

1. 2023-01-17 Administrative Adjustment Agenda

Documents:

[2023-1-17 ADMINISTRATIVE ADJUSTMENT AGENDA.PDF](#)

2. 2022-08-09 Amy's Laundry Administrative Adjustment Request Letter

Documents:

[2022-08-09 AMYS LAUNDRY ADMINISTRATIVE ADJUSTMENT REQUEST LETTER.PDF](#)

3. AA-23-01 Staff Memo

Documents:

[AA 23-01 STAFF MEMO \(1\).PDF](#)



## **ADMINISTRATIVE ADJUSTMENT HEARING AGENDA**

**Tuesday, January 17, 2023, at 6 PM**

**Virtual Meeting:**

<https://www.youtube.com/@CityofWestminsterMD/streams>

**www.WestminsterMD.gov**

### **I. Call to Order**

**Statement of Authority** - Pursuant to Maryland Code Annotated, Land Use Article, Division 1, Single Jurisdiction Planning and Zoning, Title 4, Zoning, Subtitle 2, Designation and Adoption, Section 4-205 and the City of Westminster Zoning Ordinance Section 164-158.1A.(1), "...the Planning Director [Director] is authorized to grant administrative adjustments from the following requirements contained in this chapter:

- (a) Local height requirements;
- (b) Local setback requirements;
- (c) Local bulk requirements;
- (d) Local parking requirements;
- (e) Local loading, dimensional, or area requirements; or
- (f) Similar local requirements.

The Director may grant an administrative adjustment in cases where the strict compliance with the requirements of this chapter would result in practical difficulty or unreasonable hardship which has not been caused by the applicant.

### **II. Public Hearings**

#### **CASE NO: 23-01**

An application by Andrew Stine from Development Design Consultants, LLC representing their client Amy Doody from Amy's Laundry, requesting approval of an Administrative Adjustment for 271 E. Main Street Westminster, Maryland 21157 (SDAT# 07-06512 and SDAT# 07-065140) to: 1) Zoning Ordinance Section 164-45.10 to allow a one-story reduction of the required minimum two-story building height, and 2) Zoning Ordinance Section 164-41.11 (A)(1) to allow an 5 feet increase to the required maximum 5' front yard setback from Winter Street. The applicant is requesting the administrative adjustments to construct a one-story addition to the existing one-story building to the east towards and setback 10 feet from Winters Street for the expansion of the existing Amy's Laundry, a permitted "Laundry or dry-cleaning establishments without drive-through service" use, at the subject property.

### **III. Adjournment**



Planners  
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Engineers  
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August 24, 2022

Mr. Mark Depo, Director  
Department of Community Planning & Development  
45 West Main Street  
Westminster, MD 21157

RE: Amy's Laundry  
City of Westminster File Number: SS-22-08  
DDC Job Number: 22002.1

Dear Mr. Depo:

On behalf of our client, DDC, Inc. is submitting this request for an Administrative Adjustment for the accompanying Simplified Site Development Plan for Amy's Laundry (File No. SS-22-08). As part of that Site Development Plan, our client is proposing that the existing building at 271 East Main Street be expanded with a 1,879 SF addition.

#### Administrative Adjustment

Our client is requesting an Administrative Adjustment in regard to several aspects of the above referenced Simplified Site Plan as a result of the City's June 21, 2022 comment letter for the plan.

1. In response to Comments #8, our client is seeking an adjustment to the requirement that the addition be constructed as a two-story building in accordance with ZO Section 164-45.10. The existing building, constructed in the year 2000 according to the Department of Assessments and Taxation, is a one-story building with a peaked roof. The requirement to construct a two-story addition places an undue hardship for our client in that the second story is not needed for their intended business operations, and it results in added design, permitting, and construction expenses for space which our client has no intent on utilizing and for which no water allocation has been requested. For this reason, our client has requested the adjustment to allow for the expansion to be installed as a one-story addition.
2. In response to Comments #9, our client is seeking an adjustment to the requirement that the addition be constructed in a manner that meets the 5' maximum setbacks set forth in ZO Section 164-45.11A.(1). The existing building, constructed in the year 2000 is set back from all adjacent public streets, and this condition was present on the property when our client acquired it in 2018. The requirement to expand the footprint results in an undue hardship for

**Commented [KS1]:** I do not understand how Mark is interpreting our site to front on both Winters Street & North Bishop. We can only front on one, then the other is a side yard? Either way, I would suggest we state specifically the measurements required (which you did) and then the measurement we are requesting an adjustment to.

our client in that the additional square footage necessary to bring the existing building (and/or the addition) into compliance with this maximum setback requirement from Main Street, North Bishop Street, and Winters street results in building square footage well in excess of our client's needs and in unnecessary expenses in design, permitting, and construction for which our client has no need and no water allocation has been requested. Furthermore, the required expansion of the building to the 5' maximum setback results in a conflict with Section 164-112(B) of the City's Zoning Ordinance that states that, "[n]o automobile off-street parking area shall be reduced in area or encroached upon by buildings, vehicle storage, loading or unloading or any other use where such reduction or encroachment will reduce the area below that required by this article," particularly with regard to the North Bishop Street frontage. Expansion of the building in this area would result in a loss of existing parking such that parking requirements could not be met on site.

3. In response to comment #17, our client is also seeking an adjustment to 5' setback requirement for parking lots identified in ZO Section 164-45.11A.(1). The parking facilities for this building are existing, and no expansion of those facilities is proposed. These facilities are located directly adjacent to North Bishop Street, and the public way currently serves as the access aisle for these facilities.

**Commented [KS2]:** Suggest putting specific measurement proposed here.

It is important to note that the parking calculations indicate that the existing parking facilities are also of sufficient size and capacity that they will be able to serve the existing building and the proposed expansion. Consequently, as per prior paragraphs in this letter, in accordance with ZO Section 164-112(B), the proposed improvements will not encroach on the existing parking facility.

4. Lastly, as also noted in Comment #17, we would also ask that this adjustment be expanded to address the location of the existing parking in accordance with ZO Section 164-45.11A.(4) and the fact that the current lot falls within the "front yard" associated with North Bishop Street. As this property is surrounded on three sides by public ways, there is no true rear yard in which the parking could be located. Rather, this property has three front yards and one side yard, and the requirement to place the parking in a rear yard cannot be met by our client. Required relocation of the parking lot would also result in relocation of the existing building, which would be an undue hardship, a misuse of resources, and not in keeping with the intent of the relevant Code provisions or with the economic development goals of the City. We believe it is clear that the intent of this provision is to apply to new development and not an addition to an existing structure and associated existing parking facilities.

**Commented [KS3]:** Do we believe it is a correct interpretation to have multiple front yards, or are we just going with Mark? Jay always says you can only have one front yard, even if you have public road frontage on multiple property lines.

In summary, we believe that strict compliance with the above cited provisions would result in practical difficulty and unreasonable hardship.

Simplified Site Plan SS-22-08 proposes an addition to a developed site with an existing building. Strict compliance with the provisions of the Code would require relocation of

the existing building, the creation of additional disturbance, an unnecessary use of resources and would potentially render the site financially impractical for the expansion of an existing Main Street business. Nothing proposed by Site Plan SS-22-08 poses a risk to the public health, safety or welfare. Quite to the contrary, the expansion of this business will serve the needs of the residents of the City of Westminster and offer services to the greater community by virtue of the expansion.

We wish to thank you for your consideration and attention to these matters. If there is additional information that would be helpful to you in making your determination, please do not hesitate to request such. Please feel free to call our office with any questions or concerns at (410) 386-0560. We would also note that we reserve the right to provide additional information as necessary, or requested, at further meetings to support this request.

Very truly yours,  
Development Design Consultants, Inc.

A handwritten signature in dark ink, appearing to read "Andrew J. Stine", with a long horizontal flourish extending to the right.

Andrew J. Stine, RLA, ASLA  
Development Design Consultants, Inc.

Enc.



To: Mark A. Depo, Director of Community Planning and Development

From: Andrea Gerhard, Comprehensive Planner

Hearing Date: January 17, 2023

Subject: **Administrative Adjustment Case AA 23-01 Staff Memo**

Re: An application by Andrew Stine from Development Design Consultants, LLC representing their client Amy Doody from Amy's Laundry, requesting approval of an Administrative Adjustment for 271 E. Main Street Westminster, Maryland 21157 (SDAT# 07-06512 and SDAT# 07-065140) to: 1) Zoning Ordinance Section 164-45.10 to allow a one-story reduction of the required minimum two-story building height, and 2) Zoning Ordinance Section 164-41.11 (A)(1) to allow an 5 feet increase to the required maximum 5' front yard setback from Winter Street. The applicant is requesting the administrative adjustments to construct a one-story addition to the existing one-story building to the east towards and setback 10 feet from Winters Street for the expansion of the existing Amy's Laundry, a permitted "Laundry or dry-cleaning establishments without drive-through service" use, at the subject property.

## I. **Background**

On August 24, 2022, an application was submitted to the Department of Community Planning and Development for an administrative adjustment at 271 E Main Street. The subject property is zoned D-B Downtown Business Zone and governed under the City of Westminster Zoning Ordinance (Zoning Ordinance). The Maryland State Department of Assessments and Taxation (SDAT) online records indicate the property is owned by 271 E Main Street, LLC.

The subject property contains a one-story structure in use by Amy's Laundry, a laundromat use that provides various laundry services. Pursuant to Zoning Ordinance Section 164-45.8 (27), a "Laundry or dry-cleaning establishments without drive-through service" is a permitted use in the D-B Downtown Business Zone. The Applicant intends to add an 1,879 square foot addition. This addition would be used to expand the already existing services that Amy's Laundry business provides. The applicant has submitted Simplified Site Plan SS-22-08 for the addition.

The original Administrative Adjustment request included four adjustments:

1. Zoning Ordinance Section 164-45.10 to allow a for an expansion to the current building to constructed as a one-story addition.
2. Zoning Ordinance Section 164-41.11 (A)(1) to allow for a relief from the required 5' setback from all adjacent public streets.
3. Zoning Ordinance Section 164-11 (A)(1) to allow for a relief from the required 5' parking setback requirements; and
4. Zoning Ordinance Section 164-45.11 (A) (4) to allow for an adjustment to the existing parking lot location as it relates to Bishop Street.

The applicant requested the administrative adjustments so that the subject property that is currently the site of Amy's Laundry can be expanded.

After reviewing of the original request, the only administrative adjustments that were required were requests 1 and 2 listed above.

## **II. Notice**

The property was posted with notice of the pendency of the application and the adjoining property owners were notified of the application by first class mail as to the date, time, and place of the Administrative Adjustment Case AA 23-01 hearing. These notices were provided to meet the notification requirements set forth in the Section IV of the Administrative Adjustment Procedures, as contained in Resolution No. R03-9. On January 13, 2023, a copy of the agenda was posted on the City's website.

## **III. Authorization**

Pursuant to Maryland Code Annotated, Land Use Article, Division 1, Single Jurisdiction Planning and Zoning, Title 4, Zoning, Subtitle 2, Designation and Adoption, § 4-205 and Section 164-158.1 A. (1), of the City Zoning Ordinance, "...the Planning Director is authorized to grant administrative adjustments from the following requirements contained in this chapter:"

- (a) Local height requirements;
- (b) Local setback requirements;
- (c) Local bulk requirements;
- (d) Local parking requirements;
- (e) Local loading, dimensional, or area requirements; or
- (f) Similar local requirements.

## **IV. Process**

On July 14, 2003, the Mayor and Common Council adopted Resolution R03-9 that contains Administrative Adjustment Procedures (Section 164-158.1 B.). Under section three D. of

the procedures, “an applicant should understand that an administrative adjustment is an exception to the general requirements imposed under Chapter 164 and that its obtention is not a matter of right. An applicant bears the burden of persuasion and proof to justify the granting of an administrative adjustment”. Under section five of the procedures, the Director may consider the factors set forth in Section 164-161.A.(3), originally related to the BZA variance requests. The Director shall not grant an administrative adjustment if to do so would violate the spirit and intent of the requirements or cause or would be likely to cause substantial injury to the public health, safety and general welfare.

## **V. Proposal**

The Applicant is adding an 1,879 square foot addition to expand the already existing services that Amy’s Laundry business provides. The proposed is allowed within the zoning district. The applicant has submitted the required Water and Sewer Allocation Application.

In evaluating the requested Administrative Adjustment, the Director may consider the factors set forth in Section 164-161A.(3), as follows:

1. There are exceptional or extraordinary circumstances or conditions applying to the Property in question or to the intended use of the Property that do not apply generally to other properties or classes of uses in the same zone;

The Administrative Adjustment is being requested for an already existing building located with a Historic Downtown District. The property has frontage along East Main Street, N. Bishop Street and Winters Street. With these streets acting as the property’s boundaries, it is very difficult to reasonably expand the existing business while meeting the required setback requirements from public streets. In addition, the adjustment is to the maximum setback of 5’ from Winters Street which functions as an alley and service road for trash removal for several businesses including Amy’s Laundry. For the proposed addition to be located closer to Winters Street makes providing a dumpster and trash removal difficult.

The proposed addition development went before the Historic District Commission for an architectural review which consisted of the one building story. The Commission commented that the building itself wasn’t historic, but the site was. This could explain the interesting site details in relation to all of the abutting roadways.

2. Such variance is necessary for the preservation and enjoyment of substantial Property rights possessed by other properties in the same zone and in the same vicinity; and

The businesses located in the D-B Zoning District are located on a historic Main



Street and cannot always meet the zoning regulations set forth in the ordinance regarding setbacks and parking. The existing building is one-story. When looking at development plans for an addition it would be the preference of the City for the addition to be constructed to seamlessly blend into the existing architecture. This would not be achieved by the two-story requirement. There are other commercial and residential buildings located in the D-B zone that are one-story.

The proposed addition development went before the Historic District Commission for an architectural review which consisted of the one building story. The Commission had no issues with the proposed one-story addition.

3. The authorizing of such variance will not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter or the public interest.

There will be no detriment to adjacent properties due to this Administrative Adjustment. The request for adjustments is to the required setbacks to the road and building height. The proposed adjustments do not impact traffic movement on East Main Street, N Bishop Street or Winters Street.

The existing building is already one-story, so the continuation of a one-story building for the addition does not present any detriment to the public or adjacent property owners.

Winters Street functions as an alley and service road for trash removal for several businesses including Amy's Laundry. The locate the one-story addition 10 feet from Winters Street will allow for the removal of trash safely. If the addition is required to be 5 feet from Winters Street will make trash removal difficult and may create visibility issues for vehicles at the Winters Street/N. Bishop Street intersection.

## **VI. Findings of Facts and Conclusions of Law**

Staff recommends that the Director consider the following as findings of fact and conclusions of law:

- The adjustments are being requested for an existing building in the Historic Downtown Commercial District.
- The Historic District Commission commented that the building itself was not historic, therefore the proposed addition does not affect the historic nature of the existing building.
- The building faces East Main Street, N Bishop Street and Winters Street. With these streets acting as the property's boundaries, it is very difficult to meet the setback requirements away from public streets.
- Other commercial and residential businesses in the D-B zoning district are one-story.
- When looking at development plans for an addition it would be the preference of the

City for the addition to be constructed to seamlessly blend into the existing architecture. This would not be achieved by the two-story requirement.

- There will be no detriment to the public or adjacent property owners.
- Winters Street functions as an alley and service road for trash removal for several businesses including Amy's Laundry.

**VII. Decision**

Under section five of the procedures, "subsequent to the conduct of a hearing, the Director shall decide the issue(s) raised by the application. The decision shall be in writing and provide a brief explanation of the law and facts which support it. In evaluating the application, the Director may consider the factors set forth in Section 164-161 A(3 ). In making a decision, the Director may grant the administrative adjustment in cases where the strict compliance with Chapter 164 would result in practical difficulty or unreasonable hardship which has not been caused by the applicant. The Director shall not grant an administrative adjustment if to do so would violate the spirit and intent of the requirements or cause or would be likely to cause substantial injury to the public health, safety and general welfare.

**VIII. Recommendation**

Staff recommends approval of the proposed Administrative Adjustment, per § 164-158.1 of the City Code.

**Attachments**

- Property location aerial map
- Administrative Adjustment Application

# Property Location

