

City of Cambridge

Department of Public Works
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Board of Appeals Minutes May 26, 2020

The Board of Zoning Appeals for the City of Cambridge met at 6:00 p.m. on Tuesday, May 26, 2020 via a conference call, while staff and the Chair of the Board, Bill Clyde were the only ones present at the Department of Public Works located at 1025 Washington Street, Cambridge, Maryland.

Board Members in Attendance by phone: Vice-Chair Gaver Nichols, Commissioners Robin Sample, Dormaim Green, Barbara Knepp and alternate William Bishop.

Other representatives in Attendance: Chairman Bill Clyde and Herve Hamon, Planner I at DPW; Kyle Kirby, City Attorney by phone

Appellants on the phone: Emmett Dunnock

Note: There were no witnesses or member of the public on the call

Chairman Clyde opened the meeting at 6pm.

Chairman Clyde then issued a welcome and explained the order of the proceedings.

Chairman Clyde swore in those wishing to testify.

Chairman Clyde asked for a motion to approve the revised May 26, 2020 BOA Agenda where only BOA 2020-006 - #10 Cedar Street - Produce Stand would be heard.

Vice Chair Nichols made a motion to approve the revised agenda as submitted, it was seconded Commissioner Knepp; all approved.

Chairman Clyde asked for a motion to approve the April 28, 2020 BOA meeting minutes as submitted; Vice Chair Nichols made a motion to approve the April 28, 2020 meeting minutes as submitted, it was seconded by Commissioner Sample; all approved.

Regular Business:

1. BOA 2019-006 – Special Exception for Temporary or Seasonal Activities

Background:

- Mr. Dunnock is requesting a Special Exception to operate a produce stand located at #10 Cedar Street.
- Mr. Dunnock has operated at this location for numerous years with no complaints being registered at the City.
- This stand was in operation prior to the arrival of present staff. Staff did some research to see when the special exception for the stand would expire and was not able to locate a permit. Staff approached Mr.

Dunnock about this matter last season. He indicated that he had just operated the stand and had not gone through a City process.

- It was agreed that Mr. Dunnock could continue to sell produce to close out the year but should come to the City for a special exception for his produce stand.
- The site has access from Cedar Street and is located in the parking lot, approximately where the stacks of stone are shown in the picture below.
- The stand sells produce from 9:30 am to 5:30 pm, seven days a week, from the beginning of June to the end of August. Giving Cambridge residents access to fresh produce is a great amenity and much needed service.
- Additionally, this stand has been in operation for a long time with no complaints or safety issues ever being raised.

€ Discussion:

Staff enumerated the 7 standards which need to be satisfied in order to receive approval for a special exception:

1. The establishment, maintenance and operation of the special exception at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special exception at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special exception at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.
4. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.
5. The special exception shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
6. The special exception shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.
7. The proposed use at its proposed location conforms to the Comprehensive Plan.

Staff reviewed conditions 1 through 7 above and found the proposed produce stand at #10 Cedar Str. to comply with all.

Mr. Dunnock explained that no more than 4 cars at any given time were stopped at the produce stand. He also explained that there was a mutual agreement between the property owner ((Bennett Seed and Feed) and himself, beneficial to both businesses. I also explained that with the recent situation, he can bring produce to elderly customers while they stay in their cars.

None of the Board members had any additional questions for the appellant.

€ Decision:

Commissioner Nichols made a motion that for BOA 2019-006 – Special Exception for Temporary Seasonal Activities, the Board approve the application as submitted. Commissioner Green seconded that motion. The motion passed unanimously, and the special exception was approved.

Chairman Clyde asked for a motion to adjourn.

Motion was made to adjourn by Vice-Chair Nichols; seconded by Commissioner Sample; all approved.

The meeting adjourned at 6:30pm.

Respectfully submitted,

Herve Hamon, Planner I

Signature: William Clyde
William Clyde, Chairman, Board of Appeals

Date: June 3, 2020