

The Dorchester County Board of Appeals met in regular session on Thursday, October 23, 2014 in Room 110 of the County Office Building at 7:00 PM. Present were Elizabeth Hill, Wendell Foxwell, Catherine McCulley, Chairperson, Edward Howard, Walt Gunby, Attorney, Rodney Banks, Deputy Director of Planning, and Janice Henderson, Environmental Planner. Absent were Mr. Cromwell.

An introduction was made by Chairperson McCulley, explaining the procedures of this meeting to the audience. She then asked Mr. Banks to read the first case.

Case #2565 – Michael and Gail Jones

To request, as a special exception, permission to construct an accessory structure which will exceed the footprint of their dwelling. Property located at 5609 Beach Haven Road and contains .88 acres. RR, Rural Residential Zoning District.

Mr. Jones and any other person who would be testifying in this case, were sworn in.

Mr. Banks read the case and all pertinent information into the record. Mr. Banks stated that the variance request is smaller than the application states, the written application requested 411 square feet, but staff calculations totaled 361 square feet in excess of house footprint.

Mr. Jones addressed the Commission. Ms. McCulley informed the applicant that they could rely solely on written responses or comment on responses. Mr. Jones stated that he had discussed the proposed garage with Planning & Zoning Staff, he added that the lean to was needed because of the sun location and heat in the summer. Mr. Foxwell asked Mr. Jones why his answer for the last response on criteria sheet was not circled, Mr. Jones responded that the answer is “does”. Mr. Howard asked what the use for the building would be, response was a garage with possibly a bathroom. No further questions were asked of applicant.

Mr. Banks read agency comments into the record. The Health Department had no objection to proposed special exception. The Department of Public Works, Mr. LeBlanc, had no comment or objection, however, 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.

Ms. McCulley asked if anyone in the audience had any comments. No one spoke in favor of this request and no one was opposed.

Mr. Jones stated that he met with the Dorchester Soil and Water Conservation District, they said that since the disturbance was less than 5,000 sq. ft.; no sediment and erosion plan would be required.

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

At this time, each Board member read their decisions regarding the criteria.

After all testimony and deliberation by the Board, Ms. McCulley called for a motion regarding this case. Ms. Hill made a motion “to approve the variance request” and obtain all needed building permits.” Seconded by Mr. Foxwell including the condition of obtaining all needed building permits”, unanimously carried.

Case #2566 – Dorchester County Sanitary District, Inc. owner, applicant –
Michael Dodd, Esq.

To request, as a special exception, a quasi-public building of a public service nature to be used by the Sanitary District for storage of equipment/vehicles and as office space for staff.

Mr. Michael Dodd, Robert Tieder and any other person who would be testifying in this case, were sworn in.

Ms. McCulley informed the applicant that they could rely solely on written responses or comment on responses. Mr. Dodd stated that they will rely on responses but will add information. Mr. Dodd stated that in anticipation to questions that may come up, one is what will be stored on the property. Mr. Tieder responded that pumps and maintenance repair parts will be on property. Ms. McCulley asked if anything else will be moved from a different location. Mr. Dodd stated that the District’s two employees that are currently working in the County Office Building on Court Lane will be moved to this location. Mr. Dodd said that another question could be concerning the appearance of the proposed building. Currently there is not an architectural drawing of the building but it will be consistent with the character of the neighborhood. The current shed will be removed. Mr. Tieder said that the lot is currently used as a pumping station and probably no additional trees may need to be removed. Mr. Dodd said that the plat shows the existing tree line. Mr. Foxwell asked if the entrance could possibly be on Old Route 50 and not Bates Bank Rd. Mr. Dodd said he could look into that, but stated that there is only going to be two additional employees and that most bills are not paid by coming to the office. Mr. Banks referred to an aerial that shows the zoning for the property and contiguous properties. Mr. Howard asked how far away the closest residence is and are there any additional lights proposed. The closest residence wasn’t shown on the map and Mr. Dodd said that maybe one of the neighbors who are present could answer that question. No additional lights are proposed than what’s existing for security. Mr. Tieder said that the Sanitary District does own the parcel where the proposed building is located. Mr. Foxwell asked if the new building will look like a residence, Mr. Dodd said that it will be a new building that will look more like an office. No architectural plans have been drawn yet because they are waiting to see if the special exception will be granted first. Mr. Howard asked if large trucks will be coming and going during the night, Mr. Tieder said that there are two trucks and services are performed during the day.

Mr. Banks read agency comments into the record. The Health Department had no objection. The Department of Public Works had no comment or objection, however, 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.

Ms. McCulley asked if anyone in the audience had any comments in favor, no one spoke. Ms. McCulley asked if anyone in the audience had any comments against the request, audience member rose and were sworn in.

Daniel Cada, 5438 Tates Bank Road opposed request, was concerned that the application was not mature, lack of information about building appearance. Expressed concern about additional traffic problems and was in favor of changing entrance location from Tates Bank Road. Mr. Cada was concerned over the reason to move only two people and was concerned that it was not a functional need and just an opportunity. Mr. Dodd said that the proposed building will be new and 99% of the building will be for storage. He said that the code will allow for a building at this site, the special exception is requested to allow the use for offices for two employees. Mr. Tieder said that no County money will be used, they operated on income from customers only. Mr. Dodd said that traffic should not be an issue. Mr. Howard suggested that screening with trees could be considered, but Mrs. Hill suggested that there could be visibility issues. Mr. Tieder said that the District is the only one on the East Coast without their own maintenance staff and they have received a \$500,000 grant and will not spend any customer or County money for this proposal.

Richard Kim Kvalnes, 5459 Tates Bank Road, expressed concern about the wetlands on the proposed site and traffic. Mr. Dodd stated that the property is not in the Critical Area or the floodplain. Mr. Banks mentioned that soil conditions will be considered when a building permit is applied for. Mr. Foxwell asked about vehicles on site, Mr. Teider said that the District will be getting a new vehicle, the site will have two vehicles and two additional employees from existing.

Robin Ruff, 5441 Tates Bank Road, expressed concern about the immature application without architectural plans, and asked what point they may weigh into the site plan of building. Ms. McCulley said that she wasn't sure if the building would require any additional hearings or meetings. Mr. Dodd stated that the building will be the size as shown on plan, 30' x 40', and reiterated that the building does not need approval by this Board, that just the fact that the two employees will be moved to this location is the request of the special exception.

Laura Higgs, 5449 Tates Bank Road, reiterated the traffic concern when turning onto Tates Bank Road and that she rides her bike along that area. Also asked questions about space for parking on lot and stated that she is opposed to request.

Curt Singer, 5455 & 5457 Tates Bank Road, stated that this parcel is located at the entrance to their neighborhood and discussed traffic and parking issues on the small size of the lot. Mr. Singer stated that building is supposed to be consistent with neighborhood and shared pictures of his house. Ms. McCulley stated that properties across the street are industrial and business type structures.

Mr. Tieder said that currently there are some "eye sore" equipment on the property and this building will store and hide this equipment.

Mrs. Patricia Donlon, 5450 Tates Bank Road, stated that the current facility on that property is not highly visible and that a new building with a parking lot will be much more visible. She asked that the Board visit the site and see what it currently looks like before a decision is made.

Tom Coghlan, 5420 Tates Bank Road, asked if any of the equipment is hazardous materials and stated is totally against request.

Mr. Howard made a motion to adjourn to meet in executive session to discuss legal matters, seconded by Ms. Hill and unanimously carried.

Chairperson McCulley reconvened and asked if there is any further testimony. Mr. Dodd summarized the request. Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member read their decisions regarding the criteria.

A motion was made by Mr. Howard to approve the special exception as presented, seconded by Mr. Foxwell and unanimously carried.

Schedule for 2015 Board of Appeals meetings were approved except for December, 2015 will be adjusted because of the holiday.

A motion was made by Ms. Hill to approve the minutes of the Aug. 21, 2014 and Sept 25, 2014. Seconded by Mr. Howard and unanimously carried.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Banks", with a large, sweeping flourish extending to the left.

Rodney Banks
Executive Secretary