

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

January 12, 2017

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: David Dypsky, Robert Purcell, Thomas Babcock, Joe Green, Glenn Irwin, Rodney Belmont and Larry Fykes. Also in attendance were Jennifer Keener, Zoning Administrator; Cathy Zirkle, License Permit Clerk, Jenelle Irwin, Natural Resources Administrator, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 16-32**, on the lands of Barry Mariner, requesting a special exception to establish a winery as part of a producing vineyard in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(10), ZS 1-322 and ZS 1-325, located at 11206 Worcester Highway, approximately 0.3 miles south of Racetrack Road (MD Route 589), Tax Map 15, Parcel 131, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Barry Mariner, Jeanie Mariner, Brittany Mariner and Robert Savage (Morning Song Vineyards). There were no protestants. Submitted as Applicant's Exhibit No. 1 was a new "existing conditions" survey. Submitted as Applicant's Exhibit No. 2 was a 3 page property history packet. Following the discussion, it was moved by Mr. Green, seconded by Mr. Babcock and carried unanimously to grant the special exception as requested. The hearing ended at 6:51 PM.

The public hearing commenced at 6:53 PM on **Case No. 17-1**, on the application of Erick Bruder, on the lands of SNRX, LLC, requesting a special exception to increase the height of a fence within the front yard setback in the I-1 Light Industrial District, pursuant to Zoning Code Sections ZS 1-116(c)(3) and ZS 1-305(k)(3)C, located at 11903 Peerless Road, at the northwesterly intersection with Worcester Highway, Tax Map 15, Parcel 81, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Steve Rakow, Esquire, Erick Bruder and Jacques Rimmel. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a copy of the Maryland Medical Cannabis Commission application packet security fence section. Submitted as Applicant's Exhibit No. 2 was an aerial photo of the building with the fence highlighted. Submitted as Applicant's Exhibit No. 3 was a site plan including landscaping. Following the discussion, it was moved by Mr. Purcell, seconded by Mr. Belmont and carried unanimously to grant the special exception with the condition that the landscape screening shall be installed immediately (at permit stage) and shall be continuously maintained. The hearing ended at 7:09 pm.

The public hearing commenced at 7:10 PM on **Case No. 17-2**, on the application of Mark S. Cropper, Esquire, on the lands of Ocean II Group, LLC, requesting a special exception to increase the height of a non-residential structure not to exceed 57 feet in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3) and ZS 1-305(n)(1), located at 12708 Ocean Gateway (US 50), approximately 322 feet east of Stephen Decatur Highway (MD Route 611), Tax Map 27, and a combination of Parcel 143, Lot 12, Parcel 144, Lots 9, 10, & 11 and Parcel 157, Lot 19, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark S. Cropper, Esquire and Keith Fisher, architect. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a drawing of the proposed building. Submitted as Applicant's Exhibit No. 2 was the opinion from BZA case 90747. Submitted as Applicant's Exhibit No. 3 was the opinion from BZA case 14-14. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and carried unanimously to grant the special exception as requested. The hearing ended at 7:18 PM.

The public hearing commenced at 7:19 PM on **Case No. 17-7**, on the lands of Stephen Paterakis, on the application of Mark S. Cropper, Esquire, requesting an after-the-fact variance to the Ordinance prescribed rear yard setback from 50 feet to 48.21 feet (an encroachment of 1.79 feet) and requesting a special exception to make a payment into the Forest Conservation fee in lieu fund associated with steps off of a rear deck in the R-3 Multi-Family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-116(k), ZS 1-207(b)(2) and Natural Resources Code Section NR 1-413, located at 67 Skyline Court, 900 feet northeast of Boatswain Drive, Tax Map 16, Parcel 15, Section 19, Lot 67, in the Ocean Pines Subdivision in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark S. Cropper, Esquire, Stephen Paterakis, Greg Wilkins, land surveyor and Jack Collins, neighbor. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a survey with the encroachment highlighted. Submitted as Applicant's Exhibit No. 2 was a photo of the old steps. Submitted as Applicant's Exhibit No. 3 was a photo of deck work in progress. Submitted as Applicant's Exhibit No. 4 was a site plan with the deck highlighted. Submitted as Applicant's Exhibit No. 5 was a photo of the right side of the new steps. Submitted as Applicant's Exhibit No. 6 was a photo of the left side of the new steps. Submitted as Applicant's Exhibit No. 7 was a photo of the shoreline and rip-rap. Submitted as Applicant's Exhibit No. 8 was a second photo of the shoreline and rip-rap. Submitted as Applicant's Exhibit No. 9 was a photo of the rip-rap addition. Submitted as Applicant's Exhibit No. 10 was a photo of high tide. Submitted as Applicant's Exhibit No. 11 was a photo of the shoreline prior to the installation of additional rip-rap. Submitted as Applicant's Exhibit No. 12 was part of BZA case 13-48. Submitted as Applicant's Exhibit No. 13 was a form with neighbors' signatures in support. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Irwin and carried 4-3 to grant the variance and special exception as requested with Mr. Babcock, Mr. Belmont and Mr. Purcell opposed. The hearing ended at 7:47 PM.

Ms. Irwin departed the hearings following the conclusion of Case No. 17-7.

The public hearing commenced at 7:49 PM on **Case No. 17-4**, on the application of Hugh Cropper, IV, Esquire, on the lands Francis Scott Key Motel, LLC, requesting a special exception (transient use) to operate a laundry facility as an accessory to an existing hotel/motel in an existing building in the R-3 Multi-Family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3) and ZS 1-337(a), located at 9924 Elm Street, approximately 585 feet south of Ocean Gateway (US Route 50), Tax Map 27, Parcel 203, Lots 7, 8 & 9, in the Tenth Tax District of Worcester County, Maryland.

Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, James Dickerson and Ann Marie Dickerson. There were no protestants. Following the discussion, it was moved by Mr. Green, seconded by Mr. Belmont and carried unanimously to grant the special exception as requested. The hearing ended at 7:52 PM.

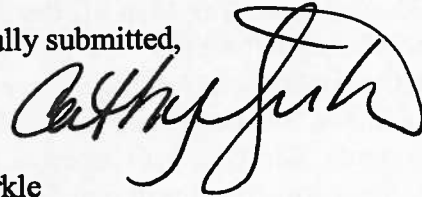
The public hearing commenced at 7:53 PM on **Case No. 17-6**, on the lands of Stephen Katsanos & Diane Stelzner, on the application of Hugh Cropper, IV, Esquire, requesting a variance to the Ordinance prescribed side yard setback from 50 feet to 32 feet (an encroachment of 18 feet) associated with the expansion of an attached garage in the E-1 Estate District, pursuant to Zoning Code Sections ZS 1-116(c)(4) and ZS 1-203(b)(3), located at 11701 Bay Landing Drive, approximately 321 feet south of Brushbuck Lane, Tax Map 51, Parcel 45, Lot 8, in the Synepuxent Landing Subdivision, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper IV, Esquire, Stephen Katsanos and Russell Hammond, Land Surveyor. There were no protestants. Mr. Cropper requested the encroachment be adjusted from 18 feet to 20 feet. Following the discussion, it was moved by Mr. Belmont, seconded by Mr. Green and carried unanimously to grant the variance as requested. The hearing ended at 7:58 PM.

The public hearing commenced at 7:59 PM on **Case No. 17-8**, on the lands of Sovereign II, LLC, on the application of Hugh Cropper, IV, Esquire, requesting a variance to the ordinance prescribed minimum lot area from 10,000 square feet to 7,498 square feet (a reduction of 2,502 square feet), a variance to the ordinance prescribed minimum lot width for lots requiring a private well from 100 feet to 50 feet (a reduction of 50 feet), and variances to reduce the proposed left and right side yard setbacks from 8 feet to 6 feet (an encroachment of 2 feet), all of which are associated with the re-subdivision of Lot 25A in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2), ZS 1-206(b)(4), ZS 1-305(l)(2), located on Waterview Drive, approximately 215 feet north of US Route 50 (Ocean Gateway), Tax Map 26, Parcel 392, Lot 25A, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Kathy Clark, owner of Sovereign II, LLC and Frank Lynch Jr, Land Surveyor. There were no protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and carried unanimously to grant the variances as requested. The hearing ended at 8:10 PM.

The public hearing commenced at 8:11 PM on **Case No. 17-5**, on the lands of Sun TRS Fort Whaley, LLC, on the application of Hugh Cropper, IV, Esquire, requesting a special exception to expand an existing rental campground by 67 sites for a total of 277 sites in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-202(c)(19) and ZS 1-318, located at 11224 Dale Road, at the southeasterly intersection with Ocean Gateway (US Route 50), Tax Map 18, Parcel 20, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Bob Hand, Land Planner and Dane Bauer, Consultant. Sarah and Robert Wisner were in attendance to question the location of the new sewage treatment building. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a zoning map of the land. Submitted as Applicant's Exhibit No. 2 was a packet with information about the sewage treatment system. Following the discussion, it was moved by Mr. Green, seconded by Mr. Belmont and carried unanimously to grant the special exception as requested. The hearing ended at 8:24 PM.

With no further business before the Board, the meeting was adjourned at 8:25 PM.

Respectfully submitted,



Cathy Zirkle
License Permit Clerk