

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 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 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](http://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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- (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: 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.

#### **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**



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, (1<sup>st</sup> Floor 6,495 sf commercial uses / 250 sf = 26 (rounded); 1<sup>st</sup> 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





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:"

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### **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 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**

- Site Location Aerial Map

# Property Location

