



TOWN OF OCEAN CITY

The White Marlin Capital of the World

BOARD OF ZONING APPEALS AGENDA

Thursday, April 25, 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. Approval of the minutes from the April 11, 2024 meeting
- b. Approval of the Findings of Fact for BZA Case 2683 (Cindy Fridley)

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 waive 3 parking spaces for the reconstruction of a new dwelling. The site of the appeal is described as Lot 54 of the plat entitled "Runaway Bay." It is further described as being located on the south side of Penguin Drive and is locally known as 613 Penguin Drive, in the Town of Ocean City, Maryland.

APPLICANT: KRISTINA L. WATKOWSKI (BZA 2685 #24-09400008)

AT 6:10 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 waive 3 parking spaces for the reconstruction of a new dwelling. The site of the appeal is described as Lot 53 of the plat entitled "Runaway Bay." It is further described as being located on the south side of Penguin Drive and is locally known as 615 Penguin Drive, in the Town of Ocean City, Maryland.

APPLICANT: KRISTINA L. WATKOWSKI (BZA 2686 #24-09400009)

AT 6:20 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 an after-the-fact variance of 12 feet 7 inches from the 41-foot setback requirement for an existing screened pergola to be 28 feet 5 inches from the front property line along Atlantic Avenue, the Boardwalk. The site of the appeal is described as Lots 1, 2, 3, 10, 11, and 12, Block 56 North, of the plat entitled "Sinexpent Beach Plat." It is further described as being on the southwest corner of Atlantic Avenue (the Boardwalk) and 16th Street and is locally known as 1513 Atlantic Avenue, in the Town of Ocean City, Maryland.

APPLICANT: HERITAGE OUTDOOR SOLUTIONS, LLC (BZA 2687 #24-09500003)

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

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

**Meeting of
Thursday, April 11, 2024**

ATTENDEES:

Members

Christopher Rudolf, Chair
John Moran
Emily Nock
Dan Stevens

Staff

Chase Phillips, Zoning Analyst
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 March 28, 2024, meeting.

Motion/ John Moran **Second/** Dan Stevens to approve the minutes from the March 28, 2024, meeting. The motion passed (3-0-1), with one abstention from Emily Nock.

The Board reviewed the Findings of Fact for BZA Case 2681 #24-09500002 (White Marlin Condominiums c/o Mann Properties, Inc).

Motion/ John Moran **Second/** Dan Stevens to approve the Findings of Fact for BZA Case 2681 #24-09500002 (White Marlin Condominiums c/o Mann Properties, Inc). The motion passed (3-0-1), with one abstention from Emily Nock.

The Board reviewed the Findings of Fact for BZA Case 2682 #24-09400005 (Mark Drexel).

Motion/ Dan Stevens **Second/** John Moran to approve the Findings of Fact for BZA Case 2682 #24-09400005 (Mark Drexel). The motion passed (3-0-1), with one abstention from Emily Nock.

II. 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(3)(c) has been filed to request (1) a special yard exception from the western side yard for a proposed dwelling to be 0.69 feet from the side property site line; and, (2) a special yard exception from the front yard for a proposed dwelling to be 0.34 feet from the front property site line. The site of the appeal is described as Lot 24A, Section A, of the Warren's Park Co-op Plat. It is further described as being located on the south side of Middle Way Lane and is locally

known as 47 Middle Way Lane, in the Town of Ocean City, Maryland.
APPLICANT: CINDY FRIDLEY (BZA 2683 #24-09400006)

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. Donald Jenkins, neighbor of the applicant, and Ms. Cindy Fridley, Applicant, were both sworn in. They testified that these exceptions are needed for the home and provided background to the property.

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/** Dan Stevens to approve both special yard exception requests for the proposed dwelling. This motion passed unanimously (4-0).

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) 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 Plat – Ocean City, Worcester County, Maryland". 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)

Neither the applicant nor the contractor was able to attend this meeting. Therefore, the application will be rescheduled for a later date. This was recognized by the Board, and no Board member expressed any objection to this.

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/ John Moran **Second/** Emily Nock to adjourn. This motion passed unanimously (4-0).

The meeting adjourned at 6:22 p.m.

Approval of Minutes

Christopher Rudolf, Chairman

Date

TOWN OF OCEAN CITY
BOARD OF ZONING APPEALS

Findings of Fact

Meeting of April 11, 2024

APPLICATION: **BZA 2683 (24-09400006)**

APPLICANT: **Cindy Fridley**
 204 Clay Street
 Harpers Ferry, West Virginia 25425

SUBJECT SITE: **47 Middle Way Lane**
 Ocean City, Maryland 21842

Opinion

A hearing was held before the Town of Ocean City Board of Zoning Appeals (hereinafter “Board”) on April 11, 2024, at 6:00 p.m. for the application of Cindy Fridley (hereinafter “Applicant”) (BZA 2683, File #24-09500006). Pursuant to Town Code Sections 110-94(3)(a) and 110-94(3)(c), the Applicant made requests for (1) a special yard exception from the western side property site line for a proposed dwelling to be 0.69 feet from the side property site line; and (2) a special yard exception from the front yard for a proposed dwelling to be 0.34 feet from the front property site plan.

The site of the appeal is described as Lot 24A, Section A, of the Warren’s Park Co-op Plat. (hereinafter “the Property”). The Property is further described as being on the south side of Middle Way Lane and is locally known as 47 Middle Way Lane, in the Town of Ocean City, Maryland. The Property is within the Mobile Home (MH) Residential Zoning District.

Chase M. Phillips, Zoning Analyst, was sworn in and presented the staff report with exhibits (Staff Exhibit #1 Pages 1 and 2). Mr. Phillips presented the Board with the applicable sections of the Zoning Code of the Town of Ocean City. Section 110-94, entitled Special Exceptions, authorizes the Board to grant special yard exceptions if they do not substantially affect adversely the uses of adjacent or neighboring properties. Mr. Phillips showed Applicant Exhibit #1 and showed the Board the areas of the lot that pertained to each of the request. He also explained the 5-foot setbacks that the Code typically requires. It was confirmed that this application complies with local and State noticing requirements.

Mr. Phillips stated Warrens Park is a high-density mobile home park and most units have some non-conformity. Mr. Phillips specified that the special yard exception from the front yard could accommodate a dwelling that is 0.34 feet from the front Property site line. It will go no further into the front yard than the dwelling that is adjacent, which extends further into the front yard setback.

The Applicant's Case

Mr. Donald Jenkins, Ocean City Resident, and Ms. Cindy Fridley, Applicant, were sworn in and

Mr. Jenkins testified the following:

- 1) He is a neighbor.
- 2) She is asking for these special exceptions because the proposed home is slightly longer than the existing home.
- 3) Mr. Keith Fridley, husband of Ms. Fridley, passed away in November and started this project.
- 4) Clayton Homes is the manufacturer of the dwelling, and it has already been constructed. However, it is not on the lot yet.

Ms. Nock asked Mr. Jenkins whether he believes this proposed location will negatively impact the neighborhood. He stated he does not believe this will negatively impact the neighborhood and that his house exists closer to the street.

Mr. Rudolf asked whether emergency personnel will have any trouble navigating around the unit if there was an emergency. Mr. Jenkins stated that he does not believe this to be true and added that he was previously in the Ocean City Fire Department.

Ms. Fridley stated that she would like these requests to be approved and that she has good neighbors.

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 Office of Planning and Community Development.

Findings of Fact

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

- 1) This proposed location from the side property site line is appropriate because it will go no further than the dwelling that is currently there. The proposed location is 0.69 feet from the line, and the current dwelling is 0.64 feet from the line.
- 2) The proposed location from the front property line is appropriate because it will go no further than the dwelling that is directly adjacent. The proposed location is 0.34 feet from the front property line, and the adjacent unit is 0.11 feet from the front line.
- 3) The requests will be an improvement and there will be no detriment to the neighborhood.
It will be an improvement to the neighborhood.

Conclusion

Based on the evidence and testimony presented and the Board's findings, Emily Nock duly made a motion to approve both special yard exception requests as they will not substantially or adversely affect the uses of adjacent properties. This was seconded by Dan Stevens. The motion passed unanimously (4-0).

Approval of Findings of Fact

Christopher Rudolf, Chairperson

Emily Nock

Dan Stevens

John Moran



STAFF REPORT

DATE: April 25, 2024

TO: Board of Zoning Appeals

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

Chase Phillips

RE: A request for a special parking exception to waive three (3) parking spaces for the reconstruction of a new dwelling
BZA 2685 & #24-09400008

Applicant: Kristina L. Watkowski, Esq.
Booth, Cropper & Marriner, PC.
9927 Stephen Decatur Highway, Suite F-12
Ocean City, Maryland 21842

Property Owners: Todd A. & Linda A. Moore
1156 Meghan Court
West Chester, Pennsylvania 19382

Request: The applicant has filed an appeal to request the following:

1. A special parking exception to waive three (3) parking spaces for the construction of a new dwelling. (**Applicant Exhibit #1**)

Property Description: The property is described as Lot 54 of the plat entitled "Runaway Bay." It is located on the south side of Penguin Drive and is locally known as 613 Penguin Drive, in the Town of Ocean City, Maryland. (**Staff Exhibit #1**)

Zoning: R-2 Medium Residential District

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 IV, Division 2, R-1 Single-Family Residential District

Section 110-94 – Special Exceptions

...

(2)(b) Special exceptions to parking and loading requirements, specifically the waiving or reduction of parking requirements and design standards in any district when the character or use of the building is such as to make the full provision of required parking unnecessary.

Ocean City Code – Chapter 110

Article V, Division 3, Off-Street Parking

Section 110-932 – Minimum Number of Spaces

...

(b)(1) Any single-family detached dwelling or two-family duplex dwelling must have:

- 2 parking spaces per each unit with three bedrooms or less; and,
- 1 additional parking space for each additional bedroom over 3.

Proposal with Comparison of the Zoning Code

613 Penguin Drive

- 6 bedrooms (*or rooms that must be counted such)
- *5 required parking spaces*
- *2 spaces provided*
- *3 parking space deficiency*

***Note:**

Section 110-933, entitled “Interpretation of Minimum Requirements” states that any room defined as being an accessory room, is to be treated in the same manner as a bedroom, and required parking shall be computer accordingly. Single family homes are exempt from this interpretation. This dwelling has 2 accessory rooms not intended to be used as bedrooms.

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. A special parking exception to waive 3 required parking spaces for the construction of a new dwelling.

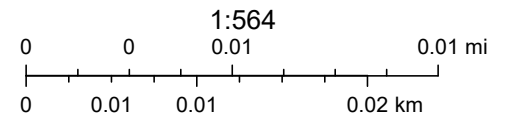
613 Penguin Drive



4/22/2024, 1:56:08 PM

TOC_Parcels_ 2022 Imagery

	Red: Band_1		Green: Band_2
	Blue: Band_3		



ZONING MAP 613



4/22/2024, 2:01:38 PM

TOC_Parcels_

RC-1

Green: Band_2

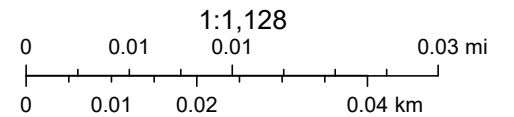
Zoning

2022 Imagery

Blue: Band_3

R-2

Red: Band_1



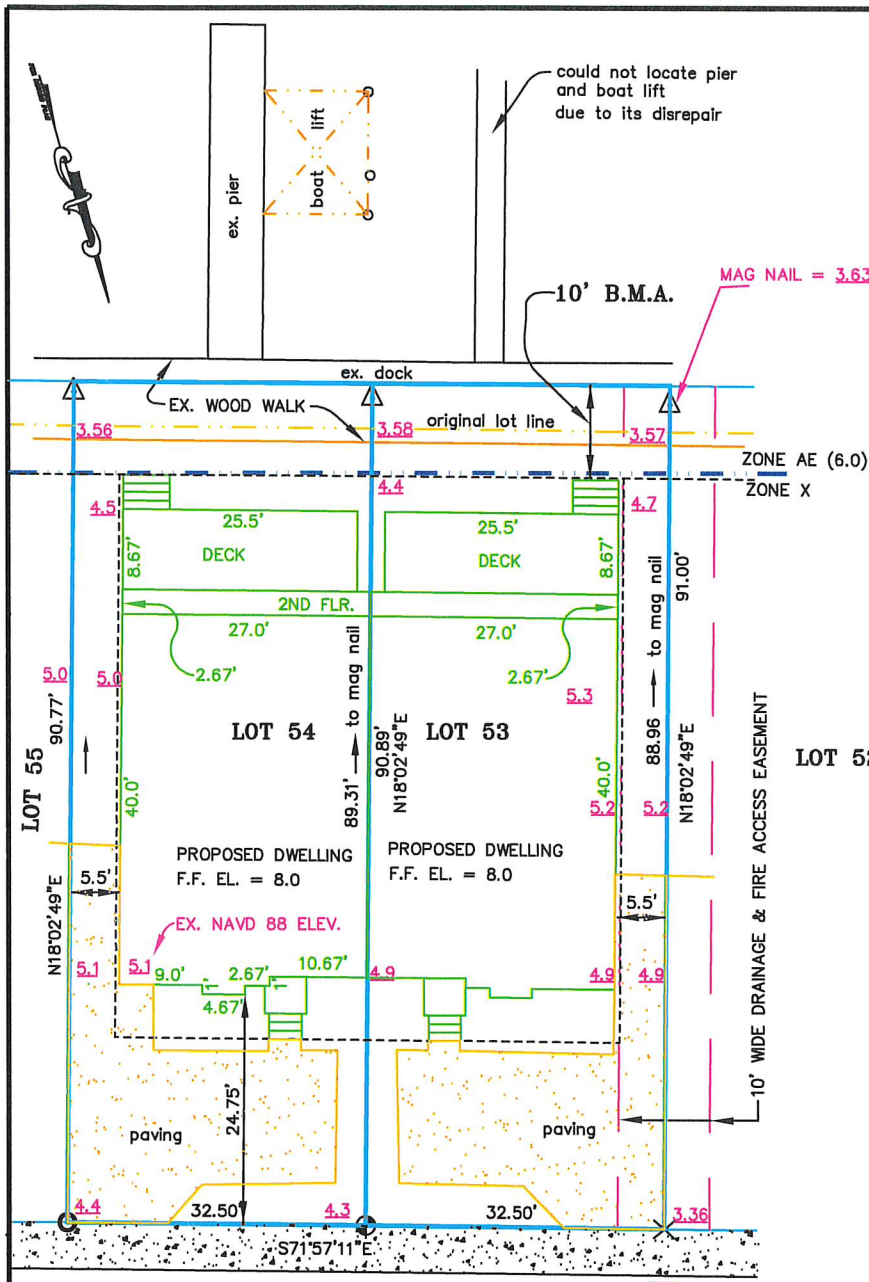
Esri Community Maps Contributors, Town of Ocean City, MD, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

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



613 Penguin Drive
(Left Unit)

615 Penguin Drive
(Right Unit)



10' B.M.A. WITHIN LOT 53 = 325 SF & LOT 54 = 323 SF
 NOTE : CRAWLSPACE GRADE TO BE A MINIMUM OF 0.1' HIGHER THAN OUTSIDE FINISHED GRADE
 ESTIMATED FILL = 80 C.Y. ±
 DISTURBED AREA 4,600 S.F. (AREAS ARE LOCATED SOUTHERLY OF EX. PAVED DRIVES)

EXISTING LOT COVERAGE SUMMARY		
	LOT 53	LOT 54
PVM'T./PAVERS	668	676
DWELLING, DECKS, STEPS	1,461	1,356
SUBTOTAL	2,129	2,032
EXISTING LOT COVERAGE INSIDE 10' B.M.A.		
WOOD WALK AND/OR STEPS	224	205
TOTAL IN LOT	2,353 SF	2,237 SF

PROPOSED LOT COVERAGE SUMMARY		
	LOT 53	LOT 54
PVM'T.	586	629
DWELLING, DECKS, STEPS	1,413	1,413
SUBTOTAL	1,999	2,042
EXISTING LOT COVERAGE INSIDE 10' B.M.A.		
WOOD WALK	195	194
TOTAL IN LOT	2,194 SF	2,236 SF

PROPOSED SITE PLAN

LOTS 53 & 54 - RUNAWAY BAY
 TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND
 TOWN OF OCEAN CITY
 PLAT REF. : FWH 60/70

REFERENCE

LOT AREA : LOT 53 = 2,956 SF
 LOT 54 = 2,952 SF

EX. ZONING: R-2
 ZONING SETBACKS:
 FRONT: 10', SIDES: 5'
 REAR : 10' (BUT NOT OVER TIEBACKS)

FLOOD ZONE: X PER FIRM
 NO. 24047C0177H
 DATED 7-16-2015.

NOTES

20 0 10 20
 (IN FEET)
 1 inch = 20 ft.

⊗ DENOTES CROWS FOOT SET
 ⊙ DENOTES IRON ROD FOUND
 ⊕ DENOTES MAG NAIL SET
 ⊖ DENOTES PUNCH HOLE SET

**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. 12372-24
 DATE 1-15-2024

MOORE & MOORE RESIDENTIAL 2 UNIT TOWNHOME

613 & 615 RUNAWAY BAY
OCEAN CITY MARYLAND



CODES

2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL ENERGY CONSERVATION CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL PLUMBING CODE
2017 NATIONAL ELECTRIC CODE

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S-2	3RD FLOOR FRAMING AND BIRDSEYE

CS-1

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN, MD. 21811

PLAN NAME
MOORE
613 & 615 RUNAWAY BAY
OCEAN CITY
DESIGNING
COVER

SHEET NO.

OF

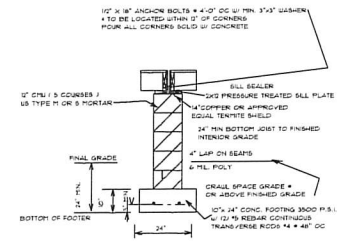
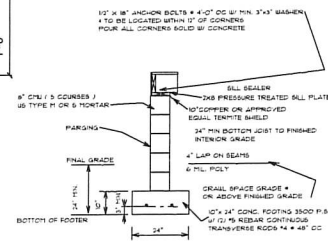
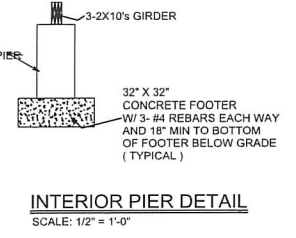
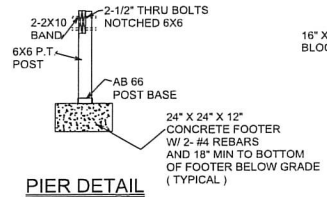
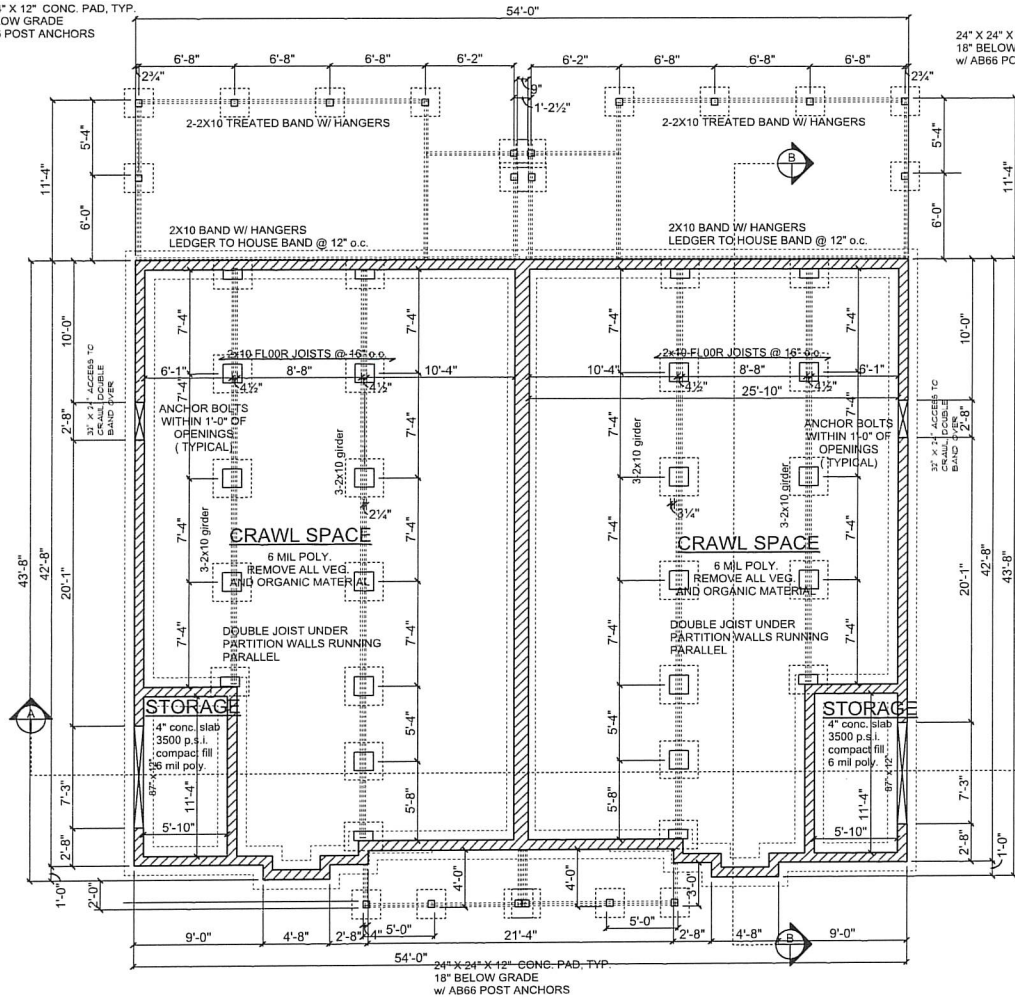
24" X 24" X 12" CONC. PAD, TYP.
18" BELOW GRADE
W/ AB66 POST ANCHORS

24" X 24" X 12" CONC. PAD, TYP.
18" BELOW GRADE
W/ AB66 POST ANCHORS

DESIGN LOADS
WIND: 120 MPH 3 SEC. GUST
GROUND SNOW LOADS: 20 PSF
WEATHERING: SEVERE
FROST DEPTH: 18"
MIN. LIVE LOADS SEE R-301.5

OC DETAILS

ALL WORK IS TO CONFORM TO OCEAN CITY, MD. PER. BUILDING CODES & OTHER REGULATIONS.
INTERESTING CALLS - PLUMBING WALLS DEPENDS UPON ONE ANOTHER AND LATERAL SUPPORT SHALL BE INDICATED ON SCHEDULE AT LOCATIONS WHERE THEY MEET.
ALL WORK TO BE DONE IN ACCORDANCE WITH THE IRC JOIN AND GC-WOOD MANUFACTURE RESISTANCE STANDARDS (PLEASE REFER TO ABOVE STANDARDS).
CRACK SPACE GRADE MUST BE EQUAL TO OR ABOVE FINISH GRADE.
NOTES: FOOTINGS THAT BEAR ON UNDEVELOPED NATURAL GRADES CAN'T BEAR ON FROZEN GROUND.
MIN. 3000 PSI CONCRETE 4:1 RATIO.
BASED ON SOIL WITH AN ALLOWABLE SOIL PRESSURE 3000 PSF MIN.
FOOTINGS SHALL BE PADE OF CONCRETE MATERIAL CONSTRUCTION DESIGN AND LAYER ROCKS 12" TO 18" DEPTH OF 4" MIN.
ALL BLOCK CONCRETS SHALL BE POURED SOLID WITH MIN. 3000 P.S.I. CONCRETE GRAOUT.
BLOCK CORNER SHALL BE FILLED WITH MIN. 3000 P.S.I. CONCRETE GROUT 18" FROM JOINTS AND 4" BUMP.
TYPE II OR 3 PORTLAND SHALL BE USED. BED JOINT SHALL BE 3/8" OR 1/2" THICK BED JOINT OF STARTER COURSE MIN. 1/4" TO 2" MAX. 3/4".
STEEL MIN. GRADE AND WOOD SCHED. BRACING AND WALL BRACING MUST BE AT LEAST 4" FROM THE BRACING.



FOUNDATION LAYOUT
SCALE: 1/4" = 1'-0"

PROJECT IS IN FLOOD ZONE A - VENTING WILL BE 1 SQ. INCH TO 1 SQ. FOOT OF CRAWL SPACE AND TO BE LOCATED 12" WITHIN FINAL GRADE

A-1

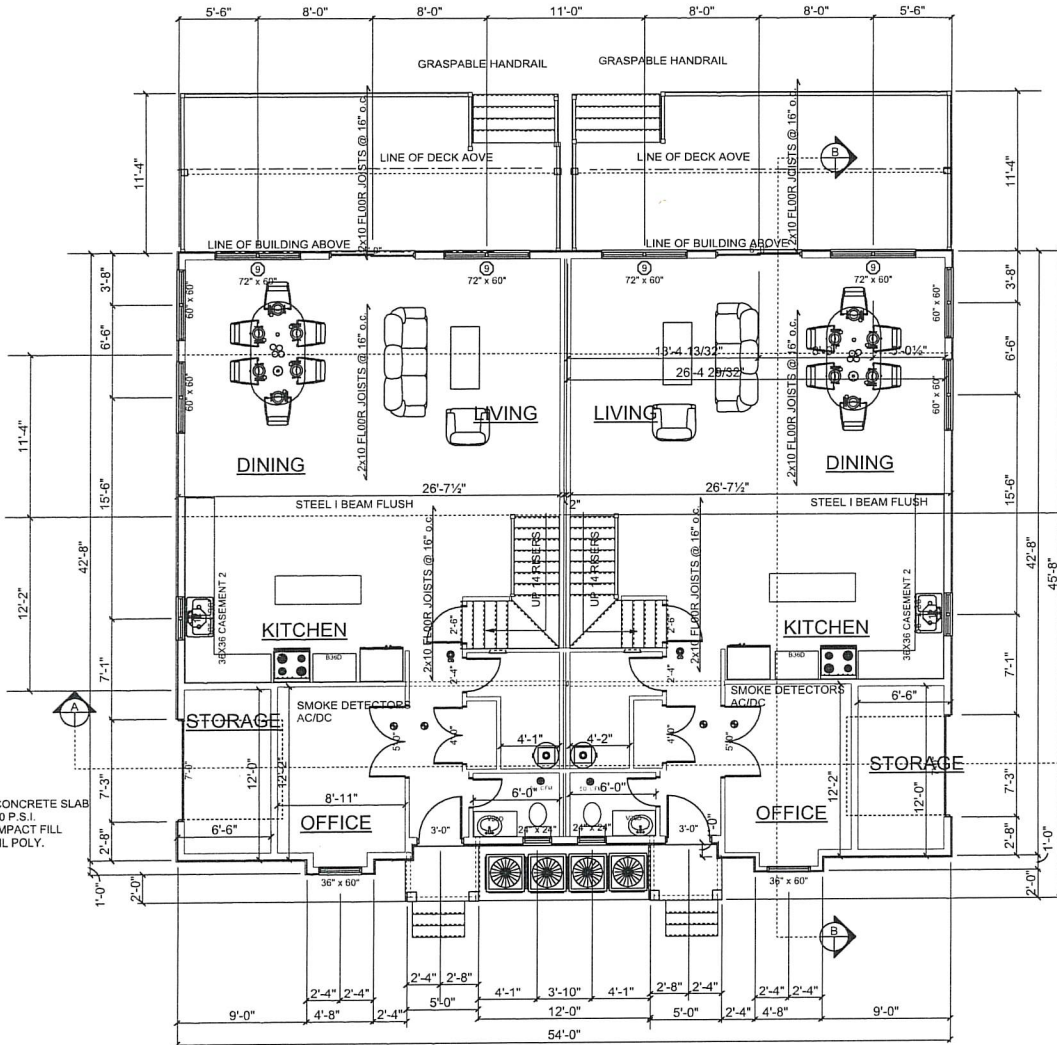
EBERLY DESIGNS INC.
P.O. BOX 1937
BERLIN MD. 21111

DATE: 2-15-2024

MOORE
613 & 615 RUNAWAY BAY
OCEAN CITY, MD.

SHEET NO.
OF

FLOOR PLAN

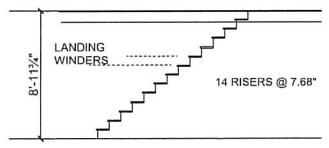


1ST FLOOR LAYOUT
SCALE: 1/4" = 1'-0"

WALL BRACING PANEL
PER ICC-600 & IRC 2015

988 SQ. FT.

988 SQ. FT.

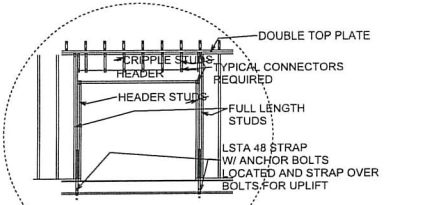


WINDOWS TO MEET DP 50 RATING

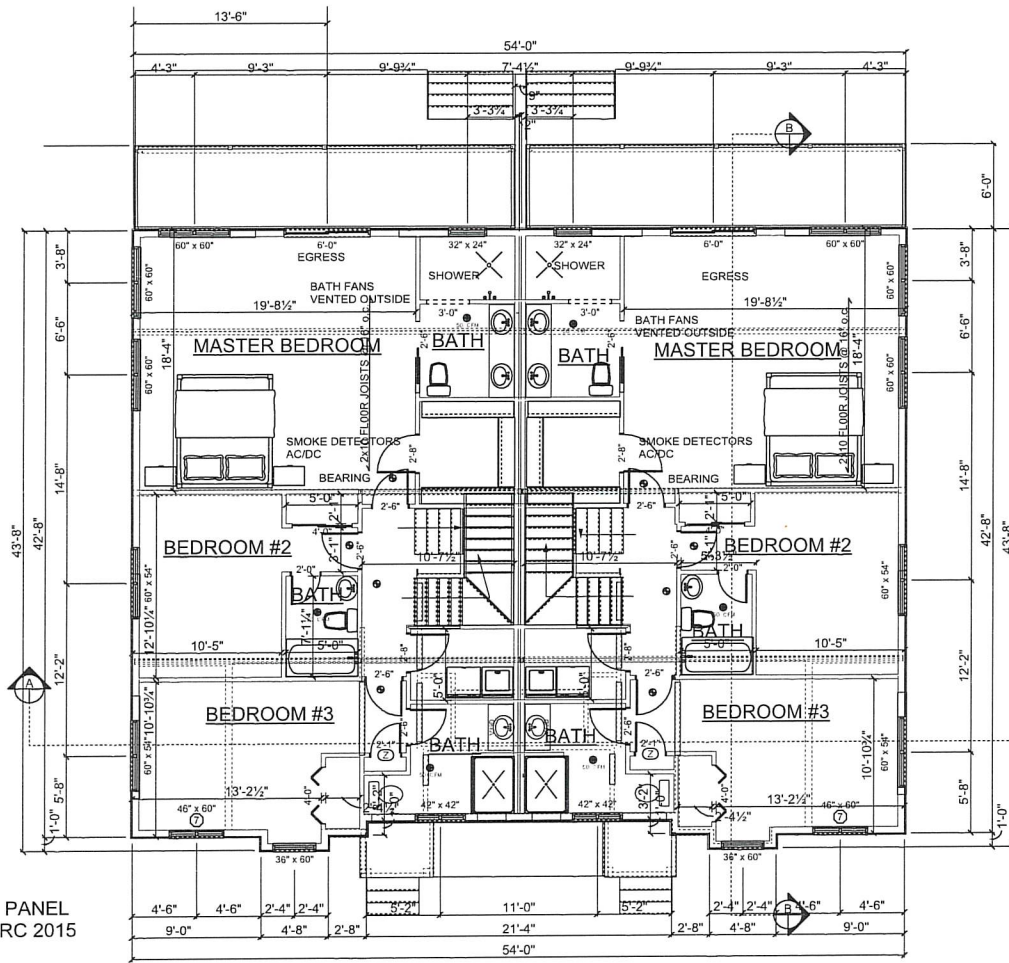
COUNT	PRODUCT CODE	R.O. SIZE	EGRESS
2	36X36 CASEMENT 2	R.O. 36" x 36"	No
4	60X60 CASEMENT 2	R.O. 60" x 60"	No
2	36X60 DOUBLE HUNG 1	R.O. 36" x 60"	No
2	72X60 DOUBLE HUNG 2	R.O. 72" x 60"	No
2	24 AWNING	R.O. 24" x 24"	No

SMOKE DETECTORS TO BE INTERCONNECTED AND TO BE HARD WIRE WITH BATTERY BACKUP

BATHROOMS TO HAVE BATH FANS 420 C.F. REQUIRING EXHAUST FAN W/ MINIMUM AIR EXCHANGE OF 35 C.F.M. CARBON MONOXIDE DETECTORS IF FUEL BURNING APPLIANCES



WALL CONNECTIONS @ 6' DOOR OPENING

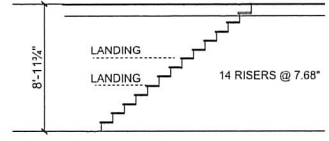


2ND FLOOR LAYOUT
SCALE: 1/4" = 1'-0"

1085 SQ. FT.

1065 SQ. FT.

WALL BRACING PANEL
PER ICC-600 & IRC 2015

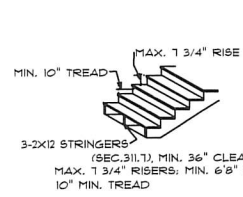


WINDOWS TO MEET DP 50 RATING

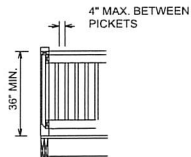
OPENING SCHEDULE			
COUNT	PRODUCT CODE	R.O. SIZE	EGRESS
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4	60X54 CASEMENT 2	R.O. 60" x 54"	Yes
2	36X60 DOUBLE HUNG 1	R.O. 36" x 60"	No
2	46X60 DOUBLE HUNG 2	R.O. 46" x 60"	No
4	48X60 DOUBLE HUNG 2	R.O. 48" x 60"	No
2	60X60 DOUBLE HUNG 2	R.O. 60" x 60"	No
2	32X24 TRANSOM	R.O. 32" x 24"	No

SMOKE DETECTORS TO BE INTERCONNECTED AND TO BE HARD WIRE WITH BATTERY BACKUP

BATHROOMS TO HAVE BATH FANS 420 C.F. REQUIRING EXHAUST FAN W/ MINIMUM AIR EXCHANGE OF 35 C.F.M. CARBON MONOXIDE DETECTORS IF FUEL BURNING APPLIANCES



STAIR DETAIL



RAIL DETAIL
SCALE: 1/2" = 1'-0"

STAIRS:
- GAIRD RAILS NOT LESS THAN 34" IN HEIGHT FROM NOSE OF TREADS, ON ALL OPEN SIDES OF STAIRWAYS.
- MAXIMUM SPACE BETWEEN PICKETS NOT MORE THAN 4"
- HANDRAIL ON AT LEAST ONE SIDE OF STAIRWAY, NOT LESS THAN 34" OR MORE THAN 38" FROM TREAD NOSING

A-3

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN MD. 21811

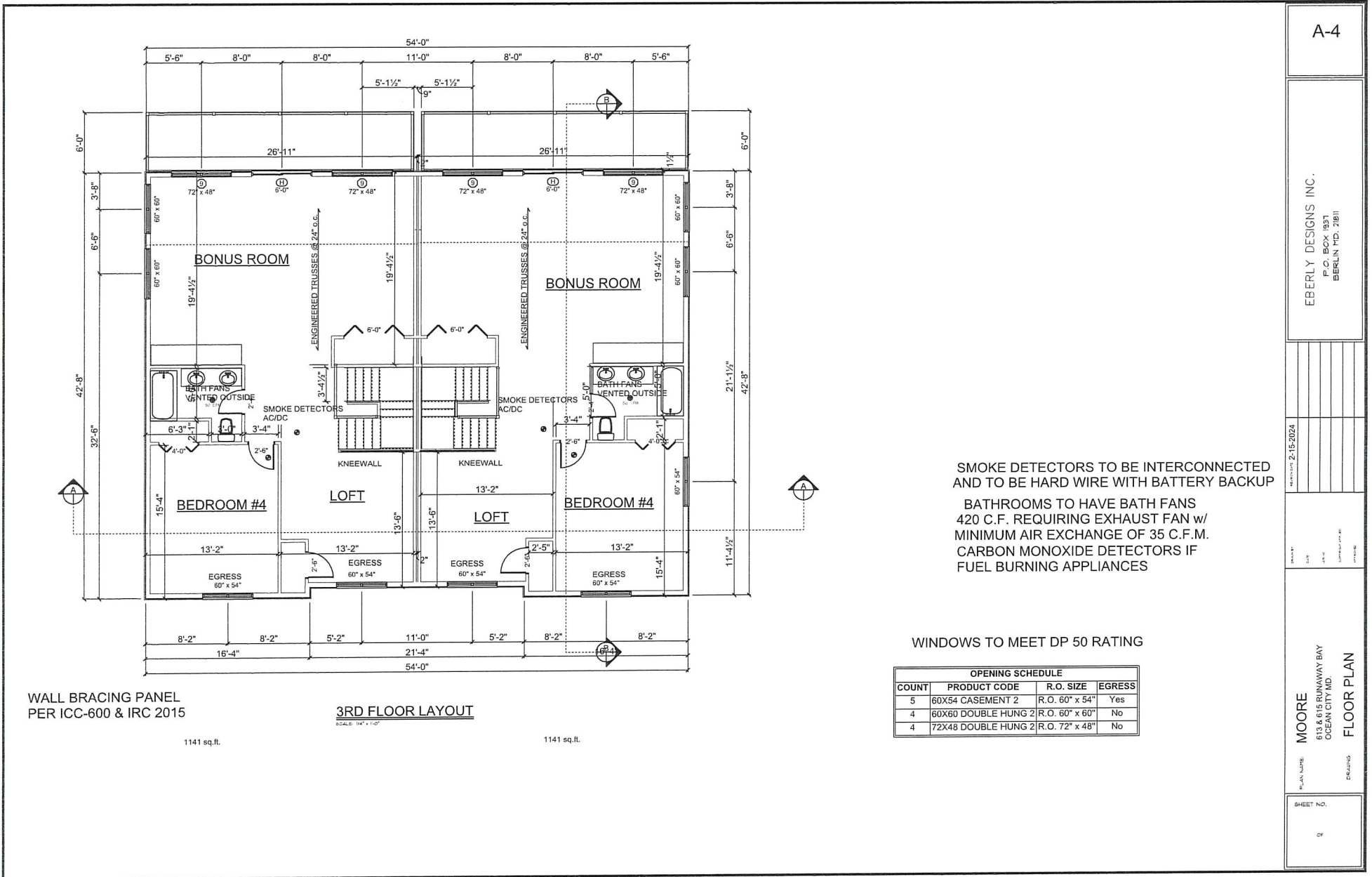
DATE: 2-15-2024

SCALE:

MOORE
612 & 618 RUNAWAY BAY
OCEAN CITY, MD.
FLOOR PLAN

SCALE:

SHEET NO.
OF



OPENING SCHEDULE			
COUNT	PRODUCT CODE	R.O. SIZE	EGRESS
5	60X54 CASEMENT 2	R.O. 60" x 54"	Yes
4	60X60 DOUBLE HUNG 2	R.O. 60" x 60"	No
4	72X48 DOUBLE HUNG 2	R.O. 72" x 48"	No

A-4

EBERLY DESIGNS INC.
P.O. BOX 1937
BERLIN MD. 21811

DATE: 2-15-2024

MOORE
618 S 616 RUNWAY BAY
OCEAN CITY, MD.

FLOOR PLAN

SHEET NO.
9



A-5

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN, MD. 21811

DATE: 2-15-2024

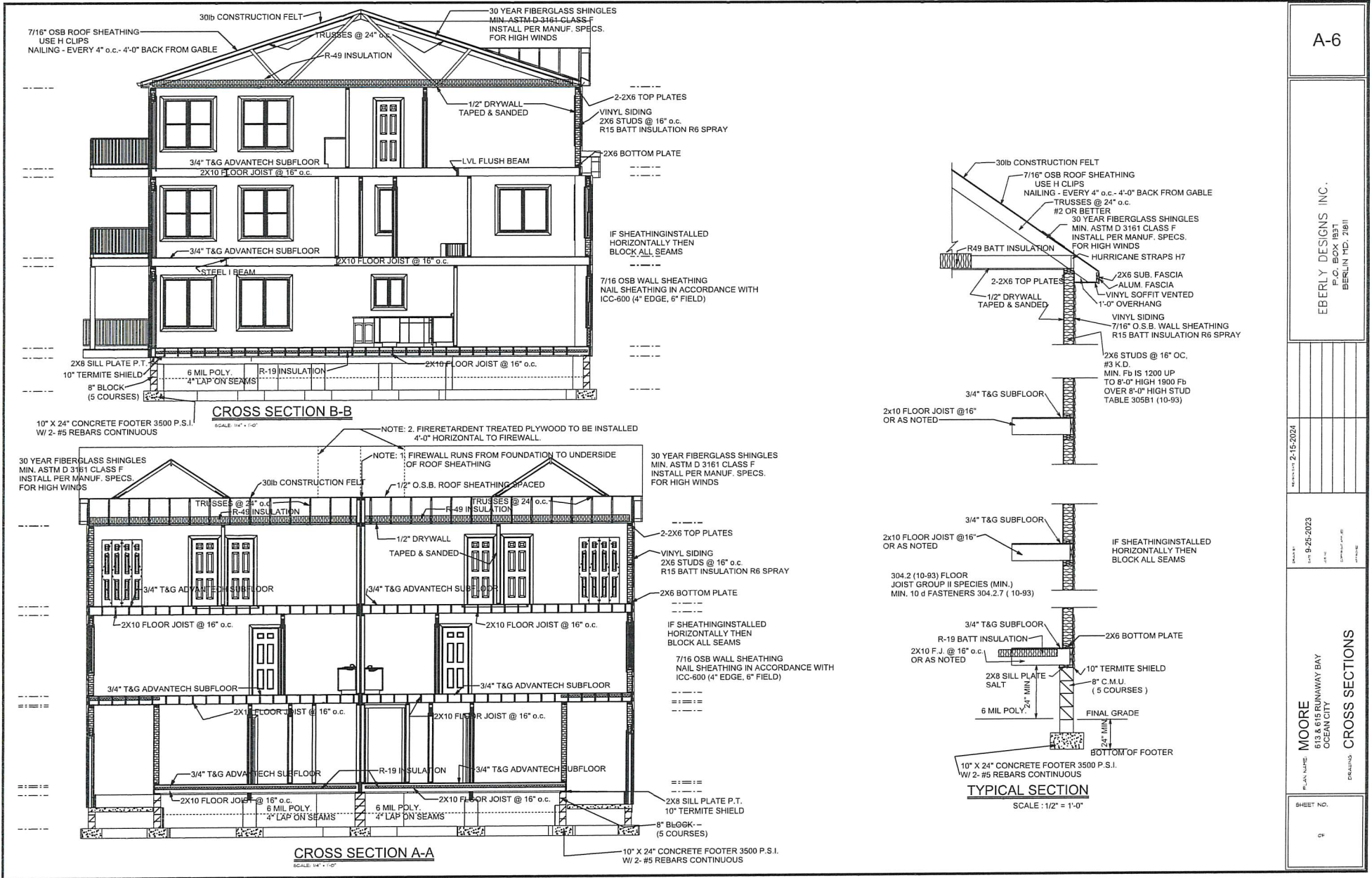
DATE: 9-25-2023

MOORE
613 & 616 RUNAWAY BAY
OCEAN CITY

ELEVATION

SHEET NO.

OF



A-6

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN MD. 21811

REVISION 2-15-2024

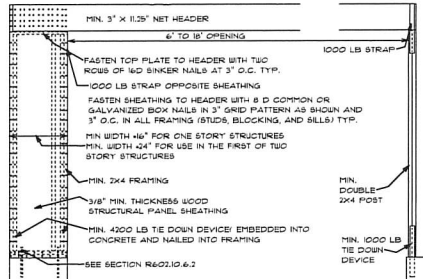
DATE 9-25-2023

MOORE
613 S. 615 RUNWAY BAY
OCEAN CITY
DRAWING

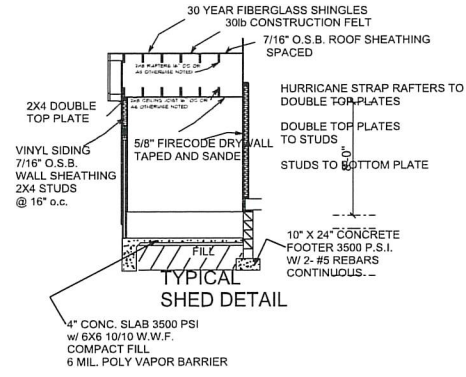
CROSS SECTIONS

SHEET NO.

8

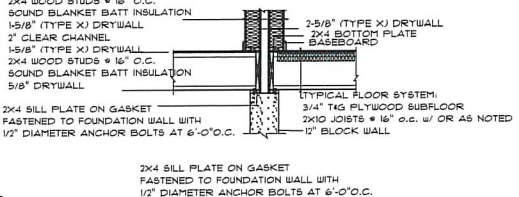
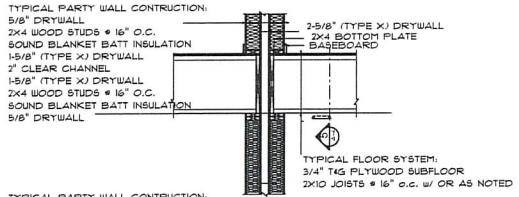
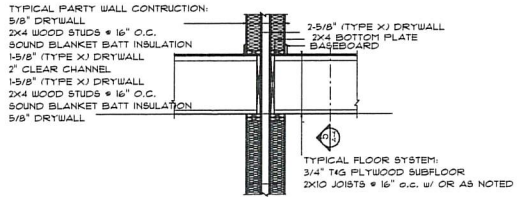
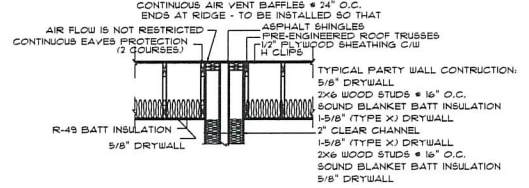


WALL PANEL ADJACENT TO A DOOR OR WINDOW OPENING



TYPICAL SHED DETAIL

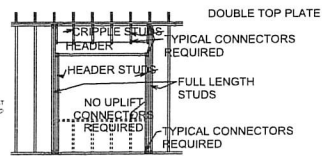
- NOTES:**
1. ALL LUMBER IS TO BE #2 SPF OR BETTER
 2. WINDOW AND DOOR HEADERS ARE 2-2X10
 3. EGRESS WINDOWS TO BE 20" CLEAR WIDTH, 24" CLEAR HEIGHT, AND A TOTAL CLEAR OPENING OF 5.7 SQ. FT.



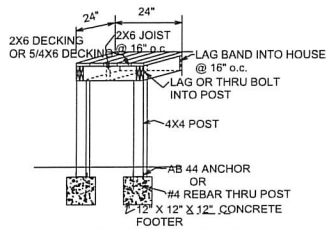
1 HOUR PARTY WALL

SCALE: 1/2" = 1'-0"

ROOF AND CEILING FRAMING



NOTE: UPLIFT CONNECTION IS REQUIRED AT EACH END OF HEADER AND AT BOTTOM OF HEADER STUDS IN ADDITION TO CONNECTIONS AT WALL STUDS AND AT TOP AND BOTTOM OF CRIPPLES

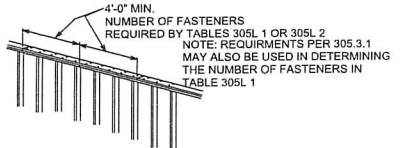


HVAC STAND DETAIL

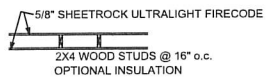
NO SCALE

MINIMUM WALL AND HEADER STUD REQUIREMENT

UNSUPPORTED STUD WALL HEIGHT OR LESS THAN 5'	STUD SPACING	MAXIMUM HEADER SPAN (ft)					
		NUMBER OF HEADER STUDS SUPPORTING END OF HEADER					
		1'	1'	2'	2'	2'	2'
10"	2'	2	2	3	3	3	3
12"	2'	1	2	3	3	3	3
14"	2'	1	2	3	3	3	3
16"	2'	1	2	3	3	4	4
18"	2'	1	2	3	3	3	3



TOP PLATE SPLICE FASTENING REQUIREMENTS



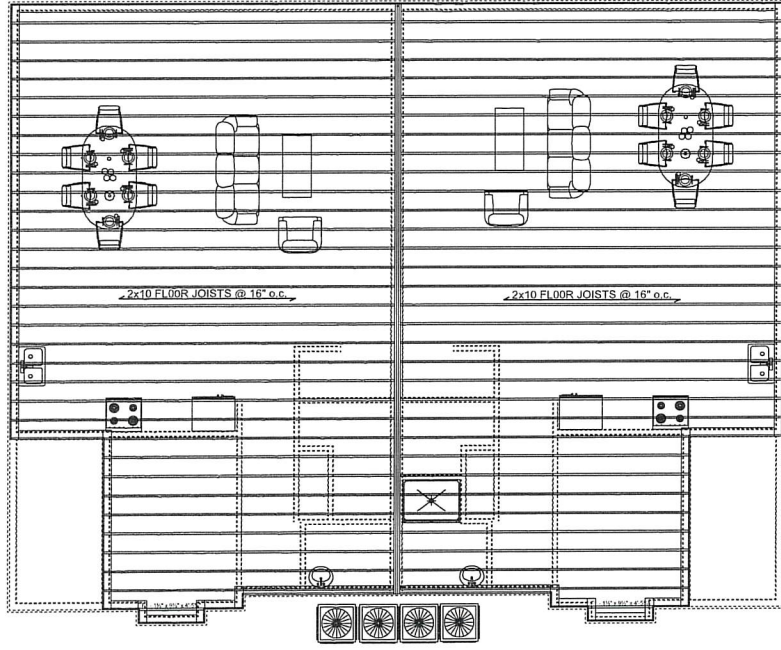
1 HR PARTITION WALL DETAIL

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN MD, 21811

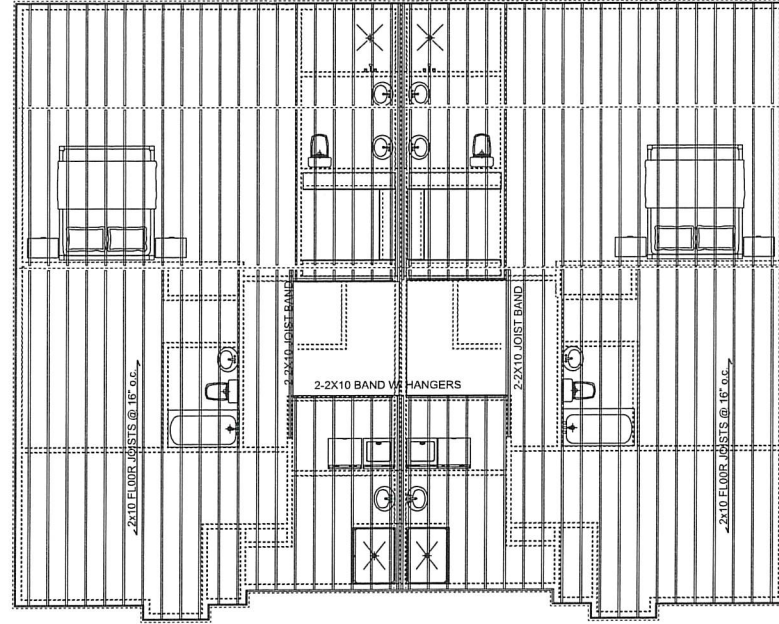
DATE: 01-25-2023

MOORE
613 & 615 RUNAWAY BAY
OCEAN CITY
DELAWARE

SHEET NO.
OF



1ST FLOOR LAYOUT
FLOOR JOIST FRAMING PLAN
SCALE: 1/4" = 1'-0"



2ND FLOOR LAYOUT
FLOOR JOIST FRAMING PLAN
SCALE: 1/4" = 1'-0"

S-1

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN MD. 21811

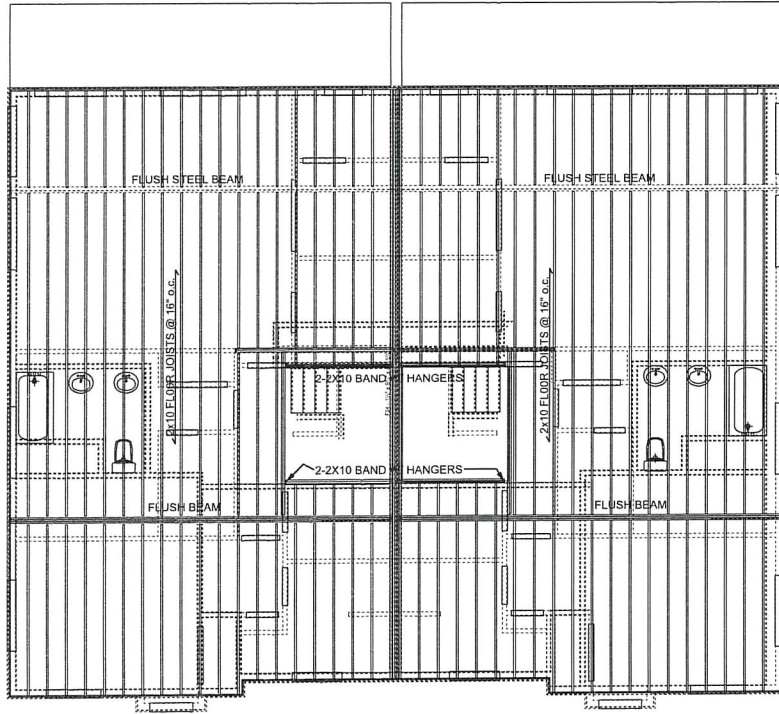
DATE: 2-15-2024

DATE: 9-25-2023

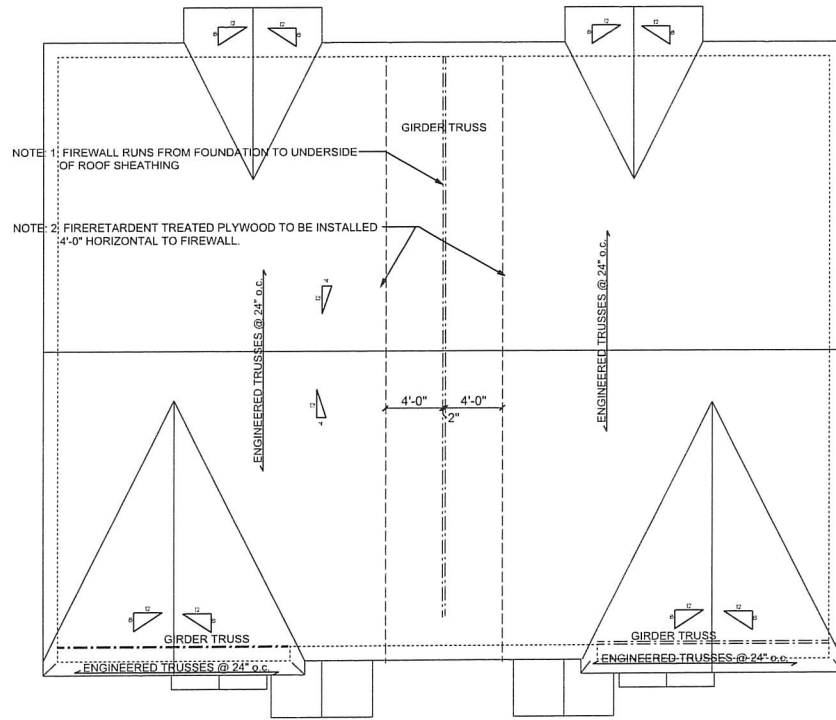
MOORE
613 & 615 RUNAWAY BAY
OCEAN CITY
ELEVATION

SHEET NO.

9



3RD FLOOR LAYOUT
FLOOR JOIST FRAMING PLAN
SCALE: 1/4" = 1'-0"



BIRD'S EYE PLAN
SCALE: 1/4" = 1'-0"

NOTE 1: FIREWALL RUNS FROM FOUNDATION TO UNDERSIDE OF ROOF SHEATHING

NOTE 2: FIRERETARDANT TREATED PLYWOOD TO BE INSTALLED 4'-0" HORIZONTAL TO FIREWALL.

S-2

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN TPO, 21811

DATE: 2-15-2024

DATE: 9-25-2023
BY: [Signature]

WITHERS-MAUCK
510 & 512 RUNAWAY BAY
OCEAN CITY
FLOOR FRAMING & BIRDSEYE

SHEET NO.
CF



STAFF REPORT

DATE: April 25, 2024

TO: Board of Zoning Appeals

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

Chase Phillips

RE: A request for a special parking exception to waive three (3) parking spaces for the reconstruction of a new dwelling
BZA 2686 #24-09400009

Applicant: Kristina L. Watkowski, Esq.
Booth, Cropper & Marriner, PC.
9927 Stephen Decatur Highway, Suite F-12
Ocean City, Maryland 21842

Property Owners: Timothy A. & Bonnie L. Moore
8 Cider Mill Court
Garnet Valley, Pennsylvania 19060

Request: The applicant has filed an appeal to request the following:

1. A special parking exception to waive three (3) parking spaces for the construction of a new dwelling. (**Applicant Exhibit**)

Property Description: The property is described as Lot 53 of the plat entitled "Runaway Bay." It is located on the south side of Penguin Drive and is locally known as 615 Penguin Drive, in the Town of Ocean City, Maryland. (**Staff Exhibit**)

Zoning: R-2 Medium Residential District

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 IV, Division 2, R-1 Single-Family Residential District

Section 110-94 – Special Exceptions

...

(2)(b) Special exceptions to parking and loading requirements, specifically the waiving or reduction of parking requirements and design standards in any district when the character or use of the building is such as to make the full provision of required parking unnecessary.

Ocean City Code – Chapter 110

Article V, Division 3, Off-Street Parking

Section 110-932 – Minimum Number of Spaces

...

(b)(1) Any single-family detached dwelling or two-family duplex dwelling must have:

- 2 parking spaces per each unit with three bedrooms or less; and,
- 1 additional parking space for each additional bedroom over 3.

Proposal with Comparison of the Zoning Code

615 Penguin Drive

- 6 bedrooms (*or rooms that must be counted such)
- *5 required parking spaces*
- *2 spaces provided*
- *3 parking space deficiency*

***Note:**

Section 110-933, entitled “Interpretation of Minimum Requirements” states that any room defined as being an accessory room, is to be treated in the same manner as a bedroom, and required parking shall be computer accordingly. Single family homes are exempt from this interpretation. This dwelling has 2 accessory rooms not intended to be used as bedrooms.

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. A special parking exception to waive 3 required parking spaces for the construction of a new dwelling.

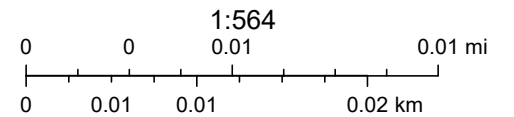
615 Penguin Drive



4/22/2024, 1:59:07 PM

TOC_Parcels_ 2022 Imagery

	Red: Band_1		Green: Band_2
	Blue: Band_3		



ZONING MAP 615



4/22/2024, 2:02:52 PM

TOC_Parcels_

RC-1

Green: Band_2

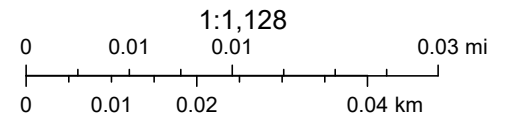
Zoning

2022 Imagery

Blue: Band_3

R-2

Red: Band_1



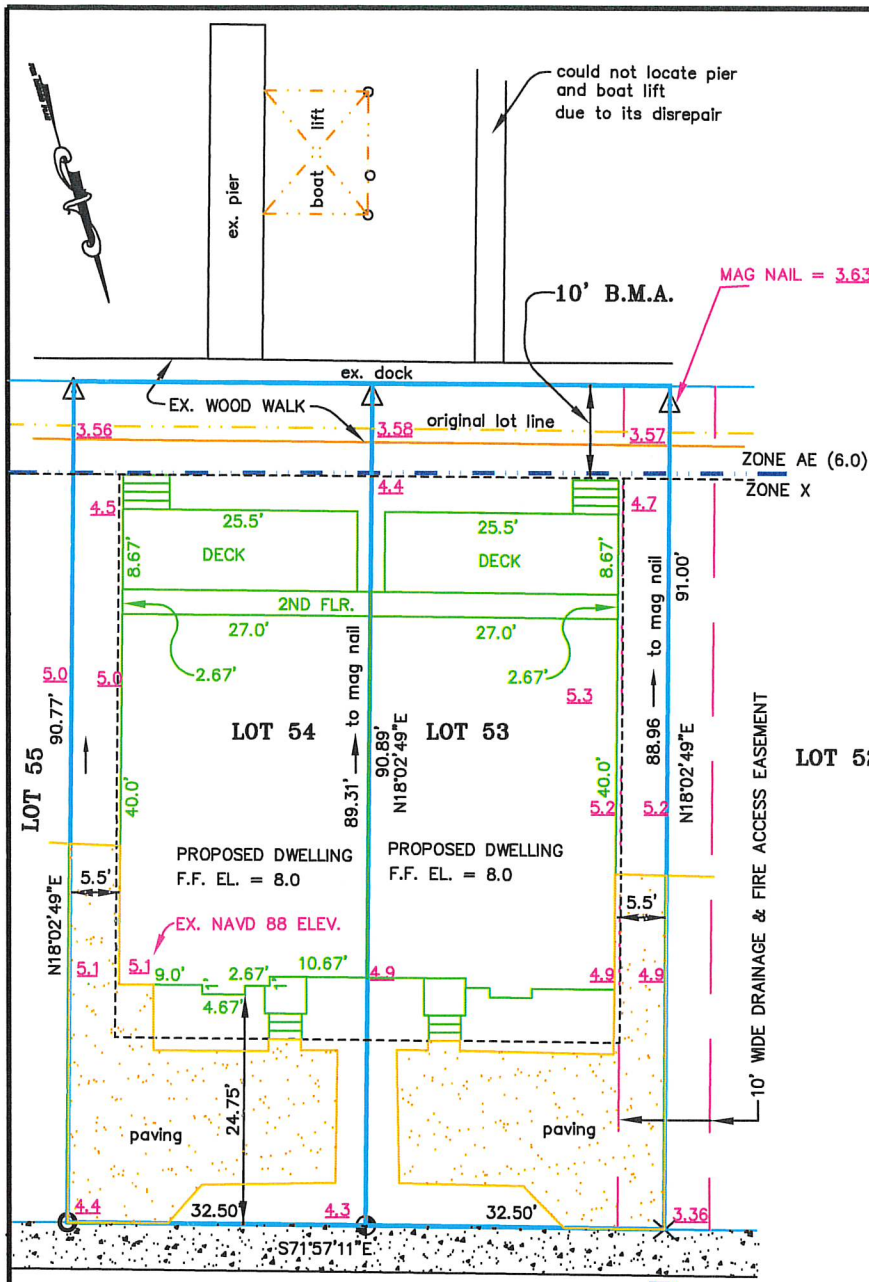
Esri Community Maps Contributors, Town of Ocean City, MD, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

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



613 Penguin Drive
(Left Unit)

615 Penguin Drive
(Right Unit)



10' B.M.A. WITHIN LOT 53 = 325 SF & LOT 54 = 323 SF
 NOTE : CRAWLSPACE GRADE TO BE A MINIMUM OF 0.1' HIGHER THAN OUTSIDE FINISHED GRADE
 ESTIMATED FILL = 80 C.Y. ±
 DISTURBED AREA 4,600 S.F. (AREAS ARE LOCATED SOUTHERLY OF EX. PAVED DRIVES)

EXISTING LOT COVERAGE SUMMARY		
	LOT 53	LOT 54
PVM'T./PAVERS	668	676
DWELLING, DECKS, STEPS	1,461	1,356
SUBTOTAL	2,129	2,032
EXISTING LOT COVERAGE INSIDE 10' B.M.A.		
WOOD WALK AND/OR STEPS	224	205
TOTAL IN LOT	2,353 SF	2,237 SF

PROPOSED LOT COVERAGE SUMMARY		
	LOT 53	LOT 54
PVM'T.	586	629
DWELLING, DECKS, STEPS	1,413	1,413
SUBTOTAL	1,999	2,042
EXISTING LOT COVERAGE INSIDE 10' B.M.A.		
WOOD WALK	195	194
TOTAL IN LOT	2,194 SF	2,236 SF

PENQUIN DRIVE - 50' R/W
PROPOSED SITE PLAN
 LOTS 53 & 54 - RUNAWAY BAY
 TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND
 TOWN OF OCEAN CITY
 PLAT REF. : FWH 60/70

REFERENCE
 LOT AREA : LOT 53 = 2,956 SF
 LOT 54 = 2,952 SF
 EX. ZONING: R-2
 ZONING SETBACKS:
 FRONT: 10', SIDES: 5'
 REAR : 10' (BUT NOT OVER TIEBACKS)
 FLOOD ZONE: X PER FIRM
 NO. 24047C0177H
 DATED 7-16-2015.

NOTES

 (IN FEET)
 1 inch = 20 ft.
 X DENOTES CROWS FOOT SET
 O DENOTES IRON ROD FOUND
 A DENOTES MAG NAIL SET
 P DENOTES PUNCH HOLE SET

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. 12372-24
 DATE 1-15-2024

MOORE & MOORE RESIDENTIAL 2 UNIT TOWNHOME

613 & 615 RUNAWAY BAY
OCEAN CITY MARYLAND



CODES

2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL ENERGY CONSERVATION CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL PLUMBING CODE
2017 NATIONAL ELECTRIC CODE

TABLE OF CONTENTS

CS 1	COVER SHEET
A-1	FOUNDATION
A-2	FIRST FLOOR PLAN
A-3	SECOND FLOOR PLAN
A-4	THIRD FLOOR PLAN
A-5	ELEVATIONS
A-6	CROSS SECTIONS
A-7	DETAILS
S-1	1ST & 2ND FLOOR JOIST FRAMING
S-2	3RD FLOOR FRAMING AND BIRDSEYE

CS-1

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN MD. 21811

DATE PLOTTED

SCALE

SHEET

DATE

SCALE

DATE

SCALE

DATE

SCALE

DATE

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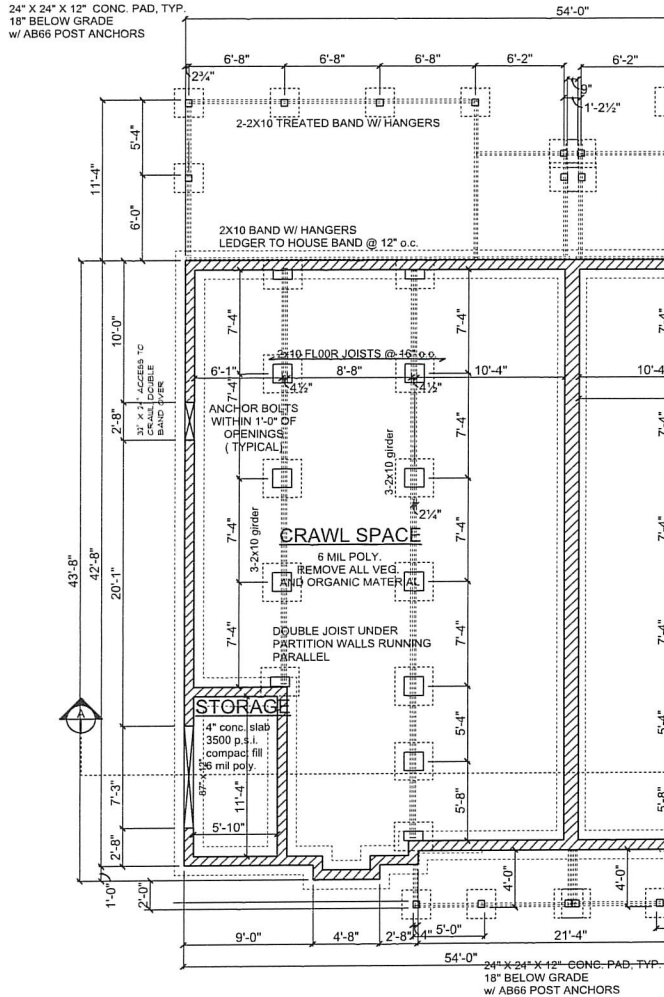
DATE

PLAN NAME: MOORE
613 & 615 RUNAWAY BAY
OCEAN CITY

COVER

SHEET NO.

OF



FOUNDATION LAYOUT
SCALE: 1/4" = 1'-0"

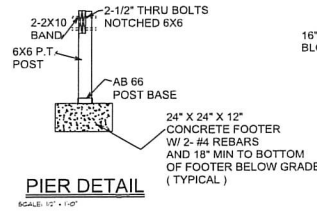
PROJECT IS IN FLOOD ZONE A - VENTING WILL BE 1 SQ. INCH TO 1 SQ. FOOT OF CRAWL SPACE AND TO BE LOCATED 12" WITH-IN FINAL GRADE

DESIGN LOADS
WIND: 120 MPH 3 SEC. GUST
GROUND SNOW LOADS: 20 PSF
WEATHERING: SEVERE
FROST DEPTH: 18"
MIN. LIVE LOADS SEE R-301.5

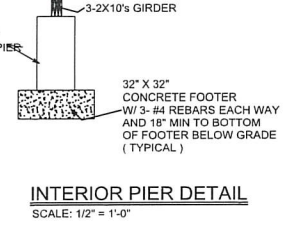
24' X 24' X 12" CONC. PAD, TYP.
18" BELOW GRADE
W/ AB66 POST ANCHORS

OC DETAILS

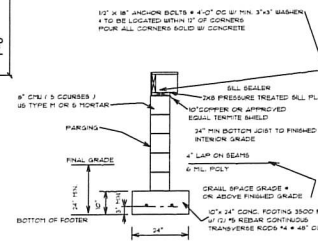
ALL WORK IS TO CONFORM TO OCEAN CITY, MD. PER. BUILDING CODES + PER. REGULATIONS.
INTERESTING WALLS + MASONRY WALLS DEPENDS UPON ONE ANOTHER AND LATERAL SUPPORT SHALL BE ANCHORED OR BOLDED AT LOCATIONS WHERE THEY MEET.
ALL WORK TO BE DONE IN ACCORDANCE WITH THE IRC CODE AND GOOD MANUFACTURING STANDARDS.
PLEASE REFER TO ABOVE DRAWINGS.
CRACK SPREAD GRADE MUST BE EQUAL TO OR ABOVE FINISH GRADE.
NOTES: FOOTINGS THAT BEAR ON UNDEVELOPED NATURAL SANDS CANNOT BEAR ON FROZEN GROUND.
MIN. 3000 PSI CONCRETE @ 18 DAYS.
BASED ON SOIL WITH AN ALLOWABLE SOIL PRESSURE 1000 PSF PER FIN. FOOTING SHALL BE MADE OF CONCRETE MATERIAL CONSTRUCTION DESIGN AND LAYER ROCKS 10" MIN. DEPTH OF 8 INCHES.
ALL BLOCK CONCRETS SHALL BE POURED SOLID WITH MIN. 3000 P.S.I. CONCRETE GRAOUT.
BLOCK CORNER SHALL BE FILLED WITH MIN. 3000 P.S.I. CONCRETE GRAOUT 18" THICK AND MIN. 8" BULKY.
TYPE II OR 3 PORTLAND SHALL BE USED. BEET. CONT. SHALL BE 3/8" + OR 1/2" THICK BEET. JOINT OF SPARTAN COURSE MIN. 1/4" TO 2 MAX. 3/4".
STEEL FIN. GRADE AND WOOD BRICKS, BRICKWORK AND WALL FINISHING MUST BE AT LEAST 6" FROM THE FINISHING.



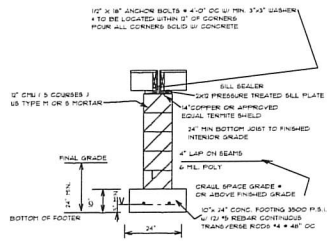
PIER DETAIL
SCALE: 1/2" = 1'-0"



INTERIOR PIER DETAIL
SCALE: 1/2" = 1'-0"



WALL SECTION
SCALE: 1/2" = 1'-0"



WALL SECTION
SCALE: 1/2" = 1'-0"

A-1

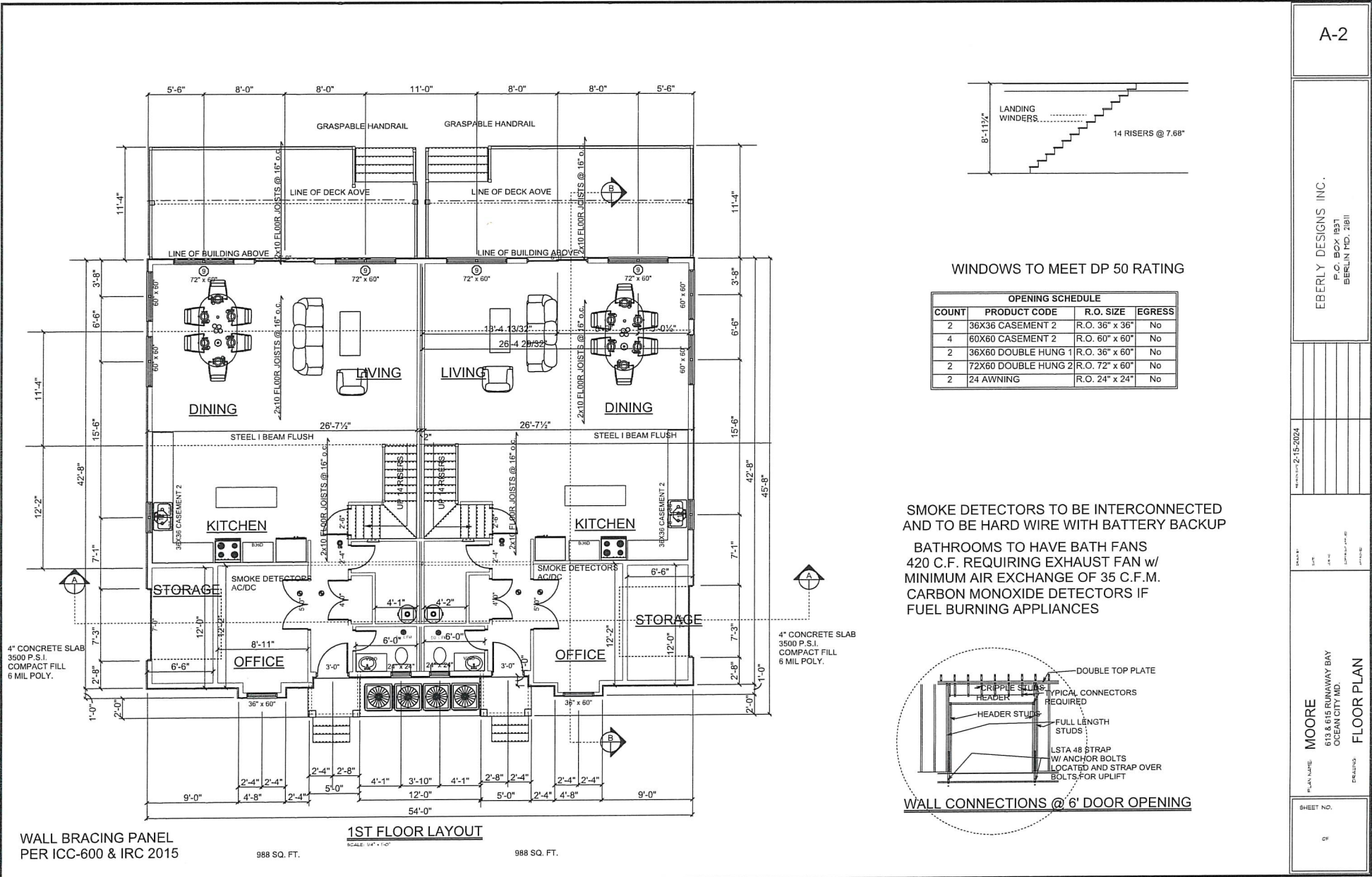
EBERLY DESIGNS INC.
P.O. BOX 1937
BERLIN MD. 21111

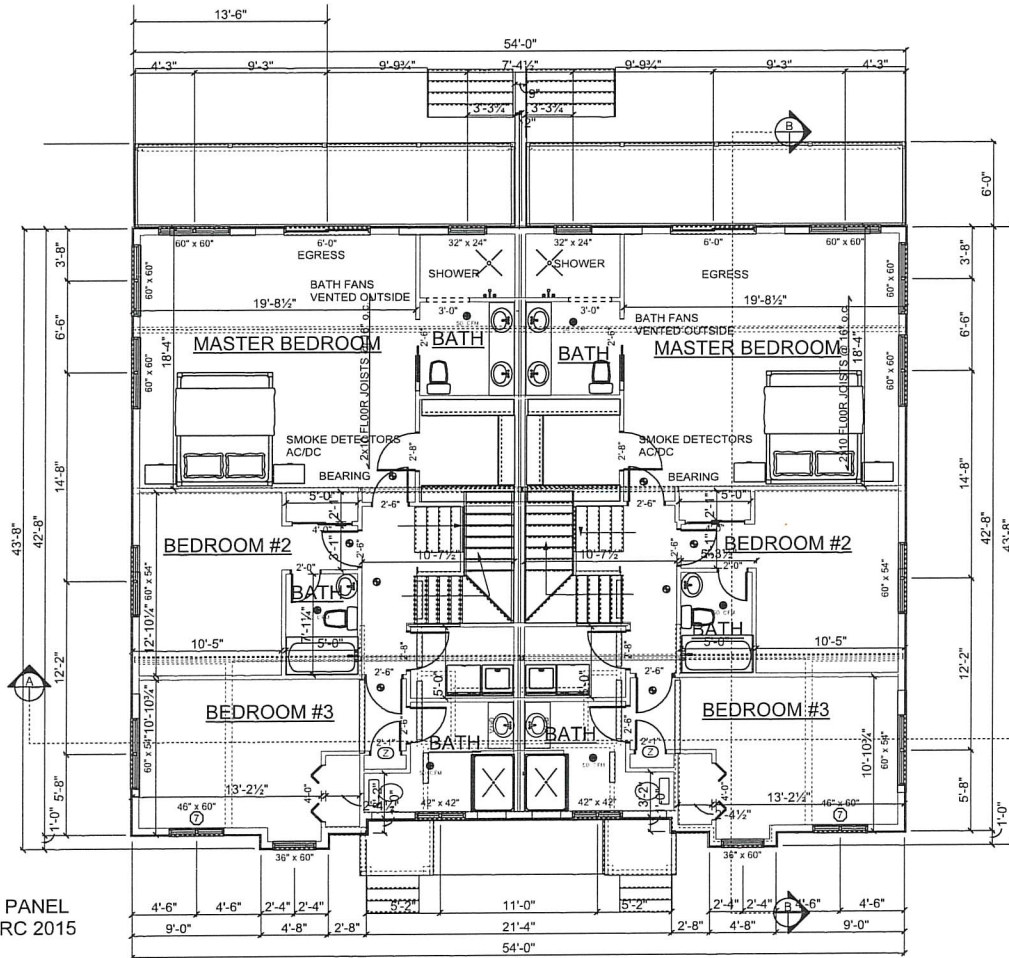
REVISION 2-15-2024

MOORE
613 & 615 RUNAWAY BAY
OCEAN CITY MD.
DESIGNER

FLOOR PLAN

SHEET NO.
OF





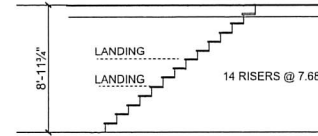
2ND FLOOR LAYOUT

1085 SQ. FT.

1085 SQ. FT.

SCALE: 1/4" = 1'-0"

WALL BRACING PANEL
PER ICC-600 & IRC 2015

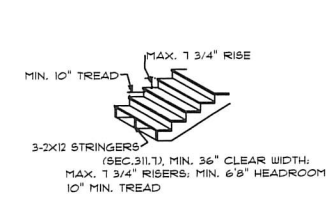


WINDOWS TO MEET DP 50 RATING

OPENING SCHEDULE			
COUNT	PRODUCT CODE	R.O. SIZE	EGRESS
2	42X42 CASEMENT 2	R.O. 42" x 42"	No
4	60X54 CASEMENT 2	R.O. 60" x 54"	Yes
2	36X60 DOUBLE HUNG 1	R.O. 36" x 60"	No
2	46X60 DOUBLE HUNG 2	R.O. 46" x 60"	No
4	48X60 DOUBLE HUNG 2	R.O. 48" x 60"	No
2	60X60 DOUBLE HUNG 2	R.O. 60" x 60"	No
2	32X24 TRANSOM	R.O. 32" x 24"	No

SMOKE DETECTORS TO BE INTERCONNECTED
AND TO BE HARD WIRE WITH BATTERY BACKUP

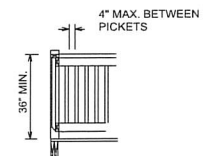
BATHROOMS TO HAVE BATH FANS
420 C.F. REQUIRING EXHAUST FAN W/
MINIMUM AIR EXCHANGE OF 35 C.F.M.
CARBON MONOXIDE DETECTORS IF
FUEL BURNING APPLIANCES



STAIR DETAIL

STAIRS:

- GAIRD RAILS NOT LESS THAN 34" IN HEIGHT FROM NOSE OF TREADS, ON ALL OPEN SIDES OF STAIRWAYS.
- MAXIMUM SPACE BETWEEN PICKETS NOT MORE THAN 4"
- HANDRAIL ON AT LEAST ONE SIDE OF STAIRWAY, NOT LESS THAN 34" OR MORE THAN 38" FROM TREAD NOSING



RAIL DETAIL
SCALE: 1/2" = 1'-0"

A-3

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN MD. 21811

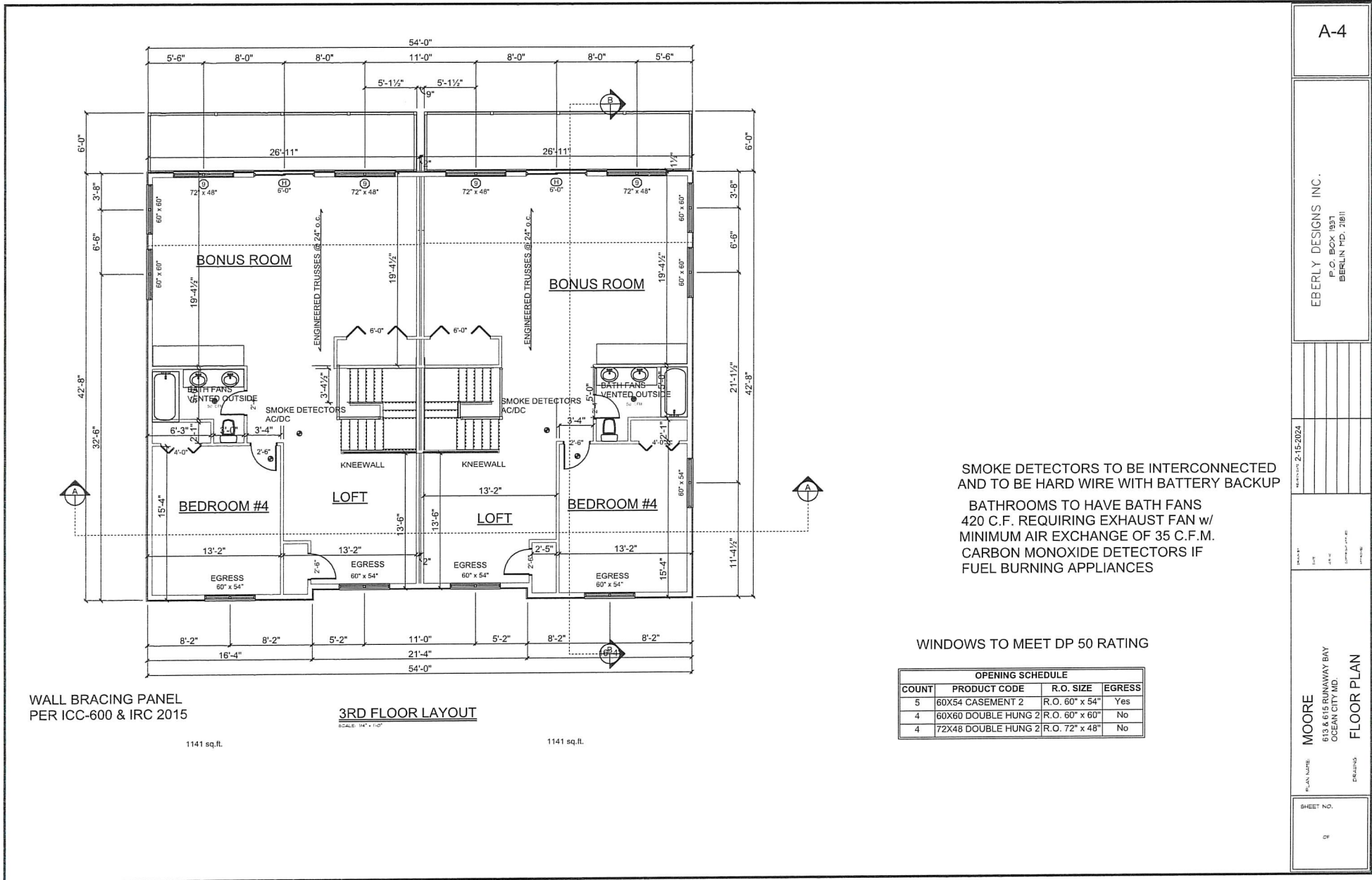
REVISION 2-15-2024

DATE: 2/15/24
BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN

MOORE
612 & 618 RUNAWAY BAY
OCEAN CITY MD.
FLOOR PLAN

DESIGNED BY: [Signature]

SHEET NO.
OF



A-4

EBERLY DESIGNS INC.
P.O. BOX 1937
BERLIN MD. 21811

DATE: 2-15-2024

MOORE
618 S 616 RUNWAY BAY
OCEAN CITY, MD.
FLOOR PLAN

PREPARED BY: [Signature]

SHEET NO.
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A-5

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN, MD. 21811

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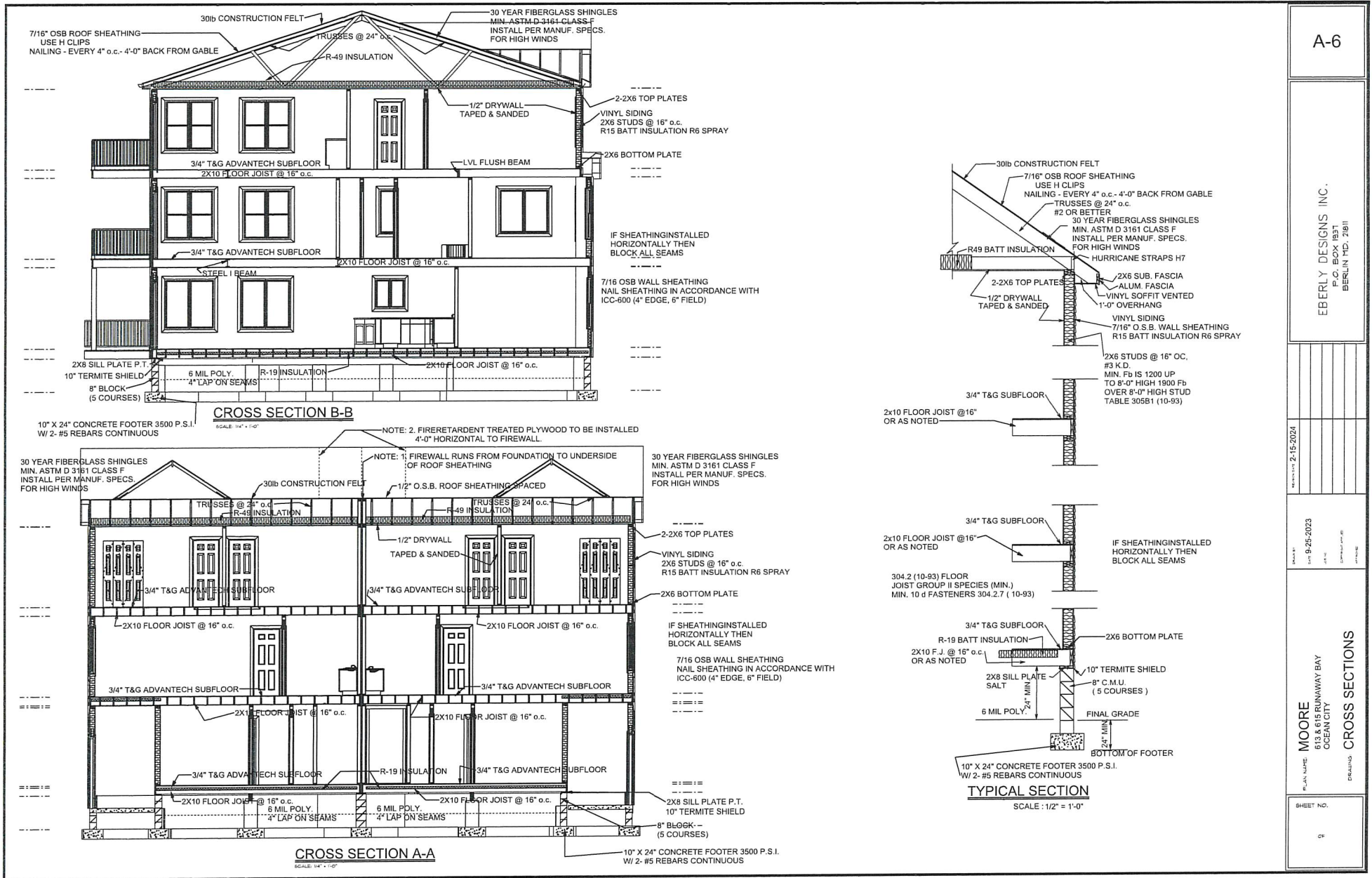
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MOORE
613 & 616 RUNAWAY BAY
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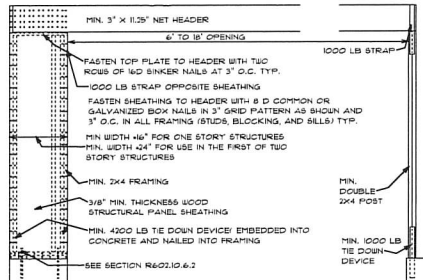
DATE 9-25-2023

MOORE
613 & 615 RUNWAY BAY
OCEAN CITY
DRAWING

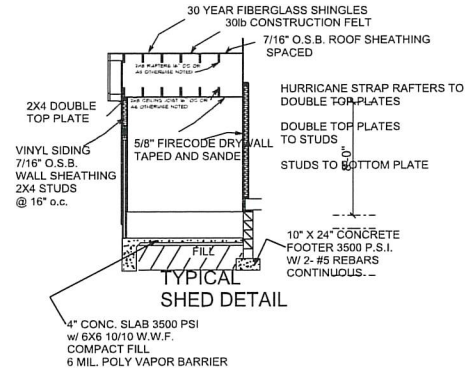
CROSS SECTIONS

SHEET NO.

8



WALL PANEL ADJACENT TO A DOOR OR WINDOW OPENING

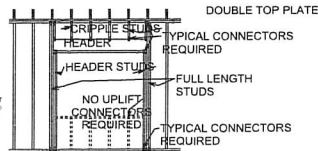


TYPICAL SHED DETAIL

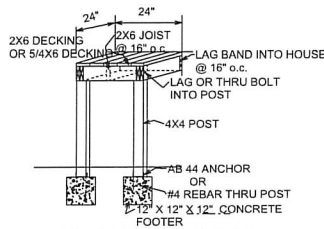
NOTES:

1. ALL LUMBER IS TO BE #2 SPF OR BETTER
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3. EGRESS WINDOWS TO BE 20" CLEAR WIDTH, 24" CLEAR HEIGHT, AND A TOTAL CLEAR OPENING OF 5.7 SQ. FT.

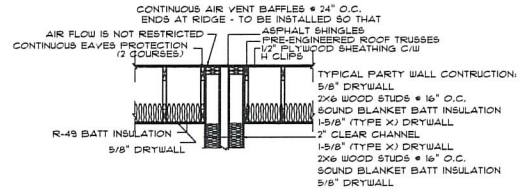
ROOF AND CEILING FRAMING



NOTE: UPLIFT CONNECTION IS REQUIRED AT EACH END OF HEADER AND AT BOTTOM OF HEADER STUDS IN ADDITION TO CONNECTORS AT WALL STUDS AND AT TOP AND BOTTOM OF CRIPPLES



HVAC STAND DETAIL
NO SCALE



TYPICAL PARTY WALL CONSTRUCTION:

- 5/8" DRYWALL
- 2X4 WOOD STUDS @ 16" O.C.
- SOUND BLANKET BATT INSULATION
- 1-5/8" (TYPE X) DRYWALL
- 2" CLEAR CHANNEL
- 2X4 WOOD STUDS @ 16" O.C.
- SOUND BLANKET BATT INSULATION
- 5/8" DRYWALL

TYPICAL FLOOR SYSTEM:
3/4" T&G PLYWOOD SUBFLOOR
2X10 JOISTS @ 16" o.c. w/ OR AS NOTED

TYPICAL PARTY WALL CONSTRUCTION:

- 5/8" DRYWALL
- 2X4 WOOD STUDS @ 16" O.C.
- SOUND BLANKET BATT INSULATION
- 1-5/8" (TYPE X) DRYWALL
- 2" CLEAR CHANNEL
- 2X4 WOOD STUDS @ 16" O.C.
- SOUND BLANKET BATT INSULATION
- 5/8" DRYWALL

TYPICAL FLOOR SYSTEM:
3/4" T&G PLYWOOD SUBFLOOR
2X10 JOISTS @ 16" o.c. w/ OR AS NOTED

TYPICAL PARTY WALL CONSTRUCTION:

- 5/8" DRYWALL
- 2X4 WOOD STUDS @ 16" O.C.
- SOUND BLANKET BATT INSULATION
- 1-5/8" (TYPE X) DRYWALL
- 2" CLEAR CHANNEL
- 2X4 WOOD STUDS @ 16" O.C.
- SOUND BLANKET BATT INSULATION
- 5/8" DRYWALL

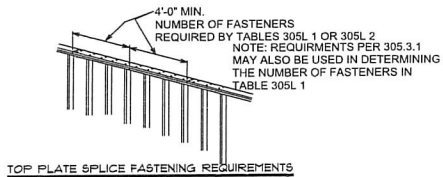
TYPICAL FLOOR SYSTEM:
3/4" T&G PLYWOOD SUBFLOOR
2X10 JOISTS @ 16" o.c. w/ OR AS NOTED
12" BLOCK WALL

TYPICAL PARTY WALL CONSTRUCTION:

- 2X4 SILL PLATE ON GASKET FASTENED TO FOUNDATION WALL WITH 1/2" DIAMETER ANCHOR BOLTS AT 6'-0" O.C.

1 HOUR PARTY WALL

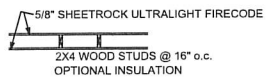
SCALE: 1/2" = 1'-0"



TOP PLATE SPLICE FASTENING REQUIREMENTS

MINIMUM WALL AND HEADER STUD REQUIREMENT

UNSUPPORTED WALL HEIGHT OR LESS THAN 10'	STUD SPACING	MAXIMUM HEADER SPAN (ft)					
		NUMBER OF HEADER STUDS SUPPORTING END OF HEADER					
		1'	1'	2'	2'	2'	2'
10'	2'	2	2	3	3	3	3
12'	2'	1	2	3	3	3	3
14'	2'	1	2	3	4	4	4
16'	2'	1	2	3	4	4	4
18'	2'	1	2	3	4	4	4



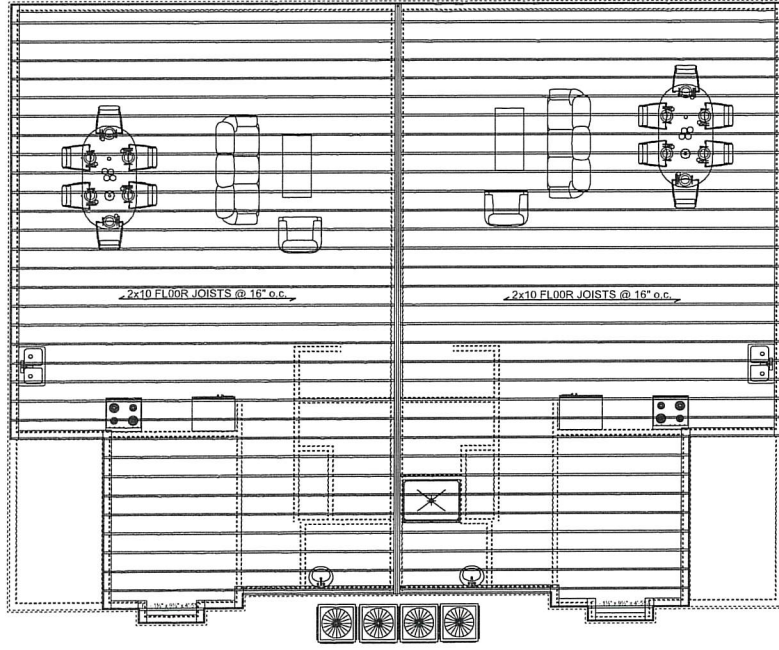
1 HR PARTITION WALL DETAIL

EBERY DESIGNS INC.
P.O. BOX 1931
BERLIN MD, 21811

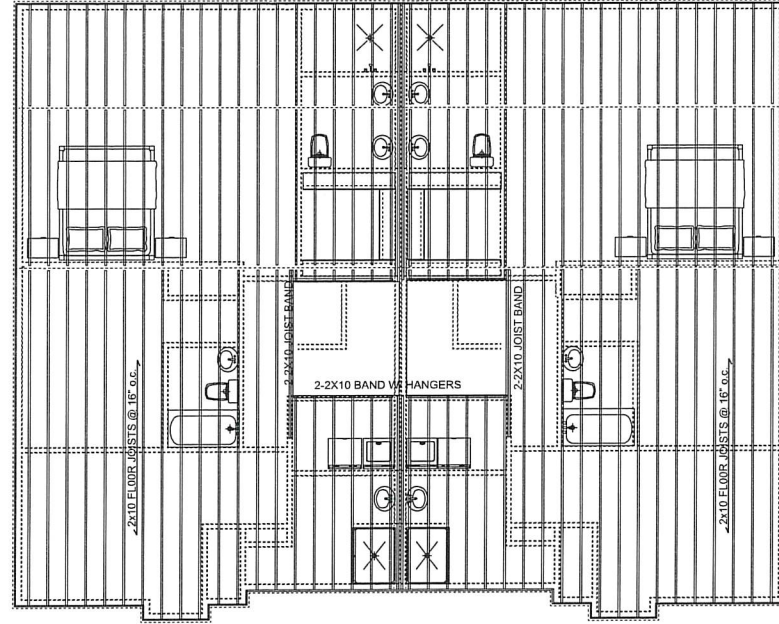
DATE: 05-25-2023

MOORE
613 & 615 RUNAWAY BAY
OCEAN CITY
DELAWARE

SHEET NO.
OF



1ST FLOOR LAYOUT
FLOOR JOIST FRAMING PLAN
SCALE: 1/4" = 1'-0"



2ND FLOOR LAYOUT
FLOOR JOIST FRAMING PLAN
SCALE: 1/4" = 1'-0"

S-1

EBERLY DESIGNS INC.
P.O. BOX 1931
BERLIN MD. 21811

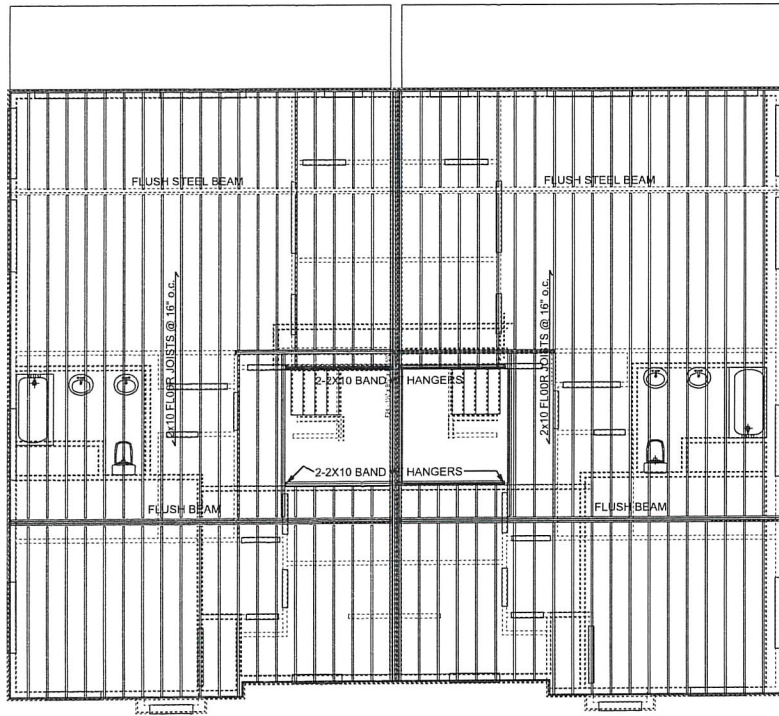
DATE: 2-15-2024

DATE: 9-25-2023

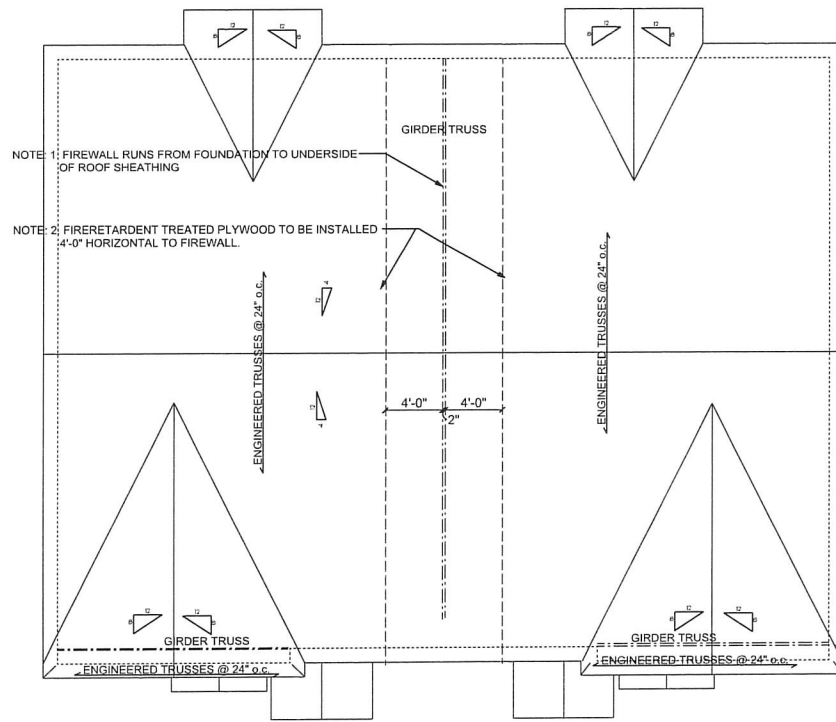
MOORE
613 & 615 RUNAWAY BAY
OCEAN CITY
ELEVATION

SHEET NO.

9



3RD FLOOR LAYOUT
FLOOR JOIST FRAMING PLAN
 SCALE: 1/4" = 1'-0"



BIRD'S EYE PLAN
 SCALE: 1/4" = 1'-0"

- NOTE 1: FIREWALL RUNS FROM FOUNDATION TO UNDERSIDE OF ROOF SHEATHING
- NOTE 2: FIRERETARDANT TREATED PLYWOOD TO BE INSTALLED 4'-0" HORIZONTAL TO FIREWALL.

S-2

EBERLY DESIGNS INC.
 P.O. BOX 1931
 BERLIN TPO, 21811

DATE: 2-15-2024

DATE: 9-25-2023
 DATE: 11-15-2023
 DATE: 11-15-2023

WITHERS-MAUCK
 510 & 512 RUNAWAY BAY
 OCEAN CITY
 FLOOR FRAMING & BIRDSEYE

SHEET NO.
 OF



STAFF REPORT

DATE: April 25, 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 an after-the-fact variance from the front yard setback requirement for an existing structure
(BZA 2687, File #24-09500003)

Applicant: Heritage Outdoor Solutions, LLC
Attn: Alec Huber
909 Belfast Road
Sparks Glencoe, Maryland 21152

Subject Site: Franco's Pizza and Bar
1513 Atlantic Avenue
Ocean City, Maryland 21842

Property Owner: PRBR Hospitality, LLC
Unit Owner – Franco Rossetti
1513 Atlantic Avenue
Ocean City, Maryland 21842

Request: The applicant has filed an appeal to request:

- a. An after-the-fact variance of 12 feet 7 inches from the 41-foot front yard setback requirement for an existing screened pergola to be 28 feet 5 inches from the front property (**Applicant Exhibit #1**)

Property Description: The site of the appeal is described as Lots 1, 2, 3, 10, 11 and 12, Block 56 North, of the plat entitled "Sinexpent Beach Plat." It is further described as being on the southwest corner of Atlantic

Avenue, the Boardwalk, and 16th Street, and is locally known as 1513 Atlantic Avenue, in the Town of Ocean City, Maryland. (**Staff Exhibit #1**)

Zoning: R-3, General Residential District

Project History:

This parcel of land was developed in 2014 through 2016 and is locally known as the Hyatt. To qualify for this height, the development team utilized the special height by right provision (Section 110-903(3) (d)) which affords extra height, provided that an increased front yard setback is provided. Select properties along the Boardwalk have this special setback. The Department of Planning and Community Development issued a construction permit for the December 19, 2023, despite the structure not complying with the setback. It was then found that it does not comply with the 41-foot setback that is specific to this property given the height of the building. The application has been forwarded to the Board of Zoning Appeals as the structure does not have a Certificate of Completion/ Occupancy yet. (**Staff Exhibit #2**)

Relevant Code References

Ocean City Code (Chapter 110 - Zoning Regulations):

Article II, Division 4, Board of Zoning Appeals

Section 110-95

(1) The board shall have the power to grant the following variances

(a) to minimum yard requirements

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.

1. 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.

2. 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.

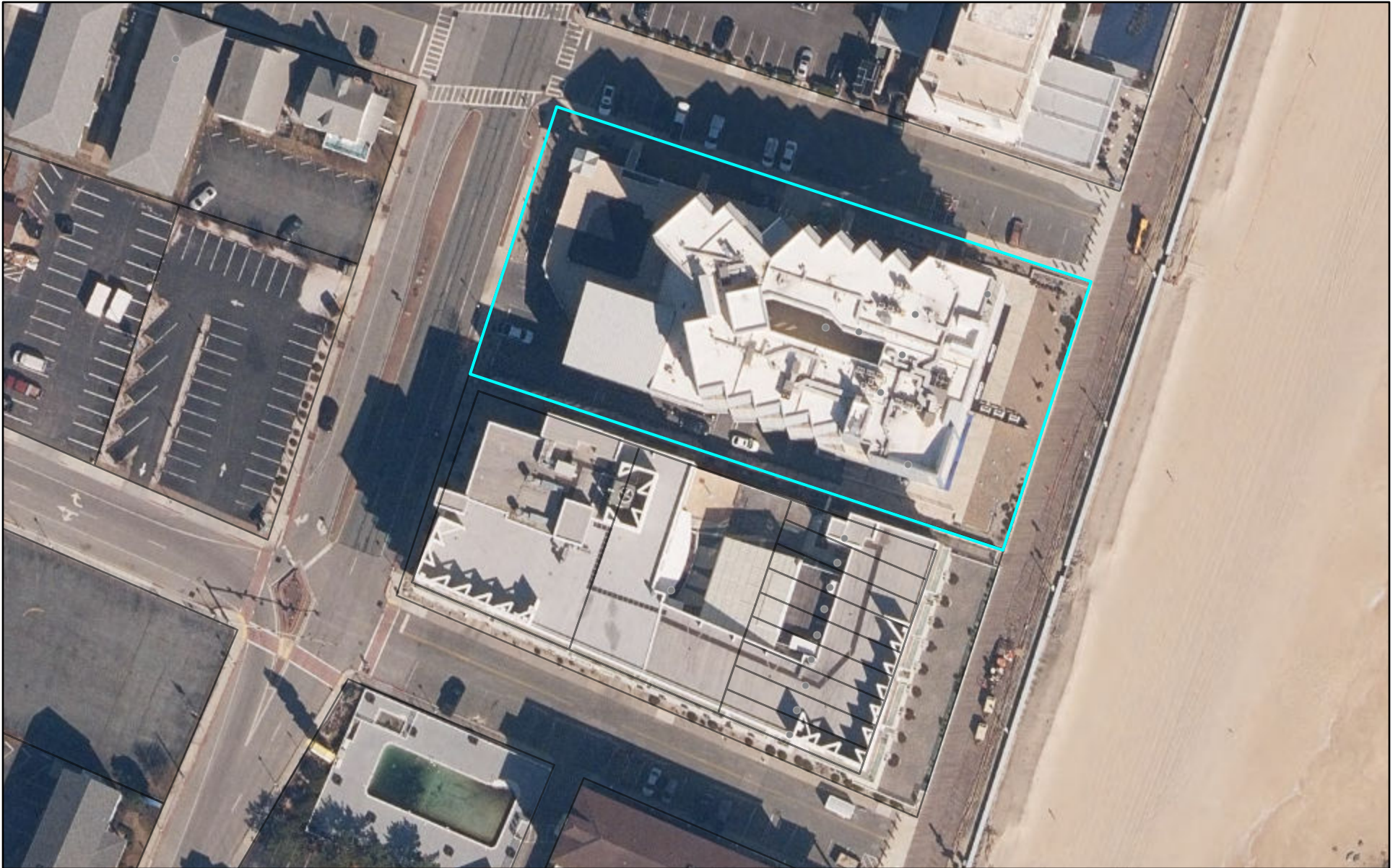
No variance shall be authorized unless the board finds that the condition or situation of the property involved or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this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

This property has a 41-foot front yard setback that is in place per the approved site plan and construction of the Hyatt (**PZ File 14-18100012**) which was completed in 2016. This front yard should not have any accessory structure or obstruction, per Section 110-903(3)(d). However, staff inadvertently missed this as it is an atypical setback that is only pertinent to select properties on the Board.

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




- A. An after-the-fact variance of 12 feet 7 inches from the 41-foot front yard setback for an existing screened pergola to be 28 feet, 5 inches from the front property line along Atlantic Avenue, the Boardwalk.

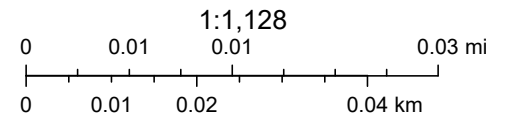
Franco's Aerial Imagery



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TOC_Parcels_ 2022 Imagery

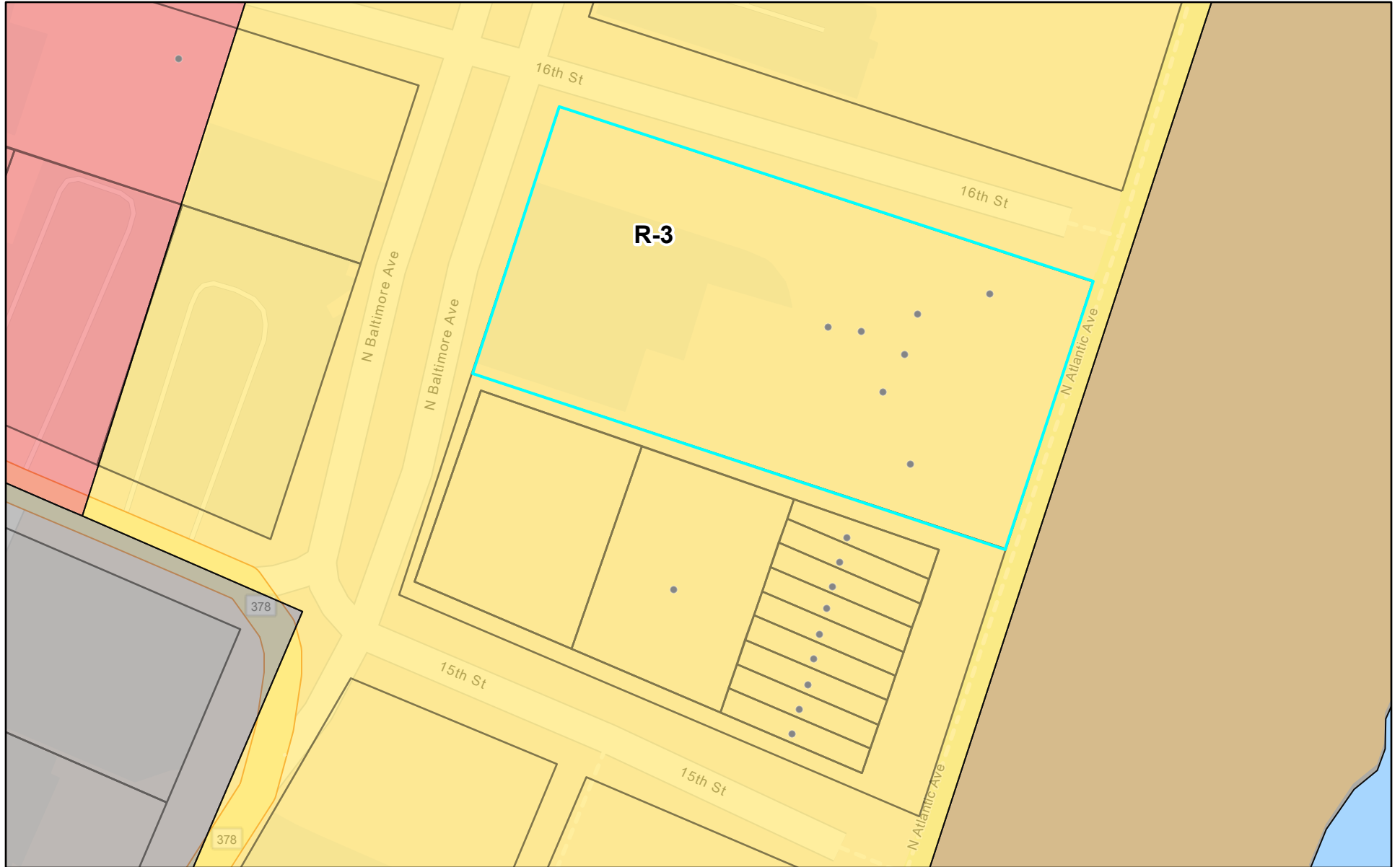
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	Blue: Band_3		



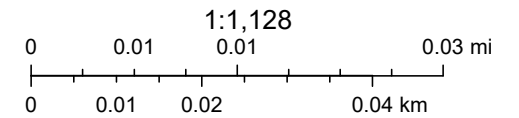
Esri Community Maps Contributors, Town of Ocean City, MD, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

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

Franco's - Zoning Map



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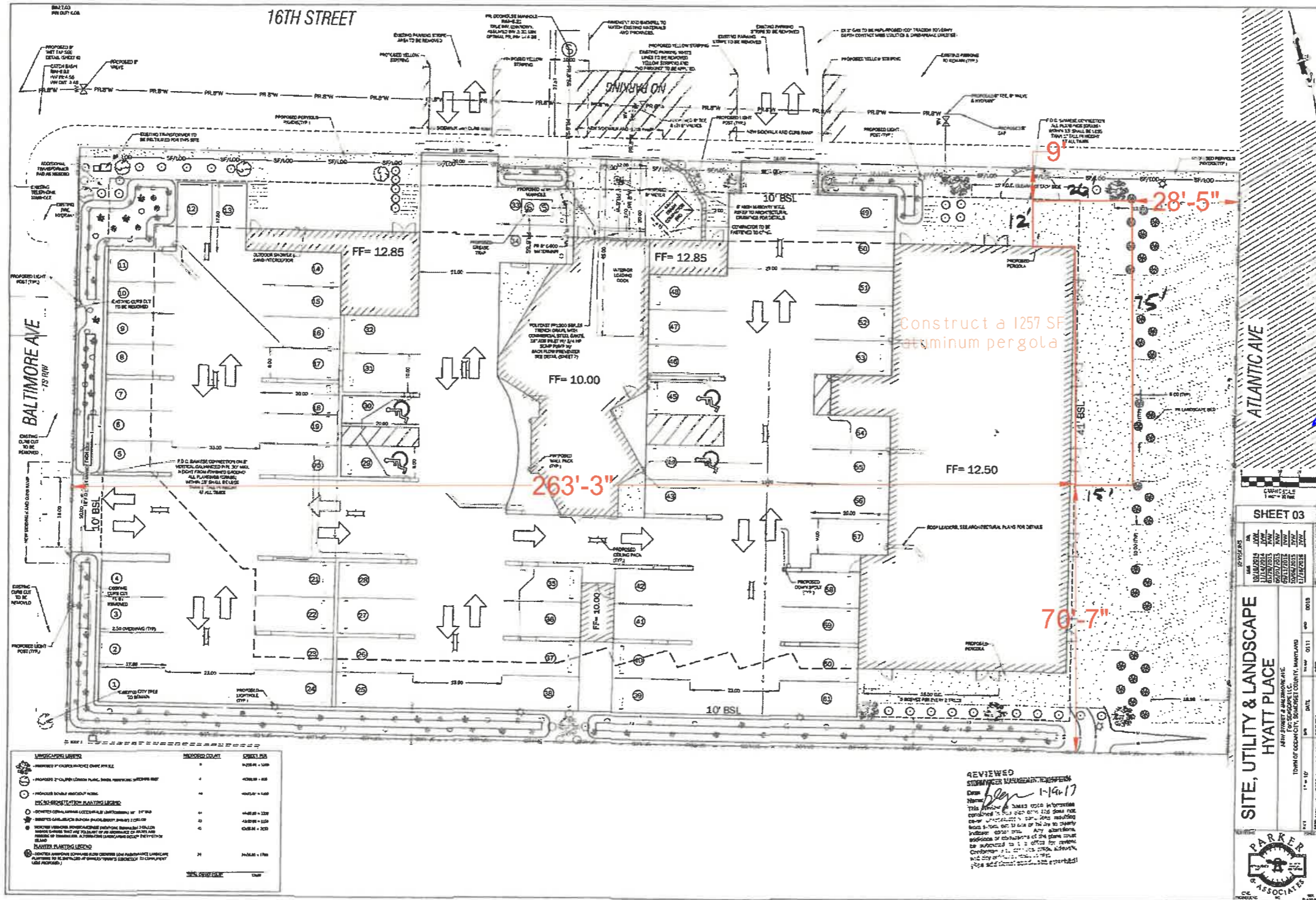






This document has been reviewed and approved for compliance in accordance with The Zoning Code of the Town of Ocean City. Any changes from the approved construction documents shall be submitted for review and approval prior to the commencement.

Chase Phillips 10/16/2023 Must comply with 10-foot setback along 16th Street
Chase Phillips | Zoning Analyst



CRITICAL AREA AND STORMWATER WAIVER
MAINTENANCE, REPAIR, REPLACEMENT
NO CHANGE IN FOOTPRINT, USE, OR PERVIOUSNESS

J. Phillips 9/7/2023
Signature Date

REVIEWED
STORMWATER MANAGEMENT RESPONSE
Date: *1-14-17*
This document does not constitute a contract. The user of this document is responsible for ensuring that all information is current and accurate. Any changes to this document should be made in accordance with the applicable laws and regulations.

SHEET 03

SITE, UTILITY & LANDSCAPE
HYATT PLACE

4000 STREET & BALTIMORE AVE
TOWN OF OCEAN CITY, BARRACLOUGH COUNTY, MARYLAND

PARKER ASSOCIATES

— Attach to Host

