

**WORCESTER COUNTY  
BOARD OF ZONING APPEALS  
MINUTES**

**June 11, 2020**

Pursuant to the provisions of the Worcester County Zoning Ordinance and due to the current COVID-19 pandemic, and in lieu of public appearance, notice is hereby given that the public hearing will be held remotely by conference call with the Board of Zoning Appeals for Worcester County. Members who participated were: David Dypsky, Robert Purcell, Thomas Babcock, Joe Green, Glenn Irwin, James Purnell and Larry Fykes. Additional participants were Jennifer Keener, Zoning Administrator, Cathy Zirkle, DRP Specialist II, Jessica Edwards, Customer Service Representative, Joy Birch, Natural Resources Specialist III, David Mathers, Natural Resources Planner, Jenelle Gerthoffer, Natural Resources Administrator, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 20-31**, on the application of Mark Spencer Cropper, lands of West Ocean City, LLC, requesting an exception to the Forest Conservation Code associated with NR 1-413(b) for an exception to allow for payment to the Forest Conservation Fund in lieu of any required acres of afforestation or reforestation, in the C-3 Highway Commercial District, pursuant to Zoning Code Sections ZS 1-116(k)(2) and NR 1-413 (b), located at the intersection of Samuel Bowen Blvd. and Ocean Gateway (MD Route 50), Tax Map 26, Parcels 300 and 368, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining in the conference call and providing testimony was Mark Cropper, Esq. and Brock Parker, engineer. There were no protestants. Submitted as Applicant's Exhibit No. 1 was the Forest Conservation plan for the subject properties. Submitted as Applicant's Exhibit No. 2 was the Sediment and Erosion Control demolition plan. Submitted as Applicant's Exhibit No. 3 was the legal Opinion for the original case number 20-13. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Purnell, and carried 6-1 to grant the exception as requested with Mr. Irwin opposed. The hearing ended at 6:47 PM.

The public hearing commenced at 6:47 PM on **Case No. 20-30**, on the application of Richard and Heather Trembl, on the lands of Donald and Rebecca Carter, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer Management Area (BMA) from 15 feet to 12.43 feet (an encroachment of 2.57 feet) associated with an After-the-Fact ground level paver patio in the R-3 Multi-family Residential District, pursuant to Zoning Code Sections ZS 1-116(m)(1), NR 3-104(c)(4), and NR 3-111 located at 38 Alton Point Road, approximately 265 feet east of Leigh Drive, Tax Map 16, Parcel 96, Section 14B, Lot 121 of the Ocean Pines Subdivision, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining the conference call and providing testimony Donald Carter and Richard Trembl. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a letter from a neighbor and aerial photo of the property. Following the discussion, it was moved by Mr. Dypsky,

seconded by Mr. Purnell, and carried unanimously to approve the after-the-fact Critical Area variance as requested. The hearing ended at 7:10 PM.

The public hearing commenced at 7:11 PM on **Case No. 20-29**, on the lands of John & Brenda Maniatty, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer Management Area (BMA) from 100 feet to 36.06 feet (an encroachment of 63.94 feet) associated with a proposed fence in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(m)(1), NR 3-104(c)(4), located at 4232 Carry Back Road, approximately 465 feet east of Bayside Road, Tax Map 73, Parcel 126, Lot 9 of the Equestrian Shores Subdivision, in the Second Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining the conference call and providing testimony was Brenda Maniatty. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green, and carried unanimously to grant the Critical Area variance as requested. The hearing ended at 7:16 PM.

The public hearing commenced at 7:16 PM on **Case No. 20-32**, on the application of Hugh Cropper, IV, Esquire, on the lands of Gregory & Nancy Britt, requesting a variance to the Atlantic Coastal Bays Critical Area setback from 50 feet to 33.6 feet (an encroachment of 16.4 feet) associated with a proposed pool, patio and fence in the R-2 Suburban Residential District, pursuant to Zoning Code Section ZS 1-116(m)(1) and Natural Resources Sections NR 3-104(c)(4) and NR 3-111, located at 13016 North Shore Road, approximately 324 feet east of Golf Course Road, Tax Map 22, Parcel 367, Lot 26 of the Captain's Hill Subdivision, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining the conference call and providing testimony was Hugh Cropper, Esq., Frank Lynch, Jr., surveyor, Chris McCabe of Coastal Compliance Solutions, LLC and Gregory & Nancy Britt. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a letter to Worcester County Natural Resources. Submitted as Applicant's Exhibit No. 2 was the proposed site plan. Submitted as Applicant's Exhibit No. 3 was an aerial photo of the property. Submitted as Applicant's Exhibit No. 4 was copy of the legal Opinion for BZA Case 19-4. Submitted as Applicant's Exhibit No. 5 was an email to Jenelle Gerthoffer, Natural Resources Administrator. Submitted as Applicant's Exhibit No. 6 was an email from Jenelle Gerthoffer. Submitted as Applicant's Exhibit No. 7 was a letter of support from Jeff & Gail Greenwood that was read into the record by Jennifer Keener. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Irwin, and carried unanimously to grant the critical area variance as requested. The hearing ended at 7:35 PM.

Hugh Cropper, IV, Esquire formally requested a postponement of **Case 20-35**, it was moved by Mr. Dypsky, seconded by Mr. Purnell, and carried unanimously to grant the postponement.

The public hearing commenced at 7:36 PM on **Case No. 20-33**, on the application of Jason Hearn, on the lands of Thomas & Renee Finnegan, requesting a special exception to increase the height of a fence in the side yard setback from 6 feet tall to 9 feet 7 ½ inches tall in the R-4 General Residential District, pursuant to Zoning Code Sections ZS

1-116(c)(3) and ZS 1-305(k)(3)C, located at 12545 Ocean Reef Drive, approximately 900 feet south east of Indian Trail Drive, Tax Map 27, Parcel 442, Lot 28, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining the conference call and providing testimony was Renee Finnegan and Jason Hearn, contractor. On the call as opposition was Patricia Long, Secretary of the Ocean Reef Homeowners Association. On the call with questions was Fran Smith, Chairperson of the Ocean Reef Architectural Committee. Submitted as Applicant's Exhibit No. 1 was a photo collection showing all sides of the fence. Following the discussion, it was moved by Mr. Purnell, seconded by Mr. Irwin, and carried unanimously to grant the special exception with the condition that the solid fence portion between the pillars may only be 6 feet tall and open space must remain between the top of the fencing and the decorative beam. The hearing ended at 8:00 PM.

With no further business before the Board, the meeting was adjourned at 8:00 PM.

Respectfully submitted,



Cathy Zirkle  
DRP Specialist II

