

# DORCHESTER COUNTY BOARD OF APPEALS

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## February 24, 2022 - BOA Meeting Minutes

The Dorchester County Board of Zoning Appeals conducted a meeting on Thursday February 24, 2022 at **7pm** in room # 110 of the Dorchester County Government Office Building, Council Chambers 501 Court Lane, Cambridge, MD 21613

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 of the modification either by email or by phone.

The agenda published also provided the option to dial in by phone. Upon verification of the conference call line at 7:10pm, no member of the public had dialed in.

In attendance: Chairman Lin Spicer; Vice Chair Elizabeth Hill, Commissioners Charles Dayton.  
Absent: Alternate Benny Horseman

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

Applicants were represented by:

- BOA Case #2716, Special Exception - Mr. Wireman, homeowner
- BOA Case #2717, Special Exception – Mr. Webb, homeowner
- BOA Case #2718, Special Exception – Mr. Cameron, homeowner
- BOA Case #2719, Special Exception – Steve Whitten, Surveyor and Mr. Zentgraf, homeowner
- BOA Case #2720, Special Exception – Steve Whitten, Surveyor and Mr. Toomey, homeowner
- BOA Case #2721, Special Exception – Steve Whitten, Surveyor

Chairman Lin Spicer called the meeting to order at 7:05pm. He conducted a roll call and welcomed the attendants.

He called for an approval of the November 18, 2021 minutes. Vice Chair Hill made a motion, it was seconded by Commissioner Dayton; all approved.

- ❖ **BOA Case #2716, Wireman Property: Special Exception, 900 Taylors Island Rd, Madison, MD (Zoned, RC – Resource Conservation District, RCA Critical Area) Request Special Exception to allow construction of accessory structure prior to primary structure.**
- **Background:**

The case outline was presented by Susan Webb, Deputy Director of Planning and Zoning.  
Mr. Wireman proposes to build a 14x36 storage shed on the property prior to building the main residence. The shed would allow to secure maintenance equipment and personal items.  
Ms. Webb did not receive any negative comments from notified neighbors or from outside agencies (including Critical Area Commission) for this proposal.  
The shed is proposed to be located past the Building Restriction Line, with setbacks similar to a main residence.  
Although Mr. Wireman's original application was describing a 12x30 shed, upon discussion, the size requested was revised to 14x36 (504sf)
- **Public and Commissioners' Comments:**

There were no public comments. Mr. Hamon expressed that the shed size could always be reduced as an administrative amendment, but not enlarged, which would require re-visiting the Board of Appeal for approval. The panel agreed.

- **Decision:**  
After deliberation and review of the compliance with each criteria of the Special Exception requirements, Chairman Spicer asked for a motion to **approve BOA Case #2716 as submitted**. Commissioner Dayton made a motion to approve the application as submitted; Vice-Chair Hill seconded, with the amendment of size spelling out a maximum 504 sf shed, all approved (3-0 vote). **The Special Exception was granted.**
- ❖ **BOA Case #2717 Webb Property: Special Exception, 4364 Egypt Rd, Cambridge, MD** (Zoned, AC – Agricultural Conservation District) Request Special Exception to allow a sum total area of accessory structure(s) greater than the footprint of the principal residential structure or as allowed by code. (Overage requested = 780 sq. ft.)
- **Background:**  
The case outline was presented by Susan Webb, Deputy Director of Planning and Zoning. Mr. Webb (= applicant, no relation) is proposing to build a camper carport, dimensions 18x40, to protect his recreational vehicle. This structure is in addition to already existing accessory structures on the site, and the total square footage exceeds the maximum allowed (footprint of the house) by 780 sq.ft. Although a light frame structure, Mr. Hamon noted that carports fall under the same regulations as accessory structures and are subject to building permits and inspections. Ms. Webb did not receive any negative comments from notified neighbors nor outside agencies for this proposal.
- **Public and Commissioners' Comments:**  
There were no public comments. The Board did not have any additional questions.
- **Decision:**  
After deliberation and review of the compliance with each criteria of the Special Exception requirements, Chairman Spicer asked for a motion to **approve BOA Case #2717 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.**
- ❖ **BOA Case #2718 Cameron Property: Special Exception, 5809 Castle Haven Rd, Cambridge, MD** (Zoned, RRC – Rural-Residential Conservation District, RCA Critical Area, Floodplain) Request Special Exception to allow a sum total area of accessory structure(s) greater than the footprint of the principal residential structure or as allowed by code. (Overage requested = 812 sq. ft.)
- **Background:**  
The case outline was presented by Susan Webb, Deputy Director of Planning and Zoning. Mr. Cameron proposes to build a 40x60 pole barn building, to replace the collapsed older existing 20x40 shed that was destroyed by a fallen tree; this will take place in roughly the same location, not impacting significantly existing vegetation (minor tree cutting). There are 2 garages on the property totalling 1,380sf; the house footprint is 2,968sf; the proposed shed would be 2,400sf in addition to the garage, making the request an overage of 812 sq. ft. of accessory structure amount. Ms. Webb did not receive any negative comments from notified neighbors nor outside agencies (including Critical Area Commission) for this proposal.
- **Public and Commissioners' Comments:**  
There were no public comments. The Board did not have any additional questions and felt that this building was in line with previously approved special exceptions.
- **Decision:**  
After deliberation and review of the compliance with each criteria of the Special Exception requirements, Chairman Spicer asked for a motion to **approve BOA Case #2718 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.**
- ❖ **BOA Case #2719 Zentgraf Property: Special Exception, 2015 Pig Neck Rd, Cambridge, MD** (Zoned, RR – Rural Residential District, LDA Critical Area) Request Special Exception to allow a sum total area of accessory structure(s) greater than the footprint of the principal residential structure or as allowed by code. (Overage requested = 3,726 sq ft.)
- **Background:**  
The case outline was presented by Susan Webb, Deputy Director of Planning and Zoning. She read into the record a letter received on January 13 from Michael Grassman, Natural Resource Planner, explaining that the application for additional accessory structure would increase the non-conformity with lot coverage in the LDA Critical Area zone (the existing conditions being that the property already has an excess of coverage over the 15% allowed) Steve Whitten, Surveyor (on behalf of Mr. Zentgraf) proceeded to present in detail the arguments in favor of this application. The proposed extension of the existing accessory structure (a 4 bay garage for Mr. Zentgraf car collection):
  - Will not have any impact on adjacent properties' traffic

- Will not create any adverse health and safety effects, nor cause objectionable activities
- Will not be a burden on public services
- Will be designed to be in harmony with the character of the neighborhood (matching the quality and esthetics of the existing structure); location and screening

Mr. Whitten, in response to a concern expressed by Chairman Spicer in relation with Michael Grassman's letter, explained that the issue of coverage was not part of the purview of the special exception case, having to do with the use of the property. Mr. Whitten also explained that since Mr. Zentgraf owns the adjacent vacant 4.5 acre parcel, a lot line revision that would redistribute the access driveway and right-of-way portion would create coverage numbers that would comply with the 15% requirement.

In conclusion, Mr. Whitten highlighted the fact that most 2 acre properties in Dorchester County feature about 2,400sf of accessory structures, representing 2.8% of the total; and that with the proposed addition in front of the Board, the total amount of accessory structures on Mr. Zentgraf's property would represent 2.8% of his 6.5 acres (i.e. about 7,900 sq. ft.) The general reaction from the Board was that the proposed structure was indeed going to be a very attractive building, well in character with the neighborhood.

- **Decision:**

After deliberation and review of the compliance with each criteria of the Special Exception requirements, Chairman Spicer asked for a motion to **approve BOA Case #2719 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.**

- ❖ **BOA Case #2720 Toomey Property: Special Exception, 3808 West Haven Ct, East New Market, MD** (Zoned, RR – Rural Residential District, LDA Critical Area) Request Special Exception to allow a sum total area of accessory structure(s) greater than the footprint of the principal residential structure or as allowed by code. (Overage requested = 850 sq. ft.)

- **Background:**

The case outline was presented by Susan Webb, Deputy Director of Planning and Zoning.

Mr. Toomey proposes to build a 48x72 accessory building for personal storage on his property. The proposed structure is 850 sq. ft. bigger than the house footprint. The house is located close to the water, away from the access on West Haven Court, therefore placing the storage building in the street facing portion of the lot; however, the proposed building will be well screened and 232 feet away from the road. In addition, the accessory building will be 25 feet away from the side yard property line.

Ms. Webb did not receive any negative comments from notified neighbors nor outside agencies (including Critical Area Commission) for this proposal.

- **Public and Commissioners' Comments:**

There were no public comments. The Board did not have any additional questions and felt that this building was in line with previously approved special exceptions for similar accessory structures.

- **Decision:**

After deliberation and review of the compliance with each criteria of the Special Exception requirements, Chairman Spicer asked for a motion to **approve BOA Case #2720 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.**

- ❖ **BOA Case #2721 Neal Property: Special Exception, Rhodesdale-Vienna Rd, Rhodesdale, MD** (Zoned, AC – Agricultural Conservation District, Request Special Exception to allow construction of accessory structure prior to primary structure.

- **Background:**

The case outline was presented by Susan Webb, Deputy Director of Planning and Zoning.

Steve Whitten, Surveyor on behalf of Mr. Neal, explained this building would be a first phase of construction, used to store equipment and belongings before the construction of the main residence on this property. In this case, the proposed 1800 sf building will be setback from property lines in a similar way than a primary structure would be (specifically on the proposed site plan 21' from side, 211' from front)

- **Public and Commissioners' Comments:**

There were no public comments. The Board did not have any additional questions and felt that this building was in line with previously approved special exceptions for similar accessory structures.

- **Decision:**

After deliberation and review of the compliance with each criteria of the Special Exception requirements, Chairman Spicer asked for a motion to **approve BOA Case #2721 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 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 9:20pm.

Respectfully submitted.

*Herve O. Hamon*

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

*Spicer J. Spicer*

-----Approved by the Chair

*3/06/22* Date