

# DORCHESTER COUNTY BOARD OF APPEALS

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



## January 21, 2021 – BOA Meeting Minutes

The Dorchester County Board of Zoning Appeals conducted a meeting on Thursday January 21, 2021 at 7pm by phone (due to Covid risks and requirements).

A revised agenda with phone call-in number was published on the County website and on Facebook on January 20, 2020; 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 Charles Dayton Jr.  
Absent: Commissioner Pam Allen

Also in attendance: Walter Gunby, Esq., County Legal Counsel; Herve Hamon, Director of Planning; Susan Webb, Assistant Director of Planning.

Applicants were represented by:

BOA Case #2675, Moretz Residence – Variance – Ruthe Moretz, homeowner

BOA Case #2676, Willey Residence – Special Exception – Steve Whitten, surveyor

BOA Case #2677, Raffaniello Residence – Special Exception – Steve Whitten, surveyor & Patrick Raffaniello, 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.

Director Hamon swore in all the applicants' representatives and members of the public testifying at the start of the conference call.

Chairman Spicer asked for a motion to approve the December 21, 2020 meeting minutes. Vice Chair Hill made a motion to approve the Board of Appeal minutes from December 21, 2020 as submitted; Commissioner Dayton seconded, all approved.

### 5. BOA Case #2675 – Moretz Residence: 5033 Russell Road, Woolford, MD - Variance

A request has been made which would authorize a **VARIANCE** to approve the construction of an eight (8) foot (height) vinyl privacy fence between the subject property and the neighboring property. Due to the close proximity of the structures, privacy of the fence will improve quality of life.

#### • **Background:**

On January 6, 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.

- The property is located in the RR (Rural Residential District); this property is in the Critical Area zoned LDA (Limited Development Area), and is also in the Tidewater Buffer. It is not in the Flood Plain.
- No vegetation will be disturbed in order to install the fence.
- The owner feels the height of 8 ft is needed to provide privacy, since 6 ft is below the window dimensions. (see illustrations on attached picture)
- The applicant was asked to refer to Zoning Ordinance No. 155.50.A.4.6 for fence requirements. Fence within 60 ft of shoreline = 4 ft max.

Ms. Moretz stated that there shall be no fence erected within the 60 foot setback from the shoreline, and that the proposed 8 foot vinyl privacy fence would start only once that distance requirement is met (this will be reflected in the site plan reviewed by the Dept. of Planning and Zoning)

- **Public and Commissioners' Comments:**
  - Vice Chair Hill confirmed that Ms. Moretz understood the 60 foot setback requirement, to allow open views towards the water from the neighbor's property
  - There was no opposition, nor any comments from the public.
  - 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 variance were satisfied.

- **Decision:**  
Chairman Spicer asked for a motion to **approve BOA Case #2675 as submitted**. Vice Chair Hill made a motion to approve the application as submitted; Commissioner Dayton seconded, all approved (3-0 vote). **The Variance was granted.**

## 2. BOA Case # 2676, Willey Residence: 5051 Bucktown Road, Cambridge, MD - Special Exception

A request has been made which would authorize a **SPECIAL EXCEPTION** to approve a sum total area of accessory structures greater than the building footprint of the principal residential structure or as allowed by code.

In order for the line revision to be approved, a special exception is required for the existing non-conformity.

- **Background:**  
On January 6, 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 Ms. Susan Webb, Assistant Director of Planning and Zoning; she recommended considering this application favorably.

- 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.
- Applicant is transferring existing parcel #393 as part of settling the estate.
- A line revision is required to expand the parcel boundaries to include the septic system drain field and accessory buildings.
- In order for the line revision to be approved, a special exception is required for the existing non-conformity.
- Buildings of this size and type are very common in this area of the county.
- Subject buildings are existing.

Steve Whitten expressed that the existing accessory buildings were quite old, and were always used in relationship to the farm, on the adjacent lot.

He also explained that there would be no change to the use of the merged parcels, with existing building remaining in place

- **Public and Commissioners' Comments:**
  - There were no 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

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 #2676 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.**

## 3. BOA Case # 2677, Raffaniello Residence: 4920 Gregory Road, Cambridge, MD - Special Exception

A request has been made which would authorize a **SPECIAL EXCEPTION** to approve construction of an accessory building with a total sum greater than allowed by code. Total requested = 4,350 sq. ft. The proposed accessory building is a pool house.

- **Background:**  
On January 6, 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 Ms. Susan Webb, Assistant Director of Planning and Zoning; she recommended considering this application favorably.

- The property is located in the RC (Resource Conservation District); this property is located in the Critical Area zoned

RCA (Resource Conservation Area) and is also in the Expanded Buffer and the Tidewater Buffer. It is not in the Flood plain.

- Buildings of this size and type are very common in this area of the county.
- This area is rural in nature and is 46 acres in size.
- The proposed building is more than 1,600 feet from a public road
- On January 6, 2021, the Planning Commission debated about the qualification of the accessory structures in relation to the code regulations, with one existing accessory structure of 1,584 sf being used for agricultural equipment storage, and questioning its exemption from the total, as the 46 acre property is being used as a farm. The concept of gentleman farmer was discussed, leading to the inclusion of buildings dedicated to the storage of property maintenance equipment as well as farming equipment qualifying for potential exemptions. The discussion and decision was deferred to the Board of Appeal for determination.

Steve Whitten presented some complementary information about the application:

- The property is used as follows: 13 acres in cultivation (By H. Travers), 18 acres of woodland, and 4 acres of wildfowl impoundment
- The intent is to condense / concentrate the area of improvement and structures on one portion of the parcel, leaving as much of the 46 acres as open as possible
- The existing main house dates from 1850, and does not provide adequate storage, hence the need for accessory structures
- The pool house is a 2 story building, with low profile and a height of about 25 feet; 900 sf of the total footprint of 1,909 sf of the pool house is covered wrap-around porches
- There is no intention to use the proposed pool house as an Airbnb; use will be restricted to family and friends, creating no additional traffic
- The pool house design will match the style of the main residence, creating architectural harmony

• **Public and Commissioners' Comments:**

- There were no comments or questions from the Board Commissioners.
- Ms. Cindy Steiner, homeowner on the adjacent property, asked a few questions about the pool house size (addressed above) and visibility from her property.
- Mr. Raffaniello, on the call, explained that the volume would not be visible from her house, being tucked away behind the main house
- Ms. Steiner, echoed by Mr. Hamon, stressed out the need to keep the peaceful and quiet character of the overall area
- 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.

• **Decision:**

Chairman Spicer asked for a motion to **approve BOA Case #2677 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.**

Chairman Spicer asked for a motion to adjourn the meeting.

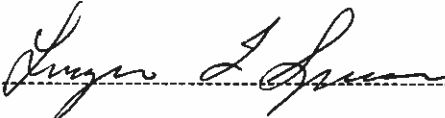
Vice Chair Hill made a motion to adjourn the meeting; it was seconded by Commissioner Dayton; all approved.

The meeting adjourned at 8:30pm.

Respectfully submitted.

*Herve O. Hamon*

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

-----Approved by the Chair      2/25/21 Date

