

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

October 10, 2019

The Worcester County Board of Zoning Appeals met on the above date in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland. Members present were: Robert Purcell, Thomas Babcock, Joe Green, Glenn Irwin and Larry Fykes. Also in attendance were Jennifer Keener, Zoning Administrator, Jessica Edwards, Customer Service Representative, Joy Birch, Natural Resources Specialist III, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 19-40**, on the lands of Mohammad Nasir and Mahe Iqbal requesting a special exception to allow an existing manufactured home to be used for non-residential purposes in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(12), ZS 1-305, ZS 1-314 and ZS 1-339, located at 2832 Betheden Church Road, at the terminus of Klej Grange Road, Tax Map 78, Parcel 99, in the Eighth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Valeria Nasir. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried unanimously to grant the special exception as requested. The hearing ended at 6:36 PM.

The public hearing commenced at 6:36 PM on **Case No. 19-37**, on the application of Charles “Roy” Trageser, on the lands of YK Enterprises, LLC, requesting a variance to the Ordinance prescribed lot width requirement from 200 feet to 182.74 feet (a reduction of 17.26 feet) in the E-1 Estate District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-203(b)(4), and ZS 1-305, located at 12046 St. Martins Neck Road, approximately 1,988 feet west of Back Creek Road, Tax Map 10, Parcel 167, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark Cropper, Esquire, Charles Trageser and Kimberly Deppe. There were no protestants. Submitted as Applicant’s Exhibit No. 1 was a survey of the property with the proposed improvements. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and the decision was carried unanimously to grant the variance as requested. The hearing ended at 6:42 PM.

The public hearing commenced at 6:43 PM on **Case No. 19-32**, on the application of Dylan Drew, on the lands of Mary Ange, requesting a variance to the Ordinance prescribed front yard setback from 25 feet to 14.7 feet (an encroachment of 10.3 feet) associated with the proposed construction of a single-family dwelling 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 12121 Salt Point Road on the northwestern corner of the intersection with Cove Landing Road, Tax Map 4, Parcel 26, Block 9, Lot 1, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application.

Appearing as witness and providing testimony was Dylan Drew, Mary Ange and Mark Ange. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Duffy and carried unanimously to grant the variance subject to the following conditions: the existing shed must be relocated to meet current zoning setbacks. The hearing ended at 6:49 PM.

The public hearing commenced at 6:50 PM on **Case No. 19-39**, on the lands of Vincent & Denise Lynch, requesting a special exception to reconstruct a non-conforming two-story addition to an existing single family dwelling, in the V-1 Village and RP Resource Protection Districts, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-122(d)(1)B, ZS 1-204(b)(2) and ZS 1-305, located at 10720 St. Martins Neck Road, approximately 507 feet south of Bishopville Road (MD Route 367), Tax Map 9, Parcel 153, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Vincent Lynch and Denise Lynch. There were no protestants. Following the discussion, it was moved by Mr. Babcock seconded by Mr. Green and the decision was carried unanimously to grant the special exception as requested. The hearing ended at 6:55 PM.

The public hearing commenced at 6:55 PM on **Case No. 19-36**, on the application of Mark S. Cropper, Esquire, on the lands of Hugh F. Jr. and Tonia B. Wilde, requesting a variance to the Atlantic Coastal Bays Critical Area Regulations to allow a pier to extend greater than 100' over state or private wetlands in the R-1 Rural Residential District and the RP Resource Protection District pursuant to Zoning Code Sections ZS 1-116(m), ZS 1-116(n)(2) and Natural Resources Sections § NR 3-125(b)(1) and NR 3-111, located at 10620 Piney Island Drive, approximately 530 feet south of Bunting Road, Tax Map 15, Parcel 218, Lot 7, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark Cropper, Esquire, Stacy Hart, engineer and Hugh Wilde, property owner. There were no protestants. Submitted as Applicant's Exhibit No. 1 was the BZA File for Case Number 44118. Submitted as Applicant's Exhibit No. 2 was the BZA File for Case Number 105012. Submitted as Applicant's Exhibit No. 3 was an MDE letter referencing the project and plans prepared by J. Stacy Hart & Associates for the proposed work. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Fykes and the decision was carried unanimously to grant the variance as requested. The hearing ended at 7:12 PM.

The public hearing commenced at 7:12 PM on **Case No. 19-38**, on the application of Mark S. Cropper, Esquire, on the lands of David Dvorchak, requesting a shoreline modification to exceed the allowable channelward extension of 19.4 feet by 7 feet (for a total of 26.4 feet channelward) in conjunction with a proposed boat lift in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(n)(2) and Natural Resources Sections § NR 2-102(e)(1), located at 10506 Brighton Road, approximately 265 feet north of Rumgate Road, Tax Map 21, Parcel 8, Section A, Lot 17, of the Cape Isle of Wight Subdivision, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark Cropper, Esquire, Steve Engel, David Dvorchak and

Steve Soule. There were no protestants. Submitted as Applicant's Exhibit No. 1 was an aerial photograph of the property in question. Submitted as Applicant's Exhibit No. 2 an enlarged aerial photograph of the property with proposed project. Submitted as Applicant's Exhibit No. 3 was an enlarged aerial photograph of property with a view of the neighboring lots. Submitted as Applicant's Exhibit No. 4 was the BZA File for Case Number 19-2. Submitted as Applicant's Exhibit No. 5 were letters supporting the project from six neighbors. Submitted as Applicant's Exhibit No. 6 was an additional letter of support from a neighbor. Following the discussion, it was moved by Mr. Green, seconded by Mr. Duffy and the decision was carried unanimously to grant the modification subject to the following conditions: The project cannot exceed 26.4' channelward. The hearing ended at 7:29 PM.

The public hearing commenced at 7:30 PM on Case No. 19-41, on the application of Hugh Cropper, IV, Esquire, on the lands of Michael and Diana Abbaticchio, requesting an after-the-fact variance to the Ordinance prescribed right side yard setback from 9.4 feet to 3.6 feet (an encroachment of 5.8 feet) associated with the construction of a second story on an existing one-story detached garage in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-201(d)(2), and ZS 1-305, located at 8921 Stephen Decatur Highway, on the northwesterly side of Stephen Decatur Highway, approximately 373 feet south of Dutch Harbor Lane, Tax Map 33, Parcel 9, Lot 6, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, Diana Abbaticchio, Michael Abbaticchio and Russel Hammond. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a survey of the subject property illustrating the existing well, the septic reserve area and the garage. Submitted as Applicant's Exhibit No. 2 was email correspondence between Russel Hammond and staff of the Department of Environmental Programs regarding the septic reserve area. Submitted as Applicant's Exhibit No. 3 was a photograph of the garage after work had stopped. Submitted as Applicant's Exhibit No. 4 was a photograph of the garage prior to construction. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Fykes and carried unanimously to grant the variance as requested. The hearing ended at 7:45PM.

Administrative Matters

With no further business before the Board, the meeting was adjourned at 7:46 PM.

Respectfully submitted,

Jessica Edwards
Customer Service Representative