

The Dorchester County Board of Appeals met in regular session on Thursday, December 20, 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, Cindy Smith, Walt Gunby, Attorney and Steve Dodd, Director.

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

Case #2640 – Whitney Grafton, et al.

To request a variance to allow a primary dwelling within the required 40' front yard setback. Variance requested: 11.5'. Property located at 3429 Beaver Neck Road, Cambridge, MD 21613, containing 2.66 acres. Zoned AC – Agricultural Conservation District.

Steve Whitten, Agent, Fink, Whitten and Associates, LLC, 504 Maryland Avenue, Cambridge, MD, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record. Mr. Dodd noted that the existing house predates the lot and the subdivision.

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 comment further.

Mr. Whitten handed out Exhibit 1, a subdivision plat dated 2004 depicting the front yard setback of the existing dwelling. He noted that the house has been in existence since 1920 and, when the lot was created in 2004 the nonconformity was created. He advised that the county code requires a front yard setback of 40 ft. from a private road

Mr. Whitten handed out Exhibit 2 and spoke about the drop in elevation of the property. He then referenced page 2 of exhibit 2, noting the proposed increase in the front yard setback. Mr. Whitten handed out exhibit 3, an aerial showing the existing house with an overlay of the proposed house.

Mr. Dodd read agency comments into the record. No comments were received from the Health Department. The Department of Public Works, represented by Lane Engineering, stated if the requested variance is approved, the proposed construction must comply with applicable stormwater and erosion sediment control requirements. The Planning Commission stated that based on the information provided, they suggest the Board of Appeals take into consideration the fact that the house was there before the subdivision that has created the hardship.

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 this request.” Seconded by Mr. Spicer and unanimously carried.

Old Business

Case #2635 – Edmond & Candy Burns, Special Exception request for the storage of agricultural fertilizer in the AC, Agricultural Conservation Zoning District. Discussion regarding setting a January 2019 hearing date.

Mr. Dodd gave a brief overview of the request. Mr. Showalter has withdrawn the allegation of error portion of the case however the special exception request stands and is still pending. The Planning staff has been unable to get Mr. Showalter to schedule a date for a new hearing. Mr. Dodd explained the regular Board of Appeals meeting date is January 24, 2019. There is a possibility that a community solar project will be heard on that date. Mr. Spicer suggested the Burns case could be heard on this date if the solar project does not file their application by the due date otherwise, the Board members were agreeable to hear this case on either January 29th or 30th.

New Business

Election of Officers:

Mr. Dodd advised that Ms. McCulley has resigned from the Board of Appeals effective January, 2019. Ms. McCulley opened the floor for nominations. Ms. Hill made a motion to elect Lin Spicer for Chair and, Ms. Hill agreed to remain as Vice Chair. Seconded by Ms. Smith and unanimously carried.

Board of Appeals Meeting Dates - 2019

Mr. Starling made a motion to approve the meeting dates. Seconded by Ms. Hill and unanimously carried.

A motion was made by Ms. Hill to approve the minutes of the November 20, 2018 meeting. Seconded by Ms. McCulley and carried, with Ms. Smith abstaining.

With no further business, a motion was made by Ms. Hill to adjourn. Seconded by Mr. Spicer and unanimously carried. Time of adjournment: 7:50 PM.

Respectfully submitted,



Steve Dodd
Executive Secretary