

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

March 9, 2023

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 and Larry Fykes. Also in attendance were Kristen M. Tremblay, AICP, Zoning Administrator, Cathy Zirkle, DRP Specialist, Joy Birch, Natural Resources Specialist, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM **Case No. 23-12**, on the lands of William Young, requesting an after-the-fact variance to the right side yard setback from 20 feet to 6.2 feet (to encroach 13.8 feet) for a pole building in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5) & ZS 1-305 located at 1918 St. Lukes Road, Tax Map 36, Parcel 30, Tax District 7, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Mr. & Mrs. Young. There were no protestants. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Green and carried unanimously to grant the variance as requested. The hearing ended at 6:35 PM.

The public hearing commenced at 6:35 PM on **Case No. 23-13**, on the application of T. Garvey Heiderman, on the lands of Village Greens Enterprises Limited, requesting a special exception to allow a food waste composting facility in the A-1 Agricultural District pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-201(c)(33) and ZS 1-329, located at 11923 St. Martins Neck Road, Tax Map 10, Parcel 280, Tax District 5, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was T. Garvey Heiderman. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried unanimously to grant the special exception as requested. The hearing ended at 6:56 pm.

The public hearing commenced at 6:57 PM on **Case No. 23-15**, on the application of Mark Cropper, on the lands of Gerald Campana, requesting a modification to the minimum separation requirement of waterfront structures to an adjoining property line from 6 feet to 4 feet (to encroach 2 feet), pursuant to Natural Resources Code §§ NR 2-102(e)(2), Zoning Code §§ ZS 1-116(n)(3) and ZS 1-207(d)(6), located at 14 Driftwood Lane, Tax Map 16, Parcel 38, Section 1, Lot 309, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Mr. Campana with Spencer Cropper as his representative. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a packet containing an aerial view of the property and several letters of support from neighbors. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried

unanimously to grant the modification to the minimum separation requirement of waterfront structures to an adjoining property line as requested. The hearing ended at 7:04 PM.

The public hearing commenced at 7:05 PM on **The Re-advertisement of Case No. 23-3**, on the lands of Mark Solito, requesting a variance to the left side yard setback from 10 feet to 8 feet (to encroach 2 feet) & a rear yard variance from 25 feet to 19.5 feet (to encroach 5.5 feet) for a proposed 2nd story deck in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) & ZS 1-305 located at 11464 Maid at Arms Lane, Tax Map 26, Parcel 1, Lot 48, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Adam Candeloro. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a photo of the rear of the house showing a second floor door blocked by a railing. Submitted as Applicant's Exhibit No. 2 was a photo of a nearby house with a similar deck. Submitted as Applicant's Exhibit No. 3 was a photo of the subject house and the neighbors on both sides. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Green and carried 6-1 to grant the variances as requested with Mr. Purcell opposed. The hearing ended at 7:13 PM.

The public hearing commenced at 7:14 PM on **Case No. 23-6**, on the application of Hugh Cropper, IV, on the lands of Box 64 B Selbyville, LLC requesting a variance to the Atlantic Coastal Bays Critical Area Ordinance to exceed the allowable 100 feet tidal wetland crossing by 86 feet for a proposed 3'x 186' walkway over tidal wetlands, pursuant to Natural Resources Code §§ NR 3-125(b)(1) and Zoning Code §§ ZS 1-116(n)(2), ZS 1-215(d)(4) and ZS 1-305(p)(3), located on the east side of Jarvis Road about 2,392 feet south of Bishopville Road, Tax Map 9, Parcel 350, Lot 2A, Tax District 5, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Chris McCabe of Coastal Compliance, Kevin Ellis of Pennoni Surveyors, Joe Balsamo, property owner with Kristina Watkowski as legal representation. There were no protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and carried unanimously to grant the critical area variance as requested. The hearing ended at 7:21 PM.

With no further business before the Board, the meeting was adjourned at 7:25 PM.

Respectfully submitted,

Cathy Zirkle
DRP Specialist