

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

February 8, 2018

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 and David Gaskill, Board Attorney.

The public hearing commenced at 6:35 PM on **Case No. 18-6**, on the lands of Michael Laws and Harry W. Powell Jr., requesting a special exception to expand an existing surface mine by approximately 15 acres and modify the previously approved 5 acre mining area 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 6237 Public Landing Road (Maryland Route 365), approximately 0.6 miles east of Worcester Highway (US Route 113), Tax Map 64, Parcels 72 & 138, in the Second Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Michael Laws, Harry Powell Jr. and Greg Wilkins, surveyor. There were no protestants. Submitted as Applicant's Exhibit No. 1 were letters from the Maryland Department of the Environment and the Worcester County Soil Conservation District. Submitted as Applicant's Exhibit No. 2 was a letter of support from a neighboring property owner. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Babcock and carried unanimously to grant the special exception as requested. The hearing ended at 6:44 PM.

The public hearing commenced at 6:45 PM on **Case No. 18-7**, on the lands of Waterman's Properties, LLC, requesting a variance to the Ordinance prescribed minimum lot width for lots requiring a private well from 100 feet to 90 feet (a reduction of 10 feet) associated with a proposed boundary line adjustment of Lot 2 & 3 in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b) and ZS 1-305(1)(2), located on Bonita Drive, approximately 374 feet north of Ocean Gateway (US 50), Tax Map 26, Parcel 255, Block 2, Lot 2 of the Marlin Park Section 1 subdivision in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Jamy Davy. Protestants were Terry Sterner, Ryan Farrell and Teriann Palumbo. Submitted as Protestant's Exhibit No. 1 was photo collage of surrounding lots. Submitted as Protestant's Exhibit No. 2 was a photo collage of the road and drainage ditch. 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 6:59 PM.

The public hearing commenced at 7:00 PM on **Case No. 18-8**, on the lands of Waterman's Properties, LLC, requesting a variance to the Ordinance prescribed minimum lot width for lots requiring a private well from 100 feet to 80 feet (a reduction of 20 feet) associated with a proposed re-subdivision of Lots 3 & ½ of 4 in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b) and ZS 1-305(l)(2), located on Bonita Drive, approximately 460 feet north of Ocean Gateway (US 50), Tax Map 26, Parcel 255, Block 2, Lot 3 and ½ of 4 of the Marlin Park Section 1 subdivision in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Jamy Davy. There were no protestants. Pete Cosby, Esquire requested that the testimony from case 18-7 be applied to case 18-8. 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 7:01 PM.

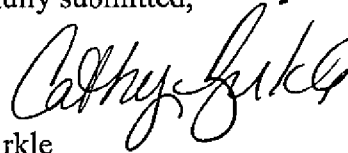
The public hearing commenced at 7:02 PM on **Case No. 18-5**, on the application of Joseph Moore, Esquire on lands of Rojo Properties LLC, requesting a variance to the Ordinance prescribed front yard setback off of an arterial highway from 100 feet to 22.36 feet (an encroachment of 77.64 feet) associated with a proposed commercial building and a special exception to allow a non-monument sign in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-210(b)(2), ZS 1-305(b)(2), and ZS 1-324(c)(4)B.4, located at 12902 Ocean Gateway, at the intersection of Inlet Isle Lane, Tax Map 27, Parcel 226, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Frank Lynch, Jr., surveyor and John Fager, contract purchaser. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a site plan showing existing conditions. Submitted as Applicant's Exhibit No. 2 was a site plan showing the proposed improvements. Submitted as Applicant's Exhibit No. 3 was a Google Earth view of the subject property. Submitted as Applicant's Exhibit No. 4 was an enlarged Google Earth view of the subject property. Submitted collectively as Applicant's Exhibit No. 5 were photographs of the current condition of the subject property. Submitted as Applicant's Exhibit No. 6 were opinions from two previous BZA cases on adjoining properties. Submitted as Applicant's Exhibit No. 7 was a letter of support from Homer's Hideaway. Submitted as Applicant's Exhibit No. 8 was a schematic of the proposed freestanding sign. Submitted as Applicant's Exhibit No. 9 was a photo collage of nearby freestanding signs. Submitted as Applicant's Exhibit No. 10 were eleven pages from the Worcester County Comprehensive Plan. Following the discussion, it was moved by Mr. Green, seconded by Mr. Irwin and carried unanimously to grant the variance and special exception as requested. The hearing ended at 7:30 PM.

Administrative Matters

On November 9, 2017, the Board reviewed Case No. 17-58, a special exception to expand an existing surface mine operation on Downs Road. The Board conditioned the approval on providing "vegetative screening if applicable". The neighbor to which this property abuts is Mr. Grover Collins. He is requesting that the Board waive the screening requirement, since there is an existing landscape screen on his own property. Jennifer Keener read her memorandum. Following the discussion, The Board unanimously decided to revoke the condition of approval, and accept the modification as allowed by §ZS 1-330(c)(18).

With no further business before the Board, the meeting was adjourned at 7:35 PM.

Respectfully submitted,



Cathy Zirkle
License Permit Clerk