

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

January 13, 2022

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 Kristen M. Tremblay, Zoning Administrator, Cathy Zirkle, Stuart White, Joy Birch, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 22-3**, on the lands of Philip Grillo, requesting a variance to the rear yard setback from 30 feet to 21 feet (to encroach 9 feet), for a proposed addition in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305 located at 39 King Richard Road, Tax Map 21, Parcel 224, Section 10, Lot 586, Tax District 3 of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Lee Gillis, Jr. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes to grant the variance as requested. It was voted 3 – 2 to deny the request with Mr. Purcell, Mr. Babcock, and Mr. Green in opposition. The hearing ended at 6:37 PM.

The public hearing commenced at 6:37 PM on **Case No. 22-1**, on the application of Ron Wilkins, on the lands of Bradley & Jordan Kingsbury, requesting an after-the-fact variance to a platted side yard setback from 10 feet to 2.25 feet (to encroach 7.75 feet), for an existing stairway and landing in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-305 and ZS 1-315, located at 10536 War Dancer Lane, Tax Map 26, Parcel 1, Lot 272, Tax District 10 of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Ron Wilkins, and Jordan Kingsbury. There were no protestants in attendance. Submitted as Protestant Exhibit No. 1 were two (2) emails in opposition to the variance request from neighboring property owners. Submitted as Applicant Exhibit No. 1, No. 2 and No. 4 were photos of the retaining wall. Submitted as Applicant Exhibit No. 3 was a revised site plan. Submitted as Applicant Exhibit No. 5 was a second revised site plan. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried 3 - 2 to grant the variance as requested with Mr. Purcell and Mr. Babcock in opposition. The hearing ended at 6:52 pm.

The public hearing commenced at 6:52 PM on **Case No. 22-2**, on the application of Mark Nicolle, on the lands of Tim Kurtz, requesting an after-the-fact variance to a side yard setback from 6 feet to 5.46 feet (to encroach .54 feet) for an existing open deck in the R-3 Multi-Family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305 located at 49 Alton Point Road, Tax Map 16, Parcel 96, Section 14B, Lot 129, Tax District 3 of Worcester County, Maryland.

Kristen Tremblay read the application. Appearing as witness and providing testimony was Mark Nicolle. There were no protestants. Submitted as Applicant's Exhibit No. 1 and No. 2 were two (2) photos of the existing conditions of the side yard (deck and pool area). Following the discussion, it was moved by Mr. Green, seconded by Mr. Dypsky and carried 4-1 to grant the variance as requested with Mr. Purcell opposed. The hearing ended at 7:00 PM.

The public hearing commenced at 7:00 PM on **Case No. 22-5**, on the application of Mark Cropper, on the lands of RH Perry Properties, LLC, requesting a variance to the front yard setback off of Gray's Corner Road (MD 707) from 50 feet from the center of the road right-of-way to 37.8 feet (to encroach 12.2 feet), a variance to the front yard setback off of Ocean Gateway (US Route 50) from 100 feet to 74.6 feet (to encroach 25.4 feet) for a proposed mechanics garage and a special exception to place a six (6) foot tall fence in each front yard setback, in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-210(b)(4) and ZS 1-305 located at 11917 Ocean Gateway, Tax Map 26, Parcels 127 & 249, Tax District 10 of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony were Mark Cropper, Esquire, Russell Hammond, Land Surveyor, and Robert Perry. There were no protestants. Submitted as Applicant's Exhibit No. 1 were two (2) aerial photos of the area and site. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried unanimously to grant the variances and the special exception as requested. The hearing ended at 7:10 PM.

The public hearing commenced at 7:10 PM on **Case No. 22-4**, on the lands of Ocean Pines Association, Inc. requesting a modification to extend a waterfront structure in excess of 125 feet by 92 feet for one 8-foot wide by 34-foot-long floating pier extension anchored with 4 pilings with an associated 6-foot-wide by 6-foot-long gangway, mooring four transient vessels all extending a maximum of 37 feet channelward of the existing end of Pier A for a total of 217 feet channel-ward. Request also includes request to extend a waterfront structure in excess of 125 feet by 18 feet for one 8-foot wide by 29.5-foot-long floating pier extension anchored with 4 pilings with an associated 6-foot-wide by 6-foot-long gangway, mooring two (2) transient vessels all extending a maximum of 32.5 feet channelward of the existing end of Pier D for a total of 143 feet channelward, pursuant to Natural Resources Section NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(2) located on Mumford Landing Road, Tax Map 16, Parcel 58, Tax District 3 of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Rich Polk from Vista Design. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried unanimously to grant the modification as requested. The hearing ended at 7:20 PM.

The public hearing commenced at 7:20 PM on **Case No. 22-7**, on the application of Hugh Cropper, IV, on the lands of James & Dorothy Daniel, requesting a variance to the rear yard setback from 30 feet to 17.37 feet (to encroach 12.63 feet) and a variance to the front yard setback of 50 feet to the center of the road right-of-way to 43.29 feet (to encroach 7.61 feet) for proposed additions in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305 located at 12321 Meadow Drive, Tax Map 33, Parcel 346, Lot 21, Tax District 10 of Worcester

County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony were Hugh Cropper, Esquire, James Daniel, O. R. White, Architect, and Greg Wilkins, Land Surveyor. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a photo of the rear yard. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried unanimously to grant the variance as requested. The hearing ended at 7:30 PM.

The public hearing commenced at 7:30 PM on **The Re-Advertisement of Case No. 21-67**, on the application of Hugh Cropper, IV, on the lands of Ron and Sara Gorfinkel, requesting a variance to the Atlantic Coastal Bays Critical Area Ordinance to exceed the allowable 100 feet tidal wetland crossing by 10 feet for a proposed 3 foot by 110 foot walkway and a modification to extend a waterfront structure in excess of 125 feet by 266 feet for a proposed pier, mooring poles, PWC lifts, boatlift and platform extending a total of 391 feet channelward, pursuant to Natural Resources Section NR 3-125(b)(1) and NR 2-102(e)(1), Zoning Code §§ ZS 1-116(n)(2) & ZS 1-215(d)(4), located at 6010 South Point Road, Tax Map 50, Parcel 24, Lot 14, Tax District 10 of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Lisa Sparks, Ron Gossard, Frank Lynch, Land Surveyor, and Ron and Sara Gorfinkel. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a packet of information including an MDE permit application and aerial photos of the property. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes and carried unanimously to grant the Critical Area variance as requested. The hearing ended at 7:41 PM.

The public hearing commenced at 7:41 PM on **Case No. 21-69**, on the application of Hugh Cropper, IV, on the lands of Orange Blossom Properties Maryland LLC, requesting a variance to the front yard setback on Lewis Road from 50 feet from the center of the road right-of-way to 33.5 feet (to encroach 16.5 feet) for two walk-in coolers and a special exception to allow a 6 foot tall fence in the front yard setback around a dumpster in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-210(b)(2), ZS 1-305 and ZS 1-325, located at 8435 Stephen Decatur Highway, Tax Map 33, Parcel 101, Tax District 10 of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony were Hugh Cropper, Esquire and Charles Pereira. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Babcock and carried unanimously to grant the variance as requested. The hearing ended at 7:45 PM.

Administrative Matters

With no further business before the Board, the meeting was adjourned at 7:46 PM.

Respectfully submitted,



Stuart White
DRP Specialist