

The Dorchester County Board of Appeals met in regular session on Thursday, February 23, 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, Steve Dodd, 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. Dodd to read the first case.

Case #2415 – Robert Buczek & Alison Bendler-Buczek

To request a variance to permit the construction of an accessory structure at below the minimum flood protection elevation (FPE). Property is located at 1128 Hudson Road and contains 19.11 acres. RR-C Rural Residential-Conservation Zoning District.

Mr. Buczek, Mr. Whitten, 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.

Steve Whitten, 108 Dorchester Avenue, Cambridge, Maryland explained to the Board that they would rely on their written responses to the criteria. He also explained that this field used to be cultivated and Dr. Buczek had it changed and put into a CREP easement and planted trees, excluding an area for an agricultural building. This excluded area is now in the expanded buffer due to the change of regulations in 2010. The site for the agricultural building had to be moved, causing the removal of some trees. If more fill is brought in, it would cause the removal of even more trees and cause more run-off and environmental destruction.

Mr. Dodd read agency comments into the record. The Health Department had no comment. The State Highway Administration had no objection. The Maryland Department of the Environment stated the view in a letter dated February 21, 2012.

A motion was made to adjourn to speak with counsel, was seconded and unanimously carried.

When the Board reconvened, there was no one in the audience 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 deny this request.” Seconded by Mr. Cromwell and unanimously carried.

Case #2416 – Avram & Hope Adler

To request a variance from the expanded tidewater buffer requirement to allow the construction of a driveway. Property located at 5208 Heron Road and contains 5.1 acres. RR, Rural Residential Zoning District.

Mr. Adler, Mr. Gatton, 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.

Ron Gatton, PO Box 438, Trappe, Maryland told the Board that they would rely on their written responses to the criteria. He also explained that the driveway will be 12' wide with side slopes. Mr. Gatton wanted to correct an error in his responses, item B should read 1%. He gave the Board a brief summary of the subdivision of this parcel. The owners plan to use the existing culvert to access the property and the proposed driveway is designed to minimize the impact to the expanded buffer. Without a driveway, there is no access to the fill pad, therefore no use of the property.

Mr. Dodd read agency comments into the record. The Health Department had no comment. The Critical Area Commission had no objection to the request, but suggested that the applicant mitigate for any disturbance.

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 with the following stipulation: applicant must mitigate at a ratio of 3:1." Seconded by Ms. Hill and unanimously carried.

A motion was made by Mr. Howard to approve the minutes of the January 19, 2012 meeting. Seconded by Mr. Cromwell 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: 8:45 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Dodd".

Steve Dodd  
Executive Secretary