

# ***ARCHITECTURAL REVIEW COMMITTEE AGENDA***

***February 6, 2024***

***Administration Conference Room***

<b><i><u>ARC Meeting Agenda 2-6-24</u></i></b>				
<b><i>Public Comments</i></b>				
<b><i>Variances/Exceptions:</i></b>				
<b><i><u>Time</u></i></b>	<b><i><u>Sec/Lot</u></i></b>	<b><i><u>Address</u></i></b>	<b><i><u>Discussion</u></i></b>	<b><i><u>Comments</u></i></b>
1:05 p.m.	11/0034	12 Boston Drive	Variance for front yard setback to be 21.5' (encroachment of 3.5' into the 25' front yard BRL).	<i>Not Approved; granted 1' additional on the sides for extra footage to the home</i>

**ARCHITECTURAL REVIEW COMMITTEE**  
**February 6, 2024**

PRESENT: John Dillworth, Kevin Middleton, Susan Holt, Beth Gismondi  
ALSO PRESENT: Elaine Brady (Board Liaison), Joshua Vickers (Chief Inspector)

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John called the meeting to order at 1:05 p.m.

**12 Boston Drive – Variance for the front yard setback to be 21.5’ (encroachment of 3.5’ into the 25’ front yard BRL):**

Mr. Hirschey came in to explain his reasons why he needs to have this variance. He was accompanied by his architect. The County approved the 10ft variance for Mr. Hirschey to build outside of the BRL front. He explained his three hardships for why he needs this variance granted. After listening to his hardships, John noted that the culvert pipe could be removed, the pandemic affected everyone, and the last hardship of this being a wetland lot has affected other people and should not be a factor. Mr. Hirschey believes that all the hardships are unique to this lot and his plans. He is now only requesting a 3.5’ variance into the BRL and believes he has gone above and beyond to appeal the needs and have this variance approved. He has spoken to the neighbor next door and she didn’t have any objections to this request. John said that because he is working with a modular company, he is not sure why they cannot change the design any further. Mr. Hirschey asked if the hardships are not acceptable to the variance. The culvert pipe is also causing issues to neighbors by adding wash out and silt. He also claimed that the house will be 18’ further back than neighbors on either side. John believed that this was a very hard application to come forward with. No applications have been approved for a front BRL property line variance. Mr. Hirschey believes that acceptance or denials are not supposed to reflect on any case. Even if all have been denied, this should not be a factor. Mr. Hirschey asked what the definition of a reasonable hardship is, and why doesn’t everything he addressed not meet these hardships. Mr. Hirschey noted that he had to pay \$200,000 extra to design a smaller house; Insight first cost was \$380,000 and with the changes to make it even smaller the cost is \$440,000. If he goes with any other contractor they would charge \$200,000 more to the \$440,000 insight cost. Kevin noted that the DRs of the 25-foot BRL is solid in OPA and unmovable. Mr. Hirschey believe that if he must start the permit process over again that this will move it into the view of the neighbor’s house and believes that will cause the issues even more with the neighbors. Susan explained that because the lot washed away is not a reason to grant the setback variance due to that fact this is happening all over Ocean Pines. Kevin made a motion to deny the request of the 21.5’ in the front setback but proposed increasing the side BRL setback from 6’ to 5’ to allow for additional square footage of the home, with approval from the County. Susan seconded the motion; all were in favor. Mr. Hirschey noted that this will not work with Insight or himself, while it was great to have an additional foot on each side, he feels this will cause issues with the neighbors to the right and still will need 2’-3’ feet in the front. Mr. Hirschey commented that he should have been granted the variance due to his time and money difficulties that should not have been bestowed upon him. He lost \$3,000 with the lawyer and extra architect. He added that he was led to believe that he could appeal the decision and the ARC Committee should have been more transparent with their minutes and their decisions and denied it in November. The Committee suggested that Mr. Hirschey look at other builders, but the architect and homeowner stated that no builders is going to build a home less than the 49’ standard.

**Minutes**

A change was made to the wording on the Tiller Lane exception. Susan made a motion to approve the minutes from the January 16, 2024 meeting as revised, John seconded, and all were in favor.

**Old Business**

Legal is still reviewing the revisions to the Guidelines.

**Adjournment**

Susan made a motion to adjourn, Beth seconded; all were in favor. The meeting adjourned at 3:21 p.m.