

DORCHESTER COUNTY BOARD OF APPEALS

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May 6, 2021 – BOA Meeting Minutes

The Dorchester County Board of Zoning Appeals conducted a **special meeting** on Thursday May 6, 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 Pam Allen (by phone).

Absent: Charles Dayton

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 #2686, Willey Property – Variance – Mr. Willey, homeowner

BOA Case #2687, Brookbank Residence – Special Exception – Steve Whitten, Surveyor

BOA Case #2688, Hoffman Residence – Flood Area Variance – Steve Whitten, Surveyor

BOA Case #2689, Newman Residence – Special Exception – No representation

BOA Case #2690, D'Adamo Residence – Special Exception – Mr. D'Adamo, Homeowner

BOA Case #2691, Horseman Property – Special Exception – Michael Dodd, Esq.

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 #2686 Willey Property: Variance, Hoopers Island Road, Fishing Creek, MD** (Zoned, V – Village District, LDA Critical Area) Request as a variance, approval to construct a pier and appurtenant mooring pilings within the required 25' lateral line setback.

Deputy Director Susan Webb explained that electrical work was observed (on May 5 & 6) to be performed without proper permit, making it impossible to process this Board of Appeal application.

Ms. Webb proposed to table the appeal case.

o **Decision:**

Chairman Spicer asked for a motion to **table BOA Case #2686 until other matters are resolved**. Commissioner Hill made a motion to table the application; Commissioner Allen seconded, all approved (3-0 vote). **The Variance was tabled.**

2. **BOA Case #2687 Brookbank Property: Special Exception, 5812 Indian Quarter Rd, Cambridge, MD** (Zoned, RC – Resource Conservation District, RCA Critical Area) Request special exception to construct accessory structure total sum area greater than primary structure. Total amount of accessory structure requested: 2,128 sq. ft.

o **Background:**

On April 7, 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 RC (Resource Conservation District); this property is in the Critical Area RCA (Resource Conservation Area) and is in the Flood Plain.

- The accessory building proposed will be 1,280 square feet.
 - The main structure floor area is 1,140 sf
 - There is an existing shed to remain of 848 sf
 - The maximum allowed in the RC Zone for total of accessory structures is 1,600sf (Zoning Code Chapter 155.50.A)
 - The total amount of proposed square footage for accessory structure is $848 + 1,280 = 2,128$ sf (an excess of 528 sf over the 1,600 sf limit)
- The accessory building will only be used for storage, improve the aspect of the property and will be located in a portion of this 12.35 acre wooded parcel only barely visible from across Hudson Creek.
- **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 #2687 as submitted**. Vice-Chair Hill made a motion to approve the application as submitted; Commissioner Allen seconded, all approved (3-0 vote). **The Special Exception was granted.**
- 3. **BOA Case #2688 Hoffman Property: Variance, 1428 Town Point Road, Cambridge MD (Zoned, RC – Resource Conservation District), RCA Critical Area Request a variance from Sec.155.37D.4a Requiring elevating the lowest floor and appurtenant mechanical equipment flood protection elevation.**
- **Background:**
On April 7, 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 deferring to the Board for decision on this application.

- The property is located in the RC (Resource Conservation District). This property in the Critical Area, zoned RCA (Resource Conservation Area) and is in the Flood Plain.
- The building is a duplex. The floor of the portion adjoining the party wall is an elevated slab on grade construction.
- The other side of the party wall is under a different ownership.
- Elevating the lowest floor to the flood protection elevation would require demolition of the party wall and additional construction by the adjoining owner.
- The adjoining owner is not part of this application and is not undertaking any improvements to their portion of the duplex at this time.
- Without participation of adjoining owner, the applicant is unable to improve their portion of the duplex, and bring the floor elevation to the required Flood Protection Elevation level (BFE + 2 feet).

Mr. Hamon expressed that a choice was made by the owner of the half being renovated to stay in character with the scale and silhouette of the whole volume, and not raise the floor to Flood Protection Elevation [FPE] (Base Flood Elevation + 2 feet). Mr. Whitten explained that the applicant wished to only do minor renovations, but that since the assessed value of the house was going to be such as to trigger the Substantial Improvement regulation (and raising of the house), this Variance to not raise to FPE level was necessary.

- **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 #2688 as submitted**. Vice-Chair Hill made a motion to approve the application as submitted; Commissioner Allen seconded, all approved (3-0 vote). **The Special Exception was granted.**

4. **BOA Case #2689 Newman Property: Special Exception, 5813 Phyllis Dr., Cambridge, MD** (Zoned, AC – Agricultural Conservation District) Request special exception to construct an accessory structure without a primary structure.

○ **Background:**

On April 7, 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 expressed that there were discrepancies in the application regarding the official 911 address of the property. The applicant was not present to answer questions; Ms. Webb suggested to postpone the hearing of the application.

○ **Decision:**

Chairman Spicer asked for a motion to **postpone BOA Case #2689 until the matters were resolved**. Vice-Chair Hill made a motion to table the application; Commissioner Allen seconded, all approved (3-0 vote). **The Special Exception was postponed to the May 20th BOA meeting.**

5. **BOA Case #2690 D’Adamo Property: Special Exception, 6425 Suicide Bridge Rd, Cambridge, MD** (Zoned, AC – Agricultural Conservation District) Request special exception to construct an accessory structure with a total sum area greater than the primary structure. Total requested: 868 sq. ft. (amended on 05-06-2021 from 768sf previously requested).

○ **Background:**

On April 7, 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 AC (Agricultural Conservation District). This property is not in the Critical Area.
- The structure will be for personal storage use only.
- The main house footprint is 1,632sf
- Mr. D’Adamo has requested to be granted a total amount of floor area (not to exceed 2,500sf) without being held to specific dimensions, since he does not have a building on order yet

○ **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 #2690 as submitted**. Commissioner Allen made a motion to approve the application as submitted; Vice-Chair Hill seconded, all approved (3-0 vote). **The Special Exception was granted.**

6. **BOA Case #2691 Horseman Property: Special Exception, 4835 Madison Canning House Rd, Cambridge, MD** (Zoned, RC – Resource Conservation District, RCA Critical Area) Request special exception to use the subject property as a seafood processing facility

○ **Background:**

On April 7, 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 RC (Resource Conservation District), LDA (Limited Development Area) Critical Area, and in the Flood Plain.
- The use of this property as a seafood processing facility in the RC District is allowed by special exception.
- This property was used as a seafood processing facility in the past, but has ceased for a significant length of time.
- Restoring the prior use will not create additional burden on the neighborhood or services
- Small commercial activities with local maritime employment are encouraged by the Comprehensive Plan

- o Michael Dodd, Esquire, presented in detail the specifics of the business operation, and the compatibility of the proposed use with the overall character of the community.
- o **Discussion:**
 The facility will have a staff of 8 employees, all local, and most being shuttled to the facility
 The use of one (1) box truck is anticipated, but no 18-wheelers
 There shall not be additional boat traffic, on top what is already existing in the Madison marina
 Ms. Horseman stated that her family business intends to make the street and adjacent area safe for children (in response to Ms. Clayton – resident at 4825 Madison Canning House), and would instruct the staff to respect speed limits and children safety
 Mr. Dodd insisted on the point that the chu would be removed from the facility daily, as to not create undesiarable odors
 Ben Horsemen confirmed that the seafood processing facility would be monitored and comply with all Health Department ruels and guidelines

When asked by Mr. Walter Gunby, Esq., the Board commented that they joined Mr. Hamon in welcoming the redevelopment of a neighborhood commercial maritime activity in this area, and in this building, adding to the economic value of the community.

- o **Public and Commisioners' Comments:**
 - o There were no additional comments or questions from the Board Commisioners.
 - 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 #2691 as submitted**. Vice-Chair Hill made a motion to approve the application as submitted; Commissioner Allen seconded, all approved (3-0 vote). **The Special Exception was granted.**

Chairman Spicer asked for a motion to approve the April 22, 2021 BOA meeting minutes. There were no comments or modifications to the minutes.

Vice Chair Hill made a motion to approve the April 22nd meeting minutes as submitted, Comm. Allen seconded, all approved.

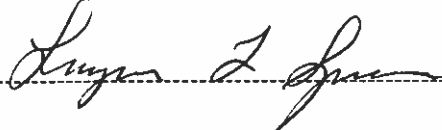
Chairman Spicer asked for a motion to adjourn the meeting.

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

The meeting adjourned at 9pm.

Respectfully submitted.

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

---------- Approved by the Chair 6/24/21 Date