

**WORCESTER COUNTY  
BOARD OF ZONING APPEALS  
MINUTES**

**February 14, 2019**

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 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. 19-5**, on the lands of Victoria & Kurt Purnell, requesting a variance to Ordinance prescribed rear yard setback from 50 feet to 39.7 feet (an encroachment of 10.3 feet) associated with a proposed addition and a variance to the Ordinance prescribed right side yard setback from 15 feet to 5.4 feet (an encroachment of 9.6 feet) associated with a proposed attached garage in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305, located at 9826 Orchard Road, approximately 767 feet east of Beaverdam Creek Road, Tax Map 41, Parcel 58, Block A, Lot 3, of the Newport Hills subdivision, in the Third Tax District of Worcester County, Maryland. Cathy Zirkle read the application. Appearing as witness and providing testimony was Kurt Purnell. There were no protestants. Following the discussion, it was moved by Mr. Duffy, seconded by Mr. Babcock and carried unanimously to grant the variances as requested. The hearing ended at 6:36 PM.

The public hearing commenced at 6:37 PM on **Case No. 19-6**, on the lands of Jay Biddle, requesting a special exception to allow the stock and storage of firearms associated with an after-the-fact home occupation in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-205(d)(2) and ZS 1-339(a)(3), located at 3775 Village Trail, approximately 1,490 feet north of Crooked Oak Drive, Tax Map 46, Parcel 125, Lots 31 & 32, of The Village of Nassawango subdivision, in the Second Tax District of Worcester County, Maryland. Cathy Zirkle read the application. Appearing as witness and providing testimony was Jay Biddle. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a collective of letters of support from Mr. Biddle's neighbors. 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 6:44 PM.

The public hearing commenced at 6:45 PM on **Case No. 19-8**, on the lands of Coard & Jill Bounds, requesting a special exception for the accessory use of land for the commercial hosting of non-agricultural functions and events on a farm in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(33) and ZS 1-325, located at 7538 Whiton Road, on the easterly side of the intersection with Laws Road, Tax Map 38, Parcel 52, in the Second Tax District of Worcester County, Maryland. Cathy Zirkle read the application. Appearing as witness and providing testimony was Coard Bounds. There were no protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Green and carried unanimously to grant the special exception as requested. The hearing ended at 6:50 PM.

The public hearing commenced at 6:51 PM on **Case No. 19-9**, on the lands of Brent & Donna Black, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 18.9 feet (an encroachment of 11.1 feet) associated with a proposed deck and stairs on a proposed single-family dwelling in the V-1 Village District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-208(b)(2) and ZS 1-305, located at 4537 Public Landing Wharf Road, approximately 420 feet southwest of Outten Road, Tax Map 65, Parcel 36, in the Second Tax District of Worcester County, Maryland. Cathy Zirkle read the application. Appearing as witness and providing testimony was Brent Black. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried 5-1 to grant the variance as requested with Mr. Babcock opposed. The hearing ended at 6:58 PM.

The public hearing commenced at 6:59 PM on **Case No. 19-10**, on the lands of M.C.P.B Limited Partnership, requesting a special exception to relocate an existing non-conforming gasoline canopy in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-122(d)(1) and ZS 1-210(b)(2), located at 7167 Worcester Highway (US Route 113), approximately 160 feet northeast of Langmaid Road, Tax Map 49, Parcel 133, Lot A, in the Fourth Tax District of Worcester County, Maryland. Cathy Zirkle read the application. Appearing as witness and providing testimony was Barbara Derrickson. There were no protestants. Following the discussion, it was moved by Mr. Green, seconded by Mr. Babcock and carried unanimously to grant the special exception as requested. The hearing ended at 7:03 PM.

The public hearing commenced at 7:03 PM on **Case No. 19-11**, on the application of Hugh Cropper, IV, Esquire, on the lands of Joseph & Kelly Schweiger, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 25.5 feet (an encroachment 4.5 feet) associated with a proposed deck extension in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 12307 Snug Harbor Road, approximately 601 feet southeast of Meadow Drive, Tax Map 33, Parcel 346, Section A, Lot 55, of the Snug Harbor subdivision, in the Tenth Tax District of Worcester County, Maryland. Cathy Zirkle read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Frank Lynch, Jr., surveyor and Kelly Schweiger. There were no protestants. Submitted as Applicant's Exhibit No. 1 was an aerial photograph of the subject property. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried unanimously to grant the variance as requested. The hearing ended at 7:08 PM.

The public hearing commenced at 7:09 PM on **Case No. 19-12**, on the application of Hugh Cropper, IV, Esquire, on the lands of Joseph & Victoria Magnolia, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 25.27 feet (an encroachment 4.73 feet) and a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 48.75 feet (an encroachment of 1.25 feet) associated with a proposed deck in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 12415 Snug Harbor Road, on the northerly terminus of Snug Harbor Road, Tax Map 33, Parcel 346, Section A, Lot 84, of the Snug Harbor subdivision, in the Tenth Tax District of Worcester County, Maryland. Cathy Zirkle read the application.

Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Joseph & Victoria Magnolia and Greg Wilkins, surveyor. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a survey of Tax Map 33, Parcel 346, Section A, Lot 18. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and carried unanimously to grant the variances as requested. The hearing ended at 7:17 PM.

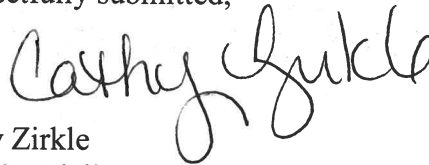
The public hearing commenced at 7:18 PM on **Case No. 19-7**, on the application of Mark S. Cropper, Esquire, on the lands of George L. Hall, III, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 21 feet (an encroachment of 9 feet) associated with a proposed two story deck in the R-4 General Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-208(b)(2) and ZS 1-305, located at 12817 Swordfish Drive, approximately 90 feet east of Golf Course Road, Tax Map 27, Parcel 395, Block A, Lot 8, of the Ocean City Harbor subdivision, in the Tenth Tax District of Worcester County, Maryland. Cathy Zirkle read the application. Appearing as witness and providing testimony was Mark S. Cropper, Esquire. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a copy of the current deed for the property. Submitted as Applicant's Exhibit No. 2 was a collective of seven photographs of the subject property and surrounding properties. Submitted as Applicant's Exhibit No. 3 was the plat of the Ocean City Harbor subdivision. Submitted as Applicant's Exhibit No. 4 was the opinion from BZA Case NO. 81914. Submitted as Applicant's Exhibit No. 5 was an aerial photograph of the neighborhood. Submitted as Applicant's Exhibit No. 6 was a collective of opinions from previous BZA cases. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried unanimously to grant the variance as requested. The hearing ended at 7:19 PM.

The public hearing commenced at 7:30 PM on **Case No. 19-13**, on the application of Mark S. Cropper, Esquire, on the lands of Brooks & Annette Aydelotte, requesting a special exception to allow a 330 foot tall guyed telecommunications tower in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(29), and ZS 1-343, located on Payne Road, approximately 795 feet south of Brantley Road, Tax Map 92, Parcel 72, in the First Tax District of Worcester County, Maryland. Cathy Zirkle read the application. Appearing as witness and providing testimony was Mark S. Cropper, Esquire, Brooks Aydelotte, Tom Gomprecht, Mark LaRocque, Paul Dugan, Edwin Raven and Bill McCain. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a structural design report for the proposed tower. Submitted as Applicant's Exhibit No. 2 was a report addressing Natural Resource items. Submitted as Applicant's Exhibit No. 3 was the resume and service information for Mark LaRocque. Submitted as Applicant's Exhibit No. 4 was the USFWS National Wildlife Refuge Lands and Fish and Environmental Report compiled by Mark LaRocque. Submitted as Applicant's Exhibit No. 5 was a resume for Paul Dugan, P.E. Submitted as Applicant's Exhibit No. 6 was a collective of six maps of the current Verizon coverage area. Submitted as Applicant's Exhibit No. 7 was a copy of Worcester County Resolution No. 99-39. Submitted as Applicant's Exhibit No. 8 was a resume for William R. McCain. Submitted as Applicant's Exhibit No. 9 was the "Determination of no hazard to air navigation" report from the FAA. Submitted as Applicant's Exhibit No. 10 were three large site plan pages showing required separation distances. Submitted as Applicant's Exhibit No. 11 was a two page photo example of the tower and guy wires. Following the discussion, it was moved by Mr. Babcock, seconded by

Mr. Green and carried unanimously to grant the special exception as requested. The hearing ended at 8:14 PM.

With no further business before the Board, the meeting was adjourned at 8:15 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Cathy Zirkle". The signature is written in a cursive, flowing style.

Cathy Zirkle  
DRP Specialist II