

DORCHESTER COUNTY BOARD OF APPEALS

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



March 25, 2021 – BOA Meeting Minutes

The Dorchester County Board of Zoning Appeals conducted a meeting on Thursday March 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 Pam Allen and Charles Dayton

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

Applicants were represented by:

BOA Case #2680, Carroll Residence – Variance – Steve Whitten, Surveyor; Rodney Carroll, homeowner

BOA Case #2681, Cole Residence – Special Exception – Eric Shorter, 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 February 25, 2021 BOA meeting minutes. There were no comments or modifications to the minutes.

Vice Chair Hill made a motion to approve the February 25 minutes as submitted, Comm. Dayton seconded, all approved.

1. BOA Case #2680 – Carroll Residence: 1240 Horse Point Road, Fishing Creek, MD – Variance

A request has been made which would authorize a **Variance** to the required front yard and rear yard setback. This will be a reduction of the required front yard and rear yard setbacks to yield a usable building envelope.

o **Background:**

On March 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.

- The property is located in the V (Village District); this property is located in the Critical Area – LDA (Limited Development Area) and it is in the Flood plain (AE 4.0)
- The required front yard setback is 35 feet and the required rear yard setback is 25 feet; the parcel of record is only 60' deep, yielding no building envelope once setbacks are applied.
- The parcel was previously improved with a dwelling in a similar location to what the proposed building envelope would allow with a 15 foot setback all around, leaving a 30 foot buildable area in the center of the lot.

When asked by Chairman Spicer, Mr. Whitten stated that the property is currently improved with a new (2018) septic system and a well for a 2 bedroom house. Mr. Carroll confirmed that the old dwelling was demolished and removed prior to his purchase of the property, but was located approximately where he envisions to rebuild a house (with approval of this variance request).

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 variance were satisfied.

o **Decision:**

Chairman Spicer asked for a motion to **approve BOA Case #2680 as submitted**. Commissioner Allen made a motion to approve the application as submitted; Vice Chair Hill seconded, all approved (4-0 vote). **The Variance was granted.**

2. BOA Case # 2681, Shorter Residence: 2111 Hudson Road, Cambridge, MD - Special Exception

A request has been made which would authorize a **special exception** to approve construction of a 40x50 accessory building resulting in an excess of 670 square feet over the maximum allowable by code.

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 Susan Webb, Deputy Director of Planning and Zoning; she recommended considering this application favorably.

- o The property is located in the RRC (rural residential Conservation District); this property is not in the Critical Area and is not in the Flood Plain.
- o The accessory building will be 40'x50', total of 2,000 square feet.
 - The main structure floor area is 1,450 sf
 - The maximum allowed in the RRC Zone for total of accessory structures is 1,600sf (Zoning Code Chapter 155.50.A)
 - The resident wishes to retain an existing shed of 270 sf on the property
 - The total amount of proposed square footage for accessory structure is 2,000 + 270 = 2,270 (an excess of 670 sf over the 1,600 sf limit)
- o The accessory building will only be used for storage, improve the aspect of the property and will be located in the rear of the parcel.
- o The neighborhood is rural in nature; the lot is 1.34 acre, and the total combined amount of building coverage with the proposed shed will represent only 6%

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

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 #2681 as submitted**. Commissioner Dayton made a motion to approve the application as submitted; Commissioner Allen seconded, all approved (4-0 vote). **The Special Exception was granted.**

There was a short off-agenda discussion about the recent large number of applications being filed and the need to add a special meeting in order to process them all in a timely manner.

After confirming everyone's availability, an additional meeting for the Board of Appeals was scheduled for May 6, 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

-----*Susan J. Hill*----- Approved by the Chair *5/5/21*----- Date