

NORTH EAST BOARD OF APPEALS
North East Town Hall / 106 South Main Street
Thursday, April 27, 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, Lisa Rhoades, Planning and Zoning Assistant and David Beste, Town Attorney. Melissa Cook-Mackenzie, Zoning Administrator, was absent from the meeting.

-MINUTES-

March 23, 2023

Ms. Anderson made a motion to approve the March 23, 2023 minutes, with a minor correction. Mrs. Kline seconded the motion and the motion was approved by all.

-PUBLIC HEARING-

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

Mrs. Vennell read the case into the record.

Case: A-2023-02-V: A variance application has been filed by Applicant/Owner: Philip R. Eckman, 20 Church Point Road, North East, Maryland 21901, also found on Tax Map 031E, Parcel 0508. Zoning Designation: "R-2" Two Family Residential. Applicant is requesting a 6 foot 5 inch side yard variance for the purpose of installing an 80 square foot deck in the side yard.

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

Ann Lavoie court reporter, swore in Mr. Gary Wynegar, Elkton, Maryland, a representative of the property owner.

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

Mr. Wynegar stated that the property owner is proposing an 80 square foot cantilever unenclosed deck over an existing driveway. The deck will not infringe on the adjoining property or any right away or easement. Mr. Wynegar stated that this is a small amenity which will add to the aesthetic appearance of the home. Mr. Wynegar stated that there are other homes in the area which also have decks. However, due to the width of the narrow lot, the side yard setback could not be met without applying for a variance. Chairman Tenney inquired if the deck was going to be built over an existing driveway. Mr. Wynegar replied yes.

Chairman Tenney inquired if anyone from the public would like to speak in favor of the variance and asked that anyone who would like to speak to state their name and address for the record.

APPROVED
July 27, 2023

Mr. Lester Eckman, 100 Church Point Road, North East, Maryland stepped forward to speak and was sworn in by the court reporter. Mr. Eckman stated that he is one of the owners of the subject property. Mr. Eckman stated that he is requesting a 6 foot 5 inch side yard variance to install a second story 80 square foot cantilever unenclosed deck. Mr. Eckman also stated that the lot the home is located on is very small and narrow. Mr. Eckman added that they are trying to enhance the view of the river from the second floor by adding the cantilever deck and stated he thinks that it will look very nice.

Chairman Tenney inquired if anyone would like to speak in opposition of the proposed variance.

Mr. Michael Pugh, senior warden, at St. Mary Ann's Episcopal Church the adjoining property, stepped forward to speak and was sworn in by the court reporter. Mr. Pugh stated that he had questions, about the proposed deck and the proposed enclosed porch. Mrs. Vennell stated that the application being heard this evening is only for the side yard setback variance for a proposed cantilever deck. The Board of Appeals is only hearing testimony in regards to the variance application received and the case that was advertised. Mrs. Vennell added that a property owner is permitted to enclose an existing covered porch once proper permitting has been obtained. Mr. Pugh inquired if this was going to be two apartments, a single family home or will be used as an Air B & B. Mr. Wynegar replied that this renovation was for a single family home. Mrs. Vennell stated for the record there is not enough land area to be a two family home. Mr. Pugh disbursed pictures of the property and a property survey to the Board members to show how narrow the property is and began to discuss some items that did not pertain to the variance. Chairman Tenney suggested that Mr. Pugh's concerns should be discussed outside of this public hearing as they do not pertain to the variance. Chairman Tenney inquired if Mr. Pugh had an objection to the deck variance and Mr. Pugh replied that there was no objection to the deck variance.

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

Chairman Tenney closed the public hearing at 7:19 PM.

Chairman Tenney reported that the applicant of Case #2023-03-V, which was to be heard this evening, withdrew their application.

-New Business-

Chairman Tenney inquired if there were any final comments in regards to Case: A-2023-02-V.

Mrs. Vennell reported that the subject property is located within the Chesapeake Bay Critical Area. However, the deck shall not be subject to any mitigation requirements as the cantilever deck is to be installed over an existing impervious surface and is less than 250 square feet. Mrs. Vennell added that a second story deck would not be a detriment to the area as other properties in the area also have decks.

Mrs. Kline inquired if St. Mary Ann's Episcopal Church owned the adjoining property and Mr. Pugh replied yes.

APPROVED
July 27, 2023

Mr. Philip Eckman, son of Mr. Lester Eckman, stated they do not intend to encroach on the church’s property and they will make arrangements to meet with the pastor of St. Mary Ann’s Church regarding any concerns the church may have with the renovation project.

Ms. Anderson inquired about a discrepancy in the address of the subject property. Mr. Wynegar reported that it was a typo and the subject property’s address for the record is 20 Church Point Road, North East, Maryland.

Attorney Beste inquired if Mr. Wynegar would like the application be amended to state 20 Church Point Road as the location of the property and property address. Mr. Wynegar responded yes.

Ms. Anderson made a motion to approve the request for a 6 foot 5 inch side yard variance from the required 15 foot side yard setback requirement (two side yard setbacks required neither less than 5 feet and totaling a minimum of 15 feet), for the purpose of installing an 80 square foot second story unenclosed cantilever deck in the side yard.

Mrs. Kline seconded the motion and the motion was approved by all.

-REPORTS-

None.

-MISCELLANEOUS-

None.

-NEXT MEETING-

The next Board of Appeals which is scheduled for May 25, 2023 was cancelled.

-ADJOURNMENT-

Ms. Anderson made a motion to adjourn the meeting at 7:29 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

APPROVED
July 27, 2023