

DORCHESTER COUNTY BOARD OF APPEALS

PO BOX 107
CAMBRIDGE, MD 21613
410-228-3234



June 24, 2021 – BOA Meeting Minutes

The Dorchester County Board of Zoning Appeals conducted a **special meeting** on Thursday June 24, 2021 at **7pm** in room # 110 of the Dorchester County Government Office Building, Council Chambers 501 Court Lane, Cambridge, MD 21613. This was due to the number of applications filed earlier in April, exceeding the quota and possibility to be reviewed in one evening.

The agenda 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 either by email or by phone.

In attendance: Chairman Lin Spicer, Vice Chair Elizabeth Hill; and Commissioner Charles Dayton.
Absent: Pam Allen

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

Applicants were represented by:

- BOA Case #2689, Newman Property – Special Exception – No presentation
- BOA Case #2692, Zickgraf Residence – Special Exception – Mr. Zickgraf, owner
- BOA Case #2693, Mullhausen Residence – Special Exception – Mr. Mullhausen, owner
- BOA Case #2694, Tecce Residence – Special Exception – Steve Whitten, Surveyor
- BOA Case #2695, Bumgarner Residence – Special Exception – Mr. Bumgarner, 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.

1. **BOA Case #2689 Newman Property: Special Exception, ENM Rhodesdale Road, Hurlock MD (Zoned, AC – Agricultural Conservation District) Request as a Special Exception, approval to construct an accessory structure without a primary structure.**
- o **Background:**
On June 2, 2021, the Planning & Zoning 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 Susan Webb, Deputy Director of Planning and Zoning; she recommended considering this application favorably.

- o The property is located in the AC (Agricultural Conservation District);
- o Accessory structure will be consistent with the County's Comprehensive Plan;
- o Structure will be for personal storage only.

- o **Public and Commissioners' Comments:**
There were no additional comments or questions from the Board Commissioners.
There was discussion from a neighbor regarding people riding ATV's on the property. That issue was referred to the Sheriff's Department for noise. This issue was not part of the case.
There were no comments or concerns from outside agencies

When asked by Mr. Walter Gunby, Esq., 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.

- **Decision:**
Chairman Spicer asked for a motion to **approve BOA Case #2689 as submitted**. Vice-Chair Hill made a motion to approve the application as submitted; Commissioner Dayton seconded, all approved (3-0 vote). **The Special Exception was granted.**

2. **BOA Case #2692 Zickgraf Property: Special Exception, 5732 Sharptown Road, Rhodesdale, MD (Zoned, AC – Agricultural Conservation District)** Request special exception to construct accessory structure total sum area greater than primary structure. Total amount of accessory structure requested: 649 sq ft. (in excess)

- **Background:**
On June 2, 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 Susan Webb, Deputy Director of Planning and Zoning; she recommended considering this application favorably.

- The property is located in the AC (Agricultural Conservation District);
- Accessory structure will be consistent with the County's Comprehensive Plan;
- Structure will be for personal storage only.

- **Public and Commissioners' Comments:**
 - There were no additional comments or questions from the Board Commissioners.
 - There was no opposition, nor any comments from the public.
 - There were no comments or concerns from outside agencies

When asked by Mr. Walter Gunby, Esq., 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.

- **Decision:**
Chairman Spicer asked for a motion to **approve BOA Case #2692 as submitted**. Commissioner Dayton made a motion to approve the application as submitted; Vice-Chair Hill seconded, all approved (3-0 vote). **The Special Exception was granted.**

3. **BOA Case #2693 Mullhausen Property: Special Exception, 4965 Harrison Ferry Rd, Hurlock MD (Zoned, AC – Resource Conservation District), RCA Critical Area.** Request a special exception to construct accessory structure total sum area greater than primary structure. Total amount of accessory structure requested: 1,008 sq ft. (in excess)

- **Background:**
On June 2, 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 Susan Webb, Deputy Director of Planning and Zoning; ; she recommended considering this application favorably.

- The property is located in the AC (Agricultural Conservation District). This property in the Critical Area, zoned RCA (Resource Conservation Area).
- Accessory structure construction is common in this area;

- **Public and Commissioners' Comments:**
 - There were no additional comments or questions from the Board Commissioners.
 - There was no opposition, nor any comments from the public.
 - There were no comments or concerns from outside agencies

When asked by Mr. Walter Gunby, Esq., 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.

- **Decision:**
Chairman Spicer asked for a motion to **approve BOA Case #2693 as submitted**. Vice-Chair Hill made a motion to approve the application as submitted; Commissioner Dayton seconded, all approved (3-0 vote). **The Special Exception was granted.**

4. **BOA Case #2694 Tecce Property: Special Exception, 5944 Horns Point Rd, Cambridge, MD (Zoned, RC – Resource Conservation District, RCA Critical Area)** Request special exception to construct an accessory structure total sum area greater than primary structure. 2,550 sq ft (in excess)

○ **Background:**

On June 2, 2021, the Planning & Zoning 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 Susan Webb, Deputy Director of Planning and Zoning; she recommended considering this application favorably.

- The property is located in the RC (Resource Conservation District). This property in the Critical Area, zoned RCA (Resource Conservation Area).
- Accessory structure construction is common in this area;
- The area is rural in nature and the site in question is wooded. The front and portions of the side property is screened with trees.

○ **Public and Commissioners' Comments:**

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

When asked by Mr. Walter Gunby, Esq., 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.

○ **Decision:**

Chairman Spicer asked for a motion to **approve BOA Case #2694 as submitted**. Vice-Chair Hill made a motion to approve the application as submitted; Commissioner Dayton seconded, all approved (3-0 vote). **The Special Exception was granted.**

5. **BOA Case #2695 Bumgarner Property: Special Exception, 6933 Williamsburg Church Rd, Hurlock, MD (Zoned, RR – Rural Residential District) Request special exception to operate a firearms business out of accessory structure.**

○ **Background:**

On June 2, 2021, the Planning & Zoning 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 Ms. Susan Webb, Deputy Director of Planning and Zoning; she recommended considering this application favorably.

- The property is located in the RR (Rural Residential District).
- The business will be run out of the accessory structure only, transfer of guns only.

○ **Public and Commissioners' Comments:**

- There were no additional comments or questions from the Board Commissioners.
- A neighbor expressed her concerns regarding noise from shooting on the premises. Also the question was raised if the accessory structure could be removed or stolen since it was not a permanent structure. The noise issue from shooting was referred to the Sheriff's Department.
- There were no comments or concerns from outside agencies

When asked by Mr. Walter Gunby, Esq., 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.

○ **Decision:**

Chairman Spicer asked for a motion to **approve BOA Case #2694 as submitted**. Commissioner Dayton made a motion to approve the application as submitted; Vice-Chair Hill seconded, all approved (3-0 vote). **The Special Exception was granted.**

Chairman Spicer asked for a motion to approve the May 6, 2021 BOA special meeting minutes. There were no comments or modifications to the minutes.

Vice Chair Hill made a motion to approve the May 6th meeting minutes as submitted, Comm. Dayton seconded, all approved.

Chairman Spicer asked for a motion to adjourn the meeting.

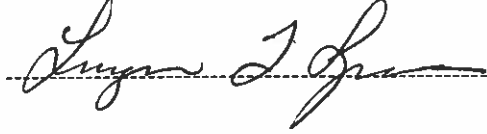
Commissioner Dayton made a motion to adjourn the meeting; it was seconded by Vice-Chair Hill; all approved.

The meeting adjourned at 9:15 pm.

Respectfully submitted.



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



Approved by the Chair

6/12/21 Date