

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND MANAGEMENT

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, July 6, 2016, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Tony Doerr	Jim Hinebaugh	Deborah Carpenter-staff
Troy Ellington	Gorman Getty	William DeVore -staff
Tim Schwinabart	Jay Moyer	Chad Fike-staff
Jeff Messenger	Paul Durham	Kevin Null
Elizabeth Georg	Kerry Schultz	David Ritchie
Jeff Conner	William Weissgerber	Karen Myers
Cecil Holtschneider	Mr. & Mrs. George Haentfling	

1. Call to Order - by Chairman Tony Doerr at 1:30 pm.
2. The May minutes were unanimously approved, as submitted, by a vote of 7 to 0.
3. Report of Officers – None
4. Unfinished Business –
5. New Business –

A. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-

- a. **VR-753-** an application submitted by Michael Kennedy, for a Variance to allow the construction of a residence to within ten feet of the side and rear property lines and to allow a deck to within 0.5 feet of the rear property line. The owner has purchased the buy down from the State of Maryland. The lot is less than 17,400 square feet in size and less than 60 feet in width. The property is located at North

Shore Drive, in Swanton. The parcel can be found on tax map 59, parcel 110 and is zoned Lake Residential 1 (LR1). The Planning Commission had no comments regarding this case.

- b. **VR-754-** an application submitted by Deep Creek Marina, LLC, for a Variance to allow the reconstruction of a boat storage building to within five feet of a side property line, within the existing building footprint. The property is located at 1077 Deep Creek Drive, in McHenry. The parcel can be found on tax map 50, parcel 255 and is zoned Town Center (TC). The Planning Commission offered no comments regarding this case.
- c. **VR-755-** an application submitted by First United Bank and Trust for a Variance to allow a free standing sign that would exceed the maximum height restriction as established, by the Board, at a previous variance hearing. The property is located at 38 Vacation Way, in McHenry. The parcel can be found on tax map 42, parcel 428 and is zoned Town Center (TC). After discussion, the Planning Commission decided not to formally comment on this case.

2. Action on Major Subdivisions- None

3. Action on Planned Residential Developments (PRD's)- None

- 4. **Proposed Amendment to the Deep Creek Watershed** – Director of Planning, Deborah Carpenter noted that the County Commissioners will have a public hearing concerning the citizens petition to amend the Deep Creek Watershed Zoning Ordinance. The amendment would prohibit natural gas well heads in the Deep Creek watershed. The hearing will be held at Garrett College, **at 6:00 pm., on July 12, 2016.**

5. Waiver Requests –

- a.) **Rocklick Creek Estates-** Chairman Doerr explained that in April of this year the Commission approved a waiver requested by Cecil Holtschneider for a subdivision road that would intersect with Haentfling Road at an angle that does not meet the minimum inside angle of 68 degrees required in the Subdivision Ordinance. Mr. Holtschneider is now requesting a waiver from the sections of the Ordinance regarding road shoulders and right-of-way width.

The Ordinance requires the proposed road to have a 16-foot cartway consisting of a minimum of six inches of stone and one-foot wide shoulders consisting of a minimum of three inches of stone. The applicant is requesting a waiver from the shoulder requirements in order to build a retaining wall and guard rail within the

required shoulder areas. Mr. Holtschneider has also requested a waiver from the required minimum 50-foot right of way width since he believes that the proposed road can be constructed within the 18-foot wide strip of land that he claims to own. Kerry Schultz of Mountain View Engineering and Surveying believes that the road could be built using the 18-foot wide strip of land without restricting the cartway width. Chad Fike of the County Planning Office believes that it will be difficult to construct the road, retaining wall and guardrails all within an 18-foot wide area.

George Haentfling stated that he believes the proposed road infringes on his property. Mr. Haentfling believes that in the last court case between him and Mr. Holtschneider, the judge determined that the centerline of the old road is the property line and he believes that Mr. Holtschneider does not own an 18-foot wide strip of land between the properties. The Haentfling's believe that the subdivision access should be from Garrett Highway instead of Haentfling Road.

The County Attorney, Gorman Getty, stated that he has not received a certified title regarding the property ownership of the site. Although the property lines are disputed, Mr. Getty noted that it is not the County's job to determine ownership or property boundaries, and that Mr. Shultz has provided a stamped survey showing his professional determination of the location of the property lines.

Mr. Holtschneider stated that Haentfling Road is not the only access to the property, but it is the only access that would work for these 19 lots, because Haentfling Road has deviated from its original location. The applicant believes that this is not a new access to the property.

Mr. Fike noted that the Commission granted the waiver for a sharper road angle, provided that the construction activity would only take place completely on the applicant's property. The Commission is concerned about the proposed narrow width of the road, especially problems that may arise because of parallel roads, plowing and snow removal.

After considerable discussion, the Commission decided to table the request, visit the site and then take up the appeal at the next meeting of the Planning Commission, by unanimous vote of 7 to 0.

- B. Discussion and Decision- Architectural Review** –William DeVore of the Planning Office noted that the boat storage building, associated with VR-754, is subject to certain architectural review standards, by the Planning Commission, per Section 157.078 of the Deep Creek Watershed Zoning Ordinance. The building would replace

an existing metal building with a similar metal structure. The building is visible from Deep Creek Drive, but will be partially obscured.

The Commission voted unanimously to allow the façade of the building to be metal because less than 60 percent of the building face is visible from the road. A motion to that effect was approved by a vote of 7 to 0.

- C. Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for **August 3, 2016** in the County Commissioners Meeting Room, at **1:30 pm**.

Respectfully submitted,

William J. DeVore
Zoning Administrator

