

**WORCESTER COUNTY  
BOARD OF ZONING APPEALS  
MINUTES**

**January 9, 2025**

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: Robert Purcell, Chairman, Thomas Babcock, Don Furbay, Larry Fykes, Beth Gismondi and Jake Mitrecic. Also in attendance were Kristen Tremblay, Zoning Administrator; Gary Pusey, DRP Specialist; Ben Zito, DRP Specialist; Joy Birch, Natural Resource Specialist; Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:34 PM on **Case No. 25-5**, on the lands of Mary and John Cosentino, requesting an after-the-fact variance to the side yard setback from 8 feet to 7.49 feet (to encroach 0.51 foot) for an existing accessory structure 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 18 Tail of the Fox Drive, Tax Map 16, Parcel 46, Section 9, Lot 575, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Mr. Cosentino, property owner. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Mitrecic and carried 4-2, with Ms. Gismondi and Mr. Furbay dissenting, to grant the variance. The hearing ended at 6:49 PM.

The public hearing commenced at 6:50 PM on **Case No. 25-2**, on the lands of Fedale Berlin LLC, on the application of Matt Wiley, requesting a special exception to allow the expansion of a nonconforming use and structure in order to construct a roof over a proposed 6' x 20' porch addition to a single-family residence in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(5), ZS 1-122(d)(1), ZS 1-116(c)(3), ZS 1-210 and ZS 1-305, located approximately 1,600 feet west of Herring Creek Lane between Grays Corner Road and U.S. Route 50, Tax Map 26, Parcel 347, Tax District 10, Worcester County, Maryland. Kristen Tremblay read the application. Mr. Tyler Usilton appeared on behalf of the applicant and property owner as a witness and provided testimony. There were no protestants. Following the discussion, it was moved by Ms. Gismondi, seconded by Mr. Fykes and carried unanimously to grant the special exception as requested. The hearing ended at 6:53 PM.

The public hearing commenced at 6:54 PM on **Case No. 25-3**, on the lands of William Cross and Joseph Hodski, on the application of J. Stacey Hart & Associates, Inc., requesting a variance to the side lot line setbacks on Lots 330 & 331 from 6 feet to 0 feet for a proposed shared dock in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(n)(3), ZS 1-207(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2), located at 154 & 253 Teal Circle, Tax Map 16, Parcel 41, Section 4, Lots 330 & 331, Tax District 3, Worcester County, Maryland. The requested variances are in addition to previous setback variances granted by the Board for a proposed addition

and open deck. Kristen Tremblay read the application. Appearing as witness and providing testimony was Ms. Stacey Hart, engineer. There were no protestants. Following the discussion, it was moved by Mr. Furbay, seconded by Ms. Gismondi and carried unanimously to grant the variance as requested, with the Conditions that (1) a piling only survey shall be performed prior to receiving a final approval, and (2) a shared dock agreement shall be executed by each party which will subsequently be recorded in the Worcester County Land Records. The hearing ended at 7:00 PM.

The public hearing commenced at 7:01 PM on **Case No. 25-4**, on the lands of Kathy and Carmine Picarelli, on the application of Josette Wheatley, requesting two (2) after-the-fact variances to each side lot line setback for an existing dock and two (2) after-the-fact variances to each side lot line setback for an existing floating dock from 6 feet to 3.15 feet (to encroach 2.85 feet) for each structure on the property's north side and from 6 feet to 1.23 feet (to encroach 4.77 feet) for each structure on the property's south side in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(n)(3), ZS 1-206(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2), located at 14 Drawbridge Road, Tax Map 16, Parcel 42, Section 5, Lot 98, Tax District 3, Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witnesses and providing testimony were Ms. Josette Wheatley, consultant, and Jennifer Kukel, realtor. There were no protestants. Following the discussion, it was moved by Ms. Gismondi, seconded by Mr. Furbay and carried unanimously to grant the variance as requested, with the Condition that an as-constructed survey shall be performed prior to receiving final approval. The hearing ended at 7:10 PM.

The public hearing commenced at 7:11 PM on **Case No. 24-74**, on the lands of Nancy and William Jenkins, on the application of Kristina Watkowski, requesting a variance to reduce the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 23.65 feet (to encroach 76.35 feet) for a proposed patio and fence in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(m) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located at 12406 Coastal Marsh Drive, Tax Map 33, Parcel 281, Lot 56, Tax District 10, Worcester County, Maryland. Kristen Tremblay read the application. Ms. Watkowski presented the application. Appearing as witnesses and providing testimony were Mr. Chris McCabe, environmental consultant, and William Jenkins, property owner. Submitted as Exhibit #1 was The Landings subdivision plat; Exhibit #2 was a letter from the Dept. of Veterans Affairs; Exhibit #3 included three aerial photos of the neighborhood; Exhibit #4 was a letter from the Bayside Community Association; Exhibit #5 included prior BZA Opinions from other cases; Exhibit #6 was a landscaping plan prepared by Mr. Jenkins; Exhibit #7 included three photos of neighbors' yards; and Exhibit #8 was a letter from the adjoining property owner. There were no protestants. Following the discussion, it was moved by Mr. Furbay, seconded by Mr. Mitrecic and carried unanimously to grant the variance as requested, with the Condition that the fence be placed a minimum of one foot from the property line so as not to interfere with drainage, and an as-built survey showing the fence location and the patio square footage shall be provided prior to final approval. The hearing ended at 7:39 PM.

The public hearing commenced at 7:40 PM on **Case No. 25-1**, on the lands of Gary and Tracy Desjardins, on the application of Kristina Watkowski, requesting an after-the-fact variance to reduce the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 31.9 feet (to encroach 68.1 feet) for an existing paver patio and walkway in the E-1 Estate District, pursuant to Zoning Code §§ ZS 1-116(m) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located at 11323 Newport Bay Drive, Tax Map 50, Parcel 50, Lot 14, Tax District 10, Worcester County, Maryland. Ms. Watkowski was present to represent the property owners. Kristen Tremblay read the application. Appearing as witnesses and providing testimony were Mr. Russell Hammond, surveyor; Mr. Chris McCabe, environmental engineer; and Mr. Gary Desjardins, property owner. Submitted as Exhibit #1 was a packet of information containing the plat of Indian Creek and property photos; Exhibit #2 included aerial photos of the neighborhood; Exhibit #3 included photos of the paver patio and walkway; Exhibit #4 was a site plan of the property; Exhibit #5 was a photo of the patio and the rear of the house; and Exhibit #6 was a photo of the pool. There were no protestants. Following the discussion, it was moved by Ms. Gismondi, seconded by Mr. Purcell and carried by a 3-2 vote, with Mr. Mitrecic and Mr. Fykes dissenting and Mr. Furbay recused, to deny the requested variance for the existing paver patio and to approve the existing walkway. The hearing ended at 8:20 PM.

The public hearing commenced at 8:21 PM on **Case No. 25-6**, on the lands of DW RE Holdings, LLC, on the application of Hugh Cropper, IV, requesting a special exception for proposed outdoor batting cages and two (2) variances to the 100 foot setback from an arterial highway for batting cages from 100 feet to 20.2 feet (to encroach 79.8 feet) and for a relocated storage shed from 100 feet to 38.8 feet (to encroach 61.2 feet) in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-210(c)(1), and ZS 1-305(b)2, located at 9810 Hammond Road, Tax Map 9, Parcel 378, Lot 1, Tax District 5, Worcester County, Maryland. Kristen Tremblay read the application. Ms. Kristina Watkowski presented the application. Appearing as witnesses and providing testimony were David Whigham, property owner, Frank Lynch, Jr., surveyor, Chris McCabe, environmental consultant, and Bill Baker, Jeri Vota, Shannon Simms and Brittney Maloney. Submitted as Exhibit #1 was a packet of information containing aerial photos of the property and surrounding area, zoning map, zoning code and comprehensive plan excerpts, and BZA Opinions from other cases. Following the discussion, it was moved by Mr. Fykes, seconded by Ms. Gismondi and carried unanimously to grant the special exception and variances as requested. The hearing ended at 9:16 PM.

The public hearing commenced at 9:17 PM on **Case No. 25-7**, on the lands of DW RE Holdings, LLC, on the application of Hugh Cropper, IV, requesting a special exception for an outdoor commercial recreation establishment (baseball practice infield), a special exception to allow a 20-foot high fence, and a variance to the 100 foot setback from an arterial highway for a baseball backstop from 100 feet to 25.27 feet (to encroach 74.73 feet) in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-210(c)(1), ZS 1-305(b)2 and ZS 1-305(k)(3), located on

the east side of Worcester Highway approximately 500 feet south of Hammond Road, Tax Map 9, Parcel 378, Parcel 2, Tax District 5, Worcester County, Maryland. Kristen Tremblay read the application. Ms. Watkowski presented the application and offered as witnesses, testimony and exhibits the same information provided in the previous Case #25-6. Following the discussion, it was moved by Mr. Mitrecic, seconded by Mr. Fykes and carried unanimously to grant the special exceptions and variance as requested. The hearing ended at 9:20 PM.

With no further business before the Board, the meeting was adjourned at 9:21 PM upon a motion by Mr. Mitrecic, seconded by Mr. Fykes, and unanimously approved.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gary Pusey". The signature is written in a cursive, flowing style.

Gary Pusey  
DRP Specialist