

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

September 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, Glenn Irwin and Larry Fykes. Also in attendance were Jennifer Keener, Zoning Administrator; Cathy Zirkle, DRP Specialist II, 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. 19-30**, on the application of Richard Lynch, on the lands of Lavara Paal & Bob Moore, Trustees, 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 on Cedartown Road, approximately 0.4 miles east of Taylor Road, Tax Map 57, Parcel 36, in the Fourth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Richard Lynch, Jr. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried unanimously to grant the special exception as requested. The hearing ended at 6:34 PM.

The public hearing commenced at 6:35 PM on **Re-Advertisement of Case No. 19-25**, on the application of Mark Spencer Cropper, on the lands of Chet Rohrbach and Janet Yilmaz, requesting a variance to the Atlantic Coastal Bay Critical Area setback 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(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 northerly side of Croppers Creek Lane, approximately 477 feet from Waterview Drive, Tax Map 26, Parcel 392, Lot 16B, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark Cropper, Esquire, Chet Rohrbach, Janet Yilmaz and Steve Engel. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a large format site plan of the property. The approved site plan and photos of Tax Map 26, Parcel 444, Lot 56A were submitted as Applicant's Exhibit No. 2, followed by Exhibit No. 3, site plans for Tax Map 26, Parcel 444, Lot 15B and Tax Map 26, Parcel 392, Lot 143A. Submitted as Applicant's Exhibit No. 4 were photographs of Tax Map 26, Parcel 444, Lot 15B. The Applicant also submitted photographs of Tax Map 26, Parcel 392, Lot PAR B and Tax Map 26, Parcel 392, Lot PAR A, as Exhibit No. 5. Applicant's Exhibit No. 6 were photographs of Tax Map 26, Parcel 392, Lot J. Submitted as Applicant's Exhibit No. 7 were four pages of photographs and aerials images of collective properties located along Herring Creek.

Applicant's Exhibit No. 8. was a photograph and an aerial image of Tax Map 26, Parcel 392, Lot 143A. Additionally the Applicant submitted Exhibit No. 9 which was the opinion from BZA Case No. 15-19, the site plan and photographs of the property referenced in the case (Tax Map 26, Parcel 392, Lot 16). Applicant's Exhibit No. 10 was the BZA opinion, a photograph and site plan of previous BZA case number 96114. The applicant's final exhibit, Exhibit No. 11, was six letters in favor of the request signed by adjoining property owners. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Green and the decision was carried five to one, with Mr. Irwin opposed, to the granting of the Atlantic Coastal Bay Critical Area variance as requested. The hearing ended at 7:10 PM.

The public hearing commenced at 7:11 PM on **Case No. 19-33**, on the application of Mark Spencer Cropper, Esquire, on the lands of Andrew and Susan Baxter, requesting an after-the-fact variance to the Ordinance prescribed front yard setback from 50 feet to 40.7 feet (an encroachment of 9.3 feet), an after-the-fact variance to the Ordinance prescribed rear yard setback from 30 feet to 29.8 feet (an encroachment of 0.2 feet), and a variance to the Ordinance prescribed left and right side yard setbacks from 6 feet to 5.8 feet (an encroachment of 0.2 feet), all of which are associated with a single-family dwelling in the R-3 Multi-Family Residential District pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located on the northerly side of Old Bridge Road, approximately 350 feet east of Marthas Landing Road, Tax Map 27, Parcel 493, Lot 5, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Mark Cropper, Esq., Andrew and Susan Baxter, along with Greg Wilkins. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a copy of the approved floor plan for the dwelling. Submitted as Applicant's Exhibit No. 2 was a copy of the proposed site plan for the single family dwelling. Submitted as Applicant's Exhibit No. 3 were the photographs of the dwelling, as provided on an elevation certificate. Submitted as Applicant's Exhibit No. 4 was a revised Boundary Survey prepared by Gregory P. Wilkins Surveyor, Inc. reflecting the completed structure with the improvements dimensioned to the deck trim board. Submitted as Applicant's Exhibit No. 5 was another copy of the elevation certificate submitted as Applicant's Exhibit No. 2. Submitted as Applicant's Exhibit No. 6 was the same the Boundary Survey reflecting the completed structure submitted as Applicant's Exhibit No. 4. Submitted as Applicant's Exhibit No. 7 were BZA opinions for the following previously granted variances: Case Nos. 17-61, 11-38, 15-53, 11-40, 15-5, 13-47 and 76374. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Irwin and carried 5-1 to grant the variances as requested with Mr. Purcell opposed. The hearing ended at 7:32 PM.

Since Case No. 19-34 and Case No. 19-35 are for the a similar use and adjoining properties, a motion was made by Mr. Dypsky, seconded by Mr. Green and carried unanimously to combine the testimony on the two separate cases.

The public hearing commenced at 7:33 PM on **Case No. 19-34 and Case No. 19-35**, on the lands of Brooklyn's Estate, LLC, requesting a special exception to allow weddings

and special events (transient use) in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-105(c)(5), ZS 1-116(c)(3), and ZS 1-337, located on the southerly side of Flower Street, approximately 1,244 feet east of Honeysuckle Road, Tax Map 25, Parcela 255 and 256, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Patrick Brady, Rita Smack, Donald Smack, Shanika Nichols, Linda Bowen, Dinay Bowen, William Johnson and Hazel Bruddell. Appearing as protestants were Debra Brittingham, Natasha Owens, Gregory Purnell and Gabriel Purnell. Submitted as Applicant's Exhibit No. 1 was an aerial image of the two properties and two photographs of the dwellings on the properties. Following the discussion, it was moved by Mr. Dypksy, seconded by Mr. Green and carried five to one, with Mr. Babcock opposed to approve the special exceptions subject to the following conditions:

1. There shall be no parking on or along Flower Street; the Cottage property is limited to parking for events only. A survey shall be provided to confirm the property lines of the Cottage property.
2. An on-site coordinator shall be on the premises during every event for the extent of the event.
3. All music and events shall end at 10:00 P.M.
4. The single-family dwellings (Cottage and Estate) shall not be utilized in association with any event. The on-site coordinator is responsible for monitoring this.
5. The property owner shall notify the Worcester County Sheriff's Office and the Chief of Police for the Town of Berlin prior to each event with the details of the event.
6. The special events permitted are limited to the following: weddings; family reunions; corporate retreats; and community/ local class reunions.
7. The total number of events that may occur/ be permitted on this property during the life of this transient use is twelve (12) consistent with the application that was submitted to the Board.

The hearing ended at 9:10PM.

Administrative Matters

With no further business before the Board, the meeting was adjourned at 9:10 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jessica Edwards".

Jessica Edwards
Customer Service Representative