

**WORCESTER COUNTY  
BOARD OF ZONING APPEALS  
MINUTES**

**August 10, 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, Larry Duffy, Glenn Irwin and Larry Fykes. Also in attendance were Jennifer Keener, Zoning Administrator; Cathy Zirkle, License Permit Clerk II, Valerie Dawson, Court Reporter, Joy Birch, Natural Resource Planner and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 17-43**, on the application of Delmarva Power & Light Company, on the lands of Bruce Ward Sr., requesting a special exception transient use associated with a mobile unit substation (trailer mounted) in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-105(c)(5), ZS 1-116(c)(3), and ZS 1-337(a), located at 5513 Onley Road, approximately 0.46 miles west of Railroad Avenue, Tax Map 79, Parcel 182, in the Eighth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Ryan Showalter, Charles Moore and Edwin Cade of Delmarva Power. 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 6:34 PM.

The public hearing commenced at 6:35 PM on **Case No. 17-41**, on the application of Chris D. Custis, on the lands of Osprey Builders, Inc, requesting an After-the-Fact variance to the Ordinance prescribed rear yard setback from 30 feet to 28.1 feet (an encroachment of 1.9 feet) associated with an existing concrete landing with steps in the R-3 Multi-Family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4) and ZS 1-207(b)(2), located at 114 Park Side Circle, approximately 333 feet south of Ocean Parkway, Tax Map 21, Parcel 309, Section 17, Lot 97 of 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 Hugh Cropper, IV, Esquire, and Chris Custis, Land Surveyor. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a packet containing photos of subject property, a copy of the plat and a letter of support from The Point Homeowners Association. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and carried unanimously to grant the variance as requested. The hearing ended at 6:41pm.

The public hearing commenced at 6:42 PM on **Case No. 17-42**, on the lands of Howard & Karen Martin, requesting a variance to the Ordinance prescribed front yard setback on a minor collector highway from 75 feet to 36.5 feet (an encroachment of

38.5 feet) as measured from the centerline of the road right-of-way associated with a proposed landing and stairs in the V-1 Village District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-204(b)(2) and ZS 1-305, located at 10721 Bishopville Road, approximately 361 feet north of Bishop Street, Tax Map 9, Parcel 210, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Ken Martin, builder/relative, and Karen Martin, property owner. Submitted as Applicant's Exhibit No. 1 was a sketch of proposed stoop with roof over and stairs off to the left. Based on this sketch, the request was amended to Steps to come off left side; encroachment not to exceed 26.5' from front property line (41.5' from centerline of road right-of-way). There were no protestants. Following the discussion, it was moved by Mr. Purcell, seconded by Mr. Duffy and carried unanimously to grant the variance as amended with the condition that the steps are built per Applicants exhibit # 1. The hearing ended at 6:52 PM.

The public hearing commenced at 6:53 PM on Case No. 17-40, on the lands of Mark Winterling, requesting an After-the-Fact variance to the Ordinance prescribed right side yard setback from 15 feet to 3.3 feet (an encroachment of 11.7 feet) associated with a detached accessory building, an After-the-Fact variance to the Ordinance prescribed left side yard setback from 15 feet to 8.7 feet (an encroachment of 6.3 feet) and an After-the-Fact variance to the Ordinance prescribed left side yard setback from 15 feet to 10.1 feet (an encroachment of 4.9 feet) associated with two detached sheds in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-205(d)(1), located at 11904 Cedar Creek Road, approximately 240 feet south of Shingle Landing Road, Tax Map 15, Parcel 252, Lot 2 in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark Winterling, property owner. There were no protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and carried 6-1 to deny the variance for left side yard shed #1, to deny the variance for left side yard shed #2 and grant the variance for the right side yard accessory building as requested with Mr. Purcell opposed. The hearing ended at 7:04 PM.

The public hearing commenced at 7:05 PM on Case No. 17-39, on the application of Hugh Cropper IV, Esquire, on the lands of Ralph & Colleen Degroot, requesting a variance to the ACBCA regulations to locate a deck addition within the 100' buffer in the R-2 Suburban Residential District, pursuant to Zoning Code Section ZS 1-116(m)(1) and ZS 1-206(b)(2) and Natural Resources Sections NR 3-104(c)(4) and NR 3-111, located at 10137 Waterview Drive, approximately 426 feet northwest of Pine Rest Drive, Tax Map 26, Parcel 392, Lot C1A, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Hugh Cropper IV, Frank Lynch, Land Surveyor, Ralph & Colleen Degroot, property owners. There were no protestants. Mr. Purcell recused himself from this case. Following the discussion, it was moved by Mr. Green, seconded by Mr. Duffy and carried unanimously to grant the variance with a condition that the deck may not exceed 12' not including steps. The hearing ended at 7:18 PM.

With no further business before the Board, the meeting was adjourned at 7:20 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Cathy Zirkle". The signature is written in a cursive style with a large, looping "C" and "Z".

Cathy Zirkle  
License Permit Clerk