

The Dorchester County Board of Appeals met in regular session on Thursday, August 19, 2012 in Room 110 of the County Office Building at 7:00 PM. Present were Ed Howard, Vice-Chairman, Dwight Cromwell, Wendell Foxwell, Catherine McCulley, Chairperson, Elizabeth Hill, Walt Gunby, Attorney, Rodney Banks, Deputy Director of Planning, with Merris Hurley recording.

An introduction was made by Chairperson McCulley, explaining the procedures of this meeting to the audience. She then asked Mr. Banks to read the first case.

Case #2428 - Joseph H. Newcomb, Owner  
Marilyn Williams, Applicant

To request a lot area variance for a proposed two lot subdivision. Property located at 4946 Skinners Run Road and contains 2.80 acres. AC, Agricultural Conservation Zoning District.

Mr. Newcomb, Mr. Fleming, and any other person who would be testifying in this case, were sworn in.

Mr. Banks read the case and all pertinent information into the record.

Gil Fleming of Oakwood Homes explained to the Board that they would rely on their written responses to the criteria but also added that there are lots in the area that are similar in size. He also told the Board that this lot is for Mr. Newcomb's daughter to place a new home, so that she can be nearby him.

Maureen Newcomb Parks, daughter of Mr. Newcomb, was sworn in and explained some of the history of the homes on the property to the Board.

Mr. Banks read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection. The Planning Commission stated that based on the information presented, they had no problem with the request.

No one spoke in favor of this request and no one was opposed.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Mr. Foxwell made a motion "to approve this request." Seconded by Mr. Cromwell and unanimously carried.

Case #2429 – Lee and Barbara Karminski

To request a variance from the tidewater buffer setback to allow an addition to an existing dwelling to be constructed within the tidewater buffer. Property located at 1422 Bell Lane and contains .32 acres. RR, Rural Residential Zoning District.

Mr. Karminski, Mr. Lindale, and any other person who would be testifying in this case, were sworn in.

Mr. Banks read the case and all pertinent information into the record.

Todd Karminski, 7095 Cumberland Drive, Warrenton, Virginia, explained to the Board that he would rely on his written responses to the criteria, but would also add that his grandfather bought the property in the 1960's and his parents bought it in the 1980's. The structure on the property was intended as a vacation home. He and his wife will be buying the property from his parents and need to expand the home for his family. They can't expand to the sides because the lot is so narrow and they can't expand up because it is believed that the foundation wouldn't support the weight of an upstairs addition. Mr. Karminski told the Board that during this process of this hearing, some issues came up regarding structures on the property that were constructed without permits. He assured the Board that all of that would be resolved before the new addition was built.

Mr. Banks read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection. The Planning Commission stated that based on the information presented, the request is not unreasonable, if the applicant can prove a hardship. The Critical Area Commission did not oppose the request, but recommended mitigation for new disturbed area.

No one spoke in favor of this request.

Cliff Lindale, 1420 Bell Lane, Woolford, Maryland, explained to the Board that he opposed the granting of this request because the unpermitted structures already built are so close to their property line. Mr. Lindale also submitted several photographs to the Board showing the unpermitted structures.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Ms. Hill made a motion "to approve this request with the following stipulations: 1. applicant must remove deck and gazebo; 2. applicant must obtain permit for carport and shed and move them 6' from the property line; 3. applicant must mitigate at a ratio of 3:1 for disturbed areas." Seconded by Mr. Howard and unanimously carried.

Case #2422 – Samuel and Tracy Maccherola, Owners  
William McAllister, Applicant

To request a variance from the limit on fence height for a certain section of fencing erected by the owners. Property located at 4901 Lee Terrace and contains 1.11 acres. RR, Rural Residential Zoning District.

Mr. and Mrs. Maccherola, Mr. Harper, Mr. Armel, and any other person who would be testifying in this case, were sworn in.

Mr. Banks read the case and all pertinent information into the record.

Sandy McAllister, 300 Academy Street, Cambridge, Maryland, explained to the Board that they would rely on their written responses to the criteria. He explained that Mrs. Maccherola had several discussions with staff concerning the regulations on fencing for her property and it was her understanding that where she placed this fence was her side yard. He also added that Heliport Road wasn't being used for access to their own property and had constructed the fence to help with privacy issues as well as to shield their house from headlights shining into their house at night.

Mr. Banks read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection. The Planning Commission stated that based on the information presented, they had no recommendation.

No one spoke in favor of this request.

Arthur Armel, 1621 Heliport Road, Woolford, Maryland and his attorney, Chris Robinson came forward in opposition to this request. Mr. Armel stated that he has owned his property for 20 years and has always enjoyed the open space of the area and he now believes that this fence makes it look like the area is an industrial park.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Mr. Howard made a motion "to approve this request." Seconded by Mr. Cromwell. Motion carried with Ms. McCulley voting against.

A motion was made by Mr. Howard to approve the minutes of the July 19, 2012 meeting. Seconded by Mr. Foxwell and unanimously carried.

With no further business, a motion was made by Mr. Howard to adjourn. Seconded by Mr. Cromwell and unanimously carried. Time of adjournment: 9:45 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Banks", written in a cursive style.

Rodney Banks  
Executive Secretary