

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

DATE: July 16, 2019

PLACE: Health & Public Services Building
403 S. 7th Street, 1st Floor, Room 110
Denton, Maryland 21629-1335

**BOARD MEMBERS
(PRESENT):** René Swafford, Chairman
Mary Leavell, Vice-Chair

ALSO, PRESENT: Crystal Dadds, Assistant Director of Codes
Robert Merriken, Board Attorney
Melanie Smith, Administrative Assistant to the Board

Chairman Swafford called the Caroline County Board of Zoning Appeals to order at 6:00 p.m. The Board members and staff were introduced to the audience and meeting procedures were explained.

REVIEW AND APPROVAL OF MINUTES

The members read the minutes of the June 18, 2019 Board of Zoning Appeals meeting. No corrections or additions were needed.

Motion: Ms. Leavell made a motion to approve the minutes as written.
Second: Chairman Swafford seconded the motion.
In Favor: The motion was approved unanimously (3-0).

PICKENS SPECIAL USE EXCEPTION #201900008

Chair Swafford read the Notice of Public Hearing into the record. Mr. Pickens has applied to replace an existing single-wide mobile home where an objection was received. The property is located at 26479 Bee Tree Road, Henderson, MD.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Planning & Codes Staff Report
- Exhibit 2 – SUE #201900008 Application
- Exhibit 3 – Objection Procedure Letter and Response
- Exhibit 4 – Water -Sewage Verification Letter
- Exhibit 5 – SDAT Tax Map and Real Property Data Sheet M8-G2-P394-L1
- Exhibit 6 – Site Plan by Andrews Surveying
- Exhibit 7 – List of Notified Property Owners within 1,000 Feet

Exhibit 8 – Photographs of Property
Exhibit 9 – Aerial Photograph with Features Overlay
Exhibit 10 – NPH Published in Times Record on July 3 & July 10, 2019
Exhibit 11 – Notice of Hearing to the Applicant

Chairman Swafford swore in:

Robert Pickens, 15136 Drapers Mill Rd, Goldsboro, MD 21636
Analyn Pickens, 15136 Drapers Mill Rd, Goldsboro, MD 21636
Deborah Lemon, 9630 Alda Drive, Baltimore, MD 21234

Mr. Pickens explained that the original mobile home on the property is uninhabitable. He is requesting approval to replace it with one that can be lived in. He is paying property taxes on the land and cannot use it in its current condition. He hopes to rent it out to a woman and her two children. Other than the 3 mobile homes located on the same access road, the next closest house is across the street approximately 1/8 of a mile away

He put in a new deeper well and had the septic approved for the new structure. Once the home is hooked up the Health Department will require him to test the water quality.

He applied with Planning and Codes for approval but because a neighbor contested the application, it was necessary for him to apply for a Special Use Exception. The neighbor contested his application because of trash on a neighboring wooded lot owned by Richard Parks. He explained that his lot was neat and clean, and he has no control of another person's property. Ms. Dadds informed the Board that the Codes Enforcement Officer visited the site and found Mr. Pickens land to be neat as he testified. The photographs in Exhibit 3 was of a neighboring property.

Ms. Dadds stated that staff has verified that his proposal fulfills all the other guidelines set forth in the County Code.

Ms. Pickens supported her husband's testimony.

Ms. Lemon contested the application and spoke next. She stated that her main objection was that Mr. Pickens intended to rent the land and not live on it. She added that the trash in the pictures she supplied in Exhibit 3 were a result of Mr. Pickens cleaning up his lot. When asked if she witnessed this she answered that she did not. She stated it was coincidental that the trash increased, and she therefore blames Mr. Pickens. Ms. Leavell stated that Mr. Pickens testified that he did not contribute to the trash and the Board would require proof otherwise. Ms. Lemon asked how she was supposed to contact the owner of the littered property.

Chairman Swafford explained that they were there to discuss Mr. Pickens lot tonight. Ms. Lemon had nothing to add to her testimony.

This portion of the meeting was closed for deliberation.

DELIBERATION

The Board referred to the County Table of Uses and found the request was permissible, subject to a Special Use Exception.

The Board referred to Chapter 175, Article 16, Section 142A for the conditions of a Special Use Exception.

1. An application was received (Exhibit 2).
2. The hearing was duly advertised on July 3, 2019 and again on July 10, 2019. (Exhibit 10).
3. (a) The application would not endanger the public health, safety or general welfare as was confirmed by the evaluations by the Department of Environmental Health for the well and septic. General welfare would improve by upgrading a deteriorated trailer with one that is habitable.

(b) There were several other mobile homes in the neighborhood and upgrading the existing home would only improve surrounding property values.

(c) The request will not impede the normal and orderly development and improvement of the surrounding property. There was one neighbor response, whose opposition was unsubstantiated. Neighbors sharing the access road did not challenge the application.

(d) There was no testimony that approval of the application would overburden existing public facilities. There will possibly be two school aged children living there and the application was approved by the Health Department and the Department of Public Works.

(e) The Board received confirmation by staff that the application conforms in all other respects to the Zoning Chapter.

(f) The Property is not within the Critical Area; therefore, the Critical Area Commission was not petitioned.

Motion: Ms. Leavell made a motion to approve the application on the conditions that a building permit and/or zoning certificate is obtained and all other necessary documentation is submitted.

Second: Chairman Swafford seconded the motion.

In Favor: The motion was approved unanimously (2-0).

EXTENSION REQUEST

Mr. Merriken explained that Cherrywood Solar was before them to request an extension of the time limit of their Special Use Exception. He explained that they are in a time crunch. Although the request was submitted by the deadline for this evening's meeting, staff did not have sufficient time to send the required public notices. Therefore, Mr. Shaughnessy, Cherrywood's Attorney,

asked to present a formal request to the Board for preliminary approval subject to the public hearing in August.

Chairman Swafford swore in:

Shanelle Wilson, Project Manager, 700 Universe Blvd., Juno Beach, Florida
William D. Shaughnessy, Jr. 233 East Redwood Street, Baltimore, MD 21202

Mr. Shaughnessy explained that the Board granted a Special Use Exception (SUE) to Cherrywood on August 16, 2018. According to County Code that approval is void after one year without an extension. The project is a large-scale utility project that entails approximately 1,000 or more acres. It is subject to not only this Boards approval but the Public Service Commission (PBS), the Maryland Department of Environment (MDE), and other state agencies.

They are currently in extensive negotiations with Delmarva Power to transfer the power to the grid. The negotiations are key to where the substation will be placed, which is necessary for the site plan approval. They must also have a feasibility study which is not expected to be completed before September 2019.

Their first action after their application was approved was to work with the Town of Greensboro to have 400 acres of land annexed to them. The agreement was worked out and finalized by January 2019. In March 2019 they received approval from the Public Service Commission which included 13 pages of conditions that had to be met. In April they submitted a wetland mitigation plan to MDE for approval and prepared sediment and erosion control plans. Now they are working with Delmarva Power on the interconnection and substation aspect of the plan. Until the negotiations with Delmarva Power are complete, they are unable to submit a Final Site Plan for approval with the County.

This project is more complex than most development applications in this jurisdiction. Essentially it is a solar electric power plant that has numerous regulatory oversights. They anticipate site plan approval to take place in January 2020 and final approval received in May 2020. They hope to have the building permit to finally start the project by October 2020.

Motion: Ms. Leavell made a motion to approve the extension for reconsideration of the Cherrywood SUE at the August BZA hearing once the public has been notified.
Second: Chairman Swafford seconded the motion.
In Favor: The motion was approved unanimously (2-0).

ADJOURNMENT

Motion: Ms. Leavell made a motion to adjourn the meeting at 6:58 p.m.
Second: Chair Swafford seconded the motion.
In Favor: The motion was approved unanimously (2-0).

The meeting was adjourned at 6:58 p.m.

Melanie Smith
Minutes prepared by: Melanie Smith