



## **BOARD OF ZONING APPEALS MEETING SUMMARY**

**Tuesday, February 2, 2021, at 6 PM**

Virtual Meeting via Zoom and broadcasted live on the City Facebook Page  
Westminster, Maryland 21157

A meeting of the Westminster Board of Zoning Appeals was held virtually via Zoom and broadcasted live on the City Facebook Page, on February 2, 2021, at 6 PM.

Chair Ed Cramer, Vice-Chair Larry Berent, and Board Member Brenda Frazier were present. Also, in attendance were Board Attorney Karen Ruff, and City staff members Mark Depo and Andrew Gray. Paul McDonald, Jan Shipley, Cindy Young, and Steve Gamber were also present.

At 6:00 PM, Chair Cramer called the meeting to order.

Chair Cramer requested a motion to approve the meeting summary of January 5, 2021. Vice-Chair Berent moved to approve the meeting summary of January 5, 2021. Board Member Frazier seconded the motion. The motion passed 3-0.

Chair Cramer continued the public hearing for Case No. 21-01. The Chair stated the purpose of the hearing and read the following case title into the record:

The Applicant is requesting a variance approval to the required minimum least side yard setback of eight feet, in order to allow a new deck to be 3 feet from the property line, pursuant to Zoning Ordinance Section 164-37 C.(1), at 35 Westmoreland Street, Westminster, Maryland 21157.

Chair Cramer asked if Ms. Young had received the subsequent Staff Report for the current meeting. Ms. Young replied that she believed she had received it. Chair Cramer asked if she was prepared to cover all requirements presented by the Board. Ms. Young stated that she was prepared to proceed.

Mr. Gray reminded all parties that the application was previously submitted as Exhibit #1 and the January Staff Report as Exhibit #2. He then provided information regarding the continuance hearing including a staff recommendation that the Board of Zoning Appeals vote to deny the proposed Variance due to the Applicant demonstrating no unnecessary hardship or practical difficulty as specified in the zoning law as to why the proposed deck, as currently designed, must be located in the proposed minimum dimensional requirements for the Property.

Mr. Gray requested the Continuance Staff Report be submitted into the record as Exhibit #3.

The Chair then swore in all parties who wished to testify.

Ms. Young stated that the proposed deck could not be constructed in any other location on the property. Similar construction exists on surrounding properties in the area.

Chair Cramer asked if the location of the proposed deck is part of the original construction. Ms. Young confirmed it was.

Chair Cramer asked why the deck was not proposed at the existing door. Mr. McDonald stated that the existing garage was too close to construct the deck in that location.

Vice-Chair Berent asked if the garage was pre-existing when the McDonalds purchased the home. Mr. McDonald confirmed it was, and likely built at nearly the same time as the house.

Board Member Frazier asked for clarification that the deck would not extend closer to the property line than the existing structure. Mr. McDonald confirmed the same.

Chair Cramer asked for any witness statements.

Mr. Gamber stated that the deck would actually be six inches into the property further than the existing structure.

Mr. McDonald added that there is not much living space inside the home and having additional outdoor living space would only improve the home for his family.

Ms. Shipley stated that a deck would add value to the home. She confirmed that there was not sufficient room between the existing outdoor steps and shed for a deck to be in that area.

Chair Cramer asked Ms. Shipley on which side she lived adjacent to the property. She stated that she is on the east side.

Vice-Chair Berent asked if Ms. Shipley had a deck; Ms. Shipley confirmed that she did. Vice-Chair Berent asked which side the deck was located on. Ms. Shipley stated that the deck is placed on the right side of the back of her home, less than eight feet from the adjacent property line.

Board Member Frazier asked if staff had received response from any other adjoining properties related to the BZA notice. Mr. Gray confirmed no additional responses had been received.

Chair Cramer asked Ms. Young if she had been party to any other properties which had decks built post-construction as related to positioning related to adjacent property lines. Ms. Young stated that in her observation, many properties within the City have non-conforming construction, including decks.

Vice-Chair Berent reviewed the variance criteria requirements that were met by the proposed construction.

Chair Cramer stated it was most important for the applicant to identify the need for the variance and request for the deck itself. The Staff Report was not supportive of the variance request. Chair Cramer

stated that if the Board grants this specific variance request, it will set a precedence for future requests of a similar nature. The Board must be certain that the applicant addresses all concerns brought forward.

Mr. McDonald added that the proposed deck would not encroach on the property line any further than the existing property. Therefore, he believed there was no detriment to adding the deck.

Ms. Ruff asked what the distance was between the existing steps and the garage on the right rear side of the home. Mr. McDonald answered approximately ten feet. Ms. Ruff then asked about the distance from the edge of the house to the existing French doors. Mr. McDonald answered about two feet. Ms. Ruff asked if the deck could be brought in closer to the French doors to be more in compliance with the setback requirements. Mr. McDonald answered that the deck could be brought in another six inches for an even four feet off the property line at most.

Ms. Young closed her argument, requesting that the variance be approved as presented and the deck not be narrowed any further.

Mr. Depo stated that staff were unaware of any approved building permit specifically for Mr. Shipley's deck. Another home in the area complied with the eight-foot setback requirements when their deck was built. Not many other homes in the immediate area have decks attached post-construction to compare. Staff is looking to reduce the overall impact of the area being requested for the variance.

Chair Cramer asked if the garage could be relocated further back on the property. Ms. Young raised concerns about moving a building that was likely built in the 1920s and logically unable to move it to accommodate a deck on the opposite side of the house. Chair Cramer clarified that it would be a hardship to move the garage. Ms. Young confirmed.

Chair Cramer closed testimony at 7:11pm.

Vice-Chair Berent was in favor of the construction as long as it does not encroach further toward the property line than what was proposed. He believed the proposed placement of the deck was also the most practical given the layout of the house interior.

Board Member Frazier echoed Vice-Chair Berent's comments.

Chair Cramer reiterated that other homes in the area are subject to the same constraints to property lines and the house is an existing non-conforming use. He made a motion in favor of approving the variance as proposed by the applicant.

Ms. Ruff requested that Chair Cramer confirm an affirmative finding that the applicant has met the requirements of Section 164-161 as well. She further stated that it is up to the applicant to confirm they have met the requirements, and the Board must address each of the criteria to confirm they have been met.

Chair Cramer rephrased his motion to recommend approval based on the applicant having met the requirements of Section 164-161 as outlined in the Staff Report. Board Member Frazier seconded the motion. The motion passed unanimously, 3-0.

Ms. Ruff asked if the Board would review the written decision and vote to issue a decision at the next regularly scheduled meeting. Mr. Depo stated that for transparency purposes, the Board should vote and issue the written decision at its next meeting.

Chair Cramer made a motion to adjourn the meeting. The Board adjourned at 7:17 PM.

A handwritten signature in black ink, appearing to read "E. Cramer", written over a horizontal line.

Edward Cramer, Chair  
Westminster Board of Zoning Appeals