

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

July 13, 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, Jake Mitrecic and Larry Fykes. Also in attendance were Kristen Tremblay, Zoning Administrator, Cathy Zirkle, Kristi Evans, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 23-57**, on the lands of Robert C Rhode, Jr., on the application of Robert J. Rhode, requesting a variance to the agricultural protection setback from 200 feet to 96 feet (to encroach 104 feet) for a proposed single family dwelling in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5) & ZS 1-305(r)(1), located on Old Ocean City Road at the intersection with St. Martins Road, Tax Map 19, Parcel 127, Lot 5, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Robert J Rhode. There were no protestants. Submitted as Applicant's Exhibit No. 1 was an aerial photo of the property. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Dypsky and carried unanimously to grant the variance as requested. The hearing ended at 6:35 PM.

The public hearing commenced at 6:36 PM on **Case No. 23-53**, on the lands of Verizon Maryland, Inc, on the application of Century Engineering, LLC requesting an expansion of an existing non-conformity for a concrete pad with generator and a special exception to allow a 6 foot tall fence in the front yard setback in the I-2 Heavy Industrial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(5), ZS 1-122(d)(2) & ZS 1-305, at 12611 Worcester Highway, Tax Map 9, Parcel 45, Tax District 5, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Tony Dietz of Century Engineering. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Mitrecic and carried unanimously to grant the expansion and special exception as requested. The hearing ended at 6:40 pm.

The public hearing commenced at 6:41 PM on **Case No. 23-54**, on the lands of Pocomoke Storage LLC, on the application of Gary Deal, requesting an expansion of a legally existing non-conforming use of land not to exceed 50% of the original approved land area, pursuant to Zoning Code §§ ZS 1-116(c)(5), ZS 1-122(d)(2) and ZS 1-325, at 2212 Bypass Road, Tax Map 84, Parcel 301, Tax District 1, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Chris Duryea of George Young surveying. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Dypsky and unanimously to grant the expansion as requested. The hearing ended at 6:45 PM.

The public hearing commenced at 6:46 PM on **Case No. 23-58**, on the lands of Hideaway Properties, LLC, on the application of Bob Riccio, requesting a special exception to expand an existing restaurant in the C-1 Neighborhood Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-209(c)(2) & ZS 1-325, at 7539 Old Ocean City Road, Tax Map 13, Parcel 25, Lot 1, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Bob Riccio and Harry Wimbrow. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a packet of letters of support from neighbors. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Fykes and carried unanimously to grant the expansion. The hearing ended at 6:50 PM.

The public hearing commenced at 6:51 PM on **Case No. 23-52**, on the lands of Ron & Sara Gorfinkel, on the application of Hugh Cropper, IV, requesting an after-the-fact variance to the left side yard setback from 3 feet to 0.9 feet (to encroach 2.1 feet) for an existing chimney in a Residential Planned Community, pursuant to Zoning Code §§ ZS 1-116(c)(4) and ZS 1-315, located at 12379 Hidden Bay Drive, Tax Map 33, Parcel 281, Lot 46, Tax District 10, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Kristina Watkowski, Alex Moore of NVR Homes, and the homeowners Sara and Ron Gorfinkel. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a photo of the chimney bump out. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried 4 to 1 to grant the after-the-fact variance with Mr. Purcell opposed. The hearing ended at 7:00 PM.

The public hearing commenced at 7:01 PM on **Case No. 23-50**, on the lands of Kathy Clark, on the application of Hugh Cropper, IV, requesting a variance to the front yard setback off of Ocean Ave. from 25 feet to 0 feet (to encroach 25 feet), a variance to the front yard setback off of Golf Course Road from 75 feet to the center of the road right-of-way to 49 feet (to encroach 26 feet) for a single family dwelling, a variance to the front yard setback off of Golf Course Road from 75 feet to the center of the road right-of-way to 45 feet (to encroach 25 feet) for a garage with accessory apartment, in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305 located at 12803 Memory Lane, Tax Map 27, Parcel 307, Lots 29 & 30, Tax District 10, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Kristina Watkowski, Frank Lynch, Jr. Surveyor and property owner Kathy Clark. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a packet of assorted property information. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried unanimously to grant the variances as requested. The hearing ended at 7:14 PM.

The public hearing commenced at 7:15 PM on **Case No. 23-59**, on the lands of Kimberly Linton, requesting a special exception for the use of not more than thirty percent of the gross acreage of a lot or parcel, for agritourism uses and structures and a special exception to allow a fence taller than 4 feet in a front yard setback, for a petting zoo in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-201(c)(9) and ZS

1-305(k)(3)C, at 11539 Sinepuxent Road, Tax Map 33, Parcel 165, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Tabatha Roberts and property owner Kimberly Linton. There were several people in the audience in favor of the project – Gabriel Purnell, Mrs. Haynes, Ashley Poole, Kathy Klaverweiden, Chuck Cox, Bruce Roberts and Garrett Neeb. Ms. Rosa Purdue was opposed to the project, Ms. Purdue also enter a photo of a camper in her driveway as oppositions exhibit No. 1. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Mitrecic and carried unanimously to grant the special exceptions with the following conditions – add some landscaping in front of the fence and the following Environmental Programs comments; “The owners will need to provide a hand washing station with potable water for the visitors. The property owner will also need to provide a letter from the Health Officer approving the medical hardship or the trailer needs to be removed. The property owner will also need to demonstrate to Environmental Programs that the RV has had all utilities removed as well. We would request the Board to ensure these comments concerning detrimental conditions as described in ZS 1-116 (c) (3) A.3, are made a part of the findings for this hearing. We would respectfully recommend the Board, should they move to approve this application, condition any approval on the successful mitigation of objectionable conditions under that paragraph by the owner in their daily operation. This would mean that the owner needs to operate the facility in such a way as to be in compliance with acceptable animal handling and waste management practices and not cause detrimental conditions as described in ZS 1-116 (c) (3) A.3 (cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity; and will not have a detrimental effect on ground- or surface water quality).” The hearing ended at 7:52 PM.

With no further business before the Board, the meeting was adjourned at 7:55 PM.

Respectfully submitted,

Cathy Zirkle

Cathy Zirkle
DRP Specialist