

The Dorchester County Board of Appeals met in regular session on Thursday, June 23, 2016 in Room 110 of the County Office Building at 7:00 PM. Present were, Catherine McCulley, Chair, Elizabeth Hill, Vice Chair, Gordon Hill, Wendell Foxwell, and Steve Dodd, Director of Planning. Absent were Dwight Cromwell and Walt Gunby, Attorney.

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

Case # 2593 - Kevin & Susan Bradley

7:00 pm

To request a variance from the required setback to a property line for a poultry manure storage shed and composter. Applicant seeks a variance of 90 feet from the required 200 feet setback. Property is zoned AC and contains 6.6 acres.

Kevin Bradley 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.

Ms. McCulley advised the applicant of his two options, to rely on his written responses to the criteria or comment on the responses. Kevin Bradley, 6305 Church Home Rd., Rhodesdale, MD advised that he would rely on his written responses.

Mr. Foxwell asked if poultry houses exist on the property now and if so, how many. Mr. Bradley stated that there are two poultry houses on the property. The poultry houses were there when Mr. Bradley purchased the property. Mr. Foxwell asked how close the nearest residence was to the property line in question. Mr. Bradley stated that the Swain property is closest and that Mr. Swain built the chicken houses when he owned the property. Mr. Bradley advised that he has spoken with Mr. Swain and the neighbor who owns 15 acres adjoining the other side of Mr. Bradley's property. Neither neighbor has an objection to the variance.

Ms. Hill asked Mr. Bradley if he is required to put a manure shed up. Mr. Bradley stated that a manure shed is not required but is needed. He advised that he is currently using Mr. Swain's shed and would like to have his own so Mr. Swain can use his for storage again.

Ms. McCulley asked if the 17' x 17' composter is for the chickens or something else. Mr. Bradley advised that it is for composting dead chickens. Mr. Bradley gave an overview of how the composter works. Mr. Dodd asked if the manure ever catches on fire. Mr. Bradley stated that if done correctly, it should not catch on fire.

Mr. Foxwell asked about the composition of the shed. Mr. Bradley advised that it is metal, open on the sides with a 4 ft. high back. There will be no electricity to the shed.

Ms. Hill asked Mr. Dodd if the variance is for the two side lot lines and the back lot line. Mr. Dodd advised that was correct, the lot line with the greatest variance was used for the variance request. Mr. Dodd stated that Mr. Bradley would need a variance for anything less than 200 ft. unless he had consent of the neighbors abutting the

property lines where he could not meet the 200 ft. setback. Mr. Dodd advised that with the neighbors' consent, they could reduce the setback to 100 ft. Mr. Dodd also noted that from a public or private road or a body of water, there is no allowance to modify the setback by consent because there are no adjoining neighbors to sign the consent form.

Mr. Dodd read agency comments into the record. The Planning Commission, based on the information provided had no objection to the request as long as the surrounding property owners have no concerns. Greg LaBlanc, 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 if any project involves disturbances greater than 5,000 sq. ft. Bill Forelifer from the Health Department had no objection to the variance.

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 case." Seconded by Mr. Foxwell and unanimously carried.

A motion was made by Ms. Hill to approve the minutes of the May 19, 2016 meeting. Seconded by Mr. Foxwell and approved with Ms. McCulley recusing herself.

With no further business, a motion was made by Mr. Hill to adjourn. Seconded by Mr. Foxwell and unanimously carried. Time of adjournment: 7:50 PM.

Respectfully submitted,



Steve Dodd
Executive Secretary