

The Dorchester County Board of Appeals met in regular session on Thursday, May 19, 2011 in Room 110 of the County Office Building at 7:00 PM. Present were Dwight Cromwell, Wendell Foxwell, Catherine McCulley, Chairperson, Elizabeth Hill, Walt Gunby, Attorney, Rodney Banks, Deputy Director, with Merris Hurley recording.

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 #2317A – Robert & Cheryl Harvey

To request a variance from the side yard setback requirement to allow an existing detached garage to be connected to a principal dwelling via a sunroom addition. Property located at 6304 Burford Lane and contains .75 acres. AC, Agricultural Conservation Zoning District.

Mr. and Mrs. Harvey, Mr. McAllister and Mr. Marshall, 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.

Sandy McAllister, 300 Academy Street, Cambridge, Maryland, told the Board that there was a slight correction on the sketch that he wanted the Board to be aware of. He also explained to the Board that they would rely on their written responses to the criteria. Mr. McAllister told the Board that there was no survey of the property back in 2007. He said that the house and garage, built as they are, satisfy all setback requirements. The lot, as they bought it, was pie-shaped. He explained that no building is moving closer to the property line.

Mr. McAllister said that the Board has the authority to grant variances and this variance was not contrary to the public interest. He believes that placing a roof over top of the house from the breezeway would be “jury-rigging”.

Mr. McAllister explained that special circumstances do exist which are peculiar to the land involved because of the pie-shape of the lot. He also believes that if the garage had been built 20’ from the property line, it would have been inaccessible.

Mr. McAllister also believes that anyone who signs an application for a variance is causing the need for a variance. He also told the Board that no one else in this district has a pie-shaped lot, therefore granting this variance would convey no special privilege. He told the Board that everyone else in the neighborhood has an attached garage. He submitted three (3) photographs of the property.

Mr. McAllister stated, after reading the staff report, that the criteria does not require “no alternatives” for a variance to be granted. He was referring to the statement in the staff report that said because there are alternatives, a variance should not be granted. He explained that the Harvey’s did not plan this addition purposefully to circumvent the law. He stated that the garage had to be a certain size because of the deed covenants.

At this time, Ms. Hill made a motion to adjourn to speak with counsel. Seconded by Mr. Foxwell and unanimously carried.

When the Board reconvened, Mr. McAllister requested a postponement of the hearing until June 23, 2011. All Board members were in favor.

A motion was made by Mr. Foxwell to approve the minutes of the April 21, 2011 meeting. Seconded by Mr. Cromwell and unanimously carried.

There was a discussion regarding a letter that Ms. McCulley received concerning rules on open meetings that the County Council has adopted. The question raised was whether or not this Board should adopt them. Mr. Banks and Mr. Dodd will look into the matter.

With no further business, a motion was made by Mr. Foxwell to adjourn. Seconded by Ms. Hill and unanimously carried. Time of adjournment: 8:15 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Banks", written in a cursive style.

Rodney Banks  
Executive Secretary