

DORCHESTER COUNTY BOARD OF APPEALS
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CAMBRIDGE, MD 21613
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August 20, 2020 - Meeting Minutes

The Dorchester County Board of Zoning Appeals conducted a meeting on Thursday August 20, 2020 at 6pm in County Office Building Room 110, at 501 Court Lane, Cambridge MD 21613.

All attendees wore facial coverings and respected the 6 foot distancing regulations.

Present: Lin Spicer, Chair; Elizabeth Hill, Vice Chair; Charles Dayton Jr, Commissioner
Absent: Commissioners Smith and Allen

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

Applicants were represented:
BOA Case #2655, Gafia LLC - Variance Mr. Steve Whitten, Surveyor
BOA Case #2658, Councill & Callahan - Special Exception Mr. Ryan Showalter, Attorney

Chairman Spicer called the meeting to order at 6pm. He conducted a roll call and welcomed the attendants. Counsel Gunby swore in the applicants' representative at the time of their testimony. Herve Hamon presented the applications.

- 1- BOA Case #2655, Gafia LLC, Variance. Property address: 3289 Cemetery Road, Crapo Maryland

❖ **Background:**

This is a request for a variance to authorize a reduction of the setbacks from the property lines, to allow expansion of a single family house and deck.

Mr. Hamon presented the staff report.

The property of 2.0 acres is located entirely in the Critical Area and the Tidewater Buffer Zone. It is zoned RC (Resource Conservation) and RCA (Resource Conservation Critical Area).

Being a corner lot, the parcel requires 2 front yard setbacks:

- 60 feet from Maple Dam Road (minor collector)
- 40 feet from Cemetery Road (local road)

The Variance applied for is requesting the following distances:

- 40.3 feet from Maple Dam Road (variance of 19.7 feet)
- 20.9 feet from Cemetery Road (variance of 19.1 feet)

The County Planning and Zoning reviewed the request at the May 6, 2020 meeting, and noted that the driveway access is on Cemetery Road, asking that the intersection visibility be confirmed for traffic with the new project location.

❖ **Discussion and questions:**

- Mr. Whitten provided the Board with pictures illustrating the intersection. No conflict was found.
- Mr. Hamon asked what the finished floor elevation of the new home would be, since the area is prone to

- regular flooding. Mr. Whitten responded the floor would be built at FEMA standards, Elevation 6.0.
- There were no adverse comments from Critical Area or Storm Water Management.

Commented [HH1]:

Counsel Walter Gunby then read through the Variance criteria and received input from each Board Commissioner (These comments are recorded in detail on the meeting audio, and are available upon request to the City Manager's office). The determination of the criteria was as follows:

1. The Variance will not be contrary to the public interest
 - a. Special conditions and circumstances do exist which are peculiar to the land, structure or building involved
 - b. Literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Dorchester County Zoning Ordinance
 - c. Granting the Variance requested will not confer upon the applicant any special privilege that is denied by the Dorchester County Zoning Ordinance to other land, structure or buildings in the same district
 - d. The special conditions or circumstances did not result from the actions of the applicant

❖ **Decision:**

Vice Chair Hill made a motion to approve the case as submitted; it was seconded by Commissioner Dayton; all approved. The motion passed and the Variance was granted.

2. BOA Case #2658, Councill & Callahan – Special Exception. Property address: 1209 Riverside Road, Church Creek

❖ **Background:**

This is a request to build an accessory structure (for recreational & equipment storage) prior to the construction of any primary structure.

Mr. Showalter presented the application.

The property of 75 acres is located in the V zone (Village); it is entirely within the Critical Area and in the Flood Plain zone, but the proposed location of the accessory building is out of the Tidewater Buffer Area and out of the extended non-tidal Buffer.

An existing raised pad was built for the prior proposal of an oyster hatchery, but never built on. The proposed accessory structure will take advantage of the existing pad.

The County Planning & Zoning Commission reviewed the request at the June 3, 2020 meeting and had no objections to the request.

❖ **Discussion and questions:**

- Mr. Hamon asked if the storage would include any firearms. It will not.
- Chairman Spicer confirmed there had been no adverse reactions from neighboring properties.
- Vice Chair Hill commented that it was nice to see the property being developed for recreation
- The Critical Area Commission had no objections to the request
- Storm Water management will have to be addressed if the total disturbed area exceeds 5,000sf (otherwise, it will be exempt).

Counsel Gunby then read through the Special Exception criteria, and received input from each Board Commissioner (These comments are recorded in detail on the meeting audio, and are available upon request to the City Manager's office). The determination of the criteria was as follows:

- a. The proposed use or structure will be consistent with the County Comprehensive Plan
- b. It will be in harmony with the general character of the neighborhood, considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses;
- c. It will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or surrounding neighborhoods;
- d. It will not cause objectionable noise, vibration, fumes, odors, dust, glare or physical activity;
- e. It will not have detrimental effect on vehicular or pedestrian traffic;
- f. It will not adversely affect the health, safety, security or general welfare of residents, workers or visitors in

the area;

- g. It will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, medical facilities, water, sanitary sewer, public roads, storm sewers, drainage and other public improvements;
- h. It does meet the definitions and specific standards set forth elsewhere in the Dorchester County Zoning Ordinance for such use.

❖ **Decision:**

Vice Chair Hill made a motion to approve the case as submitted; it was seconded by Commissioner Dayton; all approved. The motion passed and the Special Exception was granted.

Chairman Spicer asked for a motion to adjourn the meeting.

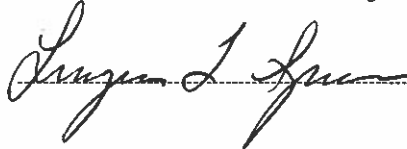
Vice Chair Hill made a motion to adjourn the meeting; it was seconded by Commissioner Dayton; all approved.

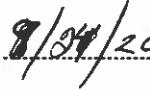
The meeting adjourned at 7:20pm.

Respectfully submitted.

Herve O. Hamon

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

 Approved by the Chair

 Date

