

The Dorchester County Board of Appeals met in regular session on Thursday, January 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, 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 #2413 - Plowshares, LLC

To request a variance from the maximum square footage allowed for an on-premise free-standing sign. Property is located at 3028 Ocean Gateway and contains .69 acres. B-2, General Business Zoning District.

Mr. Ploeg, 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.

Eric Ploeg, 29418 Palm Court, Easton, Maryland, came forward and told the Board that he would rely on his written responses to the criteria. He also explained that he would like to have additional signage to attract traffic to the business. This sign would be used to tell the public what they have going on as well as community business. The sign that they are asking for now was there previously.

At this time, Mr. Howard made a motion to adjourn and speak with counsel. Seconded by Mr. Foxwell and unanimously carried.

When the Board reconvened, Mr. Dodd read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection. The State Highway Administration had no objection.

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. Howard made a motion "to deny this request." Seconded by Mr. Cromwell. Ms. Hill voted against this motion.

Case #2414 - Gregory and Charlene Burton

To request a variance to allow a 4,920 square foot building envelope in the expanded tidewater buffer to replace two dwellings. The building envelope may include a dwelling unit, accessory structures and swimming pool. Property is located at 5944 Horn Point Road and contains 2.44 acres. RC, Resource Conservation Zoning District.

Mr. Dolgos, Mr. and Mrs. Burton, 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.

Alex Dolgos, 8214 Whispering Pines Lane, Chestertown, Maryland came forward representing the Burtons, explaining that he would rely on his written responses to the criteria. He told the Board that the Burtons bought the property in 2005. In 2009, they contacted Planning and Zoning to discuss their plans for the property and to ask what would be allowable. They were informed by staff that if they demolished the two existing houses, they would be able to re-build. The Burtons then proceeded to destroy the buildings. They also constructed two new septic systems on the property. In the spring of 2010, they returned to Planning and Zoning to inquire about the process for building permits. Because of the change in Critical Area laws starting March 8, 2010, they were told by staff that their proposal was no longer legal. Because of the expanded buffer regulations, they will now need a variance to re-build. Mr. Dolgos submitted a letter from NRCS stated that the entire property was encumbered with hydric soils. Mr. Dolgos also submitted a new sketch showing where the septic systems are located. He also explained to the Board that Planning staff and Critical Area staff based their reports on a sketch that didn't show the septic system locations. The septic systems were initially approved in 2006.

At this time, Mr. Howard made a motion to adjourn and speak with counsel. Seconded by Mr. Foxwell and unanimously carried.

When the Board reconvened, Mr. Dodd read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection. The Critical Area Commission stated its view in a letter dated January 17, 2012, that Mr. Dolgos already submitted into evidence.

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 stipulations: applicant must mitigate at a ratio of 3:1 and garage must be removed." Seconded by Ms. Hill and unanimously carried.

A motion was made by Mr. Howard to approve the minutes of the November 17, 2011 and December 15, 2011 meeting. Seconded by Mr. Foxwell and unanimously carried.

With no further business, a motion was made by Mr. Cromwell to adjourn. Seconded by Mr. Foxwell and unanimously carried. Time of adjournment: 9:00 PM.

Respectfully submitted,

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

Steve Dodd  
Executive Secretary