

CITY OF CUMBERLAND PLANNING COMMISSION

MEETING AGENDA

August 28, 2023 – 4:30 PM

Mayor and Council Chambers - 2nd Floor – City Hall

1. Call to Order
2. Pledge of Allegiance
3. Chairman/Commission Member Comments
4. Citizens' Comments
5. Reading and approval of minutes of previous meetings

Consent Items:

None

Public Hearings/Meetings:

- ZMA22-000003 – Jared Court-R&R Floating Zone for 502 Regina Ave.

Discussion Items:

Briefings:

- None

6. City Planner's Report:

- None

Kevin Thacker

7. Adjourn

NOTE: If the scheduled Planning Commission meeting is cancelled due to inclement weather, acts of nature, or the lack of a quorum, any items on the agenda that cannot be conducted will be rescheduled for Planning Commission's next regular meeting.

From: michaelcohen@atlanticbbn.net
To: "David Hare"; "Gorman Getty"
Cc: "Kevin Thacker"
Subject: RE: 502 Regina Ave - Zoning
Date: Tuesday, August 22, 2023 12:36:00 PM

Gentlemen:

There are three submissions that were addressed and were supposed to be submitted within specified timeframes. They are the narrative that is supposed to be filed with the application, the site plan and the engineer's report. Since I have heard conflicting opinions as to what the due dates are, I listened to the recording of the last meeting of the Planning Commission and confirmed that the due dates are as follows.

The engineer's report was due by the hearing date. It has been supplied.

The narrative was due by August 14. It was submitted on that date.

The site plan was due on August 14 as well. It has not been submitted.

I am not expressing an opinion as to the sufficiency of these documents.

Michael Scott Cohen, Esquire

City Solicitor
City of Cumberland
213 Washington Street
Cumberland, MD 21502
Office Phone: (301) 724-5200
Cell Phone: (301) 707-2509
E-mail: mike@msclawllc.com
Website: www.msclawllc.com

Feel free to call me on my cell phone if that is your preference.

PLEASE NOTE: My e-mail address has changed. It is now mike@msclawllc.com. Please revise your records accordingly. E-mails to michaelcohen@atlanticbbn.net will be forwarded to mike@msclawllc.com, but that will not continue indefinitely.

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you.

From: michaelcohen@atlanticbbn.net <michaelcohen@atlanticbbn.net>
Sent: Tuesday, August 22, 2023 4:52 AM
To: 'David Hare' <david@kha-law.com>; 'Gorman Getty' <ggetty@ggettylaw.com>
Cc: 'Kevin Thacker' <kevin.thacker@cumberlandmd.gov>
Subject: RE: 502 Regina Ave - Zoning

Dave:

I will look into the due dates for submissions and will get back to you and the others once I have done so.

Michael Scott Cohen, Esquire

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From: David Hare <david@kha-law.com>
Sent: Monday, August 21, 2023 2:16 PM
To: michaelcohen@atlanticbn.net; Gorman Getty <ggetty@ggettylaw.com>
Cc: Kevin Thacker <kevin.thacker@cumberlandmd.gov>
Subject: RE: 502 Regina Ave - Zoning

Hi Mike,

Thanks for your email.

My recollection is that at the conclusion of the last meeting there were three things to be submitted by Mr. Court: 1) Site plan, 2) Justification statement that we referred to as a "Narrative" during our discussion, and 3) engineering report. The site plan and narrative were due on 8.14 and that is what my client submitted, through my office, on 8.14. After a brief discussion regarding the availability of an engineer, you advised that the engineering report would not be due until the day of the hearing.

As for the admonishment, I heard it loud and clear, but I nonetheless had the impression that you wanted a written narrative justifying why the structure should be converted to a non-residential land use. The items that were emailed to you on 8.14 are being offered to overcome alleged deficiencies in my client's initial request. I hope you will recall that it was agreed that this would be a better approach than beginning the application process anew. I do not believe that the items submitted on 8.14 allege any new facts that were not presented to the Board at the previous hearing.

I have already sent the engineering report to you under separate cover.

Lastly, Mr. Lehmann works at my office and is not my client. My clients are Jared Court and C3 Home Renovations LLC

Regards,

David J. Hare

Kazary & Hare, PC
127 Greene Street
Cumberland, Maryland 21502
301.777.8822 (o) 301.777.1629 (f)

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david@kha-law.com

From: michaelcohen@atlanticbbn.net <michaelcohen@atlanticbbn.net>
Sent: Wednesday, August 16, 2023 5:35 AM
To: David Hare <david@kha-law.com>; Gorman Getty <ggetty@ggettylaw.com>
Cc: Kevin Thacker <kevin.thacker@cumberlandmd.gov>
Subject: FW: 502 Regina Ave - Zoning

Gentlemen:

I thought I sent you Mr. Hare a message yesterday, cc'ing Mr. Getty, but I looked through my sent messages and did not find one. Regardless, there are several matters I wish to bring to your attention so that you have advance notice of issues that may need to be addressed at the next meeting and that I will bring to the Commission's attention in the event there is a need to do so.

At last month's meeting, the Commission and I admonished the parties at least two times that no further evidence would be considered. The attachments to Mr. Lehman's email are entirely evidentiary. The documents and the contents thereof, any testimony relative thereto, and any other attempts to produce evidence would be in contravention of this directive. Please be sure to remind your clients.

The site plan and engineering report were due on August 14. I will remind the Commission of that fact at the next meeting. Additionally, citations to legal authorities were due on the 14th. I assume neither of you want the Commission to consider any law other than the contents of the Zoning Ordinance and the law I am aware of.

Lastly, as your client's have counsel,. Communications with me should be directed through counsel.

Michael Scott Cohen, Esquire

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From: Rob Lehmann <rlehmann@kha-law.com>
Sent: Monday, August 14, 2023 4:59 PM
To: Michael Cohen (<michaelcohen@atlanticbhn.net> <michaelcohen@atlanticbhn.net>
Cc: David Hare <david@kha-law.com>; c3hr@yahoo.com; Tony Lenox <tlenox@kha-law.com>
Subject: 502 Regina Ave - Zoning

Dear Attorney Cohen,

Attached hereto you will find documents that Mr. Court authored and provided to Mr. Hare regarding the hearing that is scheduled for 8.28.23. Please do not hesitate to contact us with any questions or concerns. You will note that I have copied Mr. Hare and Mr. Court on this email.

Thanks,
Rob Lehmann

Kazary & Hare, P.C.
127 Greene St.
Cumberland, MD 21502
301.777.8822

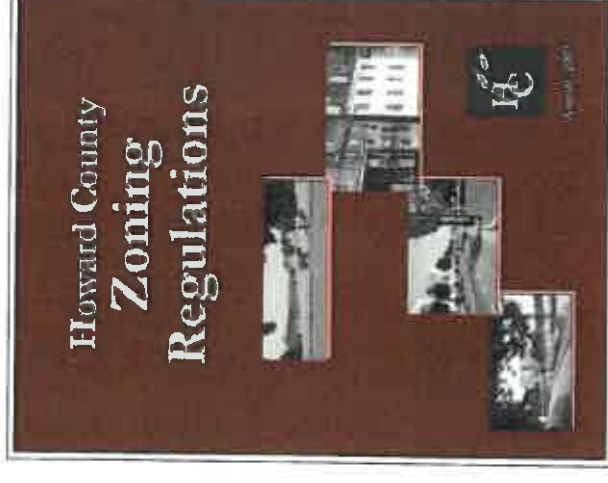
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P&Z in Maryland (cont.)

The Basics:

- ✓ By Ordinance
- ✓ Purpose—to promote health, safety and general welfare (police power)
- ✓ Regulates density, building height and bulk (density and intensity)
- ✓ Permitted uses in a zone are:
 1. “by right”; or
 2. conditional (by special exception)



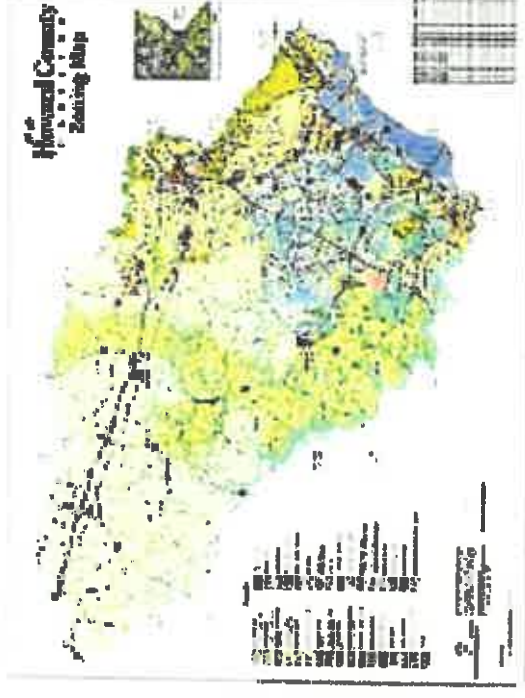
P&Z in Maryland (cont.)

Comprehensive Zoning (original & comp. rezoning):

- ✓ Legislative act; afforded considerable deference
- ✓ Implements a comprehensive plan or plan update
- ✓ “Spot” zoning not permitted

Requirements:

1. Cover substantial area
2. Product of careful study
3. Control/direct all uses of land in substantially all of jurisdiction



P&Z in Maryland (cont.)

“Piecemeal” Zoning:

- ✓ Quasi-judicial
- ✓ Occurs after original or comprehensive zoning

Can only be based upon:

1. a **mistake** of fact in the original zoning or comp rezoning; or
2. on evidence of a **substantial change** in the character of a neighborhood since original zoning or comp rezoning

Planning Commission, Planning Board and Board of Appeals Education Course

The Law



MPCA



Maryland Planning
Commissioners Association

MARYLAND DEPARTMENT OF



PLANNING

Michael Scott Cohen

From: Michael Scott Cohen
Sent: Tuesday, August 22, 2023 5:21 AM
To: Kevin Thacker
Subject: FW: Engineer's report

Hi Kevin:

Please see the Engineer's Report. It is embedded in an email below.

Michael Scott Cohen, Esquire

City Solicitor
City of Cumberland
213 Washington Street
Cumberland, MD 21502
Office Phone: (301) 724-5200
Cell Phone: (301) 707-2509
E-mail: mike@msclawllc.com
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From: Michael Scott Cohen
Sent: Tuesday, August 22, 2023 5:18 AM
To: 'David Hare' <david@kha-law.com>
Cc: Gorman Getty <ggetty@ggettylaw.com>
Subject: RE: Engineer's report

Hi Dave:

Be sure to include Mike Getty in your emails to me.

Michael Scott Cohen, Esquire

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Cumberland, MD 21502
Office Phone: (301) 724-5200
Cell Phone: (301) 707-2509
E-mail: mike@msclawllc.com
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From: David Hare <david@kha-law.com>
Sent: Monday, August 21, 2023 2:03 PM
To: Michael Scott Cohen <mike@msclawllc.com>
Cc: Mr. Jared Court (armycourt@yahoo.com) <armycourt@yahoo.com>
Subject: FW: Engineer's report

Hi Mike, Attached hereto is the structural inspection report. Regards,

David J. Hare

Kazary & Hare, PC
127 Greene Street
Cumberland, Maryland 21502
301.777.8822 (o) 301.777.1629 (f)

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From: David Hare <david@kha-law.com>
Sent: Monday, August 21, 2023 1:48 PM
To: David Hare <david@kha-law.com>
Subject: Engineer's report



August 15, 2023

Mr. Jared Court
Court Construction
725 Park Street, Suite 285
Cumberland, MD 21502

RE: **Structural Inspection**
502 Regina Avenue, Cumberland, MD
SPECS Project No. 5708

Dear Mr. Court:

At your request, on August 14, 2023, I performed a visual inspection of 502 Regina Avenue. It is my understanding that the building was a former printing shop. The building is a two-story concrete block structure. There were no apparent structural defects noted during the walkthrough. The structure has steel beams and columns supporting both a wood deck and a concrete deck. The concrete deck is under the second-floor garage. I did not inspect the roof, as there were no signs in the interior of water leaks.

The intent of this inspection was to identify any visible structural defects. The results and recommendations provided are based on the best available information and are not intended to convey any representation regarding latent or concealed defects that may exist, and no warranty or guarantee is expressed or implied. No destructive testing has been performed. SPECS reserves the right to modify these recommendations based on revised information as it is presented to us. Additional digital photographs were taken and are available upon request.

If you have any additional questions, please contact me at 301.777.2510x15 or by email at rrase@specseng.com.

Sincerely,
SPECS, Inc.

A handwritten signature in blue ink that reads "Raymond C. Rase".

Raymond C. Rase, PE, PLS
Project Manager



Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 200457.
Expiration Date: September 2, 2025.

Z:\jobs\5708 Court Const 502 Regina Cumberland\correspondence\5708 Court 502 Regina 2023-08-14.docx

105 S. CENTRE ST., SUITE 100 • CUMBERLAND, MD 21502

PHONE: 301.777.2510 • FAX: 301.777.8419

Narrative for 502 Regina St., Cumberland, Maryland 21502

502 Regina St., has a rich history that spans several decades in the past. Being built in 1940; this building was originally constructed out of thousands of cinder blocks, steel and concrete for the use as a Commercial miscellaneous structure having a grand space totaling of 5600 square feet, included in this is a huge basement garage area with 12' ceiling. Perfect for storage of building materials.

This building has set vacate for a number of years, being rezoned to Residential-Urban, as it sat unoccupied for over 24 months losing its Commercial Zoning status. 502 Regina St previous owner, decided to sell this building as he no longer wanted it, so he approached the City of Cumberland. The City purchased and elected after examining the building closely not to demolish and remove; given its impeccable structure, great bones and part of Cumberland historic past. The City decided to have a sealed closed bid auction. During this time I was expanding and growing and found this hidden gem. After much thought I decided to provide my sealed bid for this building with the hope of winning 502 Regina St., so C3 Home Renovations/ Court Construction and Contracting would have a true brick and mortar establishment. Before bidding I declared and acknowledged what my intent was for this building and also knowing it would have to come before the Planning and Zoning for rezoning and consideration for my intended use.

C3 Home Renovations LLC has been in business in the community since 2018. This building was purchased by C3 Home Renovations in 2022. Since that time C3 has starting the electrical upgrade, interior wall build, removing and realigning of office walls and some interior painting in basement to start installing steel racks for organizing of materials. C3 currently employs 13 full and part-time workers and is owed by Jared Court. Jared served and medically retired from the US Army in 2009. Once discharged he went to college at Allegany College of Maryland receiving two associate degrees in IT; then furthering his education and completing his Bachelor's degree at Frostburg State in Liberal Studies. Jared has been a member in the community since 2000 and is a member of the American Legion Post 13, VFW Post 9451 and a member of the Disabled

American. Veterans (DAV) making Cumberland his home for his wife Shari and seven children.

If rezoned into a Commercial property C3 will continue putting money in this building, adding curb appeal by repainting outside and adding company signs, replacing broken windows, adding new Commerical Garage doors throughout, new plumbing, (3) bathrooms and electrical wiring. Creating new offices, kitchen, drop ceilings, interior and exterior lighting and security cameras creating a true gem in the community and revitalizing this historic building bringing it back to life.

C3's vision and intentions for 502 Regina St., is to restore the building for Commerical use, as it was built and intended for and utilize this space as place of business, housing building materials, adding offices for making daily appointments, scheduling of jobs, a place for conducting meeting and training, storage closet, tool room, a kitchen, workshop and location to keep company vehicles and machinery stored and increase parking on the Fredrick St side.

C3 day to day operations will consist of morning company meeting from 8-830, then they will depart to do their daily work tasking. Secretary will arrive at 9 and work til 3 or 4pm daily. Occasional maintenance of vehicles will be completed and some Saturdays possibly twice a month for a few hours may be required to get the following weeks tasking prepared for upcoming jobs.

C3 wants to continue improving business, creating and giving people jobs, and improving the neighborhood. Cumberland strives to invest in its community bringing new businesses to the area and pumping money in our local economy. This building has sat unattended, for numerous years. I would like the opportunity to help in improving this building, taking away an eyesore, better the neighborhood and grow commerce in the community and truly change the mindset of the people in the neighborhood provided the chance.

**Owner - Jared Court
C3 Home Renovations LLC**

From: michaelcohen@atlantichbn.net
To: ["david@mha-law.com"](mailto:david@mha-law.com); [Gorman Getty](#)
Cc: [Kevin Thacker](#)
Subject: FW: 502 Regina Ave - Zoning
Date: Wednesday, August 16, 2023 5:35:00 AM
Attachments: [Court Narrative - \(2\).pdf](#)
[20230814-ROBBIE-Petition for Zoning and Pictures packet.pdf](#)

Gentlemen:

I thought I sent you Mr. Hare a message yesterday, cc'ing Mr. Getty, but I looked through my sent messages and did not find one. Regardless, there are several matters I wish to bring to your attention so that you have advance notice of issues that may need to be addressed at the next meeting and that I will bring to the Commission's attention in the event there is a need to do so.

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Subject: 502 Regina Ave - Zoning

Dear Attorney Cohen,

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Thanks,
Rob Lehmann

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From: [David Hare](#)
To: [Michael Scott Cohen](#)
Subject: RE: 502 Regina Ave - Zoning
Date: Monday, August 21, 2023 1:33:24 PM

Hi Mike, Mr. Lehmann is not my client. He works at my office, and he sent the attachments to you on my behalf because I was away from my desk when, my client, Jared Court, dropped them off. I will respond to your 8.16.23 email in that string and include the other Mike. Regards,

David J. Hare

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Cc: Michael Cohen (michaelcohen@atlanticbbn.net) <michaelcohen@atlanticbbn.net>; David Hare <david@kha-law.com>; c3hr@yahoo.com; Tony Lenox <tlenox@kha-law.com>
Subject: Re: 502 Regina Ave - Zoning

Good morning, Mr. Lehman.

I will respond to your attorney.

Michael Scott Cohen
City of Cumberland City Solicitor

Sent from my iPhone

On Aug 14, 2023, at 4:59 PM, Rob Lehmann <rlehmann@kha-law.com> wrote:

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<Court Narrative - (2).pdf>

<20230814-ROBBIE-Petition for Zoning and Pictures packet.pdf>