

The Dorchester County Board of Appeals met in regular session on Thursday, June 20, 2013 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 #2437 - Diane Stoecker, Owner
Paradise Energy Solutions, Applicant

To request a variance to place an accessory structure (solar array panel) within the required front yard setback. Property located at 6027 Route 14, Secretary, MD and contains 1.99 acres. SR-Suburban Residential Zoning District.

Mr. Hostetler, 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.

Andy Hostetler, Paradise Energy Solution, 436 Snow Hill Road, Salisbury, Maryland, explained to the Board that he would rely on his written responses to the criteria, but would add that this is the only location for these panels. They can't go in the Buffer or the sewage reserve area and the two-story casts a large shadow. There are existing trees along MD Route 14 that will screen the panels from traffic.

Mr. Dodd read agency comments into the record. The Department of Public Works had no objection. The Health Department had no objection. The Planning Commission, based on the information presented to them, would like to see the intrusion into the front yard setback minimized. The State Highway Administration 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. Foxwell made a motion "to approve this request." Seconded by Ms. Hill and unanimously carried.

Case #2439 - Baja Development Corp. c/o Sewell Hubbert, Owner
Sandy McAllister, c/o Miles & Stockbridge, Applicant

To request a special exception to expand a non-conforming use (commercial campground in the B-2 District) and to request a variance from the setback requirement

from public road(s). Property located at 4814 Madison Canning House Road and contains 11.40 acres. B-2, General Business Zoning District.

Mr. Hubbert(s), Mr. McAllister, Mr. Travers(s), Mr. Cunningham, 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.

Sandy McAllister, 300 Academy Street, Cambridge, Maryland, explained to the Board that they would like to rely on their written responses, but would add that the one trailer that is very close to MD Route 16 was existing when Mr. Hubbert purchased the property in 2005. He also informed the Board that the road between the firehouse and the campground was moved for an addition the firehouse, making those trailers closer than they originally were. He said that this project is consistent with the historic use of the property and that Mr. Hubbert has invested a great deal of money to improve the property. Mr. McAllister submitted Applicant's Exhibit #1, new rules for the campground, which all renters have received.

Mr. Dodd read agency comments into the record. The Department of Public Works had no objection. The Health Department stated in a letter dated June 17, 2013, that "The requested special exception, expansion of the campground to 76 sites will also require approval by this office. Campgrounds are regulated under COMAR 10.16.03.03 Camps. Annual operating permits are required. We have not received an application for the annual operating permit for this year. In the case of a camp to be enlarged, the applicant shall submit plans and specifications for the proposed enlargement to this office for review. Our records indicate that the campground has been approved for no more than 52 travel trailer sites. Expansion to 76 sites would be an addition for 24 sites. Historically, the major limiting factor on this property has been sewage disposal capacity. Fortunately the property is now served by the Woolford – Madison Sanitary District sewer. This property has a wastewater allocation in the Water & Sewer Plan for 4750 gallons per day for all the existing uses: campground, restaurant, marina, apartments. The proposed campground expansion will have to fit within that allocation, or the applicant will have to obtain an additional allocation. This office has no objection to the requested setback variances." The Sanitary Commission has no objection, but "no additional sewage flows are allowed unless approved by the Dorchester County Sanitary District." The Planning Commission, based on the information presented to them, had no problem with the request, as long as the new sites were transient. The State Highway Administration had no objection. The Critical Area Commission stated that they did not have any comments on this special exception or on the variance requests, but if approved, applicant must adhere to all applicable Critical Area laws and regulations.

No one spoke in favor of this request.

Harold Travers, 4840 Madison Canning House Road, James Cunningham, 4828 Madison Canning House Road, and Chad Travers, 1303 Taylors Island Road, all spoke against this request.

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

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

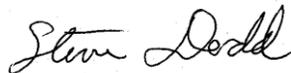
At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Ms. Hill made a motion “to approve this request with the following stipulations: 1. The campground will be limited to a maximum of 76 units, including both permanent and temporary sites; 2. No campsite shall be occupied as a primary residence; 3. A planted vegetated buffer shall be planted and maintained by the owner so that the existing and expanded campground is screened from the public roads. The Planning Department will work with the park owner on a meaningful planting plan, the plantings will occur within six months of the granting of the special exception; 4. Each new campsite will contain a minimum of 1000 square feet and two off-street parking spaces; 5. All campers/RV’s brought into the expanded campground will display a current valid registration tag from the MVA; 6. No expansion of the existing campground may occur until written authorization is granted by the Dorchester County Health Department and Sanitary Commission and Non-conforming unit closest to Route 16 must be removed upon sale or the expiration of 2 years, whichever comes first.” Seconded by Mr. Cromwell and unanimously carried.

A motion was made by Mr. Foxwell to approve the minutes of the May 23, 2013 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: 9:46 PM.

Respectfully submitted,

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

Steve Dodd
Executive Secretary