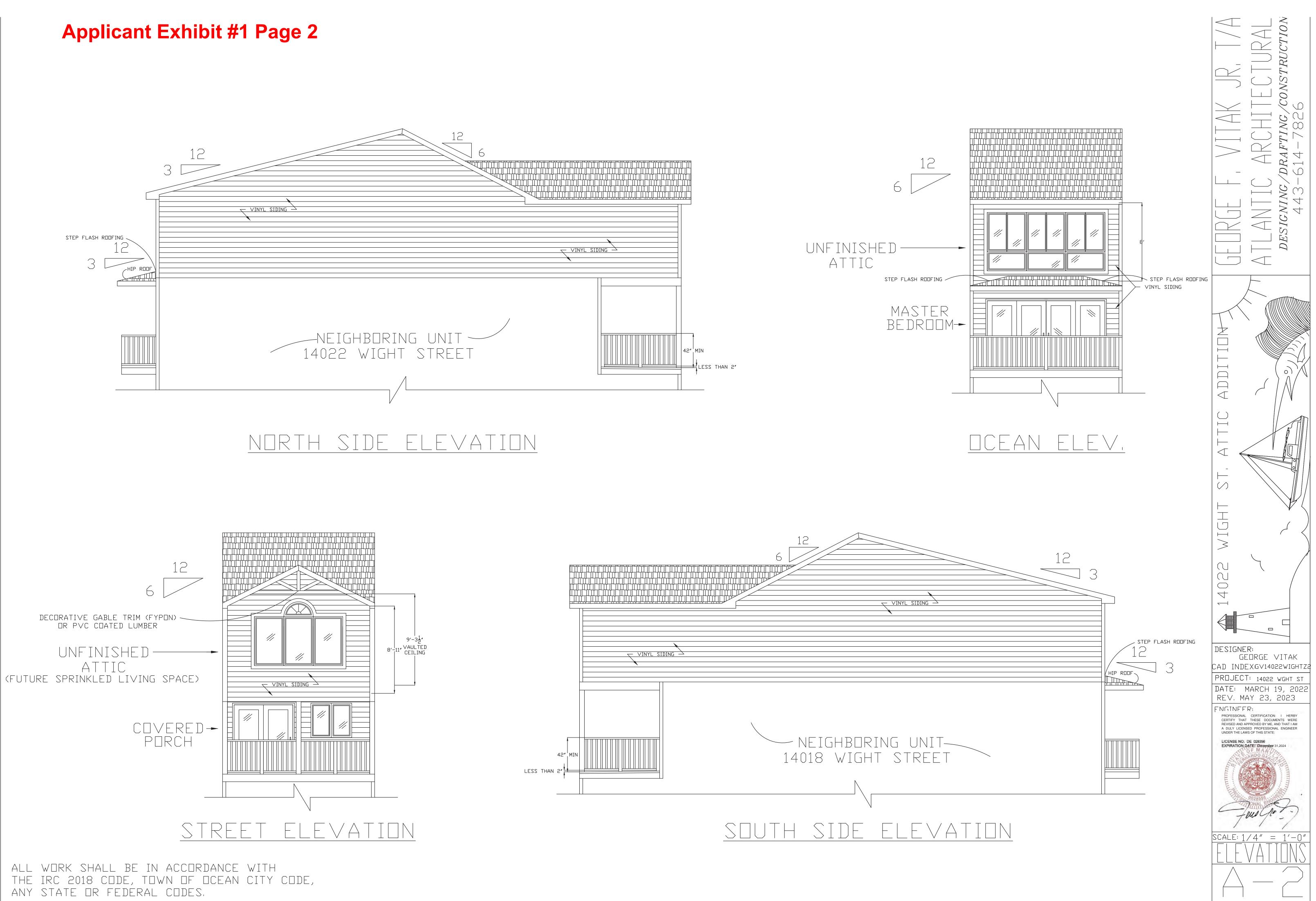
## 14022 Wight Street

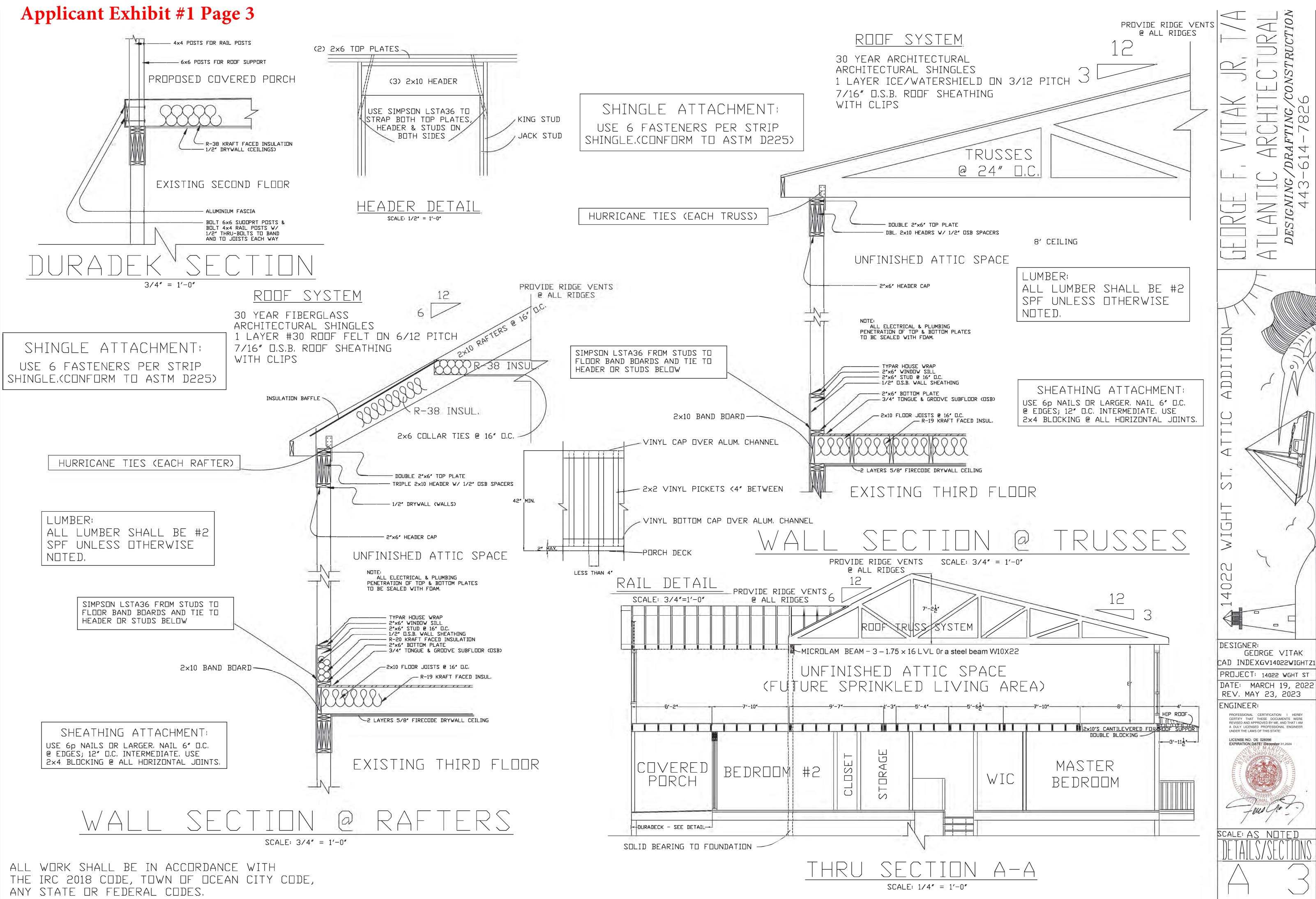


Department of Planning & Community Development Town of Ocean City, MD 14022 Wight Street











## **STAFF REPORT**

DATE:	May 30, 2024
TO:	Board of Zoning Appeals
FROM:	George Bendler, AICP, Planning & Zoning Director Karen J. (Kay) Gordy, Zoning Administrator Chase M. Phillips, Zoning Analyst
RE:	A request for a special parking exception from design standards to allow for 8 out of 42 required parking spaces to be 10' X 18' BZA 2688 #24-09400010

Applicant:	Joseph E. Moore, For Bayside 75 Williams, Moore, Shockley & Harrison, L.L.P. 3509 Coastal Highway Ocean City, Maryland 21842
Property	
<b>Owners:</b>	Geetika Singh
	1521 Board Run Road
	Landenberg, Pennsylvania 19350
Request:	The applicant has filed an appeal to request a special parking exception from design standards to allow for 8 out of 42 required spaces to be 10' X 18'. These 8 spaces are proposed garaged spaces for a townhome development, and the request pertains to 1 space per unit (8 in total). (Applicant Exhibit #1 and #2)
Property	
Description:	
	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 75 <sup>th</sup> Street and is locally known as 110 75 <sup>th</sup> Street, in the Town of Ocean City, Maryland. (Staff Exhibit #1)

#### Zoning: LC-1 Local Commercial Zoning District

Project History:

There is no current use of this property. However, it was previously utilized for short-term rentals, and remaining improvements on the property (collectively known as 110 75<sup>th</sup> Street) include one single-family dwelling, one accessory building behind this home, and 6 small cottages with off-street parking.

The Department of Planning and Community Development has accepted a site plan application for the redevelopment of 14 townhomes to be divided between 4 buildings – 2 buildings to have 3 units each and 2 buildings to have 4 units each. The residential units are proposed to be supported by a combination of garaged and open-air off-street parking to meet the 42-parking space minimum. This site plan has completed the review from the Technical Review Committee (TRC) and is tentatively scheduled for review by the Planning Commission on June 4, 2024.

During site plan review, it was identified that each of the 8 units split between the two 4-unit buildings will have 1 garaged parking space that will not meet the minimum dimensions of 10' X 20' that were recently adopted by Mayor and City Council on May 20, 2024, through Ordinance #2024-07.

#### <u>Relevant Code References</u> 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

•••

. . .

(2)(b) Waiver or reduction of the parking requirements and design standards in any district whenever the character or use of the building is such as to make the unnecessary the full provision of parking facilities. Special exceptions to parking requirements are not permitted for a portion of a development project that utilizes transferable development rights to increase its base density.

#### Ocean City Code – Chapter 110 Article V, Division 3, Off-Street Parking Section 110-935 – Design Standards

Enclosed garage spaces (with a 90-degree angle between space and drive aisle) shall have minimum dimensions of 10' X 20', whenever there is either a 20-foot or 22-foot clear aisle width.

**Staff Recommendation:** Staff respectfully ask 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:

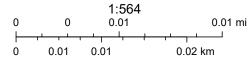
a. The applicant has filed an appeal to request a special parking exception from design standards to allow for 8 out of 42 required spaces to be 10' X 18'

## Bayside 75



5/29/2024, 12:28:30 PM

TOC\_Parcels\_ 2022 Imagery Green: Band\_2 Red: Band\_1 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

## Staff Exhibit #1 Page 2



Bayside 75 – Street View looking N / NW from 75<sup>th</sup> Street

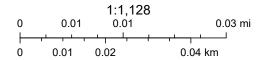
## Staff Exhibit #1 Page 3

## Bayside 75 Zoning



#### 5/29/2024, 12:58:09 PM





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





The White Marlin Capital of the World

April 15, 2024

Russell Hammond Russel T. Hammond Surveying, LLC 10310 Hotel Road Bishopville, Md, 21813

Re: 75<sup>TH</sup> Street Townhouses, SWM Concept

Mr. Hammond,

**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, CMC

The stormwater management review is a three-phased process. A concept phase, preliminary site plan phase and a final site plan/building permit phase. All projects over 5,000 sq ft must follow the three-phase review. The first phase,

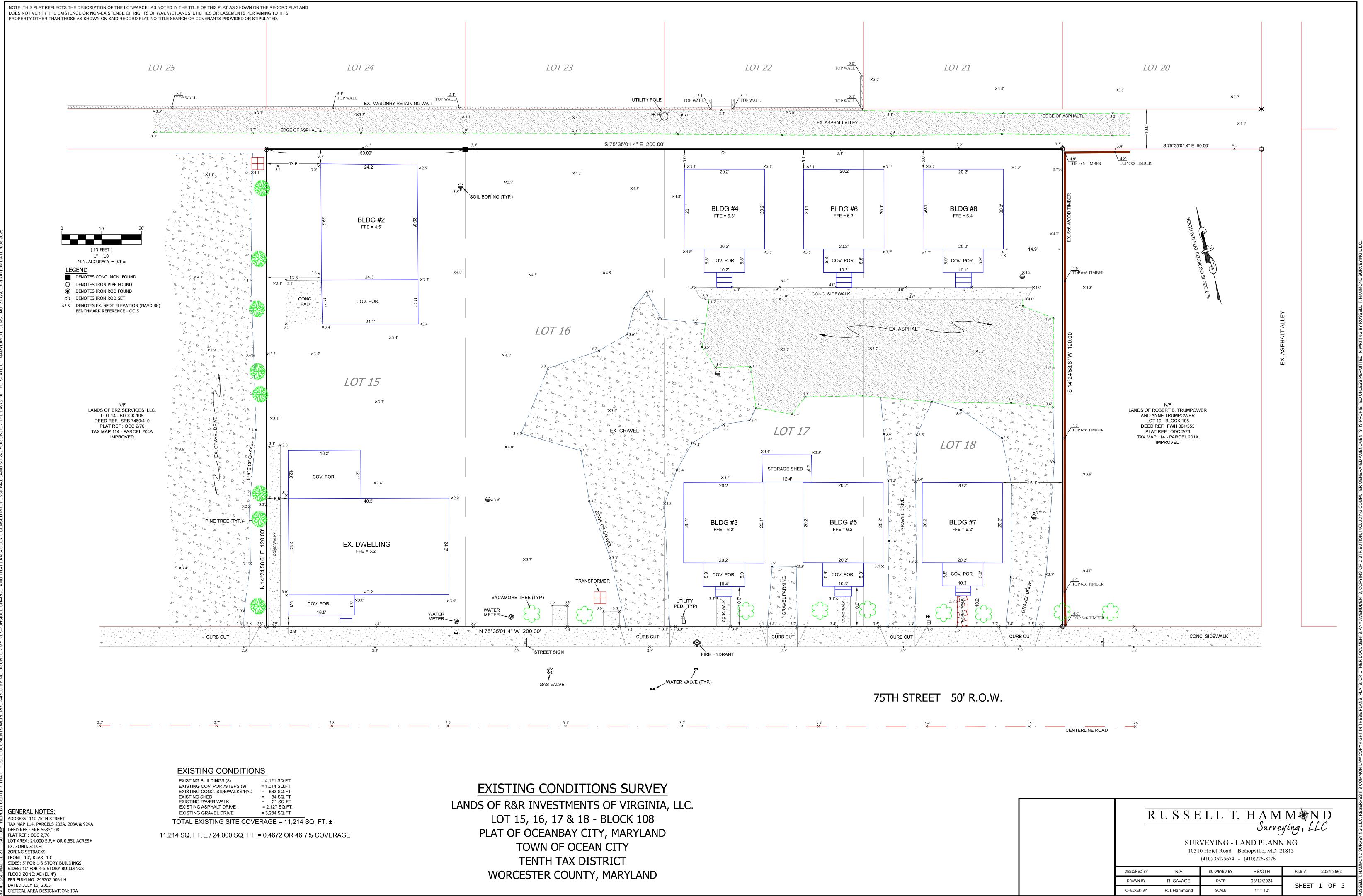
concept review, must be initially submitted to Environmental Programs for a review and approval. This review will ensure that Environmental Site Design has been incorporated in to the site plan to the Maximum Extent Practicable.

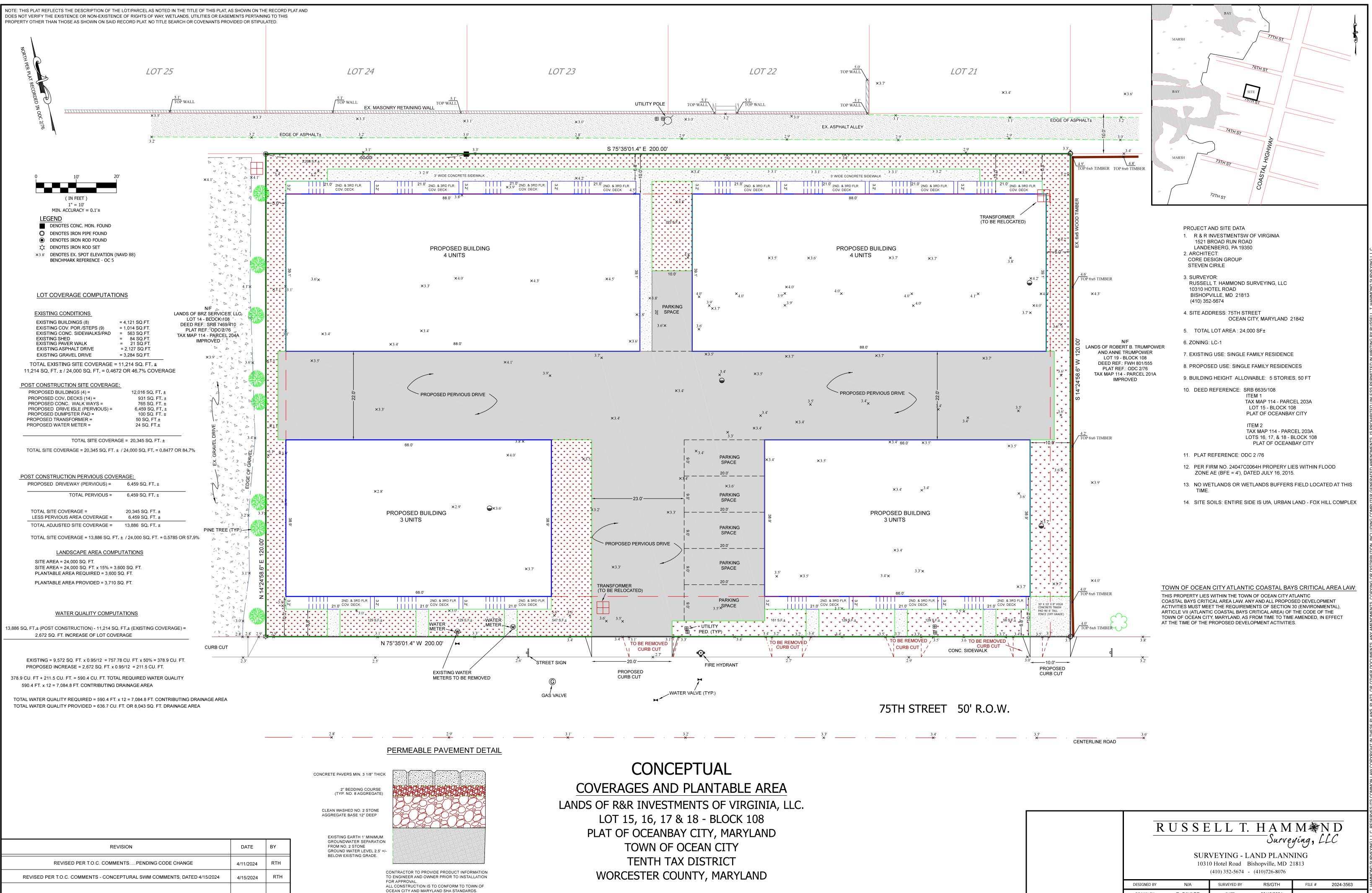
We have reviewed the stormwater management concept plan for the above reference property. The stormwater management plan you have submitted adequately includes the Environmental Site Design into the proposed site via the use of pervious pavement/pavers and rain gardens. This letter constitutes the approval to proceed to the preliminary site plan phase.

This approval is for the concept phase only. Stormwater Site Development Plan approval is required prior to the project being reviewed by the Planning Commission. Final Stormwater Plan approval is required prior to permit issuance. Should you have any questions please call us at (410) 289-8825.

Sincerely,

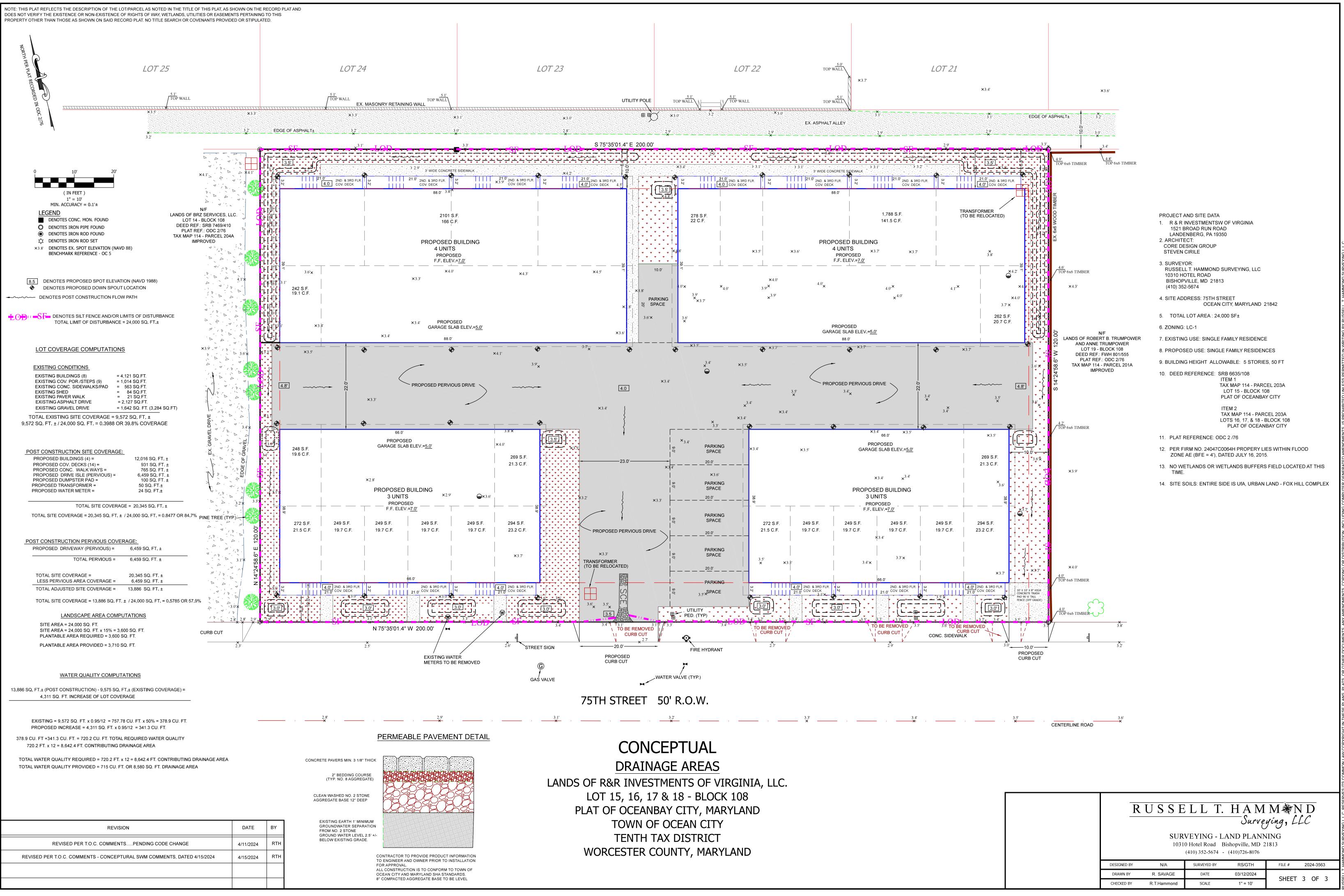
Jenelle Gerthoffer Environmental Programs

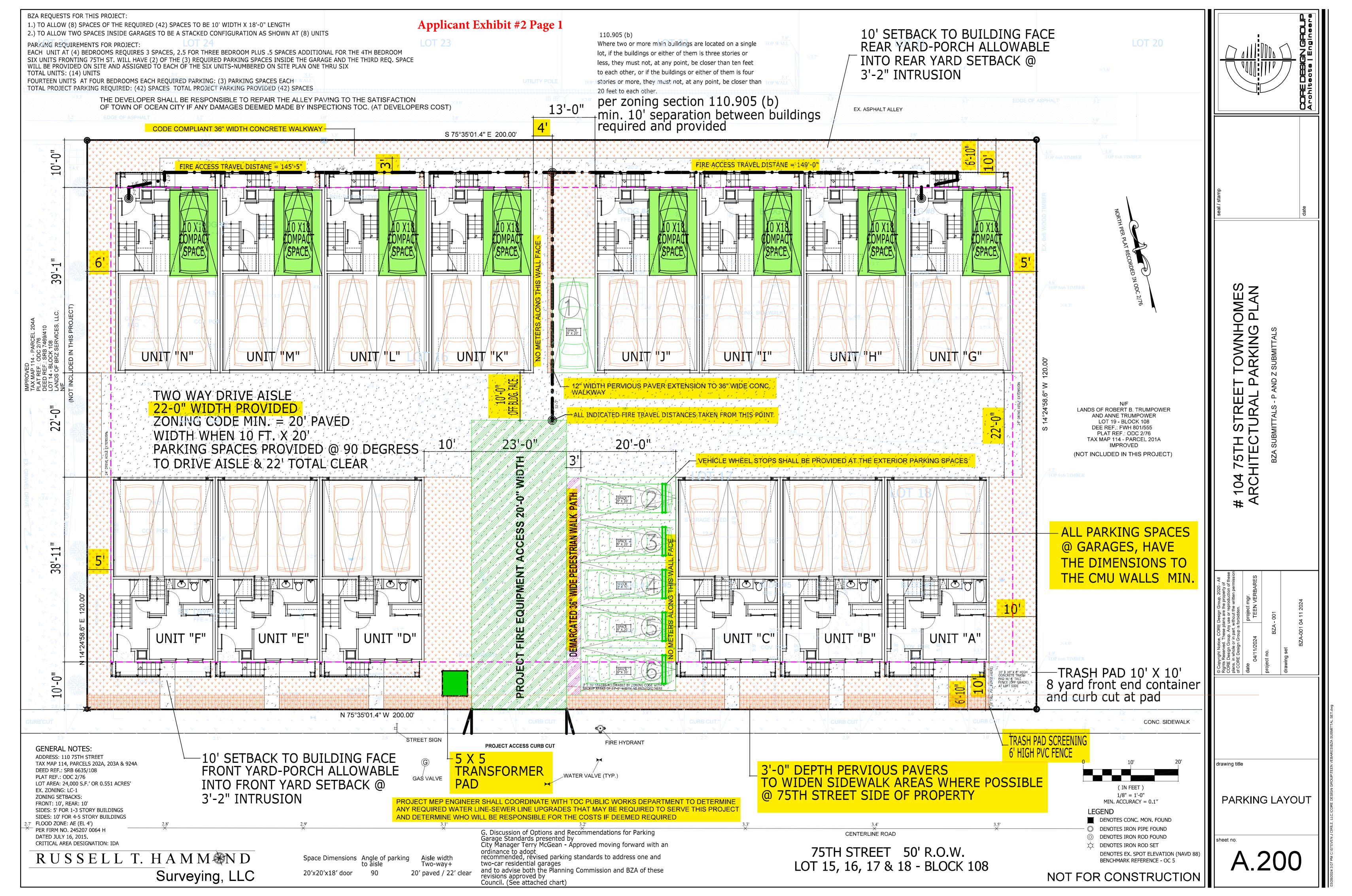


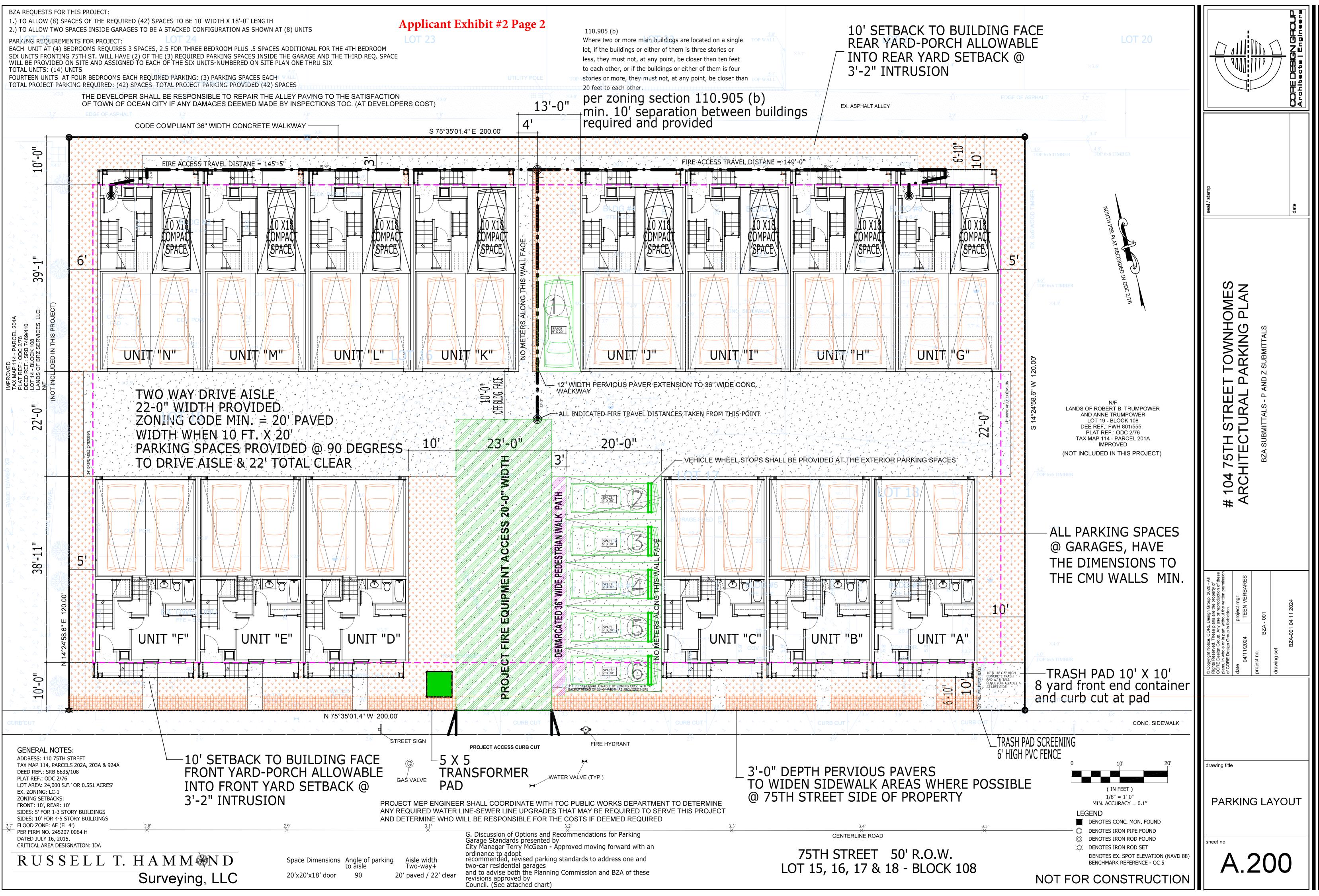


OCEAN CITY AND MARYLAND SHA STANDARDS. 8" COMPACTED AGGREGATE BASE TO BE LEVEL

RUSSELL T. HAMMEND Surveying, LLC SURVEYING - LAND PLANNING 10310 Hotel Road Bishopville, MD 21813 (410) 352-5674 - (410)726-8076					
DESIGNED BY	N/A	SURVEYED BY	RS/GTH	FILE # 2024-3563	
DRAWN BY	R. SAVAGE	DATE	03/12/2024	SHEET 2 OF 3	
CHECKED BY	R.T.Hammond	SCALE	1'' = 10'		



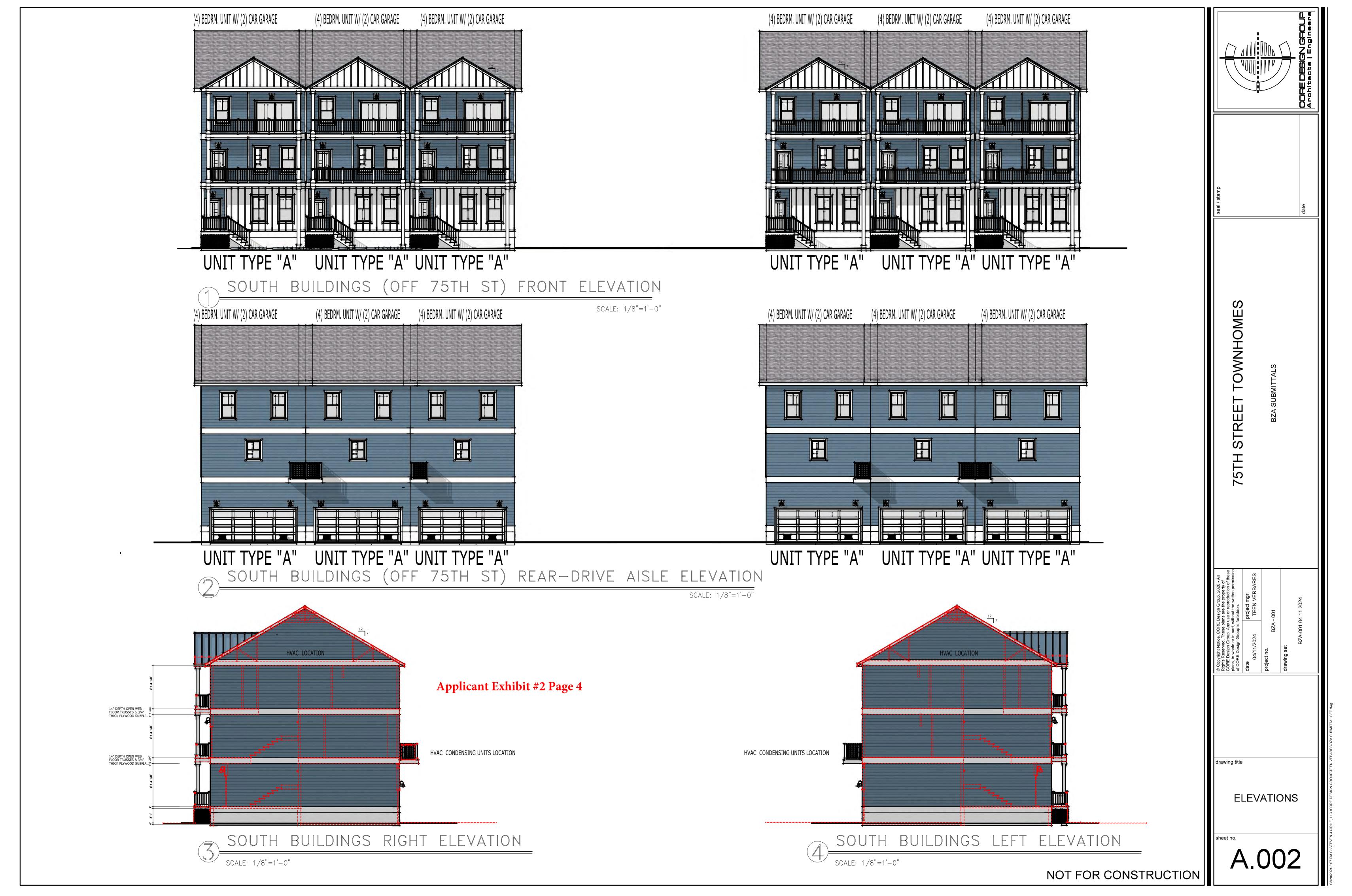


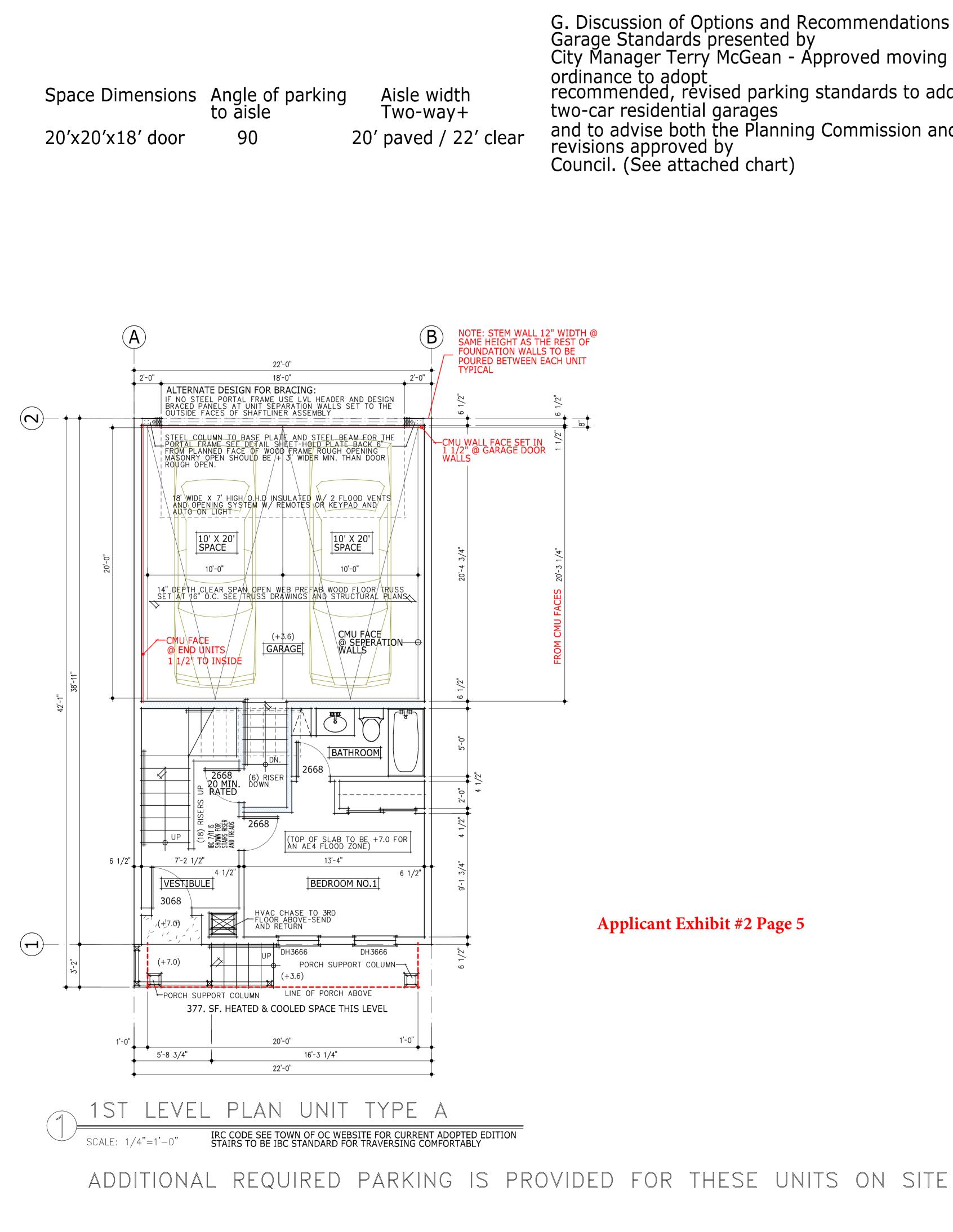


3/2024 3:07 PM C:\STEVEN J CIRILE, LLC.\CORE DESIGN GROUP\TEEN VEBARES\BZA SUBMITTAL SET



2024 3:07 PM C:\STEVEN J CIRILE, LLC.\CORE DESIGN GROUPITEEN VEBARES\BZA SUBMITTAL SET.





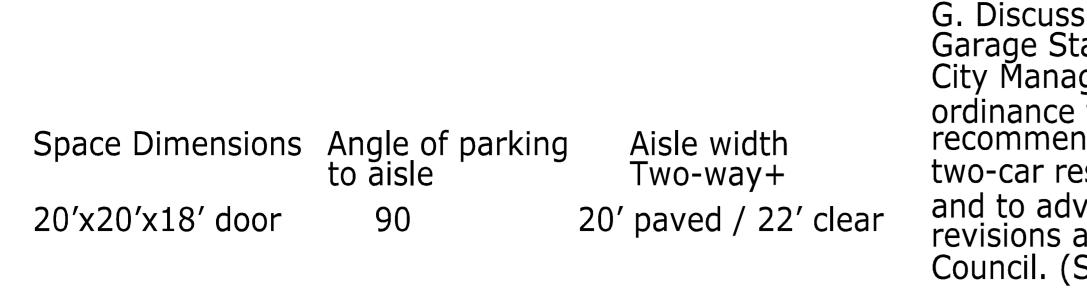
G. Discussion of Options and Recommendations for Parking Garage Standards presented by City Manager Terry McGean - Approved moving forward with an ordinance to adopt recommended, revised parking standards to address one and

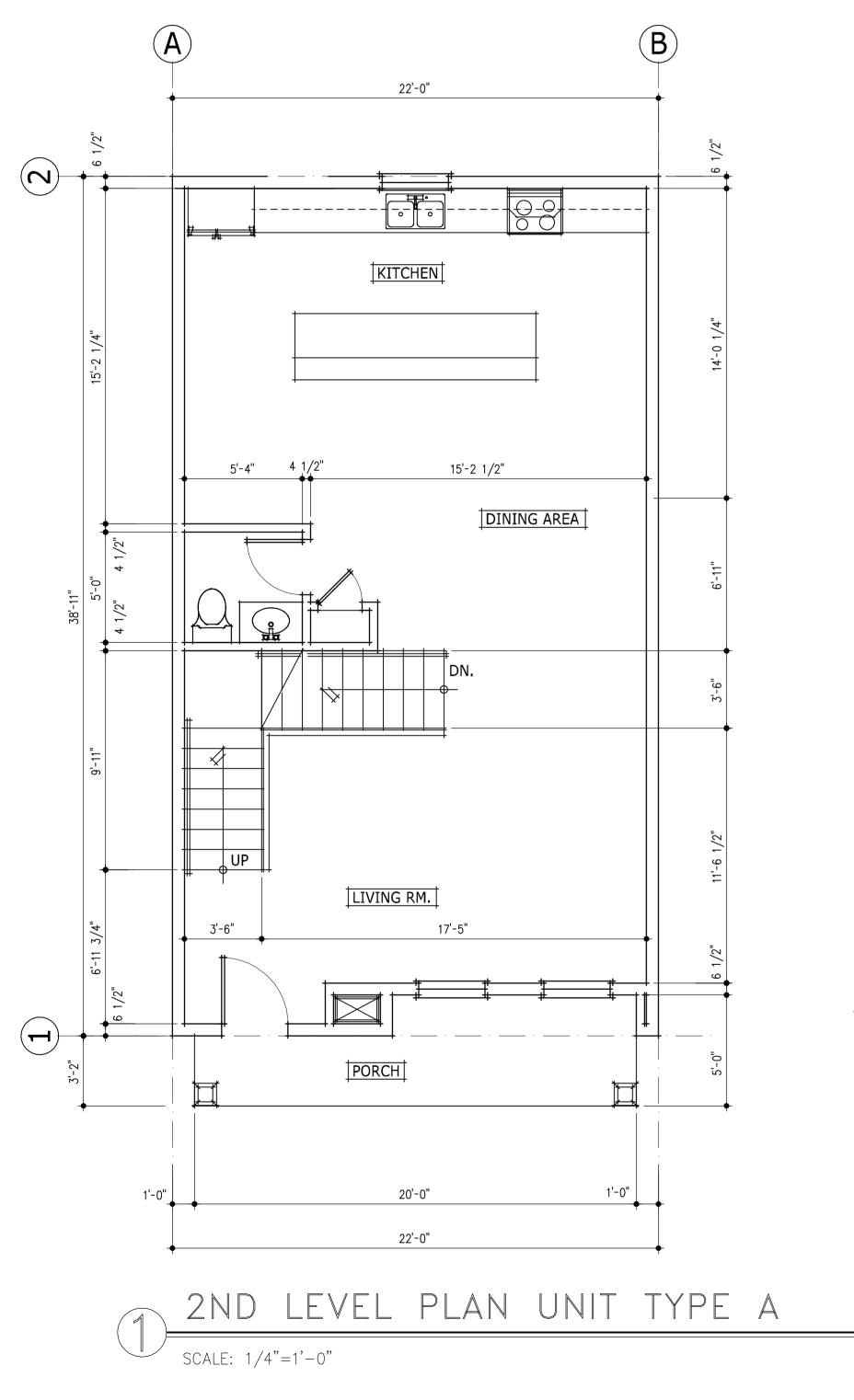
two-car residential garages and to advise both the Planning Commission and BZA of these revisions approved by Council. (See attached chart)

Applicant Exhibit #2 Page 5



NOT FOR CONSTRUCTION

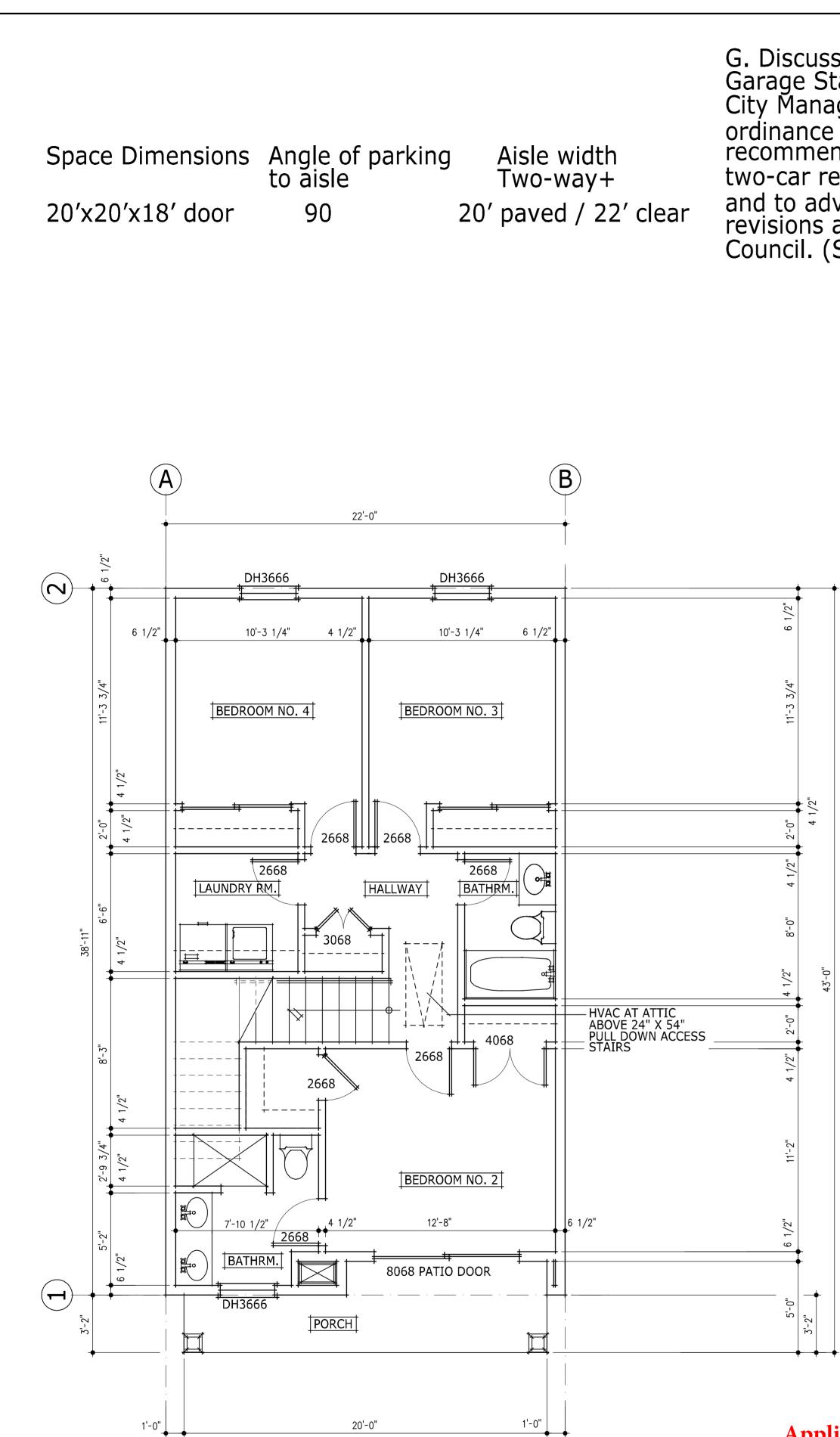




G. Discussion of Options and Recommendations for Parking Garage Standards presented by City Manager Terry McGean - Approved moving forward with an ordinance to adopt recommended, revised parking standards to address one and two-car residential garages and to advise both the Planning Commission and BZA of these revisions approved by Council. (See attached chart)



# NOT FOR CONSTRUCTION



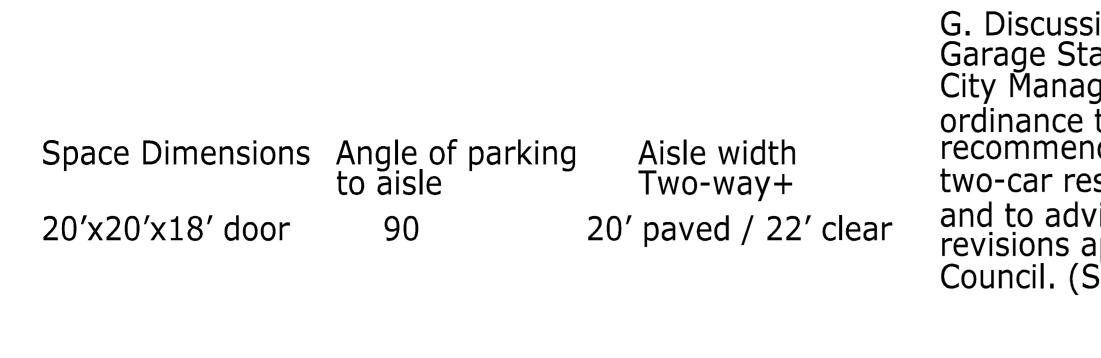
3RD LEVEL PLAN UNIT TYPE A SCALE: 1/4"=1'-0"

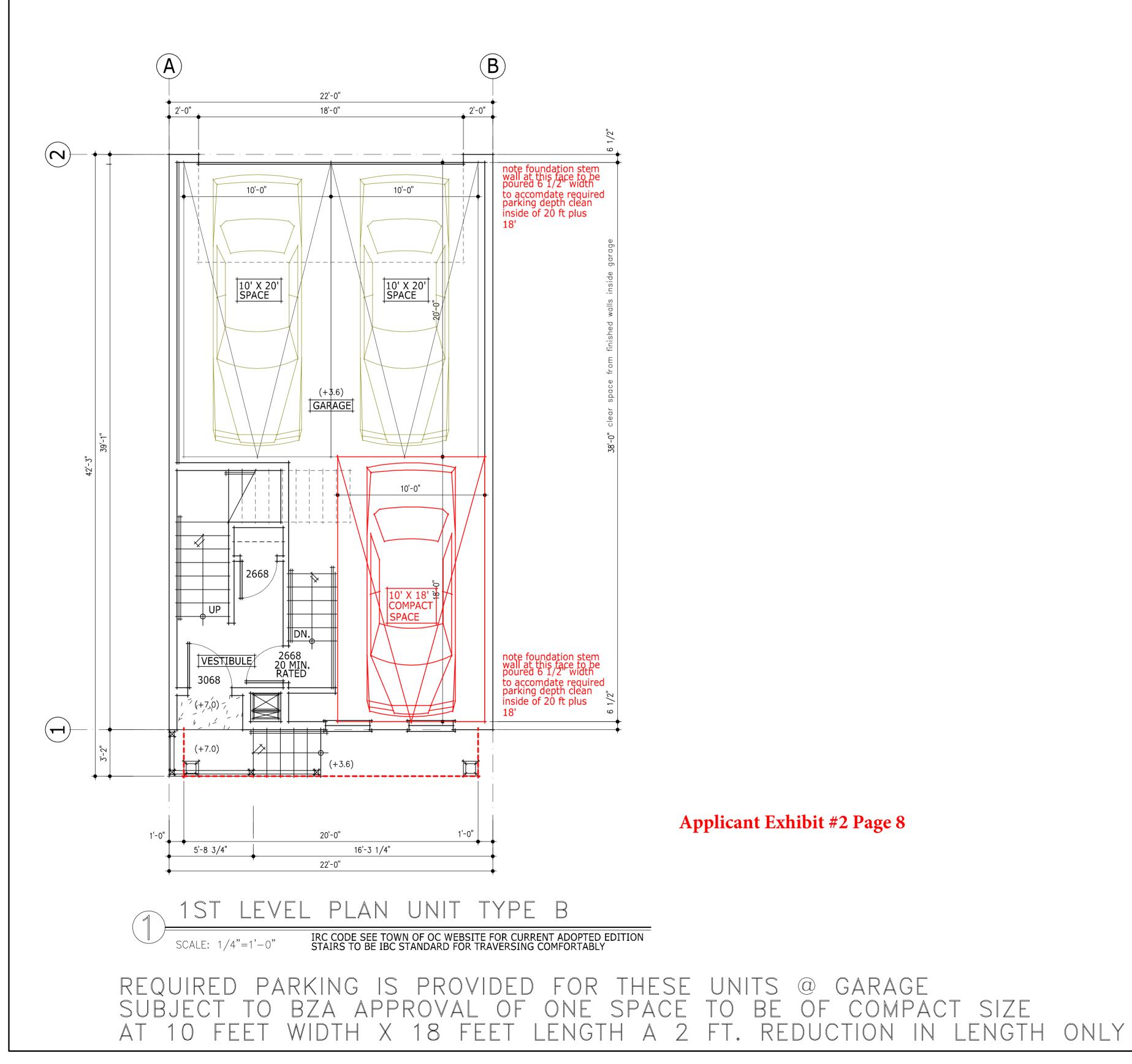
22'-0"

G. Discussion of Options and Recommendations for Parking Garage Standards presented by City Manager Terry McGean - Approved moving forward with an ordinance to adopt recommended, revised parking standards to address one and two-car residential garages and to advise both the Planning Commission and BZA of these revisions approved by Council. (See attached chart)

# Applicant Exhibit #2 Page 7



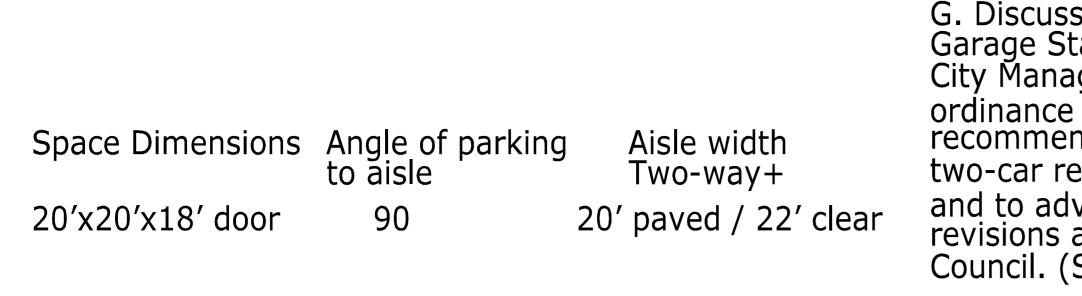


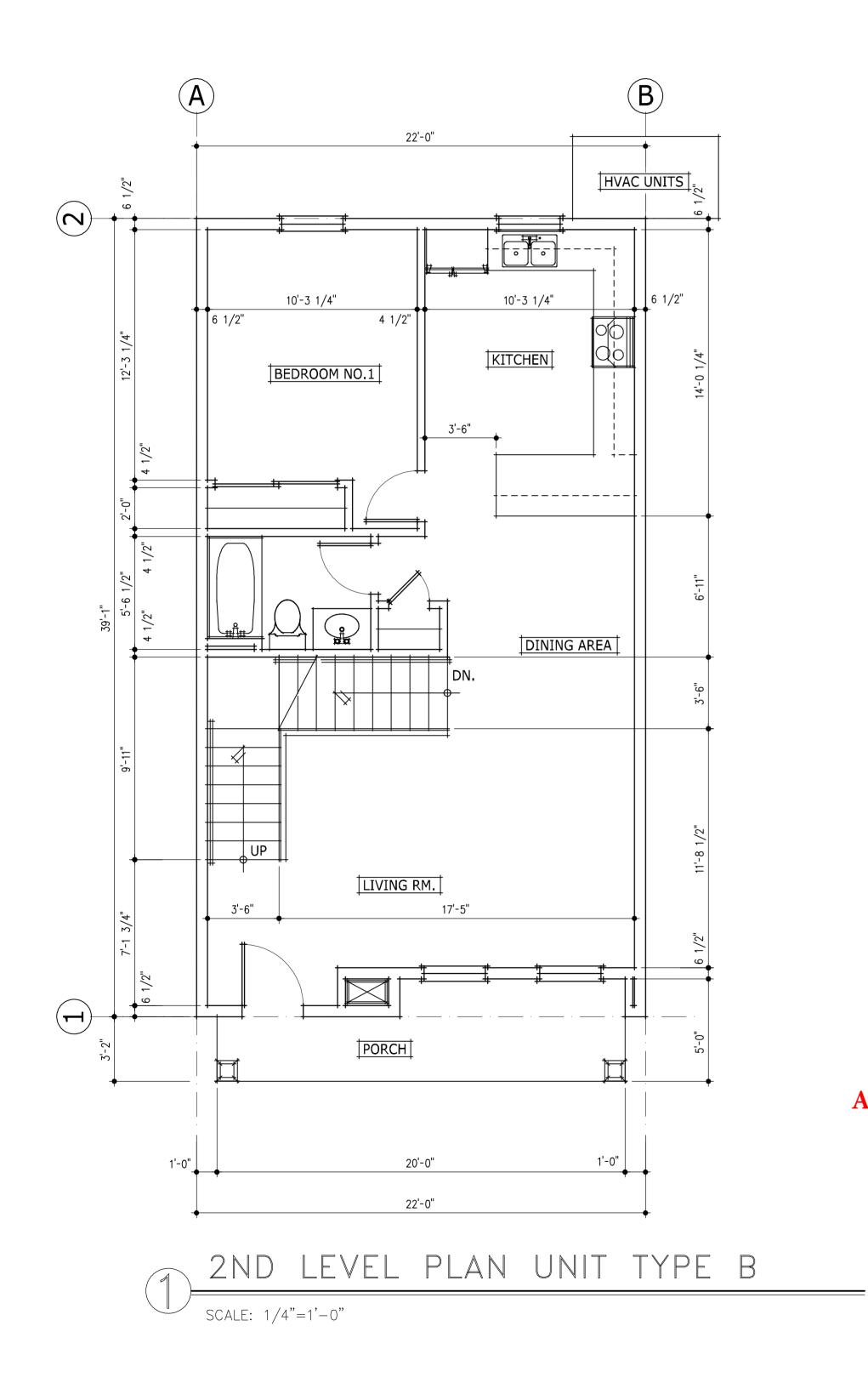


G. Discussion of Options and Recommendations for Parking Garage Standards presented by City Manager Terry McGean - Approved moving forward with an ordinance to adopt recommended, revised parking standards to address one and two-car residential garages and to advise both the Planning Commission and BZA of these revisions approved by Council. (See attached chart)

Applicant Exhibit #2 Page 8







G. Discussion of Options and Recommendations for Parking Garage Standards presented by City Manager Terry McGean - Approved moving forward with an ordinance to adopt recommended, revised parking standards to address one and two-car residential garages and to advise both the Planning Commission and BZA of these revisions approved by Council. (See attached chart)

**Applicant Exhibit #2 Page 9** 



# NOT FOR CONSTRUCTION

