

**NORTH EAST BOARD OF APPEALS**  
**North East Town Hall / 106 South Main Street**  
**Thursday, March 23, 2023**

Chairman Maurice Tenney called the meeting to order at 7:00 P.M. Present for the meeting included members, S.J. Anderson and Martha Kline. Also in attendance were Betsy Vennell, Director of Planning, and Lisa Rhoades, Planning and Zoning Assistant. Melissa Cook-Mackenzie, Zoning Administrator, was absent from the meeting.

**-MINUTES-**

January 26, 2023

Ms. Anderson made a motion to approve the January 26, 2023 minutes, as presented. Mrs. Kline seconded the motion and the motion was approved by all.

**-PUBLIC HEARING-**

Case: A-2023-01-V: A variance application has been filed by Earl Williams Jr., 12 East Church Street, North East, Maryland 21901, also found on Tax Map 0401, Parcel 0506. Zoning Designation: "R-2" Two Family Residential. Applicant is requesting a 22 foot rear yard variance from the required 30 foot rear yard setback requirement for the purpose of installing a 624 square foot accessory building in the rear yard.

Chairman Tenney opened the public hearing at 7:02 PM.

Mrs. Vennell read the case into the record.

Monica Sienkiewicz, court reporter, swore in property owners Earl Williams and Robert Earl Williams.

Chairman Tenney inquired if the applicant, Mr. Earl Williams, would like the application to be part of the record. Mr. Williams replied yes.

Chairman Tenney inquired if any of the Board members would need to recuse themselves from the public hearing proceedings. The Board members responded no.

Chairman Tenney requested that the property owner's state their names and addresses for the record. The property owners replied, Mr. Earl Williams Jr., 12 East Church Street, North East Maryland and Mr. Robert Earl Williams of the same address. Mr. Williams stated he is requesting a 22 foot rear yard variance to install a 624 square foot accessory building. Mr. Williams stated that his property consists of 2 lots and there is an existing shed and pool on his property. Mr. Williams stated that according to the "R-2" Two Family District Regulations he will need a 22 foot rear yard setback variance as the required setback for the rear yard is 30 feet.

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Mr. Williams stated that other neighboring properties have garages and some of those garages are close to their property lines. Therefore, Mr. Williams stated, he is not asking for something that is not already consistent within the neighborhood or that would be detrimental to the neighborhood. Mr. Williams provided two images (known as Exhibit 1 and 2 attached) of the lot where the proposed accessory building would be installed. Ms. Anderson inquired if Mr. Williams could show, on the satellite image, how the proposed accessory building would appear on the lot. Mr. Robert Williams drew the building on the satellite image so that the board could see how the building would be situated on the lot.

Mr. Williams reported that the image of the accessory building submitted with his application came directly from the manufacturer and is the actual architectural image of what the building would look like. Mr. Williams described the proposed accessory building as a new metal building having two bay doors and a side door. Mr. Williams also stated that the accessory building will be the same color as the house having grey siding, red trim and a dark colored roof. Mr. Williams stated the accessory building would be used for storage of lawn tractor, boat, yard equipment and an area to work on antique cars with his son. Mr. Williams stated that he will not be installing a driveway as vehicles will rarely be taken in and out of the accessory building.

Ms. Anderson commented that during her visit to the site, it appeared that the proposed accessory building would be taking up a large portion of the yard.

Chairman Tenney inquired if the applicant or members of the public had any final comments.

Chairman Tenney closed the Public Hearing at 7:13 PM.

#### **-NEW BUSINESS-**

#### Accessory Building: Discussion and Vote

Ms. Anderson inquired if the property owners would be removing the existing shed and if there was enough room to drive a car back to the proposed accessory building. Mr. Robert Williams replied that there is more than enough room. Once a car is driven into the accessory building to be restored, it would not be coming back out until it was done and therefore, there would not be a need to install a driveway. Chairman Tenney inquired if the vehicles would only occasionally be driven over the grass to be stored in the accessory building. Mr. Robert Williams replied yes. Mr. Williams reported that there previously had been a driveway that extended to the back lot which he had removed and returned to yard space and he would prefer that it remain a yard. Chairman Tenney, while viewing Exhibit 1 and Exhibit 2 inquired if the fence and shed in the picture were Mr. Williams. Mr. Williams confirmed that it was his fence and shed. Ms. Anderson inquired the height of the proposed accessory building. Mr. Williams stated that the building is 9 feet in height at the wall and 13 feet in height at the peak. Ms. Anderson inquired if the building is only intended for storage, why is an accessory building of this size necessary. Mr. Williams replied that the intended use of the accessory building is for storage of a boat, lawn tractor, yard equipment and an area for vehicle restoration. Mr. Williams explained that when working on a vehicle, room is needed to move around the vehicle. While looking at the satellite image, Ms.

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Anderson commented on some items which could be seen in the yard and asked the property owners to identify the items. Mr. Robert Williams explained that there may have been a table in the satellite image at the time the image was taken however, that is no longer present and there is pool equipment shown in the image for the existing pool.

Chairman Tenney inquired if there were any further questions from the Board. The Board members responded no.

Chairman Tenney inquired if there were any comments from the Planning Office. Mrs. Vennell explained that the property was located within the Intensely Developed Area of the Chesapeake Bay Critical Area and therefore Critical Area Best Management and mitigation requirements would apply to this project. Mrs. Vennell briefly went over the Best Management practices stating that gutters with downspouts and splash guards will be required. In addition, plantings will be required per the mitigation guideline requirements. The plantings may be done on this property or the property owner may choose to provide a fee in lieu of planting on his property. A landscape agreement and escrow deposit shall be required for the required mitigation. Mr. Williams stated that he had planned to plant bushes around the building so that would be fine.

Chairman Tenney asked if the Planning Office received any comments from the public. Mrs. Vennell replied no comments were received.

Mrs. Kline stated that she did not see any reason that the proposed accessory building on this property would be any different than the other properties in the area and there are a lot of garages in very close to the property lines in this area. Mrs. Kline also added that she does not see a reason that the variance should not be granted as the proposed accessory building is not very tall.

Ms. Anderson commented that she was concerned about the installation of an accessory building of this size within an already congested Town block.

Mr. Tenney stated he did not feel that the proposed accessory building would be encroaching any closer to the property lines than any other building in the neighborhood.

Attorney Beste confirmed with the Board that they would be including the Chesapeake Bay Critical Area Regulation requirements in their conditions. The Board concurred.

Mrs. Kline made a motion to approve the request for a 22 foot rear yard variance from the required 30 foot rear yard setback requirement, for the purpose of installing a 624 square foot accessory building in the rear yard subject to the following condition:

- Chesapeake Bay Critical Area Regulation requirements including Best Management Practices and mitigation plantings.

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

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Mrs. Vennell explained to the applicant that the Town Attorney would prepare an official opinion which will be sent to them once it is received from the attorney.

**-REPORTS-**

None.

**-MISCELLANEOUS-**

None.

**-NEXT MEETING-**

The next Board of Appeals meeting is scheduled for April 27, 2023.

**-ADJOURNMENT-**

Ms. Anderson made a motion to adjourn the meeting at 7:34 P.M. Mrs. Kline seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades  
Planning and Zoning Assistant

Maurice H. Tenney, Jr.  
Chairman

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