

The Dorchester County Board of Appeals met in regular session on Thursday, October 19, 2017 in Room 110 of the County Office Building at 7:00 PM. Present were, Catherine McCulley, Chairperson, Elizabeth Hill, Vice Chair, Lin Spicer, Cindy Smith, Mike Starling, Walt Gunby, Attorney, and Rodney Banks Deputy Director of Planning. Absent: Steve Dodd, Director of Planning.

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

**Case # 2618 - Donald N. Peters - Owner
Steve Whitten - Applicant**

To request, a Variance to allow an accessory structure within the required front yard setback. Property is located at 99 Sandy Hill Road, Cambridge, MD 21613. Containing .341 acres. Zoned SR – Suburban Residential.

Steve Whitten, applicant, Fink, Whitten & Associates, 108 Dorchester Avenue, Cambridge, MD, Donald Peters, owner, 99 Sandy Hill Road, 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. McCulley 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 site plan. He noted that the house was built in 1967 and the footprint remains the same. He pointed out that the current setback requirements put the house in violation on both sides, an existing nonconformity. He noted that the proposed accessory structure will be no closer to Radcliffe Road than the existing house.

Mr. Spicer asked if any of the neighbors had commented about this request. Mr. Banks stated that he had spoken with the neighbor across from the Peter's residence on Radcliffe Road. Their concern was how Mr. Peters would access the new accessory structure with vehicles. Mr. Whitten advised that it would be accessed from Radcliffe Road at a drainage culvert, but the building would be used primarily for storage of equipment. There is an existing shed with electricity that will remain.

Mr. Banks read agency comments into the record. Greg LeBlanc, Department of Public Works had no comment or objection to the variance. A stormwater management plan and erosion sediment control plan will need to be submitted for review and approval prior to new construction in excess of 5,000 sq. ft. The Dorchester County Sanitary Commission had no objection to the requested variance. Based on the information provided, the Planning Commission had no objection to this request.

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

Ms. McCulley 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. McCulley called for a motion regarding this case. Mr. Spicer made a motion to approve the request with the stipulation that the applicant obtain the required permits. Seconded by Ms. Hill and unanimously carried.

**Case # 2619 - Douglas & Patti Scott - Owners
Steve Whitten- Applicant**

To request a Variance to allow a pier to be located across lateral line dividing two riparian owners. Property is located at 5935 Castle Haven Road, Cambridge, MD 21613. Containing 9.5 acres. Zoned RC – Resource Conservation.

Steve Whitten, applicant, Fink, Whitten & Associates, 108 Dorchester Avenue, Cambridge, MD, Doug Scott, owner, 4736 Milligantown Road, Hurlock, and any other person who would be testifying in this case, were sworn in.

Mr. Banks advised the Board members that through no fault of the applicant, a sign was not posted on the property as required. He suggested that if the Board would be willing to hear the case this evening, he would have the owners take a sign with them and post it on the property for the required fifteen days. If the Board agrees to hear the case tonight and grants the variance, it would be contingent on the fifteen day posting. The Board was agreeable to this.

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

Ms. McCulley 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 they would rely on their written responses and explain further.

Mr. Whitten advised that Dorchester County has several formulas to calculate riparian rights. One of these formulas pertains to an area designated as a cove, which this property has. Mr. Whitten showed the angle of the pier projected by using the cove formula. He also spoke about the calculations Talbot County uses to establish a straight line within a cove. Mr. Whitten noted the proposed position of the pier would have less of an environmental impact rather than building a 3 ft. wide boardwalk across tidal wetlands to reach the pier.

Mr. Whitten noted that the proposed pier will cross over into the riparian rights of the adjoining property that is undeveloped and owned by Larry Van Loon. Mr. Whitten read into record a signed and notarized letter dated September 29, 2017 from Mr. Van Loon. Mr. Van Loon states in this letter that he is aware the proposed pier may encroach into the riparian rights of his property. He further stated that he has no problem with this variance request and would ask the Board of Appeals to grant it.

Mr. Banks read agency comments into the record. Greg LeBlanc, Department of Public Works recommended that the pier be angled along the southern most 25 ft. setback line. The pier could extend from the property as shown but then change direction at the setback line. His concern is that future adjacent property owners will be unable to have adequate access due to this pier extending in front of their property.

Based on the information provided, the Planning Commission gave a favorable recommendation for the variance.

Mr. Whitten commented on Mr. LeBlanc's recommendations. He advised that the proposed path of the pier is the shortest distance with the least disturbance to the 2 ft. mean low water.

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

Ms. McCulley 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. McCulley called for a motion regarding this case. Ms. Hill made a motion to approve the request with the stipulation that the property be posted for fifteen days and that the necessary permits be obtained prior to construction. Mr. Spicer seconded and the motion unanimously carried.

**Case # 2620 – Phyllis A. Burton - Owner
Lee & Roslyn Tibbs - Applicants**

To request a Special Exception to (a) allow accessory structures prior to principal due to proposed subdivision of property and (b) allow existing accessory structures of a total square footage which exceeds proposed footprint of home and/or 1,200 square feet. Current total square footage of building = 6,762 sq. ft. Property located at 5706 Cedar Grove Road, East New Market, MD 21631. Containing 23.9 acres. Zoned RR-RCA.

Roslyn Tibbs, owner, 5706 Cedar Grove Road, East New Market, MD and Tim Marshall, surveyor, Tim Marshall and Associates, 2114 Horns Point Road, 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. McCulley advised the applicant of his two options, to rely on his written responses to the criteria or comment on the responses. Mr. Marshall advised that they would rely on the written responses.

Mr. Marshall advised that the special exception is required in order to complete the subdivision process. Mr. Banks explained that because the property is zoned RR, rural residential, the maximum square footage allowed for an accessory structure is 1,200 sq. ft. Also, through the subdivision process, the existing accessory structure will be on the new lot prior to the primary structure.

Mr. Banks read agency comments into the record. Greg LeBlanc, Department of Public Works had no comment or objection to the special exception requested in this case. A stormwater management plan and erosion sediment control plan will need to be submitted for review and approval prior to new construction in excess of 5,000 sq. ft. Based on the information provided, the Planning Commission gave a favorable recommendation for the special exceptions.

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

Ms. McCulley 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. McCulley called for a motion regarding this case.

Mr. Spicer made a motion to approve the request with the stipulation that the subdivision process be completed. Ms. Hill seconded and the motion unanimously carried.

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

With no further business, a motion was made by Mr. Spicer to adjourn. Seconded by Ms. Hill and unanimously carried. Time of adjournment: 8:15 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Banks", written in a cursive style with a large loop at the end.

Rodney Banks
Executive Secretary