

Maryland Board of Zoning Appeals

February 25, 2020

Board Member Phiefer called the meeting to order at 7:30 p.m. Those in attendance were Board Members Baker, Phiefer and Wells, Community Development Coordinator Hardin, Town Attorney Robert Benson and Clerk of Council Fisher. Guest: Doug Marshall.

Called to Order

Christine called the meeting to order.

Approval of Minutes

Board Member Wells made a motion for the approval of the May, 2019 minutes as circulated. Board Member Baker seconded the motion which passed with 3 ayes and 0 absent.

New Business

Doug Marshall- Heron Ponds Development, LLC- Eliminating the Special Exception requiring houses in Heron Ponds along Rt. 54 to be single story.

Board Member Phiefer administered the Oath to Mr. Marshall.

Town Attorney Benson stated that in 2003, the then owner of Heron Ponds requested a special exception to build townhouses in an R-2 district. The members of the Maryland Board of Zoning Appeals at that time granted the request with one of the conditions being that all homes or buildings built along Line Road must be single story homes.

Mr. Benson also stated that Mr. Marshall does not have a need for Town houses so there is not a need for the special exception. He also doesn't want the restriction that he can only build single story homes. Mr. Benson stated that he believed the best way to eliminate the special exception was to come back to the Maryland Board of Zoning Appeals and ask for that special exception be eliminated. Mr. Benson said that he asked Mr. Marshall to come back before the Board of Zoning Appeals so that there would be a written and recorded record of what was being done.

When asked about the amount of Lots along Rt. 54, Mr. Marshall responded that he wanted to make sure all the Lots were covered. He stated that he has never used the Special Exception and never would put townhouses in the development. He has actually made the Lots larger.

Mr. Marshall said that right across the street on the Delaware side are two-story houses. Board Member Phiefer stated that she was worried that Mr. Marshall was going to be adding more homes. Mr. Marshall indicated that no he is not, and he enlarged the Lots to take away from the amount of homes that were slated for the development.

Board Member Wells wanted assurances that these would still be single family homes. He did not want any duplexes. Town Attorney Benson said that if the Board grants Mr. Marshall's request this evening, then he cannot build townhouses or duplexes.

Board Member Baker asked if they would be eliminating the full special exception completely. Yes, removing the full special exception would also remove any conditions.

Board Member Wells made a motion to eliminate the Special Exception that was placed on Heron Ponds Development Co., LLC requiring houses built along Rt. 54 (Line Road) to be single story. Board Member Baker seconded the motion which passed with 3 ayes and 0 absent.

Adjournment

Board Member Baker made a motion for adjournment which was seconded by Board Member Wells. The motion passed with 3 ayes and 0 absent.

Cindy Fisher
Clerk of Council