

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

March 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, 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 Resources Planner, Maureen Howarth, County Attorney and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 18-9**, on the lands of William Walter and Robert Walter Jr., requesting a special exception to locate a single family dwelling in the RP Resource Protection District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-215(c)(1) and ZS 1-305, located on Market Street, approximately 1,255 feet northeast of Steffe Drive, Tax Map 55, Parcel 16, in the Second Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was William Walter. Mary Phipps-Dickerson appeared in opposition. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Green and carried unanimously to grant the special exception as requested. The hearing ended at 6:43 PM.

The public hearing commenced at 6:44 PM on the **Re-Advertisement of Case No. 18-4**, on lands of Catherine Coffman & Theresa Moody, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 6.1 feet (an encroachment of 23.9 feet) associated with a proposed open deck attachment between the principal and accessory structures 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(h)(1), located at 128 Park Side Circle, approximately 324 feet south of Ocean Parkway, Tax Map 21, Parcel 309, Section 17, Lot 104 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 Catherine Coffman and Theresa Moody. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a photo of the deck attachment. Submitted as Applicant's Exhibit No. 2 was a photo of the ramp without the deck attachment. Submitted as Applicant's Exhibit No. 3 was a photo of the interior garage stairs. Following the discussion, it was moved by Mr. Duffy, seconded by Mr. Babcock and carried unanimously to grant the variance as requested. The hearing ended at 6:51pm.

The public hearing commenced at 6:52 PM on **Case No. 18-11**, on the application of Permit Ink, on the lands of David & Catherine O'Connor, requesting a modification to extend a waterfront structure in excess of one hundred twenty-five (125) feet associated with the installation of a boatlift with associated pilings, pursuant to Zoning

Code Section ZS 1-116(n)(2) and Natural Resources Section NR 2-102(e)(1), located at 6536 South Point Road, approximately 585 feet east of Newport Bay Drive, Tax Map 50, Parcel 3, Lot A, in the Tenth Tax District of Worcester County, Maryland.

Jennifer Keener read the application. Appearing as witness and providing testimony was Ginger Gilliss. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Irwin and carried unanimously to grant the shoreline modification with the condition that the improvements must not exceed 137' channelward and applicant must submit a piling survey. The hearing ended at 6:58 PM.

The public hearing commenced at 6:59 PM on **Case No. 18-2**, on the application of Hugh Cropper IV, Esquire, on the lands Ayres Creek Family Farm, LLC, requesting a special exception for the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events on a farm in the E-1 Estate District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-203(c)(21) and ZS 1-325, located at 8219 Stephen Decatur Highway (MD Route 611), approximately 327 feet north of Grays Creek Drive, Tax Map 33, Parcel 80, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Chris McCabe. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a copy of the Worcester Soil Conservation District conservation agreement for the property. 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 7:08 PM.

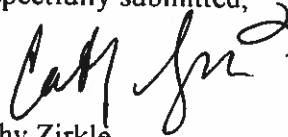
The public hearing commenced at 7:09 PM on **Case No. 18-3**, on the application of Mark S. Cropper, Esquire, on the lands of Assateague Island Farm, LLC, requesting an appeal of the determination made by the Department as applied to the proposed farm brewery use and existing roadside stand use, pursuant to Zoning Code Section ZS 1-116(c)(1), associated with the property 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 on behalf of the applicant was Paul Carlotta and Ann McGuinness-Hilliar. Jennifer Keener, Zoning Administrator and Maureen Howarth, County Attorney were present on behalf of the Department of Development, Review and Permitting. Submitted as Applicant's Exhibit No. 1 was a Berlin Organics Rack Card. Submitted as Applicant's Exhibit No. 2 was a photo board of farm activities. Submitted as Applicant's Exhibit No. 3 was a photo board of the greenhouse operations. Submitted as Applicant's Exhibit No. 4 was a photo board of families on the farm. Submitted as Applicant's Exhibit No. 5 was a photo board of the strawberry patch and a rendering of the future brewery. Submitted as Applicant's Exhibit No. 6 was a letter of support from Donna Abbott, Director of Tourism & Marketing for the Town of Ocean City. Submitted as Applicant's Exhibit No. 7 was a letter of support from Melanie Pursel, Executive Director, Ocean City Chamber of Commerce. Submitted as Applicant's Exhibit No. 8 was a letter of support from Susan Jones, Executive Director of the Ocean City Hotel, Motel Association. Submitted as Applicant's Exhibit No. 9 was a letter of support from Kevin Atticks, Executive Director, Brewers Association of Maryland. Submitted as Applicant's Exhibit No. 10 was a printout of code section ZS 1-

202. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Duffy and carried unanimously to find in favor of the applicant on the basis that the roadside stand and the farm brewery were two separate and independent uses. The hearing ended at 8:23 PM.

Administrative Matters

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cathy Zirkle", written in a cursive style.

Cathy Zirkle
License Permit Clerk