

**WORCESTER COUNTY  
BOARD OF ZONING APPEALS  
MINUTES**

**November 9, 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, 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 and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 17-63**, on the lands of Wor-Wic Community College, requesting a special exception to establish a classroom facility in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3) and ZS 1-202(c)(22), located at 10655 Cathell Road, approximately 150 feet north of Adkins Road, Tax Map 20, Parcel 216, Lot A in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Jennifer Sandt, VP of Administrative Services. There were no protestants. Following the discussion, it was moved by Mr. Duffy, seconded by Mr. Purcell 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. 17-60**, on the lands of Alba Reyes-Santos, requesting a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 40 feet from the center of the road right-of-way (an encroachment of 10 feet) and a variance to the Ordinance prescribed rear yard setback from 30 feet to 10 feet (an encroachment of 20 feet) associated with a proposed single family dwelling in the R-3 Multi-family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(3) and ZS 1-305, located on Madison Avenue, approximately 50 feet north of Wilson Avenue, Tax Map 5, Parcel 1, Lot 142 of the Glenn Acres Subdivision, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Alba Reyes-Santos, property owner, and Elliott Wetzel. There were no protestants. Submitted as Applicant's Exhibit No. 1 were three photographs of current site conditions and two letters of support from neighbors. Following the discussion, it was moved by Mr. Green, seconded by Mr. Irwin and carried unanimously to grant the variances as requested. The hearing ended at 6:45 PM.

The public hearing commenced at 6:46 PM **Case No. 17-58**, on the lands of Rayne's Lands Holdings, LLC, requesting a special exception to expand an existing surface mining operation in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(16) and ZS 1-330, located at 7645 Downs Road on the northwest corner of the intersection with Worcester Highway (U.S. Route 113), Tax Map 40, Parcel 180, in the Fourth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Regan Smith, Esquire, and Sean Rayne and Denny Rayne, property owners. There were no protestants. Submitted as Applicant's Exhibit No. 1 were printouts of

§ZS 1-116, §ZS 1-330, §ZS 1-201 and Tax Map 40. Submitted as Applicant's Exhibit No. 2 were 11 photos of the current site conditions along with a letter from the Maryland Department of the Environment stating the site is compliant with state regulations. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried unanimously to grant the special exception with the condition that landscape screening be provided along the property line of Parcel 83 unless the existing woods line is code compliant. The hearing ended at 7:00 PM.

The public hearing commenced at 7:01 PM on **Case No. 17-62**, on the application of Justin Hearne, on the lands of Logtown Road LLC, requesting a special exception (transient use) for the use of land for an outdoor vehicle obstacle course in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-105(c)(5) and ZS 1-337, located at 8804 Logtown Road, approximately 1,383 feet west of Ocean Gateway (US Route 50), Tax Map 19, Parcel 58, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Pete Cosby, Esquire, Justin Hearne, Brad Hoffman, Event Promoter and Ed Colbert, property owner. Mark Cropper, Esquire, Chris McCabe, Dave Wilson, Mark Charles Nichols, Frank Sica and Michelle Hammond were present in opposition to the request. Submitted as Applicant's Exhibit No. 1 was a site plan. Submitted as Applicant's Exhibit No. 2 was the proposed Code of Conduct. Submitted as Applicant's Exhibit No. 3 were five letters of support. Submitted as Applicant's Exhibit No. 4 was an event statistic sheet from the Town of Ocean City. Submitted as Protestant's Exhibit No. 1 was an email between the two lawyers. Submitted as Protestant's Exhibit No. 2 was large aerial photograph of the subject property and surrounding area. Submitted as Protestant's Exhibit No. 3 was a letter of opposition from George Harkins. Submitted as Protestant's Exhibit No. 4 was a letter of opposition from Phillip Massey. Submitted as Protestant's Exhibit No. 5 was Chris McCabe's resume. Submitted as Protestant's Exhibit No. 6 was a Wetlands Map. Submitted as Protestant's Exhibit No. 7 was a Zoning Map. Submitted as Protestant's Exhibit No. 8 were seven trail camera photographs. Submitted as Protestant's Exhibit No. 9 were excerpts from the Worcester County Comprehensive Plan. Submitted as Protestant's Exhibit No. 10 was Zoning Code Section ZS 1-202. Submitted as Protestant's Exhibit No. 11 was Zoning Code Section ZS 1-209. Submitted as Protestant's Exhibit No. 12 was Zoning Code Section ZS 1-211. Submitted as Protestant's Exhibit No. 13 was an email from Otto Schlicht with Maryland Department of the Environment about past Jeep Week events at the Berlin location. Submitted as Protestant's Exhibit No. 14 was a CD video presentation. Submitted as Protestant's Exhibit No. 15 was Dave Wilson's resume. Submitted as Protestant's Exhibit No. 16 was a list of testimony-relevant experience for Dave Wilson. Submitted as Protestant's Exhibit No. 17 was a printout of the Maryland Department of the Environment's description of Sensitive Species Project Review Area designations. Submitted as Protestant's Exhibit No. 18 was a map with an overlay of threatened species areas. Submitted as Protestant's Exhibit No. 19 was a map with an overlay of DNR focus areas. Submitted as Protestant's Exhibit No. 20 was a map with an overlay of existing green infrastructure. Submitted as Protestant's Exhibit No. 21 was a map of the state of Maryland illustrating the Audubon Important Bird areas. Submitted as Protestant's Exhibit No. 22 was a map of the Worcester County Pocomoke-Nassawango Important Bird Area. Submitted as Protestant's Exhibit No. 23 was the Berlin Falls Park Interpretative Plan, the site of the former Jeep Week events in Berlin. Following the discussion, a motion to grant the special exception was made by Mr. Green and seconded by Mr. Irwin but failed 3-3 with Mr. Fykes, Mr. Purcell and Mr. Duffy opposed. The hearing ended at 10:25 PM.

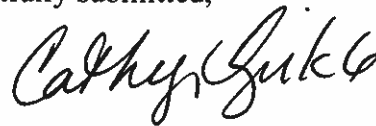
The public hearing commenced at 10:28 PM on **Case No. 17-61**, on the application of Mark S. Cropper, Esquire, on the lands of Russell Allen and Pansy Tong, requesting a variance to the Ordinance prescribed front yard setback from a minor collector highway from 50 feet to 12.76 feet (an encroachment of 37.24 feet) in the RP Resource Protection District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-215(c)(1) and ZS 1-305(b), located at 1301 5 Old Bridge Road (MD Route 707), approximately 87 feet west of Martha's Landing Road, Tax Map 27, Parcels 237 & 238, Lot 13, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Mark Cropper, Esquire, Russell Allen, property owner, Greg Wilkins, Land Surveyor, and Robert Clark, builder. There were no protestants. Submitted as Applicant's Exhibit No. 1 were copies of the BZA opinions for six previous variance cases in the area. Submitted as Applicant's Exhibit No. 2 was a copy of the property Deed. Following the discussion, it was moved by Mr. Purcell, seconded by Mr. Green and carried unanimously to grant the variance as requested. The hearing ended at 10:36 PM.

The public hearing commenced at 10:37 PM on **Case No. 17-59**, on the application of Mark S. Cropper, Esquire, on the lands of Assateague Island Farm, LLC, requesting a special exception to allow a farm brewery operation in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-202(c)(45) and ZS 1-305 located at 8816 Stephen Decatur Hwy (MD Route 611), approximately 100 feet north of Landings Boulevard, Tax Map 33, Parcel 29, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark Cropper, Esquire, Paul Carlotta, property owner, Sandy Dealey and Elizabeth Dealey, friends of the owner. There were no protestants. Submitted as Applicant's Exhibit No. 1 were signatures of support from adjoining property owners and Worcester County residents. Submitted as Applicant's Exhibit No. 2 was a letter of support from Meredith Mears, Worcester County Director of Economic Development. Submitted as Applicant's Exhibit No. 3 was a letter of support from Lisa Challenger, Worcester County Director of the Department of Tourism. Submitted as Applicant's Exhibit No. 4 was a memo of additional comments from the Worcester County Department of Environmental Programs Staff. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Duffy and carried unanimously to grant the special exception as requested. The hearing ended at 10:47 PM.

#### **Administrative Matters**

With no further business before the Board, the meeting was adjourned at 10:50 PM.

Respectfully submitted,



Cathy Zirkle  
License Permit Clerk II

