

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

November 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, Robert Purcell, Thomas Babcock, Joe Green, and Larry Fykes. Also in attendance were Jennifer Keener, Zoning Administrator, Jessica Edwards, Customer Service Representative, 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. 19-48**, on the application of Mary McGraw, requesting a special exception to allow an after-the-fact 6 foot tall privacy fence extending into the Ordinance prescribed front yard setback on Keyser Point Road, in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-206(d)(1) and ZS 1-305, located at 10050 Bonita Drive, approximately 918 feet south of Creek Drive, Tax Map 26, Parcel 255, Block 1, Lot 9, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Mary McGraw, Cheryl Miller and Lauren Buckler. There were no protestants. Following the discussion, it was moved by Mr. Duffy, seconded by Mr. Green and carried five to one, with Mr. Purcell opposed, to grant the special exception as requested. The hearing ended at 6:40 PM.

The public hearing commenced at 6:41 PM on **Case No. 19-42**, on the lands of Daniel and Cheryl Miller, requesting a variance to the Ordinance prescribed front yard setback on Keyser Point Road from 75 feet from the center of the road right-of-way to 69.8 feet (an encroachment of 5.2 feet), associated with a proposed in-ground swimming pool, an after-the-fact variance to the Ordinance prescribed front yard setback on Keyser Point Road from 75 feet from the center of the road right-of-way to 32.7 feet (an encroachment of 42.3 feet) associated with two sheds, an after-the-fact variance to the Ordinance prescribed side yard setback from 8 feet to 1.2 feet (an encroachment of 6.8 feet) associated with the aforementioned two sheds, an after-the-fact variance to the Ordinance prescribed side yard setback from 8 feet to 7.4 feet (an encroachment of .6 feet) associated with a carport and a special exception to allow a 6 foot tall privacy fence in the front yard setback on Keyser Point Road in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-206(d)(1) and ZS 1-305, located at 10104 Bonita Drive, approximately 607 feet south of Creek Drive, Tax Map 26, Parcel 255, Block 1, Lot 12, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Daniel Miller, Cheryl Miller and Mary McGraw. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a photograph of the 10'x10' shed, noted on the survey as the "tent". Following the

discussion, the Board decided to vote on each request separately by structure affected. Relative to the variance request to the Ordinance prescribed front yard setback on Keyser Point Road from 75 feet from the center of the road right-of-way to 69.8 feet (an encroachment of 5.2 feet), associated with a proposed **in-ground swimming pool**: it was moved by Mr. Dypsky, seconded by Mr. Duffy and the carried unanimously to approve the variance as requested. On the request for an after-the-fact variance to the Ordinance prescribed front yard setback on Keyser Point Road from 75 feet from the center of the road right-of-way to 32.7 feet (an encroachment of 42.3 feet), an after-the-fact variance to the Ordinance prescribed side yard setback from 8 feet to 1.2 feet (an encroachment of 6.8 feet) associated with the associated with the **12.6' x 16.3' shed**, it was moved by Mr. Dypsky, seconded by Mr. Green and the carried five to one, with Mr. Purcell opposed, to approve the variances as requested. On the request for an after-the-fact variance to the Ordinance prescribed front yard setback on Keyser Point Road from 75 feet from the center of the road right-of-way to 32.7 feet (an encroachment of 42.3 feet), an after-the-fact variance to the Ordinance prescribed side yard setback from 8 feet to 1.2 feet (an encroachment of 6.8 feet) associated with the associated with the **10' x 10' shed** (noted as Ex. Tent), it was moved by Mr. Purcell, seconded by Mr. Dypsky and the carried unanimously to deny the variances as requested. On the request for an after-the-fact variance to the Ordinance prescribed side yard setback from 8 feet to 7.4 feet (an encroachment of .6 feet) associated with a **carport**, it was moved by Mr. Dypsky and seconded by Mr. Green to approve the variance as requested. The motion failed two to four with Mr. Fykes, Mr. Babcock, Mr. Duffy and Mr. Purcell opposed leaving the variance denied as requested. On the final request for a special exception to allow a **6 foot tall privacy fence** in the front yard setback on Keyser Point Road, it was moved by Mr. Dypsky, seconded by Mr. Green and carried unanimously to grant the special exception as requested. The hearing ended at 7:00 PM.

The public hearing commenced at 7:01 on **Case No. 19-45**, on the application of the Mayor and City Council of Ocean City, Maryland, on the lands of Wenzlaff Family Limited Partnership, requesting a special exception to allow a second dredge spoil disposal area in the E-1 Estate District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-203(c)(13), and ZS 1-305, located at 12008 St. Martins Neck Road, approximately 630 feet east of Industrial Park Road, Tax Map 10, Parcel 29, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Stacey Hart and Paul Mauser. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Green and carried unanimously to grant the special exception as requested. The hearing ended at 7:07 PM.

The public hearing commenced at 7:07 **Case No. 19-47**, on the application of Jacqueline Bullis, requesting a special exception to expand an existing surface mine in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(16), and ZS 1-330, located at the terminus of Cherrystone Lane, approximately 715 feet south of Teaberry Lane, Tax Map 71, Parcels 21 and 23, in the Second Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Jacqueline Bullis, Charles Bullis and

Shawn Taylor. Appearing as protestants were Ray Digman and Brenda Ester Jones. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Fykes and carried unanimously to grant the special exception subject to the following conditions:

- a) The hours of operations are to be 7 AM – 5 PM, Monday through Friday and 7 AM – 12 PM on Saturdays; and
- b) Up to ten trucks will be allowed daily.

The hearing ended at 7:26 PM.

The public hearing commenced at 7:26 PM **Case No. 19-46**, on the application of Hugh Cropper, IV, Esquire, on the lands of J&B Real Estate, LLC, requesting a special exception to allow a 6 foot and 8 foot tall fence in the Ordinance prescribed front yard setback associated with a veterinary clinic in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-210(b)(2) and ZS 1-305, located at 11843 Ocean Gateway, approximately 150 feet north of Herring Creek Lane, Tax Map 26, Parcels 104 & 105, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Hugh Cropper, IV, Esquire, John Maniatty, Brenda Maniatty and Don Murray. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Duffy and carried unanimously to grant the special exception as requested. The hearing ended at 7:33 PM.

The public hearing commenced at 7:33 PM on **Case No. 19-43**, on the application of Hugh Cropper, IV, Esquire, on the lands of the Revocable Trust Agreement of Clarence D Hammond and Louise M Hammond, requesting a variance to the Atlantic Coastal Bay Critical Area setback, a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way off of Riggin Ridge Road to 40 feet (an encroachment of 10 feet) and a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way off of Center Drive to 30 feet (an encroachment of 20 feet), all of which are associated with the proposed construction of a single family dwelling in the R-2 Suburban Residential District pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-116(m)(1), ZS 1-206(b)(2), ZS 1-305 and Natural Resources Sections NR 3-104(c)(4) and NR 3-111, located on the northwest corner at the intersection of Riggin Ridge Road & Center Drive, Tax Map 27, Parcel 570, Block 5, Lot 12A, of the Bay Shore Acres subdivision, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Hugh Cropper, IV, Esquire, Barbara Hammond Taylor, Chris McCabe, and Frank Lynch, Jr. There were no protestants. Submitted as Applicant's Exhibit No. 1 was an updated site plan with the dwelling in a new location. Submitted as Applicant's Exhibit No. 2 was a Maryland Department of the Environment authorization letter pertaining to the lot. As a result of the revised survey, the requested variance along Riggin Ridge Road was increased by an additional 10 feet (for a total encroachment of 40 feet). It was determined that this request was not consistent with the advertised record, therefore if the applicant wished to proceed with this new variance request, an additional advertised hearing would be required. Following the discussion, it was moved by Mr. Dypsky to postpone the

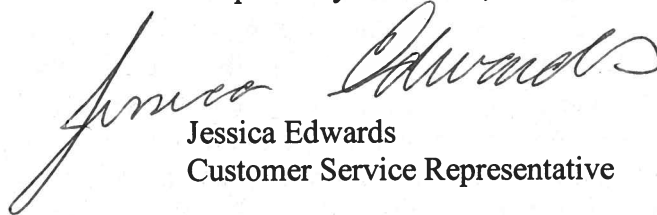
hearing, seconded by Mr. Green and carried unanimously. The hearing ended at 7:54 PM.

The public hearing commenced at 7:55 PM on the **Re-Advertisement of Case No. 19-24**, on the application of Hugh Cropper, IV, Esquire, on the lands of Stephen Cook, requesting a variance to the Atlantic Coastal Bay Critical Area setback associated with the proposed construction of a single family dwelling in the R-3 Multi-Family Residential District pursuant to Zoning Code Sections ZS 1-116(m)(1), ZS 1-207(b)(2) and ZS 1-305 and Natural Resources Sections NR 3-104(c)(4) and NR 3-111 located on the northerly side of Old Bridge Road, approximately 2,104 feet west of Golf Course Road, Tax Map 27, Parcel 234, Lot 16, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Hugh Cropper, IV, Esquire, Chris McCabe, and Frank Lynch, Jr. There were no protestants. Submitted as Applicant's Exhibit No. 1 was an updated site plan. Submitted as Applicant's Exhibit No. 2 was a Maryland Department of the Environment authorization letter pertaining to the lot. Submitted as Applicant's Exhibit No. 3 was a letter from Mr. Cropper's office to the Department of Environmental Programs dated April 15, 2019. Submitted as Applicant's Exhibit No. 4 was a photograph of the subject property facing east from Lot 17. Submitted as Applicant's Exhibit No. 5 was a photograph of the subject property from the marsh. Submitted as Applicant's exhibit No. 6 was a letter of support from an owner of a neighboring lot dated September 11, 2019. Following the discussion, it was moved by Mr. Green, seconded by Mr. Dypsky and carried unanimously to grant the Critical Area variance as requested. The hearing ended at 8:27 PM.

Administrative Matters

With no further business before the Board, the meeting was adjourned at 8:30 PM.

Respectfully submitted,



Jessica Edwards
Customer Service Representative