



SOMERSET COUNTY
Board of Zoning Appeals MEETING MINUTES
August 16, 2019

The following are the minutes of the Somerset County Board of Zoning Appeals meeting held on the 16th day of August 2019 at 7:30PM in the meeting room of the Somerset County Commissioners, Room 111, in the Somerset County Office Complex, 11916 Somerset Avenue, Princess Anne, Maryland.

Board Members Present:

Chairman Brian Laird
Andrew Baines
Donald Price
William Cottman
Paul Emely

Board Members Absent:

Isaac Ballard

Others Present:

Gary R. Pusey, Director DTCS
Kristen Tremblay, Assistant Director
Robert Sperry, Zoning Administrator
Ashley Webster, Administrative Assistant

Chairman Laird Opened the Meeting at 7:30 P.M.

Subject of Appeal: Special Exception 2019-2502 Glenn and Dawn Ains

Glenn and Dawn Ains of 33696 Stockyard Rd., Eden, MD 21822, (Tax Map 5, Grid 20, Parcels 281, 247, and 246) have applied for a Special Exception on property owned by themselves and Provident State Bank of Preston, MD, to convert two 16,000 sq. ft. poultry houses into a self-storage and warehouse facility to include outside storage on the above 3 parcels. Provident State Bank has authorized Glenn and Dawn Ains to proceed in its behalf to secure the requested Special Exception. The Planning Commission has determined that the three parcels are zoned AR (Agricultural Residential) and are included in the Overlay Commercial District. Applicants are requesting that the BZA grant a Special Exception approving the development of Self Storage, Warehouse Storage and Vehicle Storage as required by Section 5.5f of the Somerset County Zoning Code.

BOARD OF ZONING APPEALS MEETING MINUTES: August 16, 2019

Testimony:

The case advertisement was read into the record. The Board determined the exact location of the parcel. Mr. Glenn Ains of Stockyard Rd. Eden MD was sworn in. Mr. Ains advised the Board that he would like to convert two (2) Poultry houses and three (3) parcels of land into Self Storage and warehouse storage. This facility would allow for two to three local jobs and Mr. Ains would only use local contractors on this project. The storage units would be 8' x 20' deep with roll up doors. The buildings would get all new siding, roof and have concrete floors run thru the buildings. The front of the poultry house would have a barn style and the existing fee bins would remain on site to host signage. Mr. Ains explained that he had a landscaping company interested in on site storage and would be placed in the rear of the building on a 40'x40' site. With this landscaping company on site, they would be the company to maintain the property as far as the landscaping was concerned. Chairman Laird asked Mr. Ains if he has plans to raise the sidewalls up to 8' in height. Mr. Ains explained that he did not plan to do so but if that were something based on approval then he would consider it. The reason he did not want to raise the sidewalls to 8' in height was he was not looking to have vehicles stored at this facility. Mr. Donald Price advised Mr. Ains that he had some concerns with this possibly becoming a junk yard. Mr. Ains stated that he planned to manage the property and did not want any vehicles stored on site and really did not have any plans for exterior storage. Mr. Ains has some photos of the purposed project and what it may look like.

Exhibit 1: Photos of purposed project provided by Mr. Glenn Ains

Opposition:

Mr. Kirk Simpkins of Princess Anne MD was sworn in. Mr. Simpkins advised the Board that he and his sister own the adjoining property to the south of the two poultry houses. Mr. Simpkins has some concerns with this who owns the parcels he stated that Mr. Ains does not own the parcels that Provident State Bank owns the two parcels being 246 and 247. Mr. Simpkins also stated Mr. Ains had spoken with all the neighbors but has not yet spoke with his sister nor him. Mr. Simpkins brought photos of the property to show the Board the current condition of the property. He went on to explain to them that the property had not been maintained for the last few years and was a mess and he feels this project would just become a junk yard. Mr. Simpkins went on to explain his concerns with the roads conditions and how he feels this will prohibit him from getting to his property.

Exhibit 2: Photos of property provided by Mr. Kirk Simpkins

Rebuttal:

Mr. Ains was asked to come back and address the concerns of the opposition. Mr. Ains advised the Board that He owns parcel 281. Mr Ains states that Provident State Bank held the first mortgage on parcel 246 and 247 while he held the second mortgage for the previous owners LB Farms LLC. So with that Mr. Ains has equitable title which allows him if he could make the use work to step back in. Mr. Ains stated that in regards to the maintenance of the property he would manage the

BOARD OF ZONING APPEALS MEETING MINUTES: August 16, 2019

property and maintain it the same, as is home farm. Mr. Ains also stated that he had spoken with the neighbors 2-3 times in regards to this project and addressed any concerns they may have had, and has received nothing but support for the project.

Findings: Special Exception 2019-2502

The granting of this Special Exception will not confer Applicants special privileges that are denied by the Zoning Ordinance to other properties in the same zone, accordingly this Board grants the Special Exception to remodel the former poultry houses and operate the same as self-storage areas, warehouse storage areas.

Board Vote:

Brian Laird – No
Bill Cottman – No
Donald Price – Yes
Andrew Baines – Yes
Paul Emely- Yes
Isaac Ballard- Absent

Subject of Appeal: Special Exception 2019-2489 Flonium Power LLC

This case was withdrawn on August 16, 2019.

On a motion made by Chairman Laird and seconded by Mr. Ballard, the Board of Zoning Appeals voted to adjourn the meeting.

The meeting adjourned at 8:31 P.M.

Respectfully Submitted,


Brian Laird, Chairman/AW