

The Dorchester County Board of Appeals met in regular session on Thursday, August 21, 2014 in Room 110 of the County Office Building at 7:00 PM. Present were Wendell Foxwell, Catherine McCulley, Chairperson, Elizabeth Hill, Walt Gunby, Attorney, Steve Dodd, Director of Planning, and Janice Henderson, Environmental Planner. Absent were Mr. Cromwell and Mr. Howard.

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

Case #2561 – Irene Thomas

To request, as a special exception, a home occupation (hair salon) to be conducted in a proposed accessory structure. Property located at 4829 Old Route 50 and contains .22 acres. SR, Suburban Residential Zoning District.

Irene Thomas and Brandon Thomas and any other person who would be testifying in this case, were sworn in.

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

Irene Thomas introduced herself to the Board and said that they would rely on their written responses to the criteria. Mr. Foxwell asked if the new structure would be separate from the house, will it conform with other properties, how many employees will there be and will parking be available. Ms. Thomas said the new accessory structure will be separate, there will only be one employee, her son, Brandon and that they have room for 2 parking spaces. They did not anticipate any deliveries to the business.

Mr. Dodd read agency comments into the record. The Health Department had no objection. The Department of Public Works had no comment or objection, however, a stormwater management plan and erosion and sediment control plan will need to be submitted for review and approval for disturbances greater than 5,000 square feet. State Highway reviewed the application and had the following comments, “the SHA has determined Old Route 50 is no longer identified in the State roadway network therefore; the SHA has no comment regarding the requested Special Exception. The Planning Commission, based on the information presented, gave a favorable recommendation.

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 read their decisions regarding the criteria.

After all testimony and deliberation by the Board, Ms. McCulley called for a motion regarding this case. Ms. Hill made a motion “to approve this request as presented.” Seconded by Mr. Foxwell and unanimously carried.

Chairperson McCulley swore in all who would be testifying for cases 2562 A & B.

Case #2562 B – Mr. Wayne Markey – request a decision on allegation of error to overturn the Dorchester County Planning Commission’s decision dated February 6, 2014 to deny subdivision plant #1116A. RC, Resource Conservation Zoning District.

Case #2562 A- To request a variance from the tidewater buffer setback to permit the construction of two individual driveways within the tidewater buffer. Properties are located at 4421 Pine Top Road containing 6.39 acres (Lot 1) and 4411 Pine Top Road containing 8.47 acres (Lot 2). RC, Resource Conservation Zoning District.

Mr. Markey introduced himself and a witness Mr. Stephen Harper. Chairperson McCulley instructed applicant and Board that this case involves a previously held hearing and testimony is based on information given at that hearing. There will be a forty-five minute time limit for Mr. Markey and witnesses for presentation, Mr. Dodd will also be given forty-five minutes. Mr. Markey presented his case to Board concerning the Planning Commission’s allegation of error. Mr. Dodd entered into record application, transcript and all pertinent documents for case. The Planning Commission stated that they would stay with their original decision of denial. Mr. Dodd presented staff remarks. Mr. Dodd introduced Mr. Mark Talty, attorney representing the Critical Area Commission. Mr. Talty responded to Mr. Markey’s objection that Mr. Talty may not speak and rebutted Mr. Markey’s presentation. Mr. Markey objected that his due process right of cross examination was denied as Ms. McCulley stopped Mr. Markey’s questioning of Mr. Talty. Ms. McCulley asked for a motion to adjourn to meet in executive session concerning legal matters. Ms. Hill made the motion and seconded by Mr. Foxwell. Ms. McCulley reconvened, announced that a decision was made and will be published at next meeting, and Mr. Markey will receive a copy in mail.

Chairperson McCulley introduced Case #2526A – Mr. Markey variance request from the tidewater buffer for two individual driveways. Mr. Dodd entered into record the application, and all pertinent documents and exhibits. Mr. Dodd entered into the record all agency comments. Mr. Markey explained first exhibit presented 1-33 and continued with his presentation. Mr. Markey introduced Mr. Steven Harper, general contractor, who answered questions from Mr. Markey concerning property in question. Mr. Dodd entered into record Critical Area Commission letter from Julie Roberts and Mr. Mark Talty, attorney for Critical Area Commission. Mr. Markey objected to the entering of the letter from Julie Roberts. Mr. Dodd entered into record all agency comments. Mr. Talty addressed the Board concerning the variance request from Mr. Markey.

Ms. Hill made a motion to adjourn to meet in executive session to discuss legal matters, seconded by Mr. Foxwell and unanimously carried.

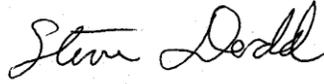
Chairperson McCulley reconvened, there was no one in the audience to speak in favor or against the application. The Board proceeded with their deliberations. At this time, each Board member read their decisions regarding the criteria.

A motion was made by Mr. Foxwell to approve the variance request, seconded by Ms. Hill. Opposed by Ms. McCulley, motion carriers.

A motion was made by Mr. Foxwell to approve the minutes of the July 24, 2014.
Seconded by Ms. Hill and unanimously carried.

With no further business, a motion was made by Mr. Foxwell to adjourn.
Seconded by Ms. Hill and unanimously carried. Time of adjournment: 11:15 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Dodd". The signature is written in a cursive style with a large, prominent "S" and "D".

Steve Dodd
Executive Secretary