

The Dorchester County Board of Appeals met in regular session on Thursday, June 21, 2012 in Room 110 of the County Office Building at 7:00 PM. Present were Ed Howard, Vice-Chairman, Catherine McCulley, Chairperson, Elizabeth Hill, Walt Gunby, Attorney, Steve Dodd, Director of Planning, with Merris Hurley recording. Mr. Foxwell and Mr. Cromwell were 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 #2418 – Stephen V. Mullaney

To request a variance allowing 15,851.94 square feet of impact to the tidewater buffer and expanded tidewater buffer to permit the construction of a house, garage, driveway yard and bermed infiltration pond. Property located at 4909 Indian Trail Acres and contains 9.7 acres. RC, Resource Conservation Zoning District.

Case #2419 – Richard and Gloria Santangelo

To request a variance allowing 28,284.50 square feet of impact to the tidewater buffer and expanded tidewater buffer to permit the construction of a house, garage, driveway yard and bermed infiltration pond. Property located at w/s of Indian Trail Acres and contains 6.3 acres. RC, Resource Conservation Zoning District.

Mr. Mullaney, Mr. Stagg, Mr. Showalter, 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, Bill Stagg, 117 Bay Street, Easton, Maryland, and Steve Mullaney, 1064 Taylors Island Road, Madison, Maryland explained to the Board that they would rely on their written responses to the criteria. Mr. Showalter told the Board that the properties were granted variances previously, but with the change in Critical Area laws and new Stormwater Management regulations, the need for further variances has arisen. Mr. Stagg explained that the properties were low, and what wasn't non-tidal is hydric wet soils.

Mr. Dodd read agency comments into the record. The Department of Public Works had no comments. The Health Department had no objection, although it should be noted that the office had not received an application for a sanitary construction permit for construction of the bermed infiltration pond as of this date. The Planning Commission gave a favorable recommendation saying that this was an unwarranted hardship. The Critical Area Commission does not oppose either request, but stated that mitigation was required.

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. Ms. Hill made a motion “to approve this request with the following stipulation: 3:1 mitigation is required.” Seconded by Mr. Howard and unanimously carried.

Case #2421 – Ronald Bryan, Jr.

To request, as a special exception, an accessory structure larger than the principal structure. Property located at 3507 Chateau Drive and contains 2 acres. AC, Agricultural-Conservation.

Mr. Bryan and Mr. Marshall, 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.

Ronald Bryan, Jr. 3507 Chateau Drive, East New Market, Maryland and Tim Marshall, 2112 Horn Point Road, Cambridge, Maryland told the Board that they would rely on their written responses to the criteria. Mr. Bryan explained to the Board that he would be removing the existing accessory structures and the proposed building is to be used for personal storage only.

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 they did not have enough information to make a recommendation. Mr. Dodd read letters in favor of the request into the record. Those letters were from Mr. and Mrs. Cecil Robbins, Angelique Degges, Mr. and Mrs. Donald Townsend and Troy Townsend.

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: older buildings must be removed and proposed building may not be used commercially or for a home occupation.” Seconded by Ms. Hill and unanimously carried.

Case #2422 – Samuel and Tracy Maccherola, Owner
William McAllister, Applicant

To request a variance to allow a fence to exceed the maximum permitted height in the front yard setback. Property located at 4901 Lee Terrace in Woolford and contains 1.11 acres. RR, Rural Residential Zoning District.

Sandy McAllister, attorney for the Maccherola's, came forward at this time to ask for a postponement of this request. A motion was made by Mr. Howard to grant the postponement. Seconded by Ms. Hill and unanimously carried.

A motion was made by Mr. Howard to approve the minutes of the May 24, 2012 meeting. Seconded by Ms. Hill and unanimously carried.

With no further business, a motion was made by Ms. Hill to adjourn. Seconded by Mr. Howard and unanimously carried. Time of adjournment: 8:30 PM.

Respectfully submitted,

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

Steve Dodd
Executive Secretary