

**NOTICE OF PUBLIC HEARING
WORCESTER COUNTY
BOARD OF ZONING APPEALS**

AGENDA

THURSDAY, JULY 9, 2020

Pursuant to the provisions of the Worcester County Zoning Ordinance and due to the current COVID-19 pandemic, and in lieu of public appearance, notice is hereby given that the public hearing will be held remotely by conference call with the Board of Zoning Appeals for Worcester County.

Please review the attached page following the agenda that provides directions for joining and participating in the meeting.

6:30 p.m.

Case No. 20-37, on the lands of Jani & Angelina Zhupa, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 8.2 feet (an encroachment of 21.8 feet) associated with a proposed open deck addition in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 10105 Ponderosa Court, approximately 146 feet north of Nature Park Drive, Tax Map 21, Parcel 294, Lot 21 of the Herring Landing Subdivision, in the Tenth Tax District of Worcester County, Maryland.

ADMINISTRATIVE MATTERS

Joining and Participating in the July 9, 2020 Board of Zoning Appeals Webinar

Zoom is a web-based application that offers the ability to join and participate in a meeting in a variety of ways. Below we will provide you with the instructions for joining the meeting by telephone, by computer, or both. You can also download the Zoom Mobile App for iOS or Android, and the Zoom desktop app for Windows and Mac users, however THIS IS NOT REQUIRED.

There will not be any video participation as a part of the meeting. The only visual that may be provided will be a copy of the agenda on the screen. All staff reports, site plans and exhibits will be provided in the meeting “packet” which can be found on the Worcester County website in the Meeting File

Archives: <http://www.co.worcester.md.us/departments/commissioners/minutes>

The full case packet including the application, adjoiner notifications and other required documents can be reviewed by contacting the Department.

NOTE: PRE-REGISTRATION IS REQUIRED FOR ALL PARTICIPANTS. Please register by Noon the day of the meeting. Pre-registration can be completed with a valid email address by using the below link:

https://us02web.zoom.us/webinar/register/WN_xRIKCo4DROucn_C8PEgpnw

Once registration has been complete, you will receive a follow up email providing instructions on how to join the meeting. You may join the meeting by telephone only, by computer or both. ***Please do not forward the link received in your confirmation email;** this link is tailored specifically to the registered individual. If another individual would like to join the meeting, they must pre-register as well.

If you have concerns or would like clarification on the process, please contact our office as soon as possible. No one will be available to assist at the time of the meeting.

To Join by Telephone:

1. Please dial the telephone number provided in the Webinar Confirmation email, received after you have registered.
2. When prompted, please enter this Webinar ID to join the meeting: **878 2873 7917**
3. When prompted, please enter this password: **135467**
4. If you have first joined by computer or mobile device. You will be prompted to enter your unique Participant ID. To skip this step, press #.

To Join by Computer:

Click on the link provided in your Webinar Confirmation email. ***Please do not forward this individualized link.** If another individual would like to join the meeting, they will need to pre-register as well.

If you have a computer with a microphone and speakers, you can participate directly on your computer. If you do not have these features built in, a pop-up screen should automatically provide you with the information needed to call into the meeting following the same steps above. If it doesn't, please follow the instructions below:

- Click “Join Audio” in the meeting controls at the top of the screen.
- Click “Phone Call” and follow the instructions provided for dialing in: If this is your first time using Zoom, select the country you're calling from in the flag drop-down menu, and call one of the numbers provided.
- Enter the Webinar ID **878 2873 7917** followed by #.
- Enter your unique participant ID followed by #.

Participating:

To prevent background noises during the presentation, everyone is automatically muted upon joining the meeting.

Applicants:

If you are an applicant or presenter, when it is your turn to participate your case item will be read aloud. You will be asked to **raise your “virtual” hand by pressing *9 if you joined the audio by telephone. If you have joined the meeting through the computer, please click the Raise Hand button.** Once your hand has been raised the Host can unmute you.

Once staff has read the case, you will be asked to state your full name and address for the record then be sworn in by the Board Attorney. The Chairman of the Board will ask you if you have any additions or corrections to the case as it was read. You will then be prompted to explain your request. **Please be sure to review and address the list of special exception or variance criteria that is outlined in your staff report.**

Following your testimony, the Chairman will ask if the Board has any questions for you; the Chairman will then ask if anyone from the public would like to speak. Once all comments have been heard, you will be given an opportunity to make closing remarks. The Chairman will then request a member of the Board make a motion on your case. When your case is complete, you will be muted and may leave the meeting.

Receiving Public Comment:

If you are not a presenter but would like to speak on a particular case, raise your “virtual” hand when the Chairman asks for public comments. **Raise your “virtual hand by pressing *9 if you joined the audio by telephone. If you have joined the meeting through the computer, please click the Raise Hand button.** The Host will call on you in the order “virtual” hands are raised. The Host will address you by name (if you entered it on the computer) or by the last four digits of your phone number if your name is not available virtually.

You will be asked to state your full name and address for the record then be sworn in by the Board Attorney. The Chairman of the Board will ask if you are speaking for or against the application and why. **We are requesting that all participants please limit comments to 2 minutes.** Once complete, the Chairman will ask if the Board has any questions for you. When complete, you will be muted.

For any questions regarding this process, please contact Jessica Edwards at jedwards@co.worcester.md.us or (410) 632-1200, extension 1139.

May 19, 2020

Dear Board of Appeals,

My wife and I purchased our home, 10105 Ponderosa Ct, in May of 2019. Our home is at the very back of Nature Park Drive, at the cul-de-sac which backs into the West Ocean City, Nature Park. Currently, there is a large stone patio in the back that we hope we can turn into a raised deck, to match our first floor.

Zoning setbacks require 30' from any building lot lines. Although we respect the zoning laws, we request a variance. Our property is at the end of the community facing Nature Park, there will not be any other homes built behind us, and our proposed raised deck will not be seen, or have any visual interference with our neighbors. If anything, the deck will raise the value of the home, which will have positive impacts to our neighbors. We have spoken to our neighbors about our plans, and they have all been supportive and encouraging.

We hope our request is considered.

We will respectfully await your decision.

Sincerely,

Jani & Angelina Zhupa

10105 Ponderosa Ct,

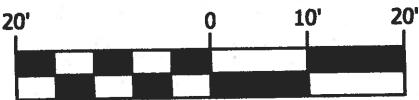
Ocean City, MD 21842

443.880.5242

Angelina.zhupa@gmail.com

NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY, WETLANDS, UTILITIES OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.

LANDS OF COUNTY COMMISSIONERS OF WORCESTER COUNTY



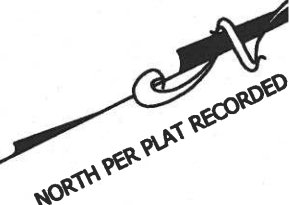
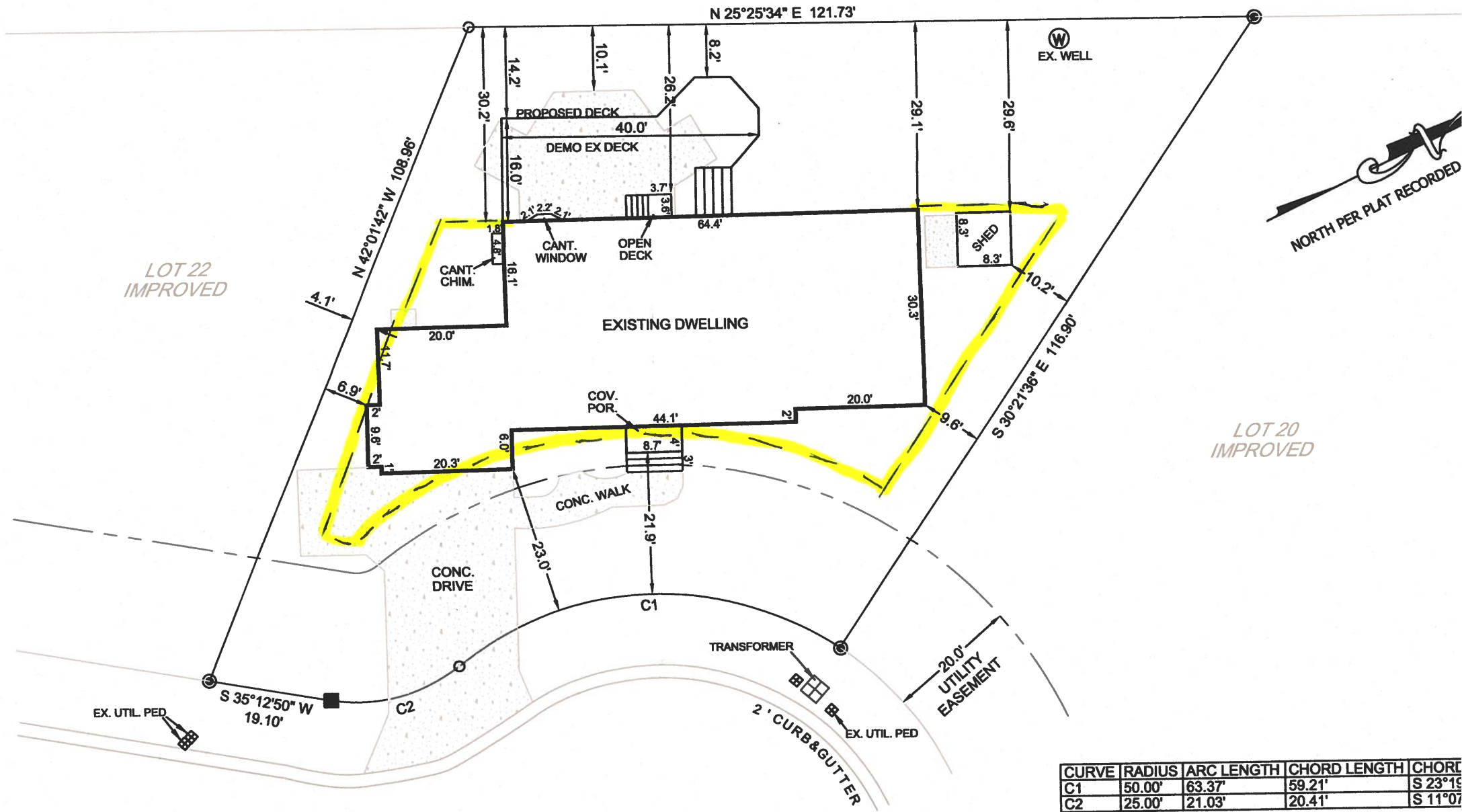
(IN FEET)

1" = 20'

MIN. ACCURACY = 0.1'±

LEGEND

- DENOTES CONC. MON. FOUND
- DENOTES IRON ROD FOUND
- DENOTES UNMARKED POINT



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	63.37'	59.21'	S 23°19' E
C2	25.00'	21.03'	20.41'	S 11°07' E

GENERAL NOTES:

ADDRESS: 10105 PONDEROSA COURT
TAX MAP: 21, PARCEL: 294
DEED REF.: S.R.B. 7399/247
PLAT REF.: R.H.O. 140/33
LOT AREA: 10,427 S.F.±
BLDG ENVELOPE: 3,408 S.F.±
EX. ZONING: R-2
ZONING SETBACKS:
FRONT: 25', SIDES: 8', REAR: 30'
FLOOD ZONE: X
PER FIRM NO. 240083 0180 H
DATED JULY 16, 2015

AS-CONSTRUCTED SURVEY WITH PROPOSED DECK
LOT 21 - HERRING LANDING SUBDIVISION
TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

RUSSELL
Survey
SURVEYING
10310 Hotel Road
(410) 352-56

DRAWN BY
FILE NO.
DATE

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-37

HEARING DATE: July 9, 2020

LOCATION: 10105 Ponderosa Court, approximately 146 feet north of Nature Park Drive, Tax Map 21, Parcel 294, Lot 21 of the Herring Landing Subdivision, in the Tenth Tax District of Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the Ordinance prescribed rear yard setback from 30 feet to 8.2 feet (an encroachment of 21.8 feet) associated with a proposed open deck addition in the R-2 Suburban Residential District

CODE REFERENCES: ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305

PROPERTY HISTORY:

04/13/1995	Building Permit No. 40186 – Issued 05/09/1995 – C/O Issued 05/15/1995 Single Family Dwelling with shed pumphouse
04/16/1997	BZA Case No. 49646 – Variance to the side yard setback from 8 feet to approximately 5.5 feet and a variance to the front yard setback from 50’ to approximately 47 feet associated with the proposed construction of a detached garage - Granted
02/19/1999	Building Permit No. 59101 – Issued 02/24/1999 – CO Issued 05/19/2006 Attached garage, three rear dormers and finish upstairs
04/20/2006	Building Permit No. 101449 – Issued 05/24/2006 – No CO on file AFT fence, driveway, walkway and patio

COMMENTS: The property owner is requesting a variance to the rear yard setback for the proposed construction of a raised open deck. There is currently an at-grade deck in the location of the proposed raised deck. The aforementioned at-grade deck is 10.1 feet from the property line. Since at-grade decks are not required to meet the rear yard setback as is applied to an above-ground structure, a variance was not necessary. The rear of this lot conjoins with Herring Creek Nature Park and the proposed deck will face the park.

For the variance request, the Board must make findings that the applicant has demonstrated the following:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.
2. Literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
3. The special conditions or circumstances did not result from actions of the applicant.
4. The condition or circumstance is not one that could be reasonably provided for under legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.

SUBSEQUENT PROCESSES IF APPROVED:

1. Obtain a Building Permit for the proposed deck;
2. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
3. Submit all applicable fees.

OWNER: Jani & Angelina Zhupa
10105 Ponderosa Court
Ocean City, MD 21842

PREPARED BY: Zoning Division Staff

In accordance with Section ZS 1-114, the Department has met the public notification requirements with regard to advertisement in a local paper, posting of property and notification of adjoining property owners



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer K. Keener, Zoning Administrator
From: David Mathers, Natural Resources Planner (DM)
Subject: Board of Zoning Appeals Comments – July 9, 2020
Date: June 18, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, July 9, 2020, for their conformance with the Forest Conservation Act.

6:30 pm – Case #20-37:


This property is subject to Forest Conservation Plan #94-3. Forest Conservation Easement areas are to be kept as a natural habitat area, no clearing or grading within these Conservation Easement areas is permitted, and any new structures and improvements must not encroach into the Forest Conservation Easement. Furthermore, all Forest Conservation signs must be in place around the Conservation Easements.



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer K. Keener, Zoning Administrator

From: Joy S. Birch, Natural Resources Specialist III 

Subject: Board of Zoning Appeals Comments – July 9, 2020

Date: June 15, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, July 9, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #20-37:

This request is located outside of the Atlantic Coastal and Chesapeake Bay Critical Area programs. No Comment.

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863
TEL: 410-632-1220 FAX: 410-632-2012



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Board of Zoning Appeals (BZA) for a July 9, 2020 meeting

From: Environmental Programs Staff

Subject: Case No. 20-37; TM 21 P 294 L 21 – requesting a variance to the ordinance prescribed rear yard setback from 30 ft. to 8.2 ft. associated with a proposed open deck addition.

Date: June 15, 2020

These comments are based upon the site plans received and are subject to change as the plans change to accommodate comments made by other committee members.

The proposed open deck addition is more than 45 ft. from the existing well, therefore Environmental Programs has no objection to this request.

Citizens and Government Working Together