

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

April 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, Joe Green, Larry Fykes, Lisa Bowen, and Jake Mitrecic. Also in attendance were Kristen M. Tremblay, AICP, Zoning Administrator, Cathy Zirkle, DRP Specialist, Stu White, 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. 23-19**, on the lands of John Willett, requesting an after-the-fact variance to the rear yard setback from 30 feet to 28.6 feet (to encroach 1.4 feet) for an open deck in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) & ZS 1-305 located at 3 Knight Terrace, Tax Map 21, Parcel 224, Section 10, Lot 1262, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Frank Lynch, Jr., Surveyor. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a copy of the as-constructed survey of the property. Submitted as Applicant's Exhibit No. 2 was a copy of the site plan of the property which was submitted for permitting. Submitted as Applicant's Exhibit No. 3 were two (2) photos of the subject deck and stairs. Submitted as Applicant's Exhibit No. 4 were three (3) letters of support from neighboring property owners. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Green and carried 6-1, with Mr. Purcell opposed, to grant the after-the-fact variance. The hearing ended at 6:41 PM.

The public hearing scheduled for **Case No. 23-34**, on the lands of Brett Costello, requesting a variance to the rear yard setback from 30 feet to 12.8 feet (to encroach 17.2 feet) for an extension of an existing deck in the R-3 Multifamily Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305 located at 86 Lookout Point, Tax Map 16, Parcel 41, Section 4, Lot 85, Tax District 3, Worcester County, Maryland, was postponed prior to the hearing at the owner's request.

The public hearing commenced at 6:42 PM on **Case No. 23-35**, on the lands of Leslie Steele, requesting a variance to the rear yard setback from 50 feet to 30 feet (to encroach 20 feet) for a proposed single family dwelling in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305 located on Mason Road, about 2,461 feet south of the intersection with Orchard Road, Tax Map 41, Parcel 58, Block B, Lot 9, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Cynthia McNabb and James and Leslie Steele. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Mitrecic and carried unanimously to grant the variance as requested. The hearing ended at 6:47 PM.

The public hearing commenced at 6:47 PM on **Case No. 23-32**, on the lands of Charles Shorley, requesting a variance to the rear yard setback from 50 feet to 28 feet (to encroach 22 feet) for a proposed deck addition in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305 located at 10128 Silver Point Lane, Tax Map 26, Parcel 234, Tax District 10, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Charles Shorley, Richard Schoellkopf and Pete Cosby. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a collection of four (4) photos of the subject property steps and deck. Submitted as Applicant's Exhibit No. 2 was a packet containing a site plan and drawings of the proposed deck. 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 7:02 PM.

The public hearing commenced at 7:03 PM on **Case No. 23-31**, on the lands of Julie Langan, requesting an after-the-fact special exception to allow an 8 foot tall fence in a rear yard in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-205(b)(2) and ZS 1-305(k)(3)B, located at 10651 Piney Island Drive, Tax Map 15, Parcel 218, Lot 25, Tax District 5, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony were Eugene and Julie Langan. There were no protestants present. Submitted as Protestant's Exhibit No. 1 was an opposition letter from a neighboring property owner along with pictures of the subject property fence. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Mitrecic and carried unanimously to deny the special exception. The hearing ended at 7:13 PM.

The public hearing commenced at 7:14 PM on **Case No. 23-33**, on the lands of Franklin Berterman, requesting a variance to the front yard setback from 40 feet to the property line to 29.25 feet (to encroach 10.75 feet) for a proposed front covered porch in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305 located at 12290 Dixie Drive, Tax Map 10, Parcel 177, Lot 31, Tax District 5, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Franklin Berterman. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Green and carried 6-1 with Mr. Purcell opposed to grant the variance as requested. The hearing ended at 7:19 pm.

The public hearing commenced at 7:20 PM on **Case No. 23-18**, on the application of Dylan Drew, on the lands of Robert Miller, requesting a variance to the rear yard setback from 30 feet to 23.26 feet (to encroach 6.74 feet) for a proposed deck extension 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 177 Teal Circle, Tax Map 16, Parcel 41, Section 4, Lot 276, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Dylan Drew. There were no protestants. Submitted as Applicant's Exhibit No. 1 were photos of the subject property and the neighboring decks. 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 7:26 pm.

The public hearing commenced at 7:27 PM on **Case No. 23-37**, on the application of Charles Holland, on the lands of Berlin Land, LLC, requesting a special exception to allow an 8 foot tall fence around a dumpster in a front yard setback in the C-3 Highway Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-305 and ZS 1-325 located at 11407 Samuel Bowen Blvd, Tax Map 26, Parcel 455, Lot 3B, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Charles Holland. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried 6-1 with Mr. Purcell opposed to grant the special exception. The hearing ended at 7:31pm.

The public hearing commenced at 7:32 PM on **Case No. 23-8**, on the lands of Robert Bradley, requesting a variance to reduce the Atlantic Coastal Bays Critical Area buffer from 100 feet to 35 feet (to encroach 65 feet), associated with a proposed fence, pursuant to Zoning Code §§ ZS 1-116(m) and ZS 1-305 and Natural Resources Code §§ 3-104(c)(4) and NR 3-111, located at 12422 Collins Road, Tax Map 9, Parcel 275, Lot 2, Tax District 5, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Robert Bradley. There were no protestants. Mr. Bradley amended the application to request the variance from 100 feet to 65 feet, an encroachment of 35 feet. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Mitrecic and carried unanimously to grant the variance as requested. The hearing ended at 7:38 pm.

The public hearing commenced at 7:38 PM on **Case No. 23-9**, on the lands of Stephanie Shockley, requesting a variance to reduce the Atlantic Coastal Bays Critical Area buffer from 100 feet to 72.5 feet (to encroach 27.5 feet), associated with the construction of a single-family dwelling, pursuant to Zoning Code §§ ZS 1-116(m)(1) and Natural Resources Code §§ 3-104(c)(4) and NR 3-111, located on Pheasant Road, about 1,140 feet south of Assateague Road, Tax Map 32, Parcel 353, Lot 2, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony were Joe Moore, Ray Shockley, Russell Hammond, and Chris Iacona. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a copy of the original subdivision plat, the proposed site plan, and an aerial photo of the subject and surrounding properties. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried unanimously to grant the variance as requested. The hearing ended at 7:48 pm.

The public hearing commenced at 7:49 PM on **Case No. 23-20**, on the application of Eric Jones, on the lands of John Houk, requesting a modification to extend a waterfront structure in excess of the quarter distance of the water body width of 18.5 feet by 2 feet for a proposed platform and boatlift extending 20.5 feet channelward, pursuant to Zoning Code §§ ZS 1-116(m)(1) and Natural Resources Code §§ NR 2-102(e)(1), located at 2 Drake Drive, Tax Map 16, Parcel 42, Section 5, Lots 154 & 155, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Eric Jones, Rich Polk, and John Houk. Appearing and providing testimony in opposition was Jim Loyco and John Bianca, neighboring property owners. Following the discussion, it was moved by Mr. Green, seconded by Mr. Fykes and carried 6-1, with Mr. Babcock opposed, to grant the request with the condition that the maximum channelward encroachment will be 20.5 feet based upon a piling only survey being performed prior to the framing, decking and/or installation of a boat lift. The hearing ended at 8:09 pm.

With no further business before the Board, the meeting was adjourned at 8:10 PM.

Respectfully submitted,

Stu White
DRP Specialist