

The Dorchester County Board of Appeals met in regular session on Thursday, October 25, 2018 in Room 110 of the County Office Building at 7:00 PM. Present were, Catherine McCulley, Chair, Elizabeth Hill, Vice Chair, Lin Spicer, Mike Starling, Walt Gunby, Attorney, and Rodney Banks, Deputy Director. Absent: Cindy Smith

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 #2634 – Fairmount Foundry Holdings, LLC**

**To request a special exception, a sum total area of accessory structures greater than the building footprint of the principal residential structure, or as allowed by Code. Property located at 1609 Perseus Road, Church Creek, MD 21622 containing 4.55 acres. Zoned RC, Resource Conservation District.**

Steve Whitten, 504 Maryland Ave., 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. Mr. Banks noted that the County Zoning Ordinance limits the square footage of residential accessory structures to the footprint of the principal structure or 1,600 sq. ft., whichever is greater. The primary dwelling is approximately 2,021 sq. ft., existing shed is 242 sq. ft. and the proposed accessory structure will be 2,400 sq. ft. Applicant will be over limited amount by 621 sq. ft.

Mr. Whitten reviewed the site plan. He advised that the proposed structure will be for personal use. Mr. Starling asked if this would be a two-story building. Mr. Whitten advised the structure will be single story with a 10 to 12 ft. ceiling. Ms. McCulley asked if there would be electricity and plumbing. Mr. Whitten stated there will probably be electricity to the building. He noted that due to the size of the building, the floor will need to be elevated to the base flood elevation. If the owners decide to add a bathroom, this section would need to be raised an additional 2 ft. Mr. Banks noted that electricity and plumbing are allowed in this type of building, however it cannot have a kitchen or bedroom that would make it a residence.

Mr. Banks read agency comments into the record. Tim Glass, Lane Engineering, reviewing this request on behalf of Public Works stated there are no comments relative to the proposed special exception. If approved, when application for building permit is submitted for proposed structure, sediment and erosion control and stormwater management may apply at that time. The Planning Commission stated that based on the information provided, they have no issue with the 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. Starling made a motion “to approve the request with the following stipulation: all necessary permits are obtained.” Seconded by Mr. Spicer and unanimously carried.

Mr. Banks asked the Board members to look at dates to hear the Burns Board of Appeal case #2635. He advised that the regular meeting for November is full. Mr. Gunby suggested that since the Board has an obligation to hear a case within 60 days of the request being filed, it be put on the schedule for the regular December 20<sup>th</sup> meeting. Ms. Hill suggested December 13<sup>th</sup> as a possible special date. All present agreed to either December 13<sup>th</sup> or 20<sup>th</sup>.

A motion was made by Ms. Hill to approve the minutes of September 20, 2018. Seconded by Mr. Starling and unanimously carried.

Persons remaining to hear about the postponement of the Burns case were asked to join the meeting. Mr. Gunby advised that the allegation of error for the case was withdrawn by the applicant’s attorney Ryan Showalter, however, the special exception request for this case will be heard at a later date. Mr. Banks advised that he has several possible dates for this case to be heard and as soon as a date has been agreed on by the parties involved, public notice will be made. Mr. Banks also added that interested persons may contact the Planning & Zoning Office for further information.

There was a question from the audience as to what the allegation of error was and what the special exception will be. Mr. Gunby explained the applicant was hoping to get the Board to agree there was an error in the interpretation of the code by the Planning Department, and then the case would have been pushed through without the need for a special exception. The applicant will now need to meet the special exception criteria. A question was raised as to whether the criteria questions are available to the general public. Mr. Gunby advised they are; the Planning & Zoning Department would be able to provide this.

With no further business, a motion was made by Mr. Starling to adjourn. Seconded by Ms. Hill and unanimously carried. Time of adjournment: 7:45 PM.

Respectfully submitted,



Rodney Banks  
Executive Secretary