

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

September 13, 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, DRP Specialist II, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 18-43**, on the application of Tori Grundman c/o Taylor Bank, on the lands of RW Associates Limited Partnership, requesting a special exception (transient use) to allow a special event for Taylor Bank 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, located at 6137 Snow Hill Road, with the event to be held on the Old Furnace Road frontage, approximately 1,100 feet west of Snow Hill Road (MD Route 12), Tax Map 54, Parcel 33, in the Second Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Tori Grundman and Lee Chism. There were no Protestants. Following the discussion, it was moved by Mr. Purcell, seconded by Mr. Fykes and carried unanimously to grant the special exception with the condition that it is only valid for Taylor Bank to hold one event on October 27, 2018 or (if needed) the rain date of November 3, 2018. The hearing ended at 6:34 PM.

The public hearing commenced at 6:35 PM on **Case No. 18-36**, on the lands of Stephen Lyons, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 6.6 feet (an encroachment of 23.4 feet) and a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 38.8 feet (an encroachment of 11.2 feet) associated with a proposed single-family dwelling on pilings in the R-3 Multi-Family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 13416 Madison Avenue, approximately 170 feet north of Wilson Avenue, Tax Map 5, Parcel 1, Lots 144 and half of 145, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Stephen & Laurie Lyons. There were no Protestants. Submitted as Applicant's Exhibit No. 1 was a packet of information including aerials of the property and opinions from previous Board of Zoning Appeals cases. Following the discussion two separate motions were made. First, it was moved by Mr. Purcell, seconded by Mr. Irwin and carried unanimously to deny both front yard variance requests. Second, it was moved by Mr. Babcock and seconded by Mr. Green to grant the rear yard variance as requested. The motion carried 5 – 2 with Mr. Purcell and Mr. Irwin opposed. The hearing ended at 7:00 pm.

The public hearing commenced at 7:01 PM on **Case No. 18-38**, on the lands of Edward & Jane Shirk, requesting a variance to the Ordinance prescribed left side yard setback from 7 feet to 5.38 feet (an encroachment of 1.62 feet) associated with the placement of a new modular home in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-202(c)(19), ZS 1-305 and ZS 1-318 located at 37 Salt Spray Drive, approximately 80 feet northeast of Timberline Circle, Tax Map 16, Parcel 85, Section 2, Lot 37 of the White Horse Park Campground Subdivision in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Lee Williams, Ed Shirk and Jane Shirk. There were no Protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Duffy and carried unanimously to grant the variance as requested. The hearing ended at 7:12 PM.

The public hearing commenced at 7:13 PM on **Case No. 18-42**, on the lands of 12905 Harbor Apts., LLC, requesting a variance to the Ordinance prescribed front yard setback from 30 feet to 18.2 feet (an encroachment of 11.8 feet) associated with proposed stairs and a second floor deck in the R-4 General Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-208(b)(3) and ZS 1-305, located at 12905 Swordfish Drive, on the northwest corner of the intersection of Swordfish Drive and West Third Street, Tax Map 27, Parcel 544, Block C, Lot 11, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Albert Gjoni. 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 requested. The hearing ended at 7:20 PM.

The public hearing commenced at 7:21 PM on **Case No. 18-39**, on the lands of Mark E. Limbert, requesting an after-the-fact variance to the Ordinance prescribed right side yard setback from 20 feet to 18.48 feet (an encroachment of 1.52 feet) associated with a detached garage and requesting an after-the-fact variance to the Ordinance prescribed rear yard setback from 6 feet to 3.47 feet (an encroachment of 2.53 feet) associated with a detached shed 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 1736 Buck Harbor Road, approximately 300 feet South of Layton's Drive, Tax Map 84, Parcel 281, Lot 3 in the First Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark Limbert. There were no Protestants. Submitted as Applicant's Exhibit No. 1 was a printout of an email exchange between Mr. Limbert and the builder. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Green and carried 4-3 to grant both variance requests with Mr. Purcell, Mr. Dypsky and Mr. Irwin opposed. The hearing ended at 7:33 PM.

The public hearing commenced at 7:34 PM on **Case No. 18-40**, on the lands of J & B Real Estate, LLC, requesting a variance to the Ordinance prescribed front yard setback from 100 feet to 72 feet (an encroachment of 28 feet) associated with a proposed structure accessory to a veterinary clinic in the C-2 General Commercial

District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-210(b)(2), ZS 1-305 and ZS 1-325, located at 11843 Ocean Gateway (US Route 50), approximately 100 feet west of Herring Creek Lane, Tax Map 26, Parcels 104 & 105, 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, Robert Hand and John Maniatty. There were no Protestants. Following the discussion, it was moved by Mr. Green, seconded by Mr. Babcock and carried unanimously to grant the variance as requested. The hearing ended at 7:38 PM.

Administrative Matters

The Board reviewed the recent inspection history for Deer Run Jeep Golf, which was part of Case No. 18-21, under their authority of continuing jurisdiction. At this time, the Board requested that the staff continue to pursue compliance with the original approval and provide an updated report at the next meeting.

With no further business before the Board, the meeting was adjourned at 7:50 PM.

Respectfully submitted,



Cathy Zirkle
License Permit Clerk