

BOARD OF ZONING APPEALS

MEETING MINUTES

Monday, January 14, 2019

Town Office

5:30 p.m.

I. CALL TO ORDER

Chairman William Harvey convened the meeting of the St. Michaels Board of Appeals (BOZA) at 5:30 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels, Maryland. Also present were board members John Hunnicutt and Douglas Rollow, Zoning Officer Kymberly Kudla, and Town Manager Jean Weisman.

II. ELECTION OF OFFICERS

Member Rollow made a motion to continue with the current slate of officers. Member Hunnicutt seconded it. There was no discussion. The motion carried on a voice vote of 3-0 in favor. Chairman Harvey introduced himself as Chairman, Douglas Rollow as Vice Chairman, and Member John Hunnicutt.

III. APPROVAL OF MINUTES

The members reviewed draft minutes for their December 10, 2018 meeting. There were no comments or changes. Member Rollow made a motion to approve the minutes as presented. Member Hunnicutt seconded it, and the motion carried on a voice vote of 3-0 in favor.

IV. NEW BUSINESS

1. BOZA 589-19 – 102A Lee Street – Request for a variance from the front, rear and side yard setbacks to facilitate new home construction, per Code Section §340-19

Chairman Harvey said Exhibits 1-14 were set forth in the application, and were a part of the record. Chairman Harvey established that all members had visited the Lee Street site, and property owner Wallace Smolka was sworn to testify. Chairman Harvey also read the Code provisions applicable to BOZA 589-19, and called upon Mrs. Weisman, who referenced the staff report. Chairman Harvey then called upon Mr. Smolka, who noted that the peculiar shape of the lot and the sewer easement limit what can be built on the property. Member Hunnicutt asked why the applicant was asking for a 5-foot variance in the front. Mr. Smolka said that he was in compliance with the 10 foot setback of most of the houses on the street, but that his architect had requested the five feet for the design, and even with that adjustment, the house would be 120 square feet smaller in area than could be built with a standard lot size. Member Hunnicutt said it would have been helpful to have more detailed drawings of the structure, and that his concern was whether the front and back setbacks were necessary. Mr. Smolka said he needed the space for the house and a garage. Chairman Harvey asked if the garage was separate or part of the 32 x 42 structure proposed. Mr. Smolka said the garage was part of the structure. Mr. Smolka said he had consulted a construction company with experience in the type of structure he was proposing and that it was compatible to the other houses on the street. Mr. Smolka said his plans included clean-up of the site and removal of trees that were a threat to the sewer easement. Chairman

Harvey asked if neighbors had been notified. Mr. Smolka said yes they were notified, but that he had not had any contact with them. Member Rollow asked about the dimensions of the sewer easement. Mr. Smolka provided a recorded plat showing the easement. Chairman Harvey asked if the structure was one story or two stories. Mr. Smolka said the house was two stories with a garage underneath. Member Rollow said that two stories would not be in keeping with the one-story houses in the neighborhood. Mr. Smolka said he believed his purchase of the lot and building a home that he would be living in could only improve the neighborhood. Mrs. Weisman referenced the plat, noting that the building line on the 100 side was shown as 20 feet. Mrs. Weisman said she understood the 10-foot mark being how far from the sewer line the structure needed to be but 20 feet was not a Town requirement, so the house could shift closer on that side, making a variance for the other side unnecessary. Mr. Smolka agreed that was doable.

As there were no additional questions from the members, Chairman Harvey closed the public portion of the hearing, and thanked everyone for their participation. Chairman Harvey then opened deliberations, noting that the property was an irregular lot not conforming to the rest of the neighborhood, that there were two-story homes on nearby streets, such that a two-story home was not out of character for the area, and the applicant would be building a new home that could only improve the appearance of the neighborhood. Chairman Harvey said he was in favor of the application, subject to the removal of the trees, boat and debris, and if the side yard variance was withdrawn. Member Rollow said that clearly the current setbacks on this particular lot do not work. Chairman Harvey said that in the absence of renderings of what the house would actually look like, he was including in the record Exhibits 15 and 16, which were the street and aerial views of the property from Google Earth, respectively. Member Rollow said he had concerns about the impact on 102 Lee Street, but since that property was in foreclosure, who knows what the new owners would do with it. Chairman Harvey noted that since the side yard variance request was being withdrawn, the board was providing the minimum relief required. Member Hunnicutt said he agreed that the applicant's plans could only be an improvement to the neighborhood. Member Rollow said he was ready to vote. Chairman Harvey made the motion to approve Triple Diamond LLC's request for variances from the front and rear yard setbacks, as set forth in BOZA 589-19, subject to the withdrawal of the side yard variance request and the following condition – 1) that the three trees, cinderblocks and other trash and debris, and the boat and trailer all be removed prior to disturbance of the site. Member Hunnicutt seconded the motion, and the amended motion passed on a voice vote of 3-0 in favor.

2. BOZA 590-19 – Request of applicant Susan James, 209 Seymour Avenue, Tax map 0201, parcel 1325) for a variance of two (2) feet instead of the R1 side yard setback minimum of eight (8) feet, from the western property line for the construction of a new shed.

Chairman Harvey asked the applicant to come forward, and read the case description and identified for the record Exhibits 1-10 as set forth in the application. Chairman Harvey added Exhibits 11-13, Google Earth Street and aerial views of the property, and the Talbot County GIS view of 209 Seymour. Chairman Harvey established that all members had visited the property, and proceeded to swear in Ms. James to testify. Chairman Harvey said the Code provisions and criteria applicable to the prior case, BOZA 589-19, were incorporated by reference for this application. Mrs. Weisman had no additions to the original variance request. Ms. James said her lot was a long lot that extended from Seymour Avenue to 206 E. Maple Avenue, approximately

60 ft. by 178 ft. Ms. James said that her neighbor on Seymour Avenue had a detached garage and she had an existing 8x10 shed next to the garage that was seriously rotted and needed to be replaced. Ms. James said she has made improvements to the property since she purchased it about a year and a half ago, and she was asking for a larger shed for storage of lawn equipment and kayaks. Ms. James said the new shed would have vinyl siding that will match her house, with farmhouse doors and the roof line facing Seymour Avenue, just like the house. Ms. James said that the 8 ft. setback requirement would place the shed almost directly in the middle of her property and would spoil the neighbors' siteline through to E. Maple Avenue. Ms. James said these neighbors, the Woodens, would be most affected by the shed in the middle of the lot. Ms. James said that Ms. Olley, who house fronts on E. Maple, was unaffected by the change. Ms. James explained that her shed would run parallel to the Wooten's garage and would tuck in nicely in that spot. She added that she likes a natural looking yard and would provide appropriate landscaping for the shed. Ms. James provided a Letter of No Objection from the Woodens and a photograph of the detached garage and the existing shed as Exhibits 14 and 15 for the record. Chairman Harvey said the shed would be in compliance with other requirements and would certainly be an improvement. Member Rollow asked whether the shed was stick-built. Ms. James said the shed was pre-fabricated, and her experience was that the pre-fabricated sheds were of stronger construction than stick-built. She added that the exterior of the shed would be vinyl siding with a black shingle roof to match the house. As there was no further discussion, Member Hunnicutt made a motion to approve the variance, as set forth in application BOZA 590-19. Chairman Harvey seconded it, and the motion passed on a voice vote of 3-0 in favor.

Adjournment

Member Rollow made a motion to adjourn the meeting, which was seconded by member Hunnicutt, and which passed on a voice vote of 3-0 in favor at 6:30 p.m.

Minutes approved by 2 vote in favor on 11 day of February, 2019.



Douglas Rollow, Vice Chairman