

The Dorchester County Board of Appeals met in regular session on Thursday, June 22, 2017 in Room 110 of the County Office Building at 7:00 PM. Present were, Elizabeth Hill, Vice Chair, Wendell Foxwell, Lin Spicer, Walt Gunby, Attorney and Rodney Banks Deputy Director of Planning. Absent: Catherine McCulley and Steve Dodd, Director of Planning.

An introduction was made by Vice Chairperson Hill, explaining the procedures of this meeting to the audience. She then asked Mr. Banks to read the first case.

**Case # 2612 James & Karen Harper- Owner
Steve Whitten- Applicant**

To request, as a special exception, a sum total area of accessory structure greater than the building footprint of the principal residential structure. Property is located at 4722 Lecompte Road, Rhodesdale, MD 21659. Property containing 3.51 acres, zoned AC-Agricultural Conservation.

Mr. Banks read the case and all pertinent information into the record. He noted that the owners are in the process of doing a lot line revision that will extend their property to include the accessory structure, now on the family property.

Steve Whitten, applicant, Fink, Whitten & Associates, 108 Dorchester Avenue, Cambridge, MD, and any other person who would be testifying in this case, were sworn in.

Ms. Hill advised the applicant of his two options, to rely on his written responses to the criteria or comment on the responses. Mr. Whitten advised that he would rely on his written responses and further explain the request.

Mr. Whitten reviewed the proposed lot line revision and noted that the only change will be lines on paper. He advised that the building is compatible with the surrounding area, which is primarily agricultural. He explained that a special exception is needed because the building is larger than the primary structure; noting that the nonconforming situation was created through the lot line revision.

Mr. Banks read agency comments into the record. The Department of Public Works had no comment or objection to the special exception. A stormwater management plan and sediment erosion control plan will need to be submitted for review and approval prior to new construction in excess of 5,000 sq. ft. The Planning Commission stated that based on the information provided, they had no problem with the request since it is in keeping with the surrounding area and is a property line change only.

No one spoke in favor of this request and no one was opposed.

Ms. Hill announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. Hill called for a motion regarding this case. Mr. Foxwell made a motion to approve the request with the stipulation that the lot line revision be completed. Mr. Spicer seconded and the motion unanimously carried.

**Case # 2613 Edward & Elaine Airey- Owner
Steve Whitten- Applicant**

To request a variance of 3 ft. from the side yard setback requirement for a dwelling unit. Applicant proposes an addition to the existing dwelling unit to be located 12 ft. from the side property line. Containing 0.379 acres, property is located at 2716 Hoopers Island Road, Fishing Creek, MD 21634. Zoned V - Village.

Steve Whitten, applicant, Fink, Whitten & Associates, 108 Dorchester Avenue, Cambridge, MD, and any other person who would be testifying in this case, were sworn in.

Mr. Banks read the case and all pertinent information into the record.

Ms. Hill advised the applicant of his two options, to rely on his written responses to the criteria or comment on the responses. Mr. Whitten advised that he would rely on his written responses and explain further.

Mr. Whitten advised that when the owners purchased the property it was about 46 ft. wide. They acquired additional land through a line revision in 2008, altering the parcel. Because of this revision, the lot is no longer a parcel of record (a parcel existing prior to zoning in 1963), so the zoning code cannot be applied. Mr. Whitten pointed out that a table has been placed on the site plan showing that the variance they are requesting is no greater than what would have been allowed if the lot was viewed as a parcel of record. He referenced §155-51.E (1) of the Zoning Code and discussed how this total was derived. Mr. Whitten pointed out that the lot is in the critical area and is at the allowable amount of surface coverage.

Mr. Banks read agency comments into the record. The Department of Public Works had no comment or objection to the request. A stormwater management plan and sediment erosion control plan will need to be submitted for review and approval prior to new construction in excess of 5,000 sq. ft. The Planning Commission stated that based on the information provided, they would like the Board of Appeals to make sure the applicant demonstrates their hardship.

No one spoke in favor of this request and no one was opposed.

Ms. Hill announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. Hill called for a motion regarding this case. Mr. Foxwell made a motion to approve the request with the stipulation that the applicant obtain all required permits for the addition. Mr. Spicer seconded and the motion unanimously carried.

Case # 2611 Thomas Spicer- Owner
William McAllister Jr. – Applicant

To request a variance from the Flood Protection Elevation as defined by the Dorchester County Code, permitting the elevation of the residence located at 3525 Golden Hill Road, Church Creek, to remain at an elevation of four and a half feet (4.5') above natural grade elevation, and to also request a variance from the front yard setback of sixty feet (60'). Containing 16 acres. Zoned AC- Agricultural Conservation.

Mr. Gunby advised the Board of Appeals does not have a quorum for this case because of the necessary recusal of one of the members. The case cannot be heard tonight because of this.

Sandy McAllister of McAllister, DeTar, Showalter & Walker, representing the owner, requested that a date be set at the Board's earliest convenience.

A motion was made by Ms. Hill to approve the minutes of the April 20, 2017 meeting. Seconded by Mr. Foxwell and unanimously carried.

With no further business, a motion was made by Mr. Spicer to adjourn. Seconded by Mr. Foxwell and unanimously carried. Time of adjournment: 8:40 PM.

Respectfully submitted,



Rodney Banks
Executive Secretary