

NORTH EAST BOARD OF APPEALS
North East Town Hall / 106 South Main Street
Thursday, November 14, 2019
7:00 P.M.

Chairman Peg Hardin called the meeting to order at 7:00 P.M. Present for the meeting included members, Maurice Tenney and S.J. Anderson. Also in attendance were David Beste, Town Attorney, Melissa Cook-Mackenzie, Zoning Administrator, Betsy Vennell, Director of Planning, and Lisa Rhoades, Planning and Zoning Assistant.

-MINUTES-

August 22, 2019

Ms. Anderson made a motion to approve the minutes with a minor correction. Mr. Tenney seconded the motion and the motion was approved by all.

-COMMENTS FROM THE PUBLIC-

None.

-PUBLIC HEARING-

Chairman Hardin opened the public hearing 7:00 P.M.

Chairman Hardin read Case: A-2019-05-V into the record:

Case: A-2019-05-V: A variance application has been filed by Jonathan and Marsha Swezey, 207 Howard Street, North East, Maryland, also found on Tax Map 0400, Parcel 224. Zoning Designation: "R-1" Single Family Residential. Applicant is requesting a 7 foot side yard setback variance for the purpose of installing a garage in the rear yard.

Ms. Carol Beresh, Court Reporter, swore in Mrs. Marsha Swezey, 207 Howard Street, North East, Maryland.

Mrs. Swezey reported that she and her husband will be going to settlement on November 15, 2019 for a home located at 207 Howard Street. Mr. and Mrs. Swezey are seeking a 7 foot setback variance to build a garage 3 feet from the property line. The rear yard of the subject property is sloped downward and this limits the location in which they could build the proposed garage. In addition, the (10) ten foot side yard setback would put the garage in the middle of the rear yard and there is an existing deck attached the rear of the home as well. There is currently a shed in the rear yard which is (3) three feet from the property line and the proposed garage would be built in front of the existing shed.

Mr. Tenney stated that he is familiar with the property and there are some difficult circumstances present on the property in relation to building in the rear yard. Mr. Tenney inquired if the existing shed was installed on the slope and how close will the existing shed and garage be together. Mrs. Swezey confirmed that the shed was partially on the slope but leveled with stone and the shed and garage will be very close together. Ms. Anderson inquired if the applicant would be extending the garage in the future. Mrs. Swezey stated they were not planning on extending the driveway as the proposed garage is being built to store a classic car and a portion of it will be used for storage. Ms. Anderson reported that she

made a site visit and concurs with Mr. Tenney that there is a very steep slope in the rear yard and inquired how Mrs. Swezey intends to level the proposed garage. Mrs. Swezey stated that they plan to build the garage on as much level ground as possible and then they will build up the ground as the yard slopes down under the garage. Mrs. Swezey displayed an images of the proposed garage and submitted the images as Exhibit 1.

Chairman Hardin inquired if the Director of Planning had any comments. Mrs. Vennell reported that the Town Administrator, after speaking with the Town Attorney, that each shall be heard on its own merit, therefore Ms. Vennell did not forward case history prior to the public hearing. Ms. Vennell briefly reviewed the Powers of the Board of Appeals. The Board will need to determine if there are special conditions and circumstances that exist that are peculiar to the land, would the characteristic in the neighborhood be changed by granting this variance and would it be in harmony with the general intent and purpose of the ordinance. Attorney Beste added that the Board also needs to consider if the variance is necessary because the circumstances or conditions were self-inflicted and in this case it appears they were not.

The Board agreed that the proposed garage is in harmony with other homes in the neighborhood. With no further, comments from the public Chairman Hardin closed this portion of the public hearing at 7:09 P.M.

Discussion and Motion

Mr. Tenney stated that he had no additional comments regarding the proposed garage and (7) seven foot variance request as this is consistent with other properties within this neighborhood. Chairman Hardin concurs.

Ms. Anderson reported that she made a site visit to the subject property and concurs with Mr. Tenney as well and added that with the slope of the rear yard this would be the best location for the proposed garage.

Mr. Tenney made a motion to approve the (7) seven foot side yard setback variance for the purpose of building a garage, as presented.

Ms. Anderson seconded the motion and the motion was approved by all.

Case: A-2019-06-V

Chairman Hardin read Case: A-2019-06-V into the record:

Case:A-2019-06-V: A variance application has been filed by Brian DeMaris, 204 South Mauldin Avenue, North East, Maryland, also found on Tax Map 401 Parcel 36. Zoning Designation: "R-2" Two Family Residential. Applicant is requesting a 2 foot height variance for the purpose of installing a fence forward of the rear building line.

Ms. Carol Beresh, Court Reporter, swore in Mr. DeMaris, 204 South Mauldin Avenue, North East, Maryland.

Chairman Hardin inquired if the applicant would like his application to be part of the record. Mr. DeMaris replied yes. Mr. DeMaris stated that he understands that any fence forward the rear building line of the house is only permitted to be (4) four feet in height. Mr. DeMaris stated that he would like to install a (6) six foot fence approximately (20) twenty feet forward the rear building line of the house, ending on the other side of the side entrance to the home. The purpose of installing the fence is to allow his dogs to enter/exit the side entrance of the home. Mr. DeMaris presented an image of the location of

APPROVED

the fence to the Board (Exhibit 1, Exhibit 2 and Exhibit 3) and described where the portion of the fence would be installed that requires the variance as well as how he will be installing the balance of the fencing to enclose the yard for his dogs.

Mr. DeMaris stated that the adjoining neighbor at 202 South Mauldin Avenue's house was built (1) one foot from the property line and when they are both in their rear yards neither neighbor has any privacy. The new proposed fence would offer privacy for both neighbors however, would not block the view from the adjoining neighbors window. The proposed fence would be 6 six foot in height and the bottom of the neighbors window is 8 feet from grade, as shown in Exhibit 2. Mr. DeMaris reported that he had obtained an adjoining neighbor authorization from all adjoining neighbors. Both adjoining side yard neighbors have agreed that the proposed fence may be installed on the property line however, the rear yard property line fence, shall be installed inside the rear yard property line. Mr. DeMaris stated that he plans to remove the existing chain link fence in the rear yard prior to installing the new proposed fence. In addition, Mr. DeMaris reported that he did have a location survey of his property.

Mr. Tenney inquired if the garage entrance faces toward the driveway and Mr. DeMaris concurred. Mr. Tenney does the raised concrete pad in the rear yard restrict the dogs from going out of the yard. Mr. DeMaris stated that he plans to install approximately 12 linear feet of fencing between the raised concrete pad and the driveway as indicated on the submitted drawing (Exhibit 1). The proposed vinyl fencing will be (5) five foot stockade fence on the bottom with a (1) one foot lattice top for a total of 6 six feet in height.

Mrs. Vennell reported that the Planning Office has not received any comments from the public. With no further comments from the public, Chairman Hardin closed the Public Hearing at 7:25 P.M.

Discussion and Motion

Mr. Tenney stated he was concerned about the fence being placed on the property line however, there is a signed adjoining neighbor authorization which states the adjoining neighbor has no objection to the proposed fence being installed on the property line.

Chairman Hardin and Ms. Anderson concurred that the request for the height variance was only from the rear building line of the home to the side entrance/exit not to the front building line and the rest of the proposed fencing was within the zoning regulations.

Ms. Anderson made a motion to approve the 2 two foot height variance for the purpose of installing a (6) six foot fence (20) twenty feet forward the rear building line of the main structure, as presented.

Mr. Tenney seconded the motion and the motion was approved by all.

-OLD BUSINESS-

None.

-NEW BUSINESS-

None.

-REPORTS-

None.

-MISCELLANEOUS-

None.

-NEXT MEETING-

The next Board of Appeals meeting is scheduled for December 12, 2019.

-ADJOURNMENT-

Ms. Anderson made a motion to adjourn the meeting at 7:53 P.M. Mr. Tenney seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Peg Hardin
Chairman