

**MEETING MINUTES
BOARD OF ZONING APPEALS
FOR CAROLINE COUNTY, MARYLAND**

DATE: January 21, 2020

PLACE: Health & Public Services Building
403 S. 7th Street, Room 111
Denton, Maryland 21629-1335

**BOARD MEMBERS
(PRESENT):** Mary Leavell, Acting Chair
Michael Mann, Member
Karen Hardy, Member
Benjamin Butler, Alternate Member

ALSO, PRESENT: Crystal Dadds, Assistant Director of Codes
Robert Merriken, Board Attorney
Katheleen Freeman, Director

Ms. Leavell called the meeting to order at 6:06 p.m. & welcomed everyone to the January 21st Board of Zoning Appeals meeting.

Action item #1 – Introduction of New Board Members.

Ms. Leavell introduced Board members and staff and explained the rules of procedure for the Board of Zoning Appeals.

Action Item #2 – Nomination of Chair and Vice Chair.

Motion: Mr. Mann made a motion to table the election of officers until the end of the meeting.

Second: Ms. Hardy seconded the motion.

Discussion: None

In Favor: The motion was approved unanimously (3-0)

HOVLAND VARIANCE #19-0023, 25750 BROOKWOOD RD, GREENSBORO, MD

Ms. Leavell read the Notice of Public Hearing into the Record. The property is owned by Mr. Steve Hovland and is located 25750 Brookwood Rd., Greensboro, MD 21639. Mr. Hovland is requesting a variance from the Critical Area lot coverage and stream buffer requirements.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Notice of Public Hearing in Times Record on 1/8/20 and 1/15/20
- Exhibit 2 – Staff Report
- Exhibit 3 – Variance Application
- Exhibit 4 – Aerial Photograph

- Exhibit 5 – Site Plan
- Exhibit 6 – Photographs of Property
- Exhibit 7 – SDAT Tax Map and Real Property Data Sheet
- Exhibit 8 – List of Notified Adjoining Property Owners
- Exhibit 9 – Sign Posting Affidavit and Photo
- Exhibit 10 – Applicant’s Notice
- Exhibit 11 – Critical Area Commission Response

Ms. Leavell swore in Steve Hovland (applicant) and invited him to present his application and testimony.

The applicant presented two letters of support by neighbors. Ms. Dadds read the two letters of support into the record and marked them as Applicant’s Exhibit 12 (Ward) and Applicant’s Exhibit 13 (Stutzman).

Mr. Hovland stated he is seeking a detached garage to shelter vehicles and a workshop. He stated that the proposed location was the best location on the property because it would not require any trees to be removed and due to the layout of the property, he did not feel there was an alternative suitable location. In 1987 when the house was constructed – the term “impervious” was not considered and is the reason for the larger driveway. The impervious surface rules didn’t exist when they built the house. Mr. Hovland questioned whether they are grandfathered. The garage will improve property value of their own house and will house lawn and garden equipment as well as vehicles. The intended use is for a garage and workshop.

Mr. Hovland felt he is asking for the minimum necessary to fit the size of a car and boat. Impervious surface was not previously considered. In the 90’s they were 87 feet from the creek and impervious surface was never mentioned (1998). Ms. Hardy corrected the applicant that it was 1987. Mr. Hovland stated that they maintain a natural buffer, and he does not mow all the way down to the stream. The Board stated that the applicant is already over the impervious surface limit based on current rules. Mr. Hovland reiterated he never encountered impervious surface rules prior to this project.

Mr. Merriken inquired whether any portion of the driveway could be removed. Mr. Hovland said yes. Ms. Leavell inquired whether the applicant could remove enough of the driveway to eliminate the problem of the impervious surface overage. The garage is 720 sq. ft. Mr. Mann referred to the Critical Area Commission letter and stated that if some of the driveway could be removed it would help. He further referred to the letter indicating that the garage could be closer to the road and further away from the stream, and that some additional plantings could be utilized. Ms. Dadds clarified that the letter from the CAC indicates the applicant can remove 720 sq. ft. or plant 800 sq. ft. of plantings in the buffer to minimize runoff. The buffer is not shown on the plan and must be shown on the plan for the plantings. The applicant responded that he would have to move the garage an additional 7 foot forward to meet the 100-foot buffer requirement. The applicant stated he would prefer to do additional planting rather than remove portions of the driveway and cause additional disturbance. Mr. Mann stated that the applicant would need to work with Matt [Kaczynski] on a buffer management plan. Ms. Hardy inquired whether the 2 sheds would be necessary to keep if the garage is constructed. The applicant said the sheds are connected (shed plus lean-to). One has a concrete base – the shed closest to the road. The applicant indicated he could remove the 2nd shed that does not have a concrete base – the shed closest to the rear. Ms.

Dadds stated that the deck may have been included in the impervious surface calculations and that square footage can be deducted.

Ms. Leavell inquired about the utility shed. The applicant indicated he could move the items from the utility shed into the garage. Mr. Mann indicated that the Board is asking these questions to attempt to work with the applicant. The applicant indicated the utility shed was ~220 sq. ft. The shed plus the deck would be an additional 531 sq. ft. that can be deducted from the total impervious surface. The lean-to shed is ~140 sq. ft. and per the applicant could possibly be removed. Mr. Merriken indicated that the utility shed did not appear to be in the buffer, though Mr. Mann pointed out it is still counted as impervious surface. Mr. Mann agreed the utility shed can be removed, the lean-to can be removed, and the paver patio could be reduced. Ms. Leavell pointed out that the applicant is at approximately 671 sq. ft with removing these items. Ms. Leavell asked what the dimension of the paver patio is. Mr. Merriken indicated it was 495 sq. ft. Mr. Merriken indicated the applicant could remove 45 sq. ft. of the patio and would be at his square footage limit. The applicant indicated he could remove the Northwestern edge of the patio by the firepit to 720 sq. ft. There was some discussion regarding the exact measurements of all of the structures. Mr. Mann requested that staff and/or Mr. Hovland's surveyor measure all the structures on site to have an accurate number. Both the Board and Mr. Hovland agreed that the lot coverage issue could be resolved by removing existing lot coverage rather than by obtaining a variance.

Ms. Dadds indicated that the majority of the lot was wooded and there was likely not much space for additional plantings. The applicant requested that he not be required to remove the extra structures until the garage is built so that his items (lawn equipment, etc.) not be exposed. Mr. Mann suggested a condition that allows the applicant a specified amount of time after construction of the garage to remove the additional structures.

Ms. Leavell invited anyone in opposition to speak. There was no opposition.

Ms. Leavell closed the evidence portion of the case and moved to deliberation.

Ms. Leavell indicated the Board should go through the criteria in 175-152(A).

- (1) – Application was received.
- (2) – Hearing was advertised on 1/8/20 & 1/15/20
- (3) – The Board has rendered their decision as follows:
 - (a) No – fits everything in section A
 - (b) No – Critical Area Laws and setbacks have changed due to no fault of the homeowner
 - (c) No – there are some homes in the buffer area. All homes on the street would not fall into the same category as this particular piece of property. The stream is further from other properties in the neighborhood.
 - (d) Yes – The applicant is willing to work with the board and meet his impervious surface limits.
 - (e) The applicant is willing to follow the Critical Area Laws and meet the appropriate requirements.

Mr. Mann inquired what kind of time limit after completion and final inspection of the garage should be imposed to remove the other structures. Ms. Hardy did not feel that 30 days was sufficient. The applicant was not concerned about moving the structures. Mr. Mann asked the

applicant how much time he felt he needed after completion to remove the structures. The applicant felt that 45 days would be adequate.

Mr. Mann indicated there would be no planting requirement.

Action Item #3 – Hovland Variance.

Motion: Mr. Mann made a motion to grant the approval of a 24x30 detached garage built over the top of current driveway with the removal of the utility shed, the lean-to off the back of the shed, and after determining with staff how much patio must be removed, for a total of 720 sq. ft. The applicant must obtain any other permits that may be required. Mr. Mann included the conditions as specified in the staff report. The 100-foot buffer must be delineated on the site plan. The deck will be removed from the lot coverage calculations. The applicant will have 45 days to remove the impervious surfaces after the garage is constructed and approved for occupancy.

Second: Ms. Hardy seconded the motion.

Discussion: None

In Favor: The motion was approved unanimously (3-0)

Ms. Dadds indicated the surveyor must add the buffer, recalculate impervious surfaces without the deck, indicate the structures to be removed, and the portion of the patio to be removed. Mr. Merriken indicated that the decision would be signed next month.

Mr. Merriken discussed a letter of opposition to the Wood Farm decision. Mr. Merriken said the Board could reconsider their decision, or just acknowledge the letter and take no action. Mr. Mann questioned the contents of the opposition letter. There was some concern that the decision may not have all of the conditions. There was discussion about where the entrance would ultimately be in relation to Mr. Gorleski's residence and in the space occupied by the mining operation. At this point the Board will take no action on the letter.

Action Item #4 –Letter of Opposition to the Wood Farm Decision.

Motion: Mr. Mann made a motion to take no action on the letter of opposition.

Second: Ms. Hardy seconded the motion.

Discussion: None

In Favor: The motion was approved unanimously (3-0)

Ms. Dadds gave the Board decisions from the December meeting to be signed. There was a correction on the Chang decision as noted & initialed on the decision.

Action Item #5 –December Meeting Minutes.

Motion: Mr. Mann made a motion to approve the December meeting minutes.

Second: Ms. Hardy seconded the motion.

Discussion: None

In Favor: The motion was approved unanimously (3-0)

Action Item #6 – Nomination of Chair.

Motion: Ms. Hardy made a motion for Mr. Mann to serve as the BZA Chair.

Second: Ms. Leavell seconded the motion.

Discussion: None

In Favor: The motion was approved unanimously (3-0)

Action Item #7 – Nomination of Vice Chair.

Motion: Mr. Mann made a motion for Ms. Leavell to serve as the BZA Vice-Chair.

Second: Ms. Hardy seconded the motion.

Discussion: None

In Favor: The motion was approved unanimously (3-0)

Action Item #8 – Adjournment of Meeting.

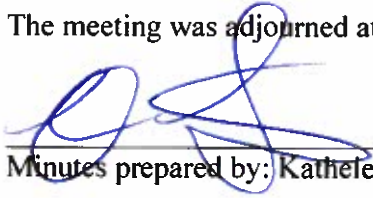
Motion: Mr. Mann made a motion to adjourn.

Second: Ms. Leavell seconded the motion.

Discussion: None

In Favor: The motion was approved unanimously (3-0)

The meeting was adjourned at 6:42 p.m.



Minutes prepared by: Kathleen Freeman