



SOMERSET COUNTY
Board of Zoning Appeals MEETING MINUTES
June 21, 2019

The following are the minutes of the Somerset County Board of Zoning Appeals meeting held on the 21st day of June 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:

Isaac Ballard-Acting Chair
Andrew Baines
Paul Emely
Donald Price
William Cottman

Board Members Absent:

Brian Laird

Others Present:

Gary R. Pusey, Director DTCS
Robert Sperry, Zoning Administrator

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

Subject of Appeal: Special Exception 2019-2506 Theodore Angell

Theodore Angell, 9899 Carrolton Court, Westover, MD 21871 has applied for a Special Exception (SE) to operate a Bed and Breakfast on an Agricultural Residential (AR) zoned parcel. Applicant intends to rent five (5) rooms and serve meals only to overnight guests, pursuant to the provisions of Section 5.2d (9) and Section 5.8b of the Somerset County Zoning Code and with Board of Zoning Appeals approval. The parcel is located on the Northwest side of Carrolton Court, approximately two thousand twenty five (2225) feet to North of Revell's Neck Road, in the Westover Election District. The property can be found on Tax Map 31, Block 6, Parcel 124, Lot 3.

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Testimony:

The case advertisement was read into the record. The Board determined the exact location of the parcel. Theodore Angell was sworn in. Theodore Angell is the property owner of 9899 Carrolton Ct., Westover, MD. He wanted a special exception, to provide daily and or weekly housing for UMES students and or factuality. Mr. Angell states that he has lived here for thirteen (13) years and has six (6) bedrooms and three (3) bathrooms. Mr. Angell read in the Crisfield County Times that a neighboring property had applied for a special exception for a bed and breakfast, so he felt he would like to apply also.

Opposition:

Mr. James Porter was sworn in address is 9903 Carrolton Ct. Mr. Porter provided photos and information to the board.

[Exhibit 1:](#) Copy of the Plat

[Exhibit 2:](#) Survey/Photo

[Exhibit 3:](#) Copy of Covenants for lots 1-4

[Exhibit 4:](#) Copy of Covenants for lots 5-10 and Parcel #2

[Exhibit 5:](#) Deed of Properties

Mr. Porter is the developer of the seventeen (17) lots with in the neighborhood. Mr. Porter explains the covenants states there shall not be any other use other than residential. The covenants states there shall not be any commercial use and Mr. Porter states that the deed also provides the same information. He has concerns with the well and septic on this property, he does not believe the health department accounted for the additional living space on the second floor when they put the septic and drain field in. Mr. Porter states that there is always standing water in the yard of Mr. Angell that at times affects the neighboring properties. Lastly, Mr. Porter states having UMES students and or factuality staying at Mr. Angell home is not a Bed & Breakfast use; it would be more of a boarding house. The deed and covenants restricts this type of use.

Susan Christianson was sworn in address is 9901 Carrolton Ct. she is in opposition of this request. Mrs. Christianson stated this use is prohibited in the deed and covenants. Mrs. Christianson believes having a bed and breakfast and or boarding house with greatly affect the property values of the neighborhood.

Dennis Christianson was sworn in address is 9901 Carrolton Ct. Mr. Christianson is in opposition of this request. Mr. Christianson stated he is not comfortable with a commercial type property next door to his home. He states she shares many of the same concerns as Mr. Porter and Mrs. Christianson.

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Rebuttal:

Mr. Angell was asked to come back up and respond to the concerns of the opposition. Mr. Angell asked where everyone was when a project similar to his request came to the board. He feels that this is a need for the county. Mr. Angell stated that he factuality asking him about housing for the students and or factuality. Mr. Andrew Baines asked if Mr. Angell was given a copy of the covenants when he purchased his home and he stated that he did have a copy of it. Mr. Donald Price asked if Mr. Angell when describe the neighborhood, Mr. Angell described the neighborhood as a family type neighborhood.

Findings:

The Board voted unanimously to decline the request.

Board Vote:

Ballard-Against

Baines- Against

Emely-Against

Price-Against

Cottman-Against

Subject of Appeal: Special Exception 2019-2507 Buck Quack Kills, LLC

Buck Quack Kills, LLC of 280 Cedar Brook Road, Sicklerville, NJ 08081 has applied for a Special Exception (SE) to place a Travel Trailer on an Agricultural Residential (AR) zoned parcel. Applicant is proposing to use the Travel Trailer as a temporary residence for no more than 30 days in a year, pursuant to section 5.2.b (14) of the Somerset County Zoning Code and with Board of Zoning Appeals approval. The parcel is located on the North side of Holland Crossing Road approximately six (600) hundred feet to the West of Farm Market Road, in the Lawson Election District. The property can be found on Tax map 65, Block 10, Parcel 204.

Testimony:

The case advertisement was read into the record. The Board determined the exact location of the parcel. Joseph Esposito was sworn in. Mr. Esposito explained that he wishes to place a TT (Travel Trailer) on the property to use while he is here from New Jersey hunting. Mr. Esposito explained that the TT (Travel Trailer) would only be used during the hunting season. Mr. Esposito also explained that there would only be one TT (Travel Trailer) on the property and once the hunting season was over, he would be removing the TT (Travel Trailer) from the property.

[Exhibit 1:](#) Overhead view of the property

[Exhibit 2:](#) Three photos of the Travel Trailer

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Opposition:

Mr. William Osborn was sworn in; he stated his address was St. Paul Church Rd Marion Station, MD. Mr. Osborn stated that this parcel was located right next to another property with an elderly man living there; he had concerns about the amount of noise and sounds from gunshots. Mr. Osborn also stated that he raises mallards and has concerns with the hunting taking place so close. There is also a parcel across the street that has fourteen (14) travel trailers on the property that no one has done anything. Mr. Osborn wanted to make sure that the TT (Travel Trailer) that Mr. Esposito puts on the property will be removed and will not leave the property a mess with trash piles.

Mr. Henry Ward was sworn in he stated his address as Whites Rd. Marion Station MD. Mr. Ward said he had a lot of the same concerns as Mr. Osborn, he stated that the property across the street has so much trash piles on it and there has been nothing done about that property. He has concerns that if they keep allowing TT(Travel Trailer) than the county will be full of squatters living in TT(Travel Trailer) all over the county. Mr. Ward feels that the county needs to enforce better rules with the placement of the TT (Travel Trailer).

Mr. William Handy JR. was sworn in and stated his address was Holland Crossing Rd. Marion Station MD. Mr. Handy leaves down the street from this parcel and has many concerns with the placement of a TT (Travel Trailer). Mr. Handy stated that the area was a rather quiet area and if they allow a TT (Travel Trailer) then he is afraid of the property be trashed. The property across from it has many piles of trash and has been that way for a while without anything being done about it. Mr. Handy has concerns about the noise that comes with being used as a hunting property.

Rebuttal:

Mr. Esposito was asked to come back up and respond to the concerns of the opposition. Mr. Esposito stated that he will maintain this property as if it was his home property in New Jersey, he will not allow him nor his sons to trash the property. He has also stated that he and his sons will be respectful of the neighbors when it comes to shooting on the property.

Mr. Baines asked who was going to watch the property while he was in New Jersey. Mr. Esposito explained that his cousin whom was a Maryland State Trooper lived down the street and would be watching the property.

Findings:

The Board voted 4-1 to allow the placement of the TT (Travel Trailer), with the condition the property would be checked to make sure it was maintained and the TT (Travel Trailer) was removed.

Board Vote:

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Ballard- For
Baines- Against
Emely- For
Price-For
Cottman-For

Subject of Appeal: Special Exception 2019-2504 Ernest Cox

Ernest Cox of 4415 Jones Road, Pocomoke City, MD 21851 has applied for a Special Exception (SE) to place a Travel Trailer on an Agricultural Residential (AR) zoned parcel. Applicant is proposing to use the Travel Trailer as a temporary residence for no more than 30 days in a year, pursuant to section 5.2.b (14) of the Somerset County Zoning Code and with Board of Zoning Appeals approval. The parcel is located on the Northwest corner of Woods Lane and U.S. Route 13 (Ocean Highway), at 8060 Woods Lane, in the Dublin Election District. The property can be found on Tax map 41, Block 18, Parcel 47.

Testimony:

The case advertisement was read into the record. The Board determined the exact location of the parcel. Mr. Ernest Cox was sworn in and stated his address was 4415 Jones Rd Pocomoke City, MD 21851. He stated he would like to place a TT (travel trailer) on an AR zoned parcel. He wished to place the TT (Travel Trailer) on the property to occasionally stay in while he builds a home on said parcel. Mr. Cox stated that he reasoning for the placement of the TT (Travel Trailer) on the parcel is because there was a new septic and well on the property just a few years ago. Mr. Cox said that with the placement of this TT (Travel Trailer) would allow him to hook into that and keep water going. Mr. Cox stated that once he builds the home he will be selling the TT (Travel Trailer). He purchased the property about nine (9) months ago and plans to have a completed home on the property within two (2) years.

[Exhibit 1:](#) Picture of the TT (Travel Trailer)

[Exhibit 2:](#) Plat

[Exhibit 3:](#) Picture of TT (Travel Trailer) on the property

Opposition:

No Opposition

Findings:

The Board voted 4-1 to allow the placement of the TT (Travel Trailer), with the condition the property would be checked to make sure it was maintained and the TT (Travel Trailer) was removed.

Board Vote:

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Ballard- For
Baines- Against
Emely- For
Price-For
Cottman-For

Subject of Appeal: CleanBay Biofuels Inc AR-2019-190

CleanBay Biofuels, Inc. has applied for an Administrative Review under Section 8.2a of the Somerset County Zoning Ordinance. The Applicant is appealing an interpretation by the Zoning Administrator of Section 6.5 of the County Zoning Ordinance that a structure the Applicant is proposing is subject to the Ordinance's height limit. The Applicant believes Section 6.5 exempts the proposed structure from the 45' height limit. The property is located at 9260 Old Princess Anne Road in the I-2 General Industrial District, on Tax Map #32, Grid #12, Parcel #236.

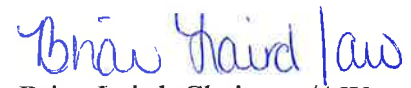
Testimony:

The case advertisement was read into the record. The Board determined the exact location of the parcel. Mr. Ryan Showalter (lawyer) was sworn in and stated his address was 100 N. West St. Easton MD.

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 8:22 P.M.

Respectfully Submitted,


Brian Laird, Chairman/AW