

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

May 9, 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, Jessica Casey, Customer Service Representative, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

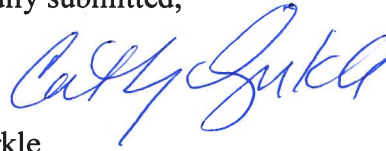
The public hearing commenced at 6:30 PM on **Case No. 19-19**, on the lands of Tammy Stigall, requesting a special exception to allow a kennel for the boarding of household pets, and variances to the Ordinance prescribed separation distance from 200 feet from all property lines for an outside pen to 20.5 feet from the rear property line (an encroachment of 179.5 feet), 17.6 feet from the right side property line (an encroachment of 182.4 feet) and 92.7 feet from the front property line (an encroachment of 102.5 feet) in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-201(c)(31), ZS 1-305 and ZS 1-325, located at 1813 St. Lukes Road, approximately 100 feet west of Pheasant Lane, Tax Map 36, Parcel 65, Lot 1, in the Seventh Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Tammy Stigall and Daniel Ruark. There were no protestants. Submitted as Applicant's Exhibit No. 1 were six (6) photographs of the subject property. Submitted as Applicant's Exhibit No. 2 were four (4) letters of support. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Duffy and carried unanimously to grant the special exception and variances as requested. The hearing ended at 6:54 PM.

The public hearing commenced at 6:55 PM on **Case No. 19-23**, on the application of Hugh Cropper, IV, on the lands of Richard & Susan Carmine, requesting the removal of a condition associated with BZA Case No. 97010 in order to allow ground floor and first floor enclosed rear decks in the rear yard setback in the R-2 Suburban Residential District, pursuant to Zoning Code Section ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 12355 Snug Harbor Road, approximately 4,228 feet east of Stephen Decatur Highway (MD Route 611), Tax Map 33, Parcel 346, Section A, Lot 76 of the Snug Harbor Subdivision, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper IV, Esq, Richard Carmine, homeowner and O.R. White, builder. There were no protestants. Following the discussion, it was moved by Mr. Purcell, seconded by Mr. Green and carried unanimously to approve the removal of the previous condition of Case No. 97010 as requested. The hearing ended at 7:04 PM.

The public hearing commenced at 7:05 PM **Re-Advertisement of Case No. 19-20**, on the application of Hugh Cropper, IV, Esquire, on the lands of Ocean Tower Investment LLC, requesting a special exception to allow for contractor shops in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-202(c)(14), ZS 1-305, ZS 1-322 and ZS 1-325, located at 11912 St. Martins Neck Road, on the southerly side of the intersection with Industrial Park Road, Tax Map 10, Parcel 27, Lot 1, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Hugh Cropper, IV, Esquire, Oleg Shakirov, owner, Greg Wilkins, surveyor, Chris McCabe, environmental consultant, Steve Kansak, architect and Frank Lynch, Jr., surveyor. Appearing in opposition was Pete Cosby, Esquire; Pam Wadler, realtor; Dane Bauer, representative for Lighthouse Sound; and residents Jim Garrett, Lindsey Sarno, Paul Till, Bill Cannon, Daniel Dradfield and Daniel Pulley. Submitted as Applicant's Exhibit No. 1 was a photo of the Todd Industrial park sign. Submitted as Applicant's Exhibit No. 2 was a photo of the auto repair business located on the opposite side of St. Martin's Neck Road from the subject property (identified as Lot 1 of the Todd Industrial Park). Submitted as Applicant's Exhibit No. 3 was a photograph of the building located to the northwest from the subject property (identified as Lot 18 of the Todd Industrial Park). Submitted as Applicant's Exhibit No. 4 was a photograph of the Todd Industrial Park taken from the driveway of the subject property overlooking the parking lot of the auto repair business. Submitted as Applicant's Exhibit No. 5 was a photograph of the parking lot of the auto repair business on Lot 1 of the Todd Industrial Park, with the subject property in the periphery. Submitted as Applicant's Exhibit No. 6 were three (3) photographs of the subject property along with four (4) sheets of the proposed floor plans and elevations for the proposed new construction. Submitted as Applicant's Exhibit No. 7 was a color rendering of the proposed building. Submitted as Applicant's Exhibit No. 8 was a photograph of a trailer full of trash that was removed from the forested wetlands on the subject property. Submitted as Applicant's Exhibit No. 9 was a copy of the Formal Notice of Zoning Action, the Worcester County Commissioner's Findings of Fact and Resolution No. 18-04 all of which were associated with Rezoning Case No. 420. Submitted as Applicant's Exhibit No. 10 was a printed copy of the decision of the Court of Special Appeals for *Mossburg v. Montgomery County* [107 Md. App. 1 (1995)]. Submitted as Applicant's Exhibit No. 11 was a copy of the Worcester County Planning Commission Findings of Fact and Recommendation associated with Rezoning Case No. 420. Submitted as Protestant's Exhibit No. 1 was a three (3) page listing of job postings from the Ocean Towers, LLC website (undated). Submitted as Protestant's Exhibit No. 2 was a display board with photographs of the surrounding area. Submitted as Protestant's Exhibit No. 3 was a display board with photographs of the subject property. Submitted as Protestant's Exhibit No. 4 was a packet of seven (7) real estate listings for properties in the surrounding area. Submitted as Protestant's Exhibit No. 5 was a letter of opposition from Jim Kyger dated April 10, 2019. Submitted as Protestant's Exhibit No. 6 was a letter of opposition from Ralph Gallo dated May 1, 2019. Submitted as Protestant's Exhibit No. 7 was a letter of opposition from Ryan Bell (undated). Submitted as Protestant's Exhibit No. 8 were excerpts from the Worcester County Comprehensive Plan. Submitted as Protestant's Exhibit No. 9 was a sign-in sheet of the protestants present for the hearing. Following the discussion, it was moved by Mr. Purcell, seconded by Mr. Irwin and carried 5 - 2 to deny the special exception with Mr. Green and Mr. Dypsky opposed. The hearing ended at 9:40 PM.

With no further business before the Board, the meeting was adjourned at 9:45 PM.

Respectfully submitted,



Cathy Zirkle
DRP Specialist II

