

1. Agenda - 08.20.24

Documents:

[ADMINISTRATIVE ADJUSTMENT AGENDA 8-20-2024.PDF](#)

2. 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.

3. Public Hearings

3.I. CASE: AA 24-04

An application by Dean Camlin on behalf of Westminster Firehouse LLC., the property owner, requesting approval of an Administrative Adjustment for 66 E Main Street Westminster, Maryland 21157 (SDAT# 07-006667) to Zoning Ordinance Sections 164-111 B. and 164-111 C. to allow a reduction in the number of required parking spaces for new retail/office use in the existing building on-site.

Documents:

[AA-24-04 APPLICATION \(UPDATED\).PDF](#)
[AA 24-04 STAFF MEMO.PDF](#)

3.II. CASE: AA 24-05

An application by Marta Coursey, property owner, requesting approval of an

Administrative Adjustment for Lot 4 Meadow Branch Industrial Park (SDAT# 07-151039) to Zoning Ordinance Section 164-115. (D)(3) to allow for a relief of one foot from the required 25 feet of drive aisle width in the parking lot. The administrative adjustment is associated with a site development plan S-18-0037 to construct an indoor dog training and event facility.

Documents:

[AA-24-05- ADMINISTRATIVE ADJUSTMENT APPLICATION.PDF](#)
[AA 24-05 STAFF MEMO.PDF](#)

4. Adjournment



ADMINISTRATIVE ADJUSTMENT HEARING AGENDA

Tuesday, August 20 2024, at 3 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:

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II. Public Hearings

CASE: AA 24-04

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CASE: AA 24-05

An application by Marta Coursey, property owner, requesting approval of an Administrative Adjustment for Lot 4 Meadow Branch Industrial Park (SDAT# 07-151039) to Zoning Ordinance Section 164-115. (D)(3) to allow for a relief of one foot from the required 25 feet of drive aisle width in the parking lot. The administrative adjustment is associated with a site development plan S-18-0037 to construct an indoor dog training and event facility.

III. Adjournment

DULANY LEAHY CURTIS & BROPHY LLP

J. BROOKS LEAHY
AMBER DAHLGREEN CURTIS
STEPHANIE R. BROPHY

ATTORNEYS AT LAW
182 EAST MAIN STREET
WESTMINSTER, MARYLAND 21157-5012

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EMAIL: BROPHY@DULANY.COM

August 9, 2024

Via email and hand delivery

Mark A. Depo, Director
Department of Community Planning and Development
City of Westminster, Administrative Offices
45 West Main Street
Westminster, Maryland 21157

Re: Application for Administrative Adjustment
66 E. Main Street, Westminster, Maryland 21157

Dear Mark,

I represent Westminster Firehouse, LLC in connection with the attached Application for Administrative Adjustment to the local parking requirements for its proposed co-working space at 66 East Main Street, Westminster, Maryland 21157. Attached hereto are the following documents:

1. Application for Administrative Adjustment
2. Continuation Sheet to Application
3. Design Drawing by Dean Robert Camlin, Architect showing gross floor area of the entire building. The co-working space would be on the second and third floors.

You will see an asterisk and a note on page 2 of the Application. Per our call earlier this week, I did not fill in the contiguous property information as it is my understanding that the City already had identified them and did not need me to include it. If my understanding is incorrect or if you would like me to send, please let me know. If you need any additional information, please contact me. Thank you for your time and consideration of this matter.

Sincerely,

DULANY LEAHY CURTIS & BROPHY LLP

/s/ Stephanie R. Brophy

Stephanie R. Brophy

cc: Westminster Firehouse, LLC (via email)

Application for Administrative Adjustment

PAGE 1

CITY OF WESTMINSTER, MARYLAND

Application for Hearing

In accordance with the provisions of Chapter 164-Zoning of the westminster City Code, application is made for administrative adjustment to the Director of Planning and Public works as follows:

APPLICANT: Westminster Firehouse, LLC PHONE: (443)285-3802

APPLICANT ADDRESS: 5192 Talbots Landing, Ellicott City, MD 21043

OWNER (if other than applicant): _____

OWNER ADDRESS: _____

SUBJECT PROPERTY ADDRESS: 66 E. Main Street, Westminster, MD 21157

PROPERTY IDENTIFICATION: MAP 104 PARCEL 1754 LIBER 8972 FOLIO 447

Nature of Request

Current Zoning Of Property: C-B Zoning Ordinance Basis of Request: § 164-158.1 A. (2)

Current Use of Property: Misc. Commercial Acreage of Property: _____

The applicant requests the following adjustment(s) as marked:

- Local Height Requirements Local Setback Requirements Local Bulk Requirements
- Local Parking Requirements Local Loading Requirements Local Area Requirements
- Local Dimensional Requirements

Description of Request in Detail: See attached Continuation Sheet.

Westminster Firehouse, LLC

By: Chetan Mehta
Chetan Mehta, Managing Member

08.09.2024
Date

Application for Administrative Adjustment

PAGE 2

CITY OF WESTMINSTER, MARYLAND

APPLICANT: Westminster Firehouse, LLC

ADJOINING (CONTIGUOUS) PROPERTY OWNERS:

(Including adjacent property owners on opposite side of streets or roads)

* City has mailed notice to the applicable contiguous property owners. Per counsel conversation with City, Applicant is not filling out the below information as the contiguous property owners have been identified and notified.

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

I understand that the above information is required for the processing of my case and I hereby certify the list of contiguous property owners and their addresses:

Westminster Firehouse, LLC

By: Chetan Mehta
Chetan Mehta, Managing Member

08.09.2024

Date

Case Number Assigned: # _____
Date of Hearing: _____/_____/_____
Newspaper Advertisement: _____
Property Posted: _____
Zoning Certificate Number: # _____

Date Filed: _____/_____/_____
Application Fee Received: _____
Decision: _____
Date Decision Rendered: _____/_____/_____

CONTINUATION SHEET
APPLICATION FOR ADMINISTRATIVE ADJUSTMENT TO LOCAL PARKING
REQUIREMENTS OF THE CITY OF WESTMINSTER, MARYLAND

APPLICANT: WESTMINSTER FIREHOUSE, LLC

ADDRESS: 66 EAST MAIN STREET, WESTMINSTER, MARYLAND 21157

OWNER: SAME AS APPLICANT

ATTORNEY FOR APPLICANT: Stephanie R. Brophy, Dulany Leahy Curtis & Brophy LLP

DETAILS SUPPORTING REQUEST:

Background:

The subject property 66 East Main Street, Westminster, Maryland 21157 (the “Property”) is zoned C-B, Central Business. The applicant/owner of the property seeks to operate a co-working space business at the Property on the second and third floors. The first floor of the property is occupied by commercial tenants. The Code of the City of Westminster (the “Code” or as applicable, the “Zoning Ordinance”) lacks a provision addressing a use such as a co-working space. A co-working space is a business in which people who do not work for the same company share office space to do their respective work. The Code also lacks corresponding provisions addressing parking requirements for a co-working space. Arguably, the closest use the City has in its Zoning Ordinance is “Offices: business professional or financial” (Chapter XVI, Section 164-111) which use is distinct from a co-working space. The City of Westminster’s (the “City”) lack of provision for co-working spaces may be due to the fact that co-working spaces as a use were not as ubiquitous once as they are now, and the City has not had an opportunity to update the Zoning Ordinance. Nevertheless, even though the City’s Code has not caught up yet, other jurisdictions have addressed co-working spaces as a distinct use and in doing so have consistently found that local parking requirements for co-working spaces should be either zero or greatly reduced.

Local Applicable Law:

Section 4-205 of the Land Use Article of the Maryland Code provides that “[a] legislative body may authorize the planning director or another designee to grant an administrative adjustment from the parking requirements in a zoning law enacted by the legislative body.”

Section 164-111 C. of the Zoning Ordinance provides, in pertinent part, that the parking requirements for “Offices: business, professional or financial” is “1 for each 250 square feet of floor area or 2 per office, whichever is greater.” Since the Code lacks a provision for co-working spaces, Offices is arguably the closest use for the purpose of establishing what the local parking space requirements would be if the Applicant is not granted an Administrative Adjustment to the same (see attached drawing for a detailed tabulation including Offices, Commercial Establishment and Storage, but note, however, that the co-working space being proposed is only going to operate on the second and third floors.).

Section 164-111 D. of the Zoning Ordinance provides:

Parking facilities in Downtown Parking Area; benefit assessment charge and annual maintenance fee. As to all construction or uses, including residential uses, commenced in the Downtown Parking Area after the effective date of this section, to the extent that the Planning Director determines that the size, configuration or other physical characteristic of the site of the planned use makes it impossible for the user to meet the standards in this section, thereby creating a hardship, the Director may, in the Director's discretion, upon application from the user, allow a reduction in the number of spaces; provided, however, that the user shall pay the City a one-time benefit assessment charge of and an annual maintenance fee for each space the user is not able to provide under the standards in this section as provided in the General Fee Ordinance. Additionally, there is hereby granted a reduction in the number of required parking spaces of 25% for all construction or uses, commenced in the Downtown Parking Area after July 1, 2004. The Downtown Parking Area shall be designated on a map adopted by resolution of the Mayor and Common Council.

The Property is in the Downtown Parking Area; therefore, a reduction in the number of spaces of 25% is applied to the number of parking spaces required to be provided by the Applicant. This reduction is shown on the attached design drawing showing the Property's gross square footage and parking calculations based on the existing Code provisions.

Section 164-158.1 A.(2) of the Zoning Ordinance provides:

The Director may grant such adjustments 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. Nothing in this section is intended to permit the Director to permit an adjustment to state or City requirements that are intended to protect environmentally sensitive areas, such as streams, slopes, wetlands, natural heritage areas or critical areas. This section does not authorize the Director, under the guise of an adjustment, to change the use of land.

Argument:

Applicant's research shows that while Maryland jurisdictions may be catching up as regards updating local ordinances to address co-working space as a use and to correspondingly address what are appropriate parking requirements, there are other jurisdictions the City can look to as a guide in the interim for analyzing the appropriate metric to be applied in the instance case. At least two (2) jurisdictions in Massachusetts have set parking requirements at zero for co-working spaces. And other jurisdictions who still impose minimum parking requirements on co-working spaces recognize the difference between a co-working space and an office space. Below are Applicant's key findings that support Applicant's request that the parking requirement for the Property be set to zero.

Massachusetts

The Newton, Massachusetts City Council's Zoning and Planning Committee recently approved an amendment to the city's zoning ordinance to allow more variety in maker-space businesses. The amendment establishes a definition for "business incubators," explicitly allowing for maker-spaces, start-ups, and co-working spaces. The final amendment does not include any

parking requirements for these businesses, citing Brookline, Massachusetts as a city with a parallel zero parking minimum for co-working spaces and similar businesses. Council members reasoned that in order to be successful with these changes, the Council ought not to place too high of a parking standard on the co-working businesses. They also sought to minimize traffic and avoid placing an undue burden on the businesses. Bryan McGonigle, Making room for maker-spaces: City Hall seeks to change ‘business incubator’ zoning, The Newton Beacon, (2024), <https://www.newtonbeacon.org/making-room-for-maker-spaces-city-hall-seeks-to-change-business-incubator-zoning/>. (Emphasis added). All of the factors that drove the decision in Massachusetts exist in Westminster and for this Applicant specifically.

The Brookline, Massachusetts November 14, 2023 Zoning Amendment adopted a definition for “shared workspace” as “The transfer of knowledge or skills related to the creative enterprises through teaching, training, or research; organizations providing collaborative workplace facilities and business planning, finance, mentoring, and other business or administrative support services to creative enterprises; and multipurpose facilities dedicated to providing space for multiple creative enterprises. The shared workspace & arts education category includes arts centers, creative incubators, culinary incubators, design & fabrication centers, fabrication laboratories, and their substantial equivalents.” 11-7.03 Definitions and Standards Specific to Uses. This use has a parking minimum of 0 spots and a maximum of 1 spot per 600 square feet of gross floor area.

Colorado

The city of Fruita, Colorado recognizes that co-working spaces warrant less parking than regular offices, which is reflected in the difference between the required parking spaces for offices and that required for co-working spaces. Fruita, Colorado has a rate of required parking which differentiates offices from co-working spaces. See Fruita, CO Land Use Code 17.39.30 A. which provides, in pertinent part, that the parking requirement for co-working spaces are 1.5 spaces per 1,000 square feet of gross floor area whereas it is 2.5 spaces for offices. The difference in the rate is that co-working spaces have one spot less per 1,000 square feet of gross floor area than what is required for offices.

New Jersey

The B-4 Zone in Millburn, New Jersey allows co-working spaces and the Zone does not have a parking minimum. The amended ordinance removed parking requirements in this Zone unless on-site parking already exists. The City of Millburn website indicated eliminating this barrier will allow more permitted uses to avoid going to the planning board for parking variances. The ordinance also provides for additional uses in the B-4 district, such as theaters and museums. It also allows co-working/shared work spaces in the B-2 and above ground floor in the B-4. See §DRZ-607.4 Waiver of Parking Requirements in the B-4 District. “In the B-4 District, where the number of off-street parking spaces does not satisfy the requirements established under Section 607.2 herein and there is a change of occupancy or use but no physical expansion of the building, there shall be no requirement to provide additional off-street parking spaces above what already exists on the lot.” This is exactly what we have here with the Applicant Westminster Firehouse, LLC– there is no expansion of the building and the building has not historically been subject to parking requirements. See also, §DRZ-606.7 “Central Business B-4. B. Permitted Principal Uses. Offices, including co-working or shared work space, but not on the street-floor level. For the purposes of this restriction, travel agencies, opticians, local newspaper offices substantially

servicing Township residents, and real estate sales and insurance offices shall not be considered offices and are permitted to locate on the street-level floor.”

Here the Property, which has been historically used without the imposition of parking requirements by the City, is improved by a building that almost entirely covers the site to the point that meeting onsite parking requirements would not be possible. The building existed as such on the Property when the Applicant acquired the Property. And finally, if the City were to deem the co-working space the equivalent of Office: business, professional and financial and impose the corresponding parking requirements, the only way for the Applicant to meet those parking requirements would be to pay the fee in lieu (Section 164-111 D. of the Zoning Ordinance) of actually providing the parking spaces and this fee in lieu would be so costly that the Applicant would be unable to proceed with the co-working space, leaving yet another commercially viable building in downtown Westminster used to less than capacity. The Property is located downtown and many users could walk or bike to the co-working space. Fortunately, the drafters of the Code provided for instances such as this by designating the Director of Community Planning and Development with authority in Section 164-158.1 A.(2) of the Zoning Ordinance to “grant such adjustments 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.” Here, the Applicant has not caused any of the reasons why strict compliance with the requirements of the Zoning Ordinance results in practical difficulty and unreasonable hardship for the Applicant.

Under the current Zoning Ordinance, if the Property is deemed a traditional office, and parking is calculated per the attached drawing with commercial, office and storage, then the Property would need to provide 56 parking spaces (if we include the first floor) based on gross square footage and the applicable parking requirements. The co-working space would only operate on the second and third floors so arguably the first floor square footage should be excluded from the calculation, but for purposes of providing a baseline for the City to review this Application, the entire building square footage has been included. See attached design drawing by Dean Robert Camlin, Architect, showing the parking space tabulation, including the first floor which is occupied by commercial tenants. Mr. Camlin has prepared a simplified site plan on behalf of the Applicant and during his communications with the City has expressed the Applicant’s position that parking space calculations would be more fairly calculated if based on the net floor area, meaning the area actually used for office space and not including other areas, such as hallways, utility rooms and such. Nevertheless, it remains the City’s position that the baseline parking tabulation must be based on gross square footage and thus, we are faced with the Applicant being responsible to provide 56 parking spaces or the fee in lieu thereof – the former results in practical difficulty for the Applicant and the latter results in unreasonable hardship.

The parking space requirements for a co-working space should not be analogized to traditional office space due to the fundamental differences in their use and occupancy rates. Traditional office spaces typically have a higher and more consistent rate of occupancy, which justifies the stringent parking space requirements. In a traditional office space, workers for a business come to work in the office every day. In contrast, co-working spaces operate on a more flexible model, often with a significantly reduced rate of occupancy at any given time. Users of a co-working space may only use a space once a week, once a month or even less frequently. Their use of the co-working space may only be periodically for meeting clients or meeting colleagues face to face. The City of Westminster encourages businesses to operate in the City. This Applicant has worked hard to bring this Property back up to par and by including this co-working space at this Property will not only support the business of this Applicant, but also business in Westminster

in general. Empty buildings can often be attributed to increases in crime, so encouraging business use of properties furthers the general public welfare.

The reduced occupancy rate should be a critical factor in determining the appropriate parking space requirements. The parking requirements for a co-working space should be set to zero due to the fundamental differences in their use and occupancy rates compared to traditional office spaces. The reduced rate of occupancy and the encouragement of the co-working business model justify a waiver of parking requirements. This approach would be in harmony with the spirit and intent of the zoning regulations and would not cause substantial injury to public health, safety, and general welfare.

The Zoning Ordinance grants authority to the Director to make adjustments from the parking requirements and this is just the type of factual circumstance when exercising this authority is warranted. Applying the same parking space requirements as those for traditional office spaces would result in an unreasonable hardship for the co-working space.

Conclusion

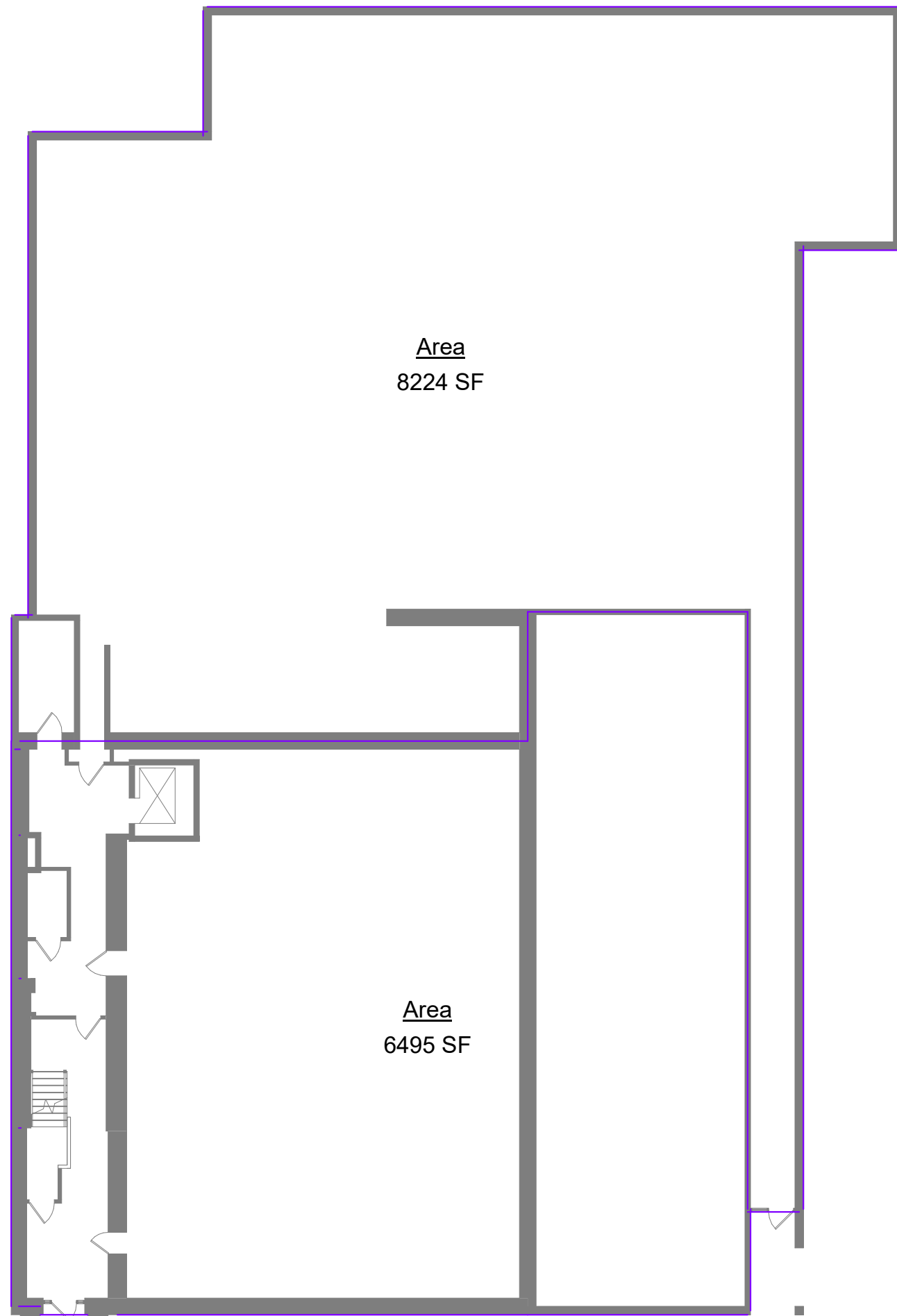
For the reasons set forth herein, the Applicant Westminster Firehouse, LLC respectfully requests that an Administrative Adjustment be made reducing the required parking spaces to be provided to zero, or, in the alternative, to materially reduce the number of required parking spaces.

Respectfully submitted,

DULANY LEAHY CURTIS & BROPHY LLP

/s/ Stephanie R. Brophy

Stephanie R. Brophy



1 Level 1
1/16" = 1'-0"

PARKING TABULATION:

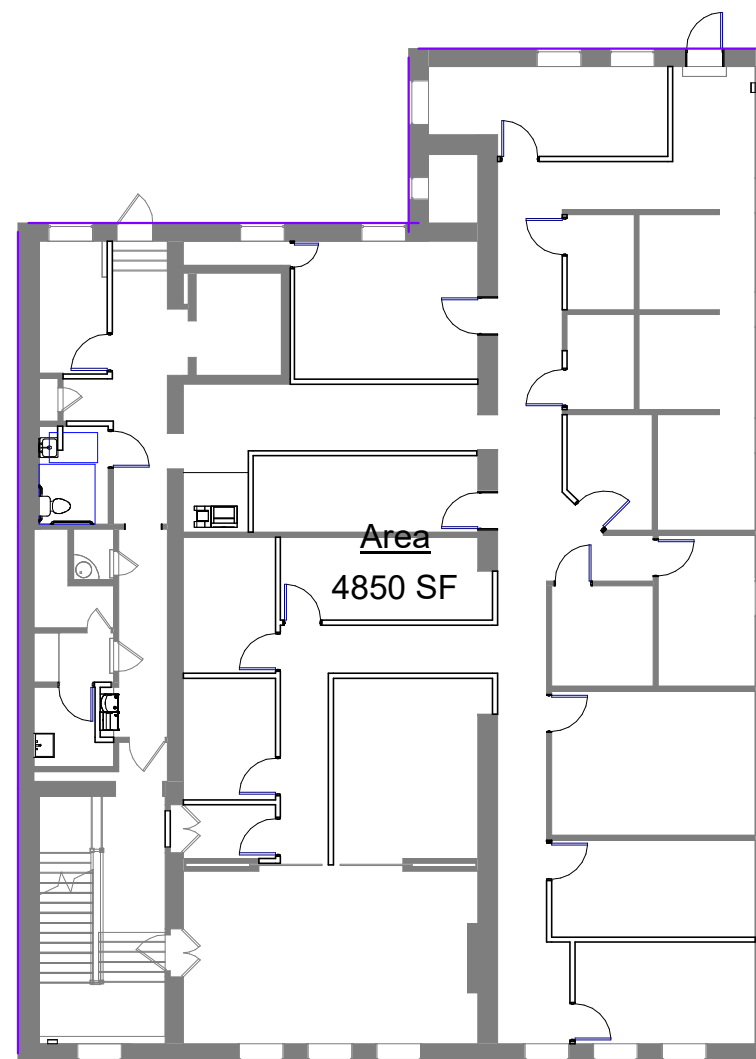
PARKING LOADS BY BUILDING USE (§ 164-111):

- A. Offices, Professional and Business:
 - 1 space / 250 sf of floor area or 2 per office, whichever is greater.
- B. Commercial Establishments:
 - 1 space / 250 sf of floor area used for retail sales, trade or merchandising, and 1 / 300 sf used for office, storage or other purposes.
- C. Storage:
 - 1 per 1-1/2 employees on a major shift, plus 1 per company vehicle and piece of mobile equipment, plus 1 for visitors use per 25 employees on the maximum shift, or 1 space per 1,000 sf of floor area

PARKING COMPUTATION:

- A. 1st Floor Commercial Uses:
 - 6,495 sf commercial space / 250 sf = 25.98 → 26 Parking Spaces.
- B. 1st Floor Storage Use:
 - 8,224 sf storage / 1,000 sf = 8.2 → 9 Parking Spaces.
- C. 2nd & 3rd Floor Offices:
 - 4,850 sf office space / 250 = 19.4 → 20 Parking Spaces
 - 4,850 sf office space / 250 = 19.4 → 20 Parking Spaces

Initial parking spaces required = 75 parking spaces
 25% reduction for Downtown = -19 spaces
Total Spaces Required = 56 Parking spaces

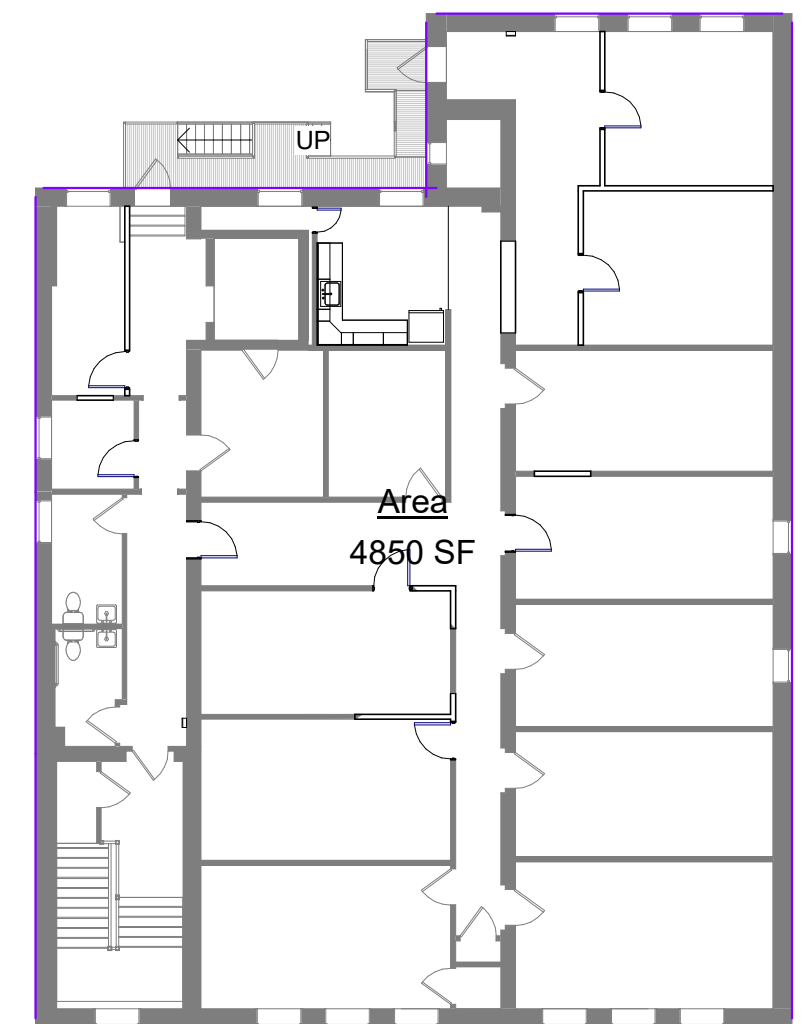


2 Level 2
1/16" = 1'-0"

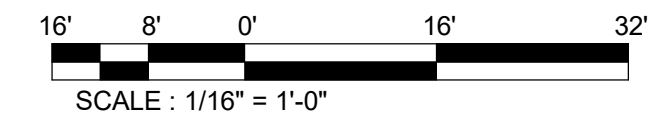
ADMINISTRATIVE ADJUSTMENT REQUEST: (pending)

The parking calculations for this property (retail, storage & office) are based on gross floor area. This simplified method includes floor area occupied by circulation, restrooms, utility rooms, and wall thicknesses--none of which are devoted to the specific space use. A more fair method would omit these extraneous areas.

This urban site is almost completely covered by the building; there is no practical on-site area for parking. Similarly, there is very little space available for landscaping.



3 Level 3
1/16" = 1'-0"



NOTE: THE OFFICE OF DEAN ROBERT CAMLIN & ASSOC., INC. ASSUMES NO RESPONSIBILITY FOR THE ACCURACY NOR FOR THE COMPLETENESS OF EXISTING CONDITIONS AS SHOWN ON THESE DRAWINGS. ALL FEATURES AND DIMENSIONS SHOULD BE VERIFIED BY CONTRACTOR PRIOR TO BEGINNING WORK.

<p>PROFESSIONAL CERTIFICATION: I certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the State of Maryland, License No. 7243-A. Expiration date: 8-21-2026.</p> <p>FOR DESIGN REVIEW ONLY NOT FOR CONSTRUCTION</p>	REV.	DESCRIPTION	DATE	
	DATE/TIME ISSUED: 7/31/2024 3:48:45 PM			
	DRAWING TITLE Floor Area Calculations			SCALE: 1/16" = 1'-0" DATE: 07/31/2024
	PROJECT NAME Old Firehouse Offices			PROJ. NO. 23053 DRAWN BY: DRC CHECKED BY: DRC DRAWING NO. C-002
<p>Dean Robert Camlin ARCHITECT & Assoc., Inc. 8 N. Court St. Suite 2, Westminster, Maryland 21157 410-876-6900 FAX: 410-876-9269 dcamlin@drcamlin.com www.drcamlin.com</p>				



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

From: Andrea Gerhard, Comprehensive Planner

Hearing Date: August 20, 2024

Subject: **Administrative Adjustment Case AA 24-04 Staff Memo**

Re: An application by Dean Camlin on behalf of Westminster Firehouse LLC., the property owner, requesting approval of an Administrative Adjustment for 66 E Main Street Westminster, Maryland 21157 (SDAT# 07-006667) to Zoning Ordinance Sections 164-111.B. and 164-111.C. to allow a reduction in the number of required parking spaces. In addition, the applicant is requesting that the required parking calculation based on usable space not gross area. Lastly, the applicant is asking for relief from the required landscaping required on-site. The applicant is requesting the administrative adjustments for a retail office use in the existing building on-site. The Administrative Adjustment application is requesting a reduction of 52 parking spaces.

I. **Background**

On June 5, 2024, an application was submitted to the Department of Community Planning and Development for an administrative adjustment at 66 E Main Street, Westminster, Maryland 21157 (the "Property"). The Property is zoned C-C Central Commerce 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 C & C Westminster, LLC.

The Property contains a three-story 18,813 square feet building. The Applicant is proposing to renovate the second and third floors of 66 E Main Street for offices. This application is only taking into account 10,972 square feet for the commercial/offices uses on the first, second and third floors. This Administrative Adjustment does not address the 7,841 square foot social hall that is located at the rear of the property. This Property was previously the location of the City of Westminster Firehall. Pursuant to Zoning Ordinance Article VIII A, Section 164-45.2.A.(20), "offices, professional and business" is a permitted uses in the C-C zoning district.

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 23-04 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. R-03-9. On August 16, 2024, 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 R-03-9 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

Simplified Site Plan SS-24-11 was submitted also on June 5, 2024 to establish the uses that are happening within the three floors located at 66 E Main Street. The applicant has submitted Water and Sewer Allocation Application WSA-24-19 for this project.

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;

Pursuant to Zoning Ordinance Section 164-111, the total number of required off-street (on-site) parking spaces is 75, (1st Floor 6,495 sf commercial uses / 250 sf = 26 (rounded); 1st Floor Storage 8,224 sf / 1,000 sf = 9 (rounded) 2nd Floor 4,850 sf office space / 250 sf = 20 (rounded); 3rd Floor 4,850 sf office space / 250 sf = 20 (rounded); 75 @ 25% reduction of 19 spaces = 56). There are 4 existing on-site parking spaces. The Applicant is requesting a reduction of 52 required parking spaces (56 required spaces – 4 provided spaces = requested 52 space reduction) as the property is located in the Westminster Historic District, the primary structure at the property was built in 1895, the property has operated as a public or commercial use in the past without providing additional on-site parking spaces, there are City owned parking lots in proximity to the property, and due to the size of the lot and the existing development on-site, there is very limited open space available making it impossible to provide the required number of parking spaces on-site.

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

Many properties in downtown Westminster experience the same limitations (developed property, older existing structures, operated uses in the past without providing required on-site parking, limited to no addition open space to provide on-site parking) when it comes to provide required on-site parking facilities. Furthermore, downtown Westminster has several public parking facilities, with a few in close proximity to the property, and on-street parking along Main Street.

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 these Administrative Adjustment. This is an already existing building in downtown Westminster that has been operating commercially for decades.

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 administrative adjustments are being requested to allow the reasonable and allowed uses in the C-C Central Commerce Zone to operate at the property.
- The property is located in the Westminster Historic District and the primary structure at the property was built in 1895.
- The property has operated as both public and commercial uses in the past without providing additional on-site parking spaces.
- There are City owned parking lots in proximity to the property.
- There are four existing on-site parking spaces being provided.
- It is not unusual for properties in the Historic Downtown to provide required on-site parking spaces, requiring a request to reduce the number of parking spaces.
- The authorizing of the administrative adjustments will not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter or the public interest.

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.

IX. Attachments

1. Property Location Aerial Map
2. Administrative Adjustment AA 23-04 Application

Property Location



Zoning Application Number: _____

Application for Administrative Adjustment

PAGE 1

CITY OF WESTMINSTER, MARYLAND

Application for Hearing

In accordance with the provisions of Chapter 164-Zoning of the westminster City Code, application is made for administrative adjustment to the Director of Planning and Public works as follows:

APPLICANT: Marta Coursey PHONE: (410)259-5991

APPLICANT ADDRESS: 2424 Albert Rill Road, Hampstead, MD 21074

OWNER (if other than applicant): SkyHigh Dog Sports LLC

OWNER ADDRESS: 2402 Black Rock Road, Hanover, PA 17331

SUBJECT PROPERTY ADDRESS: Lot 4 Meadow Branch Ind. Park Kriders Church Road

PROPERTY IDENTIFICATION: MAP 114 PARCEL 6784 LIBER 9739 FOLIO 328

Nature of Request

Current Zoning Of Property: "I-R" Zoning Ordinance Basis of Request: §164-158.1.A.(1)

Current Use of Property: Vacant Acreage of Property: 5.422

The applicant requests the following adjustment(s) as marked:

- Local Height Requirements Local Setback Requirements Local Bulk Requirements
- Local Parking Requirements Local Loading Requirements Local Area Requirements
- Local Dimensional Requirements

Description of Request in Detail: City Code Section 164-115-D requires drive aisle widths in parking lot to be 25 ft.. This is a request for an administrative adjustment to allow 24 ft. drive aisle widths as shown on MY k 9 Buddy Site Development Plan, numbered S-18-0037.

Marta Coursey
Signature of Applicant

7-26-24
Date

Continued on Page Two →

Application for Administrative Adjustment

PAGE 2

CITY OF WESTMINSTER, MARYLAND

APPLICANT: Marta Coursey

ADJOINING (CONTIGUOUS) PROPERTY OWNERS:
(Including adjacent property owners on opposite side of streets or roads)

Name: David Emmert
Address: 218 Kriders Church Road
Westminster, MD 2118

Name: _____
Address: _____

Name: County Commissioners of C. C.
Address: 225 N. Center Street
Westminster, MD 21157

Name: _____
Address: _____

Name: Jacobs Ridge LLC
Address: 740 Wilford Ct.
Westminster, MD 21158

Name: _____
Address: _____

Name: DLH LLP
Address: 1025 Meadow Branch Road
Westminster, MD 21158

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

I understand that the above information is required for the processing of my case and I hereby certify the list of contiguous property owners and their addresses:

Marta Coursey
Signature of Applicant

1-26-24
Date

Case Number Assigned: # _____
Date of Hearing: _____/_____/_____
Newspaper Advertisement: _____
Property Posted: _____
Zoning Certificate Number: # _____

Date Filed: _____/_____/_____
Application Fee Received: _____
Decision: _____
Date Decision Rendered: _____/_____/_____



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

From: Andrea Gerhard, Comprehensive Planner

Hearing Date: August 20, 2024

Subject: **Administrative Adjustment Case AA 24-05 Staff Memo**

Re: An application by Marta Coursey, property owner, requesting approval of an Administrative Adjustment for Lot 4 Meadow Branch Industrial Park (SDAT# 07-151039) to Zoning Ordinance Section 164-115. (D)(3) to allow for a relief of one foot from the required 25 feet of drive aisle width in the parking lot. The administrative adjustment is associated with a site development plan S-18-0037 to construct an indoor dog training and event facility.

I. Background

On July 26, 2024, an application was submitted to the Department of Community Planning and Development for an administrative adjustment for Lot 4 Meadow Branch Industrial Park (SDAT# 07-151039) (the "Property"). The Property is zoned I-R Restricted Industrial 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 C & C Westminster, LLC.

The Property is currently vacant. The Applicant is proposing a 40,000 sf Dog Training facility. Pursuant to Zoning Ordinance Article X, Section 164-54.(L), "Indoor dog training and event facilities" is a special exception use in the I-R zoning district. The property received Special Exception approval from the Board of Zoning Appeals on April 6, 2018.

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 23-04 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. R-03-9. On July 12 2024, 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 R-03-9 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

Site Development Plan S-18-0037 was resubmitted on February 26, 2024. The applicant has submitted Water and Sewer Allocation Application WSA-20-12 for this project.

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;

Pursuant to Zoning Ordinance Section 164-115 D.(3), the width of the drive aisles in throughout the proposed parking lot for S-18-0037 are less than the required 25' width. The dimensions of the parking space, 9' x 18', meet the dimension

requirements of the Zoning Ordinance. The 25' drive aisle width requirement a little more of a requirement than what is typically used as the industry standard. It is common practice for the parking lot and drive aisles to equal 60 feet. This site plan offers parking spaces that are 9' x 18' with a 24' drive aisle (18' + 18' + 24' =60"). The plan meets the 60' industry standard requirement.

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

This is a property located in the Industrial Restricted Zone. There are other properties in the I-R that operate in this way. In order to reach all of the required stormwater requirements, setbacks and to reach the desired number of parking spaces the adjustment of the drive aisles 1 foot would be necessary.

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 these Administrative Adjustment. This property is currently surrounded by vacant land and Shelter Systems which is an already established industrial user.

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 administrative adjustment that is being requested reflects an industry standard and common practice.
- The property is located in an Industrial Zone
- The property is surrounded by both vacant land and Shelter Systems, an established industrial user.
- The authorizing of the administrative adjustments will not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter or the public interest.

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 therequirements 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

- Site Location Aerial Map

Property Location

