

The Dorchester County Board of Appeals met in regular session on Thursday, July 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, Walt Gunby, Attorney, Steve Dodd, Director of Planning, with Merris Hurley recording. Ms. Hill was absent.

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 #2423 – Charles and Wanda Jones

To request, as a special exception, an accessory structure larger than the principal structure. Property located at 5312 Bucktown Road and contains .70 acres. SR, Surburban Residential Zoning District.

Mr. Jones, 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.

Charles Jones, 5312 Bucktown Road, Cambridge, Maryland explained to the Board that he would rely on his written responses to the criteria, but would like to amend his application, changing the size of the building to 30' X 40'. He also told the Board that he would be removing one small building in the back of the property. The structure will be for vehicles and would have electric but no water/plumbing.

Mr. Dodd read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection. The Planning Commission gave a favorable recommendation, stating the building would be an improvement. A letter from a neighboring property owner, Ora Bartrum, in favor of the request, was read into the record.

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 approve this request with the following stipulations: use of requested building is limited to accessory structure – no home business; remaining dilapidated 8' X 10' accessory building must be demolished prior to new construction; no water/plumbing to new structure." Seconded by Mr. Foxwell and unanimously carried.

Case #2424 – Larry and Nancy Powley

To request a variance to allow construction of a shed to be located within the required front yard setback. Also, to request a special exception to allow an accessory structure prior to principal structure. Property located at 2516 Lodge Hall Road and contains .16 acres. V, Village Zoning District.

Mr. Whitten, Mr. Powley, 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, 3113 Bayview Drive, Church Creek, Maryland explained to the Board that they would rely on their written responses to the criteria. He also explained that the parcel is a lot of record and was believed to have a lodge on it at some point in time, many years ago. The land is not big enough to construct anything else on. The accessory structure will be for personal storage only. Mr. Whitten showed the Board some pictures of the neighborhood depicting the nature of such and how this building would be like any other in the vicinity. This building will conceal the items that are on the property at the present time. The property is so small that any building would need a variance to be place there. Mr. Powley told the Board that he would have electric connected for this building.

Mr. Dodd read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection, proved the proposed shed is not intended to become a place of habitation. The parcel is too small to provide a water supply well and septic system. The Planning Commission had no problem with the request but stated that the building should be for personal storage only.

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: structure cannot be used for home occupation; no water/plumbing to structure.” Seconded by Mr. Howard and unanimously carried.

Case #2425 – Michael and Beverly Mundorf

To request a variance from the tidewater buffer setback requirement to allow a portion of a driveway to be built in the 100’ tidewater buffer. Property located at 5224 David Green Road and contains 37.06 acres. RC, Resource Conservation Zoning District.

Mr. and Mrs. Mundorf, Ms. Henderson, 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.

Janice Henderson, Environmental Planning for Planning and Zoning, gave a brief summary of her staff report to the Board.

Michael and Beverly Mundorf, 5224 David Green Road, Cambridge, Maryland explained to the Board that they would rely on their written responses to the criteria. Mr. Mundorf showed the Board on the aerial photograph where the new house was to be constructed and where the new driveway would meet the new house.

Mr. Dodd 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 this seemed like a reasonable request and the applicant is reducing the amount of coverage in the buffer. The Critical Area Commission does not oppose the request as a significant amount of lot coverage will be removed from the Buffer, but recommended that the area where lot coverage will be removed must be stabilized through the planting of grass, or additional plantings may be provided.

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 approve this request with the following stipulation: area where coverage is removed must be stabilized with planting of grass or additional plantings." Seconded by Mr. Foxwell and unanimously carried.

At this time, Ms. McCulley announced a ten-minute break to allow the next applicant to set up his presentation.

Case #2426 and #2427 – Wayne Markey

To request a variance from the tidewater buffer and expanded tidewater buffer setback to allow 44,600 square feet and 48,125 square feet of impact respectively to permit the construction of driveways, homesite(s) and sewage reserve areas for a proposed two lot subdivision dated February 27, 2008 and May 18, 2010 respectively. Property located at 4407 Pine Top Road and contains 47 acres. RC, Resource Conservation Zoning District.

Ms. McCulley announced that Mr. Markey would have ten minutes per witness for his presentation. Mr. Markey objected. After much discussion the Board decided on 15 minutes per witness.

Mr. Markey, Mr. Craig, Mr. Harper, Ms. Henderson, 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. Mr. Dodd amended the application to read 27 acres.

Wayne Markey, 1805 Valleybrook Drive, Kingsville, Maryland, explained to the Board that he wishes to subdivide his property for his two sons. He would like each lot to have its own driveway, but would amend the subdivision to have a shared driveway if the Board concludes he must. This is the reason behind the two cases, one with two driveways and one with a shared driveway. With the change in the Critical Area laws, his whole property is now within the tidewater and expanded buffer. Bill Craig, 110 Somerset Avenue, Cambridge, Maryland testified that he was the surveyor that compiled the subdivision for Mr. Markey. He believes that the two driveway approach is less impact than the one driveway approach.

Steve Harper, 30236 Cod's Point Road, Trappe, Maryland explained to the Board that he agreed with Mr. Craig and that the two driveway approach has less impact than the one driveway approach.

Mr. Dodd read agency comments into the record. The Health Department had no objection. The Department of Public Works had no comment. The Planning Commission stated that would stay with their original decision of denial. The Critical Area Commission opposes both requests.

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.

A motion was made by Mr. Howard to adjourn to speak with counsel. Seconded by Mr. Foxwell and unanimously carried.

When the Board reconvened, Ms. McCulley announced that a decision regarding these cases would be given in 60 to 90 days.

A motion was made by Mr. Howard to approve the minutes of the June 21, 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: 10:30 PM.

Respectfully submitted,



Steve Dodd
Executive Secretary