



City of Annapolis

DEPARTMENT OF NEIGHBORHOOD & ENVIRONMENTAL  
PROGRAMS

160 DUKE OF GLOUCESTER STREET, ROOM 202, ANNAPOLIS, MARYLAND 21401

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Chartered 1708

January 3, 2012

MEMORANDUM

To: City Clerk

From: Mark Hall, Chair, Building Board of Appeals

Subj: ***Building Board of Appeals - 2011 Annual Report***

January 25, 2011- 1410 Forest Drive, Suite #7. In attendance: Board Chair Mark Hall, Vice Chair Norman Masterson, members Carl Corse, Shannon Waldron. Member Jay Schwarz recused himself from the hearing. Appeal referenced permit #BLD10-0840 for Wine Cellars at 1410 Forest Drive. The matter being appealed is the appropriate application of fees and charges for water and sewer utilization for a change in use on a portion of an existing commercial structure. The BBOA voted 4-0 to approve the appeal with regard to the Capital Facility Charges and Assessments. Credit was given for charges previously assessed.

May 24, 2011 - 319 Chester Avenue. In attendance: Board Chair Mark Hall, Vice Chair Norman Masterson, members Carl Corse, Shannon Waldron, and Jay Schwarz. The matter being appealed references fence permit #FEN10-0142 for 319 Chester Avenue because (1) abutting property owners were not properly notified as per City Code Title 17 and 21; (2) the application was approved by the City without consideration of applicable standards; (3) The City approved a "spite" fence not meeting applicable City Code Title 17 and 21. The Board found that the City properly executed the requirements of City Code Chapter 17.34 and that the fence permit was properly issued. The Board also commented that City Code Chapter 17.34 needs a major editing and revision. The requirements of the Title are ambiguous, as are the associated permit application forms. The process is ill-defined and in need of legislative clarification. The public/private and commercial/residential relationships are badly stated.

August 23, 2011 - 7 School Street. In attendance: Board Chair Mark Hall, members Carl Corse, Shannon Waldron, and Jay Schwarz. The matter being appealed is the City of Annapolis' denial of a Use and Occupancy Permit for 7 School Street based on requirement for a permanent wheelchair ramp at the entrance. The Assistant City Attorney requested a Motion to Dismiss based on the un-timeliness of the appeal. The hearing was interrupted by an earthquake. It was re-scheduled and re-heard on October 11, 2011. Prior to the continuation of the hearing, the attorney for the appellant filed a Motion to Transfer and Opposition to the Motion to Dismiss. After consideration, the Board voted to deny the Motion to Transfer, as this

request is outside of the Board's authority under City Code. The Board also voted to grant the Motion to Dismiss based on (1) if the appeal actually involves an appeal of the denial of a Use and Occupancy Permit, it is not within the Board's authority to consider under the City Code; and (2) if the appeal is of the 10/8/10 Field Correction Notice, as stated by Appellant during opening statements, it is not timely, given that the appeal was filed more than two years after the issuance of the building permit for which the Field Correction Notice was issued, and therefore, is outside of the 15 day time period noted on the Board's application form.

August 30, 2011 – 622 Second Street. In attendance: Board Chair Mark Hall, Vice Chair Norman Masterson, members Carl Corse, Shannon Waldron, and Jay Schwarz. The matter being appealed was the requirement of a sprinkler system as a condition of the issuance of building permit #BLD11-0560. The reason for the appeal was that the subject property was so small that there is no place to put a storage tank for a sprinkler, and the City water supply to the house is inadequate to support a sprinkler without a major upgrade to the meter and supply line. By a vote of 5-0, the BBOA upheld the appeal and rescinded the requirement to install a sprinkler system.

October 25, 2011 – 74 Southgate Avenue. In attendance: Board Chair Mark Hall, Vice Chair Norman Masterson, members Carl Corse, and Jay Schwarz. The matter being appealed was the denial of fence permit #FEN11-0093. The denial was based on a "sight line issue" raised by the Department of Neighborhood & Environmental Programs (DNEP). By a vote of 3-1, the BBOA denied the appeal and upheld DNEP's decision to deny the permit.

November 15, 2011 – 7 School Street: – In attendance: Board Chair Mark Hall, members Carl Corse, Shannon Waldron, and Jay Schwarz. BBOA met to discuss a Motion to Re-consider which was filed by the Appellant after the October 11, 2011 meeting, but before a formal decision had been issued. The Board concluded that without a written decision, the Appellants could not ask the Board to re-consider its' decision, therefore, the Motion was denied.

Respectfully submitted,



Mark Hall, Chair  
Building Board of Appeals