

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

December 12, 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, Larry Duffy, Glenn Irwin and Larry Fykes. Also in attendance were Jennifer Keener, Zoning Administrator, Cathy Zirkle, DRP Specialist II, Joy Birch, Natural Resources Specialist III, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 19-49**, on the lands of Fasil Gebereegzagar, requesting a variance to reduce the lot area from 5,917 square feet to 5,557 square feet (a reduction of 360 square feet) and a variance to the Ordinance prescribed rear yard setback from 30 feet to 25.78 feet (an encroachment of 4.22 feet) associated with a legal non-conforming lot in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-122, ZS 1-206(b)(2), and ZS 1-305, located on Horn Island Drive, approximately 240 feet east of Golf Course Road, Tax Map 27, Parcel 103, Block A, Lot 10 of Elliott's Development, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Frank Lynch, Jr., Surveyor. There were no protestants. 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 6:43 PM.

The public hearing commenced at 6:44 PM on **Case No. 19-50**, on the lands of Nicholas Aloï, requesting an, after-the-fact variance to the Ordinance prescribed side yard setback from 20 feet to 17.5 feet (an encroachment of 2.5 feet) associated with an existing garage in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-201(b)(5), and ZS 1-305, located at 1938 Saint Luke's Road, approximately 1,750 feet east of Pheasant Lane, Tax Map 36, Parcel 132, Lot 1, in the Seventh Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Nicholas Aloï. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green, and the carried unanimously to approve the variance as requested with the condition that the lean-to on the garage be removed. The hearing ended at 6:52 PM.

The public hearing commenced at 6:53 PM on **Case No. 19-51**, on the lands of John S. Collins requesting a special exception to expand a non-conforming structure by no more than 50% of the gross floor area, and a variance to the Ordinance prescribed front yard setback from 50 feet to 22.6 feet (an encroachment of 27.4 feet) associated with the proposed construction of a two-story addition to a non-conforming apartment building in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-122(d)(1), ZS 1-210(b)(1) and ZS 1-305, located at

12304 Old Bridge Road, approximately 175 feet south of Ocean Gateway (MD Route 50), Tax Map 26, Parcel 150, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mr. Collins. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a letter of testimony dated December 12, 2019. Submitted as Applicant's Exhibit No. 2 was a color rendering of the proposed improvements. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Babcock, and carried unanimously to grant the special exception and variance as requested. The hearing ended at 7:00 PM.

The public hearing commenced at 7:01 **Case No. 19-52**, on the lands of Patrick Trate and Patricia Stevens, requesting a variance to the Ordinance prescribed side yard setback from 8 feet to 0.14 feet (an encroachment of 7.86 feet) associated with a proposed detached shed in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(d)(2) and ZS 1-305, located at 171 Nottingham Lane, approximately 275 feet east of Footbridge Trail, Tax Map 21, Parcel 224, Section 10, Lot 135 in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Patrick Trate and Patricia Stevens. There were no protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Dypsky, and carried unanimously to grant the variance as requested. The hearing ended at 7:10 PM.

The public hearing commenced at 7:11 PM on **The Re-Advertisement of 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 from 50' to 12' (an encroachment of 38 feet), 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 10 feet (an encroachment of 40 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 10 feet (an encroachment of 40 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 and Frank Lynch, Jr., Surveyor. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a copy of the permanent Declaration of Consolidation for the property. Submitted as Applicant's Exhibit No. 2 was a color photograph of the subject property. Submitted as Applicant's Exhibit No. 3 was a Maryland Department of the Environment authorization letter pertaining to the subject property. Submitted as Applicant's Exhibit No. 4 was an email from Frank Adkins of the Worcester County Roads Division of the Department of Public Works written to Frank Lynch, Jr. regarding sight distance requirements, dated December 12, 2019. Submitted as Applicant's Exhibit No. 5 was a color photograph of the of the plant material referenced in Mr. Adkins' email. Submitted as Applicant's Exhibit No. 6 was a

copy of the Critical Area standards as submitted by Mr. Cropper. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Green and carried unanimously to approve the variances as requested. The hearing ended at 7:34 PM.

Administrative Matters

Jennifer Keener presented the Board with an updated version of the Rules of Procedure. After the discussion, the motion carried unanimously to approve the updated Rules of Procedure as presented. With no further business before the Board, the meeting was adjourned at 7:40 PM.

Respectfully submitted,

Cathy Zirkle
DRP Specialist II