

The Dorchester County Board of Appeals met in regular session on Thursday, June 19, 2014 in Room 110 of the County Office Building at 7:00 PM. Present were Ed Howard, Vice-Chairman, Wendell Foxwell, Catherine McCulley, Chairperson, Elizabeth Hill, Rob Collison, Attorney, Steve Dodd, Director of Planning, with Merris Hurley recording. Absent were Walt Gunby and Dwight Cromwell.

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 #2455 - Delmarva Power & Light, Owner
Ryan Showalter, Esq., Applicant

To request, as a special exception, to modify an existing special exception to allow for the replacement of an existing electrical substation, and to request variance(s) to the rear and sideyard setback requirements. Property located at 2929 Ocean Gateway in Cambridge and contains .52 acres. B-2, General Business Zoning District.

Mr. Showalter, Mr. Baker, Mr. Fellows, 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.

Ryan Showalter, Miles and Stockbridge, 101 Bay Street, Easton, Maryland explained to the Board that they would rely on their written responses to the criteria. He said that the applicant wishes to modify an existing electrical substation that was constructed in 1967 that needs to be upgraded. The new control building needs to be situated so that it can be accessed from two sides, therefore the need for a new entrance. Mr. Showalter submitted Applicant's Exhibit #1, photographs of what the control building will look like and Applicant's Exhibit #2, a site plan showing existing and proposed structures.

Neil Baker of Delmarva Power and Light explained to the Board that they need to give reliable power and this is an aging infrastructure. It needs to be upgraded or problems and issues will arise. There will be no new noise, fumes, etc. The equipment will be monitored remotely. Mr. Showalter submitted Applicant's Exhibit #3, an aerial photograph of the property showing that nearly everything surrounding the property is commercial. This project will not impact the mobile homes behind it and it will enhance public safety and welfare.

John Fellows of Duffield Associates explained to the Board that there will be new compacted stone and a Stormwater Management Plan has been submitted to the Department of Public Works. There will be filter strips to aid with drainage.

Mr. Dodd read agency comments into the record. The Health Department had no objection. The Department of Public Works stated that they had no comment or objection to the variance sought in this case. The stormwater management and erosion and sediment control for the site need to be addressed in the detail site plan. Review and approval of the stormwater management and erosion and sediment control will be required through the Department of Public Works and Dorchester Soil Conservation

District. The Planning Commission, based on the information presented, gave a favorable recommendation.

No one spoke in favor of this request.

Shirley Handley, 2931 Ocean Gateway, Cambridge, Maryland, informed the Board that she only had questions, she was not opposed. She was with the drainage problems and Mr. Fellows informed here the new drainage system will be sending any run-off to the east, away from her office.

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 the special exception. Ms. Hill made a motion "to approve the special exception." Seconded by Mr. Foxwell and unanimously carried. Mr. Howard made a motion "to approve the variance." Seconded by Mr. Foxwell and unanimously carried.

Case #2456 - Doris Rae Harrison

To request, as a special exception, a retail store (antique store) in the V, Village Zoning District. Property located at 2326 Elliott Island Road and contains .62 acres (two deed parcels).

Ms. Harrison, Mr. Abbott, 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.

At this time, Ms. McCulley asked Ms. Harrison if she answered (h) on the criteria correctly or did she want to change this. Ms. Harrison said that she did want to change it.

Doris Rae Harrison, 2326 Elliott Island Road, Elliott Island, Maryland, explained to the Board that she would rely on her written responses to the criteria but would add that this property was a store before and she had a lot of people asking her to open it again. She has antique and collectible shop in Delaware and would be bringing items over from there to sell here.

Mr. Dodd read agency comments into the record. The Health Department had no objection providing water supply and sewage disposal meet current COMAR regulations. The Department of Public Works had no comment or objection to the variance sought in this case. However, it seems that utilizing a separate lot for parking may present additional issues with permitted use. A stormwater management plan and erosion and sediment control plan will need to be submitted for review and approval. The Planning Commission, based on the information presented, gave a favorable recommendation.

Wylie Abbott, 2247 Elliott Island Road, Elliott Island, Maryland spoke in favor of this request. As Fire Chief of Elliott Island, he has already done an inspection of the building and everything is safe. 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: the lots cannot be sold separately as long as the special exception is in use." Seconded by Mr. Howard and unanimously carried.

Case #2457 - Fred and Gail Hooper

To request a variance to the sideyard setback requirement to allow an addition to an existing dwelling to be located within the required sideyard setback. Property located at 5148 Paw Paw Point Road and contains .58 acres. RR, Rural Residential Zoning District.

Mr. and Mrs. Hooper, Mrs. Jones, Mrs. Foxwell, 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.

Fred and Gail Hooper, 5148 Paw Paw Point Road, Cambridge, Maryland, explained to the Board that they would rely on their written responses to the criteria. They explained that they would like to add onto the garage to fit a second car and help with the new solar panels that are being placed on the roof. He submitted photos to show the addition.

Mr. Dodd read agency comments into the record. The Health Department had no objection. The Department of Public Works had no comment or objection to the variance sought in this case. 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. The Planning Commission, based on the information presented, gave a favorable recommendation.

No one spoke in favor of this request.

Sybil Jones, 5150 Paw Paw Point Road, Cambridge, Maryland, spoke against this request. She believes that it is too close and it takes away from her property, that she is trying to sell. Patty Foxwell, 5617 Belle Aire Road, East New Market, Maryland, speaking for Mrs. Jones, said that Mrs. Jones wishes to keep the space between the houses the way that it is.

Mr. Howard made a motion to go into a closed session to seek legal counsel.

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

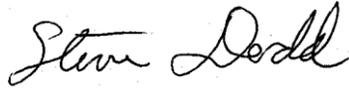
At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Mr. Howard made a motion "to deny this request." Seconded by Ms. Hill. Ms. McCulley and Mr. Foxwell voted against. Mr. Collison informed the Hooper's that they could come back and request another variance with a full Board, if there is a substantial difference in the new case.

A motion was made by Mr. Foxwell to approve the minutes of the April 24, 2014 meeting. Seconded by Mr. Howard and unanimously carried.

With no further business, a motion was made by Mr. Foxwell to adjourn. Seconded by Mr. Howard and unanimously carried. Time of adjournment: 9:30 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Dodd". The signature is written in a cursive, flowing style.

Steve Dodd
Executive Secretary