

The Dorchester County Board of Appeals met in regular session on Thursday, July 18, 2019, in Room 110 of the County Office Building at 7:00 PM. Present were, Lin Spicer, Chair, Cindy Smith, Pam Allen, Charles Dayton, Jr., Walt Gunby, Attorney and Brian Soper, Planner. Absent: Elizabeth Hill

An introduction was made by Chairperson Spicer, explaining the procedures of this meeting to the audience. He then asked Mr. Soper to read the first case.

Case #2645 – Mary E. Woolford (owner)

Robert W. Sturges (Executor of the Estate of Carl R. Sturges)

Tim Marshall (applicant)

To request a variance to allow an existing 30 ft. wide fee simple access onto a public road to be relocated for the purpose of a lot line revision with neighbor. Properties are located at 4313 Beulah Road, Hurlock, MD 21643, containing .46 acres, Zoned AC – Agricultural Conservation and, Map 5, Parcel 31, containing 56 acres. Zoned AC – Agricultural Conservation.

Tim Marshall, applicant, Tim Marshall & Associates, Inc., 2114 Horn Point Rd., Cambridge, MD and any other person who would be testifying in this case, were sworn in.

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

Mr. Spicer 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 he would rely on his written responses.

Mr. Marshall noted that moving the location of the 30 ft. wide access, will not increase or decrease land on either property.

No one spoke in favor of this request and no one spoke in opposition.

Mr. Soper read agency comments into the record. The Department of Public Works, represented by Lane Engineering, commented that if the Board of Appeals grants the requested variance, any proposed construction must comply with applicable stormwater and sediment and erosion control requirements. The Planning Commission stated that based on the information provided, they had no objection to the request.

Mr. Spicer 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, Mr. Spicer called for a motion regarding this case. Ms. Smith made a motion “to approve this request.” Seconded by Mr. Dayton and unanimously carried.

**Case #2646 - Michael R. Regan (owner)
Sean Callahan (applicant)**

To request a variance to allow a modification of an existing dilapidated 1392 sq. ft. boat house with a 1376 sq. ft. replacement boat house. Property is located at 5666 Belle Aire Road, East New Market, MD 21631, containing 12.57 acres. Zoned RR – Rural Residential.

Sean Callahan, applicant, Lane Engineering, 15 Washington Street, Cambridge, MD, Michael R. Regan, owner, 5666 Belle Aire Rd., East New Market, MD, and any other person who would be testifying in this case, were sworn in.

Mr. Soper read the case and all pertinent information into the record. Mr. Soper noted that the Planning staff recommends as a condition of approval (1) the existing bathroom and storage area be removed and cannot be replaced (2) structure cannot be used as a dwelling. Mr. Soper advised that the zoning code does not permit structures on piers, this is why a non-conforming use variance is required.

Mr. Spicer advised the applicant of his two options, to rely on his written responses to the criteria or comment on the responses. Robert S. Collison, 311 High St., Cambridge, MD, Attorney for Mr. Regan, advised they would rely on their written responses and supplement as needed.

Mr. Collison reviewed the case, noting the footings and foundation are deteriorating necessitating replacement of the entire structure. Mr. Collison asked Mr. Regan the approximate age of the boathouse. Mr. Regan advised it is close to 70 years old. Mr. Collison then asked Mr. Regan if he had heard the Planning staff's proposed conditions for approval. Mr. Regan advised he understood these conditions. Mr. Collison asked if the boathouse would be used for any commercial purpose. Mr. Regan stated no.

Mr. Callahan passed out an aerial and reviewed it, noting several other boathouses within the area. He then referenced COMAR, 26.24.02.C. (5), noting that replacement of a boathouse is exempt from tidal wetlands and private tidal wetlands permits. He also cited COMAR 26.24.04.02, routine maintenance and repair to an existing boathouse is exempt if there is no increase in width, length, height or channelward encroachment. Mr. Callahan read into record an email dated March 27, 2019 from MDE confirming that a permit for this project is not needed.

Mr. Soper read agency comments into the record. The Department of Public Works, represented by GMB, Architects/Engineers stated that GMB has no comments specifically related to stormwater management or site grading. An administrative waiver of stormwater management requirements detailed in Chapter 134 is recommended, but should be granted based on review of final construction documents. Of note (1) An ESC plan addressing methods of construction should be approved by the Dorchester Soil Conservation District. (2) Environmental buffers and setbacks should be verified with the appropriate agencies. (3) Compliance with the Chesapeake Bay Critical Area regulations should be obtained. The Planning Commission stated that based on the information provided, they have no objection to the request.

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

Mr. Spicer 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, Mr. Spicer called for a motion regarding this case. Mr. Dayton made a motion “to approve this request with the following stipulations: (1) the existing bathroom and storage area are to be removed and cannot be replaced (2) boathouse may not be used as a dwelling.” Seconded by Ms. Smith and unanimously carried.

**Case #2647 – Trustees of Wingate Methodist Church
Steve Whitten (applicant)**

To request as a special exception, the expansion of an existing Church consisting of a horizontal addition of 372 sq. ft. containing an ADA bathroom and classroom. Property is located at 2035 Crab House Road, Wingate, MD 21675, containing 0.778 acres. Zoned V – Village.

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

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

Mr. Spicer 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.

Mr. Whitten reviewed the plans, noting the location of a small privy. He also reviewed the proposed area for the addition. He advised there is no plumbing inside the church at this time. Mr. Spicer asked if the existing privy would be torn down. Mr. Whitten advised it will be torn down.

Mr. Soper read agency comments into the record. The Department of Public Works, represented by Lane Engineering commented, the project footprint is below 5,000 sq. ft. As such, no formal stormwater management is required. It is recommended that positive drainage be maintained. The Planning Commission stated that based on the information provided, they had no objection to the request. The Health Department has no objection to the requested exception for the proposed addition. The addition of a bathroom will require verification that the existing well produces potable water and construction of a sewage holding tank to replace the existing privy.

No one spoke in favor of this request and no one spoke in opposition.

Mr. Spicer 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, Mr. Spicer called for a motion regarding this case. Mr. Dayton made a motion "to approve the request." Seconded by Ms. Smith and unanimously carried.

A motion was made by Ms. Smith to approve the minutes of the April 25, 2019 meeting. Seconded by Ms. Allen and unanimously carried.

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

Respectfully submitted,

Brian Soper
Executive Secretary