



SOMERSET COUNTY
Board of Zoning Appeals MEETING MINUTES
May 17, 2019

The following are the minutes of the Somerset County Board of Zoning Appeals meeting held on the 17th day of May 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
Isaac Ballard
Andrew Baines
Paul Emely

Board Members Absent:

Donald Price
William Cottman

Others Present:

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

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

Subject of Appeal: Variance 2019-1046 Paul Thornton, on behalf of Thornton Properties

Paul Thornton, on behalf of Thornton Properties LLC, and Wendell E. Brady have applied for a Lot area variance of 3,263 sq. ft. and 4,293 sq. ft. respectively, from the required 10,000 sq. ft. min. lot area for the reconfiguration of two existing non-conforming lots located at 11227 and 11247 Greenwood Rd. The parcels can be located on Tax Map #15, Block #24, Parcel #437 and Parcel #438 in West Princess Anne Election District and are zoned R2 Residential. Subsection 4.9 of the County Zoning Ordinance requires Board of Appeals approval for any change to lot area or yards of non-conforming lots.

Testimony:

The case advertisement was read into the record. The Board determined the exact location of the parcel. Paul Thornton for Thornton Properties was sworn in. Thornton Properties is the owner of the parcel 438, which is located between Greenwood Rd, and Somerset Ave near the southern end

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of Greenwood Rd. Mr. Thornton wishes to reconfigure both lots. The lots are now non-conforming. Wendell E. Brady is the property owner of parcel 437. Both Mr. Thornton and Mr. Brady have agreed on the proposed property line agreement.

There were no persons in attendance in opposition to the request.

Findings: Variance 2019-1046

The Board voted unanimously to approve a variance of 3,263 sq. ft. and 4,293 sq. ft. respectively, from the required 10,000 sq. ft. min. lot area for the reconfiguration of two existing non-conforming lots

Board Vote:

Laird-For
Ballard-For
Baines-For
Emely-For

Subject of Appeal: Special Exception 2019-2503 Harold Scrimgeour, DBA Rural Integrity Land LLC

Harold Scrimgeour, D/B/A Rural Integrity Land LLC of 3848 Old Post Road, Salisbury MD, has applied for a Special Exception to establish a borrow pit on a lot consisting of 35.58 acres, located on the northwest side of Old Princess Anne Road, approximately five hundred (500) feet to the north of Revells Neck Road in the Westover Election District. The property can be found on Tax Map #23, Block #24, Parcel #63 and is zoned General Industrial (I-2). Section 5.2e (13) of the County Zoning Ordinance allows borrow pits in the General Industrial (I-2) zone, meeting requirements of Section 5.8.f, after approval by the Board of Zoning Appeals.

Testimony:

The case advertisement was read into the record. The Board determined the exact location of the parcel. Harold Scrimgeour was sworn in. Mr. Scrimgeour explained that he wishes to locate a borrow pit on parcel 63 which is currently zoned General Industrial (I-2). Currently the setbacks are fifteen (15) foot, he is offering to increase the fifteen (15) foot to one hundred (100) foot for the one neighbor. He also stated he would locate a vegetative screening buffer in that area. He stated that they would not be using any water nor sewer for this project. Mr. Scrimgeour also stated that no water would be leaving the site. Mr. Scrimgeour also brought in a map showing the layout of the county's old borrow pit. Mr. Scrimgeour also explained that he is doing this project in two

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phases. He explained that working with MDE on the permitting. Currently the first phase is five (5) acres. Mr. Scrimgeour also stated that he would have a hundred (100) foot buffer on the wetlands side in which is a requirement by MDE. Mr. Scrimgeour also explained that during the TAC meeting, county roads had some concerns with condition of the roads and entrances. They stated that approval from the Somerset County roads might be needed. Chairman Laird asked Mr. Scrimgeour why he was applying for a borrow pit here in Somerset County if he currently has a borrow pit which is located in Chincoteague that he has been digging for seventeen (17) years and only dug two (2) acres. Mr. Scrimgeour explained that with trucking anything over twenty (20) miles usually can be serviced at another location. He also explained that the development in the county is not at a fast growing speed, but he is hoping this would be a project based borrow pit. He mentioned the bike path project that is currently in Crisfield. Board member Emely asked Mr. Scrimgeour if there was a guide line that he would need to follow because it was located next to the borrow pit. Mr. Scrimgeour responded that MDE has a regulation called "POD" this is a minimum four (4) to one (1) sloop and a ten (10) foot aquatic safety edge. In addition, MDE requires all haul roads be located inside the permitted areas.

Opposition:

Mr. John E. McClister was sworn in; he stated his address was 10000 Old Princess Anne Rd, Westover MD 21871. He was concerned about where the five (5) acres of phase I was located in respects to his property line. Mr. Scrimgeour described the location and showed Mr. McClister on the plat. Mr. McClister explained that he wanted him, to dig in the rear and would like the water to flow North West under the railroad. He also stated that he currently has good water and a shallow well. Mr. McClister was concerned that the pit would affect his well and could cause him to install a deeper well, which he did not want to have to do. Mr. McClister also asked Mr. Scrimgeour how deep he planned to dig the pit. Mr. Scrimgeour stated that he is not permitted to dig any deeper thirty (30) feet deep. Mr. McClister asked that once the pit was dug what his plans were for the water. Mr. Scrimgeour stated that he will be leaving the water there due to needing a permit with MDE to remove the water, in which he does not currently have.

Mr. William K. Davis was sworn in he stated his address as 10019 Old Princess Anne Rd. Westover, MD 21871. Wanted to know the side setback on his property line to the railroad track. Bob Sperry responded to let Mr. Davis know the side setback for his property line would be fifteen (15) feet.

Findings: Board voted 3 to 1 in favor of this project for Harold Scrimgeour, DBA Rural Integrity Land, LLC.

Board Vote:

Laird- For
Ballard- Against
Baines-For

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Emely-For

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

Chairman Laird read into the record that Flonium Power LLC of Fairfax Virginia has withdrew their application on Thursday May 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 8:22 P.M.

Respectfully Submitted,


Brian Laird, Chairman/AW