

DORCHESTER COUNTY BOARD OF APPEALS

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February 25, 2021 – BOA Meeting Minutes

The Dorchester County Board of Zoning Appeals conducted a meeting on Thursday February 25, 2021 at 7pm by phone (due to Covid risks and requirements).

The agenda with phone call-in number was published on the County website and on Facebook prior to the meeting; all applicants and members of the public who contacted the Dept. of Planning and Zoning were informed of the modification either by email or by phone.

In attendance: Chairman Lin Spicer, Vice Chair Elizabeth Hill; Commissioners Allen

Absent: Commissioner Charles Dayton

Also in attendance: Walter Gunby, Esq., County Legal Counsel; Herve Hamon, Director of Planning; Brandon Vermilion, GIS Specialist

Applicants were represented by:

BOA Case #2678, Covey Residence – Special Exception – Don Covey, homeowner

BOA Case #2679, Cole Residence – Special Exception – Arthur Cole, homeowner

Chairman Lin Spicer called the meeting to order at 7pm. He conducted a roll call, welcomed the attendants and reviewed + approved the agenda as presented.

Chairman Spicer asked for a motion to approve the January 21, 2021 BOA meeting minutes. Commissioner Allen noted a typo at the end of the minutes.

Vice Chair Hill made a motion to approve the January 21 minutes with correction, Comm. Allen seconded, all approved.

Brandon Vermillion swore in all the applicants' representatives and members of the public testifying at the start of each case.

1. BOA Case #2678 – Covey Residence: 900 Hudson Road, Cambridge, MD – Special Exception

A request has been made which would authorize a **Special Exception** to approve the construction of an accessory building on a vacant lot, consisting of no primary structure.

o **Background:**

On February 3, 2021 the Planning Commission met, and Chairman Hanson expressed that the opinion of the Commission was favorable to the request, based on the information and evidence presented.

The case was presented by Herve Hamon, Director of Planning and Zoning; he recommended considering this application favorably.

- o The property is located in the V (Village District); this property is located in the Critical Area – LDA (Limited Development Area) and it is not in the Flood plain.
- o The accessory building will be 12' x 16', total of 192 square feet. Mr. Covey owns the property across the road, where his primary structure is located.
- o The accessory building will only be used for storage.
- o The proposed building is more than 45 feet from a public road (min. front yard setback from minor collector = 35 ft)

When asked by Chairman Spicer, Mr. Covey stated he had nothing to add to the presentation

During the reading of the criteria, attorney Walter Gunby clarified that Mr. Covey's answer to question c) was in fact that the construction of the storage **would not** be detrimental to use, peaceful enjoyment (etc.), a correction to which Mr. Covey agreed.

o **Public and Commissioners' Comments:**

- o There was no opposition, nor any comments from the public.
- o There were no comments or concerns from outside agencies

The Board members each read the qualifying criteria findings and evaluated the application, confirming that each criteria for granting the requested special exception were satisfied.

o **Decision:**

Chairman Spicer asked for a motion to **approve BOA Case #2678 as submitted**. Commissioner Allen made a motion to approve the application as submitted; Vice Chair Hill seconded, all approved (3-0 vote). **The Special Exception was granted.**

2. BOA Case # 2679, Cole Residence: Harrisville Road, Woolford, MD - Special Exception

A request has been made which would authorize a **special exception** to approve construction of an accessory building on a vacant lot, consisting of no primary structure.

o **Background:**

On February 3, 2021 the Planning Commission met, and Chairman Hanson expressed that the opinion of the Commission was favorable to the request, based on the information and evidence presented.

The case was presented by Herve Hamon, Director of Planning and Zoning; he recommended considering this application favorably.

- o The property is located in the AC (Agricultural Conservation District); this property is not in the Critical Area and is not in the Flood Plain.
- o The accessory building will be 24' x 34', total of 816 square feet.
- o The applicant is proposing 2 possible locations for this accessory building (please see site plan illustrated), both are 60 feet away from the front yard line
 - Option #1 has the proposed building oriented perpendicular to Harrisville Road, 20 feet away from the side yard lot line
 - Option #2 has the proposed building oriented parallel to Harrisville Road, and located approximately in the center of the lot
- o The accessory building will only be used for storage.
- o The proposed building is more than 60 feet from a public road (min. front yard setback from minor collector = 40 ft)

When asked by Chairman Spicer, Mr. Cole stated he had nothing to add to the presentation; and that he intended to build a house on the site in the near future.

Mr. Hamon suggested that Option #1 was better suited for future development of the site; to which Mr. Cole agreed.

o **Public and Commissioners' Comments:**

- o There were no additional comments or questions from the Board Commissioners.
- o There was no opposition, nor any comments from the public.
- o There were no comments or concerns from outside agencies

The Board members each read the qualifying criteria findings and evaluated the application, confirming that each criteria for granting the requested special exception were satisfied.

o **Decision:**

Chairman Spicer asked for a motion to **approve BOA Case #2679 as submitted**. Vice Chair Hill made a motion to approve the application as submitted, with Option #1 (accessory building oriented perpendicular to Harrisville Road, and along the side yard property line); Commissioner Allen seconded, all approved (3-0 vote). **The Special Exception was granted.**

There was a short off-agenda discussion about the recent solar installation work session. Chairman Spicer asking that the 200 foot setback and screening be applied without exception. Vice Chair Hill and Commissioner Allen concurred.

Mr. Hamon informed the Board that a special Planning Commission meeting was being scheduled for March 17, 2021.

Chairman Spicer asked for a motion to adjourn the meeting.

Vice Chair Hill made a motion to adjourn the meeting; it was seconded by Commissioner Allen; all approved.

The meeting adjourned at 7:45pm.

Respectfully submitted.

Herve O. Hamon

Herve O. Hamon, AICP, Director of Planning & Zoning

-----*[Signature]*----- Approved by the Chair

3/25/21 Date