

**NOTICE OF PUBLIC HEARING  
WORCESTER COUNTY  
BOARD OF ZONING APPEALS  
AGENDA**

*THURSDAY SEPTEMBER 11, 2025*

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held in-person before the Board of Zoning Appeals for Worcester County, in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland. Audio and video recording will take place during this public hearing.

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>

**6:30 p.m.**

**Case No. 25-51**, on the lands of Christina and Jeffrey Lank, on the application of Kristina Watkowski, requesting an after-the-fact variance to the side yard setback from 20 feet to 18.5 feet (to encroach 1.5 feet) for a detached garage and an after-the-fact variance to the side yard setback from 20 feet to 7.7 feet (to encroach 12.3 feet) for a shed in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5) and ZS 1-305, located at 7109 Ayres Lane Road, Tax Map 72, Parcel 101, Tax District 2, Worcester County, Maryland.

**6:35 p.m.**

**Case No. 25-50**, on the lands of Build Pines, LLC, on the application of Hugh Cropper, IV, requesting a special exception to allow contractor shops in the A-2 Agricultural District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3) and ZS 1-202(c)(13), located at 10529 Flower Street, Tax Map 25, Parcel 275, Tax District 3, Worcester County, Maryland.

**6:40 p.m.**

**Case No. 25-39**, on the lands of Donald D'Aquila, on the application of Hugh Cropper IV, requesting two (2) variances to reduce the Atlantic Coastal Bays Critical Area Buffer (1) from 100 feet to 51.76 feet (to encroach 48.24 feet) for a proposed dwelling; and (2) from 100 feet to 12.83 feet (to encroach 87.17 feet) for a proposed driveway in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(m), ZS 1-202(b)(5) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located at 8718 Grey Fox Lane, Tax Map 33, Parcel 206, Tax District 3, Worcester County, Maryland.

**6:45 p.m.**

**Case No. 24-71**, on the application of Maryland Coastal Bays Program, on the lands of the State of Maryland, Ruark Family LP, and Assateague Island National Seashore, requesting a modification to extend four (4) waterfront structures in excess of 125 feet by 18 feet, 25 feet, 29 feet and 150 feet for construction of a proposed living shoreline project extending to a maximum of 275 feet channelward, pursuant to Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(3), located at 7000 Rum Pointe Road, Tax Map 42, Parcels 8, 36, and 40, Tax District 10, Worcester County, Maryland.

**Administrative Matters**

### **IMPORTANT NOTICE**

**Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.**

APPLICATION TO :  
BOARD OF ZONING APPEALS  
WORCESTER COUNTY, MARYLAND  
ONE WEST MARKET STREET  
GOVERNMENT CENTER ROOM 1201  
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 25-51  
DATE FILED: 8-12-2025  
HEARING DATE: 9-11-2025

APPLICATION BEING MADE FOR:

<input type="checkbox"/>	SPECIAL EXCEPTION	<input type="checkbox"/>	FORESTRY
<input checked="" type="checkbox"/>	VARIANCE	<input type="checkbox"/>	CRITICAL AREA
<input type="checkbox"/>	EXPANSION OF NONCONFORMING USE/STRUCTURE	<input type="checkbox"/>	APPEAL
<input type="checkbox"/>	OTHER		
<input checked="" type="checkbox"/>	AFTER THE FACT	<input type="checkbox"/>	PROPOSED
		<input type="checkbox"/>	ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: an after the fact variance of the side yard set back from 20 feet to

18.5 feet (an encroachment of 1.5 feet) for a detached garage, and an after the fact variance of the side yard set back from  
20 feet to 7.7 feet (an encroachment of 12.3 feet) for a shed in the A-1 Agricultural District.

LOCATION OF PROPERTY:

TAX MAP: 72 PARCEL: 101 SECTION: \_\_\_\_\_ LOT/ BLOCK: \_\_\_\_\_  
On the N/S/E/W of: East side of Ayres Lane Road  
7109 Ayres Lane Road, Snow Hill, MD 21863 (Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Jeffrey & Christina Lank Telephone: \_\_\_\_\_  
Address: 346 Owls Nest Drive, Bear, Delaware 19701 E-Mail: \_\_\_\_\_

APPLICANT INFORMATION:

Applicant's Name: Kristina L. Watkowski Telephone: 4 \_\_\_\_\_  
Address: 9927 Stephen Decatur Highway, Suite F-12, Ocean City, Maryland E-Mail: \_\_\_\_\_

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)  
Unknown

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? No If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? N/A

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: \_\_\_\_\_ FROM CENTERLINE OF ROAD REAR: 50'  
\_\_\_\_\_ RIGHT OF WAY OF A STATE ROAD LEFT SIDE: 20'  
35' FROM PROPERTY LINE RIGHT SIDE: 20'  
ZONING DISTRICT: A-1 TAX DISTRICT: 2

Kristina L. Watkowski, atty  
Signature of Owner or Legal Representative

Kristina L. Watkowski  
Signature of Applicant

\*\*\*SEE NEXT PAGE FOR NOTARY\*\*\* (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION  
NOTARY PAGE FOR BOTH  
OWNER AND APPLICANT**

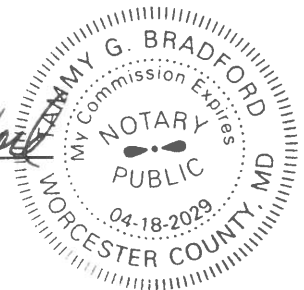
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of August  
20 25 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared Kristina L. Watkowski, attorney for owner, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

Tammy G. Bradford  
Notary Public

My Commission Expires: 4/18/2029



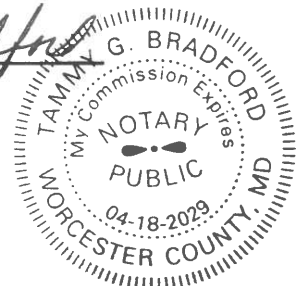
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of August  
20 25 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared Kristina L. Watkowski, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
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Tammy G. Bradford  
Notary Public

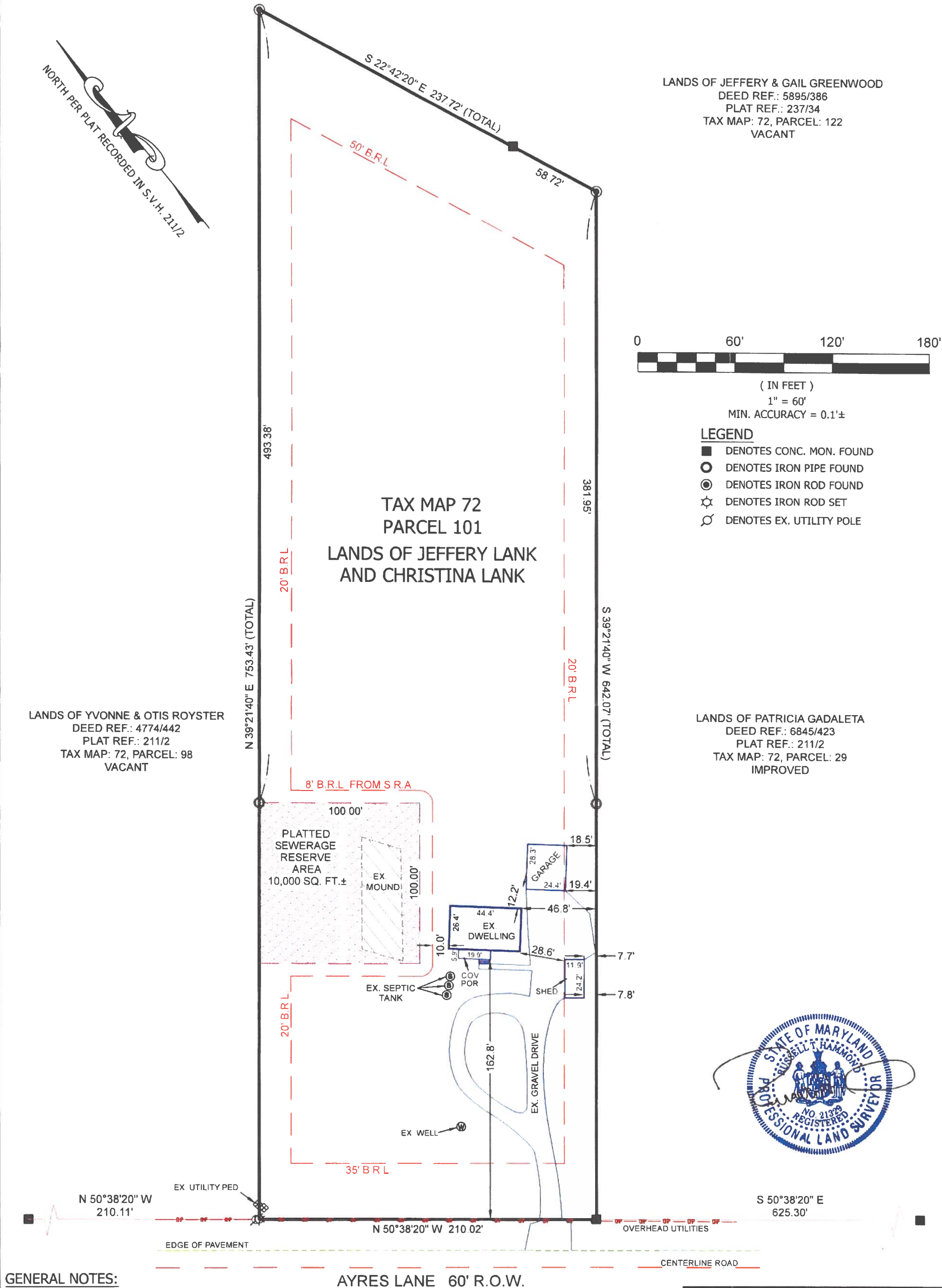
My Commission Expires: 4/18/2029





PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 21329, EXPIRATION DATE 1/08/2027.

NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY, WETLANDS, UTILITIES OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.



**AS-CONSTRUCTED SURVEY**  
**LANDS OF JEFFERY LANK & CHRISTINA LANK**  
**SECOND TAX DISTRICT**  
**WORCESTER COUNTY, MARYLAND**

**RUSSELL T. HAMMOND**  
*Surveying, L.L.C.*  
SURVEYING - LAND PLANNING  
10310 Hotel Road Bishopville, MD 21813  
(410) 352-5674 - (410) 726-8076  
DRAWN BY: R. SAVAGE  
FILE NO.: 2018-2286  
DATE: 02/10/2025  
REVISED: 08/09/25

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**WORCESTER COUNTY BOARD OF ZONING APPEALS  
STAFF REPORT FOR:  
CASE NO. 25-51**

**IMPORTANT NOTICE**

**Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.**

**HEARING DATE:** September 11, 2025

**LOCATION:** 7109 Ayres Lane Road, Tax Map 72, Parcel 101, Tax District 2, Worcester County, Maryland.

**APPROVAL REQUESTED:** An after-the-fact variance to the side yard setback from 20 feet to 18.5 feet (to encroach 1.5 feet) for a detached garage and an after-the-fact variance to the side yard setback from 20 feet to 7.7 feet (to encroach 12.3 feet) for a shed in the A-1 Agricultural District.

**CODE REFERENCES:** Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5) and ZS 1-305.

**PROPERTY HISTORY:** The property has the following records on file:

10/16/2020	Permit No. 20-1032 – Issued 11/17/2020 – C/O issued 03/26/2021 - Permit for a single family modular dwelling with a front porch.
09/19/2024	Permit No. 24-1258 – Issued 10/10/2024 – C/O pending (permit is the subject of one of the two variances being requested) - Permit to construct a 24' x 28' detached garage with an open second floor.

**COMMENTS:** The Applicants are requesting approval for side yard setback variances associated with two (2) existing accessory structures – a detached garage and a shed.

For the variance requests, the Board must make findings that the applicant has demonstrated the following:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.
2. Literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
3. The special conditions or circumstances did not result from actions of the applicant.
4. The condition or circumstance is not one that could be reasonably provided for under legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.

**SUBSEQUENT PROCESSES IF APPROVED:**

1. Obtain all required permits.

**OWNER:** Christina and Jeffrey Lank  
346 Owls Nest Drive  
Bear, DE 19701

**APPLICANT :** Kristina Watkowski  
9927 Stephen Decatur Highway, Suite F-12  
Ocean City, MD 21842

**PREPARED BY:** Zoning Division Staff

In accordance with Section ZS 1-114, the Department has met the public notification requirements with regard to advertisement in a local paper, posting of property and notification of adjoining property owners.

APPLICATION TO :  
BOARD OF ZONING APPEALS  
WORCESTER COUNTY, MARYLAND  
ONE WEST MARKET STREET  
GOVERNMENT CENTER ROOM 1201  
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 25-50  
DATE FILED: 8-12-2025  
HEARING DATE: 9-11-2025

APPLICATION BEING MADE FOR:

<input checked="" type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> FORESTRY
<input type="checkbox"/> VARIANCE	<input type="checkbox"/> CRITICAL AREA
<input type="checkbox"/> EXPANSION OF NONCONFORMING USE/STRUCTURE	<input type="checkbox"/> APPEAL
<input type="checkbox"/> OTHER	
<input type="checkbox"/> AFTER THE FACT	<input checked="" type="checkbox"/> PROPOSED
	<input type="checkbox"/> ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: a special exception for three (3) contractor shops in the A-2 Agricultural District, pursuant to Section ZS 1-202(c)(13).

LOCATION OF PROPERTY:

TAX MAP: 25 PARCEL: 274 & 275 SECTION:  LOT/ BLOCK:   
On the N/S/E/W of: North side of Flower Street  
10529 Flower Street, Berlin, Maryland 21811 (Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Build Pines LLC Telephone:   
Address: 205 West Street, Berlin, Maryland 21811 E-Mail:

APPLICANT INFORMATION:

Applicant's Name: Hugh Cropper IV Telephone:   
Address: 9927 Stephen Decatur Highway, Suite F-12, Ocean City, Maryland E-Mail:

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)


Yes, Case No. 24-32 hearing date April 19, 2023 6/13/2024 (Typo in Opinion Letter)

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? No If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? N/A

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: <u>60'</u>	FROM CENTERLINE OF ROAD	REAR: <u>50'</u>
<u>—</u>	RIGHT OF WAY OF A STATE ROAD	LEFT SIDE: <u>50'</u>
<u>45'</u>	FROM PROPERTY LINE	RIGHT SIDE: <u>50'</u>

ZONING DISTRICT: A-2 TAX DISTRICT: 3

  
Signature of Owner or Legal Representative

  
Signature of Applicant

\*\*\*SEE NEXT PAGE FOR NOTARY\*\*\* (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION  
NOTARY PAGE FOR BOTH  
OWNER AND APPLICANT**

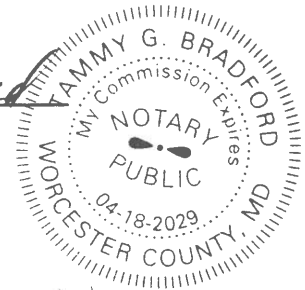
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)**

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personally appeared Hugh Cropper IV, attorney for owner, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

Tammy G. Bradford  
Notary Public

My Commission Expires: 4/18/2029



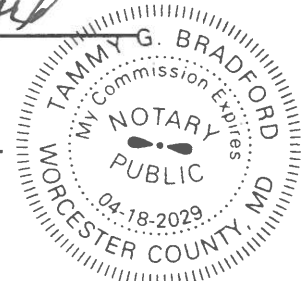
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)**

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AS WITNESS my hand and official seal.

Tammy G. Bradford  
Notary Public

My Commission Expires: 4/18/2029



IN THE MATTER OF HUGH CROPPER

\*

\*

BEFORE THE BOARD OF ZONING

\*

APPEALS FOR WORCESTER COUNTY,

\*

Case No. 24-32

MARYLAND

\*

\* \* \* \* \*

**OPINION**

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, April 19, 2023, upon the application of Hugh Cropper, on the lands of Build Pines, LLC, requesting a special exception to allow contractor shops, a variance to the right side yard setback from 50 feet to 44 feet (to encroach 6 feet) for a proposed contractor shop building, a variance to the right side yard setback from 50 feet to 45.5 feet and a variance to the left side yard setback from 50 feet to 36.5 feet for the conversion of an existing building to a contractor shop, in the A-2 Agricultural District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3), ZS 1-116(c)(4) and ZS 1-202(c)(13), located at 10529 Flower Street, Tax Map 25, Parcel 275, Tax District 3, Worcester County, Maryland.

Kristen Tremblay, Zoning Administrator presented the application to the Board.

Rita Campbell testified before the Board along with Frank Lynch, Jr., and Ben Sharp. There were no protestants to the Application.

After duly considering the application and the testimony and other evidence offered and presented in connection therewith, the Board made the following findings of fact and conclusions of law in regards to the Special Exception:

1. The proposed use will be consistent with County's Comprehensive Plan;
2. The proposed use will be in harmony with the general character of the neighborhood considering population density, the design, scale and bulk of any proposed new structures, the intensity and character of activity, traffic and parking conditions or the number of similar uses;
3. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or surrounding neighborhoods; will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity; and will not have a detrimental effect on ground or surface water quality;

4. The proposed use will have no detrimental effect on vehicular or pedestrian traffic;
5. The proposed use will not adversely affect the health, safety, morals, security or general welfare of residents, workers or visitors in the area; and
6. The proposed use will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, medical facilities, water, sanitary sewers, public roads, storm sewers, drainage and other public improvements.

After duly considering the application and the testimony and other evidence offered and presented in connection therewith, the Board made the following findings of fact and conclusions of law in regards to the Variance:

1. Special conditions and circumstances exist which are peculiar to the land and proposed building involved;
2. The literal interpretation of the Ordinance would deprive the applicants of rights commonly enjoyed by others in the Zone;
3. The special conditions did not result from actions of the applicants; and
4. The conditions are not one that could be reasonably provided for under legislation of general applicability within the Zone.

Accordingly, upon a Motion made by Ms. Gismondi to approve, which was seconded by Mr. Furbay, the Board passed the following resolution which was opposed by Mr. Babcock:

BE IT RESOLVED, that the requested variance be GRANTED; and

BE IT RESOLVED, that the requested special exception be GRANTED.

6/26/25  
Date

  
Robert Purcell  
Chairperson

          
Date

          
Jacob Mitrecic

6-28-2024  
Date

  
Thomas Babcock

\_\_\_\_\_  
Date

7/2/24

\_\_\_\_\_  
Date

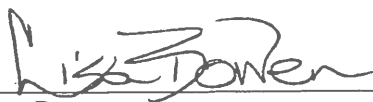
7/1/24

\_\_\_\_\_  
Date

7/1/2024

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles L. Fykes



\_\_\_\_\_  
Lisa Bowen



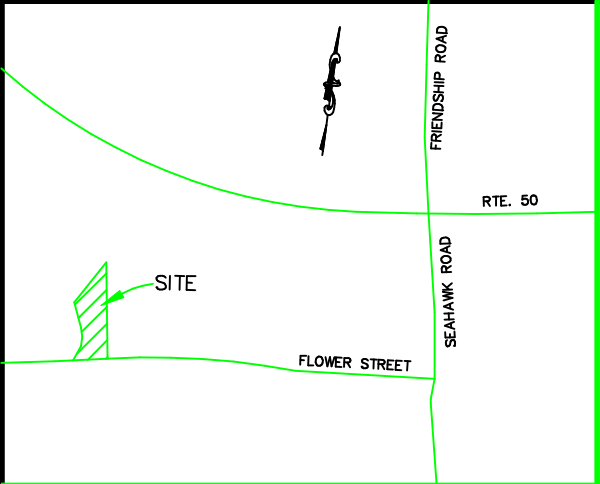
\_\_\_\_\_  
Beth Gismondi



\_\_\_\_\_  
Don Furbay

\* Any special exception shall be implemented within 12 months from its approval. If not so implemented, it shall be considered abandoned and shall terminate.

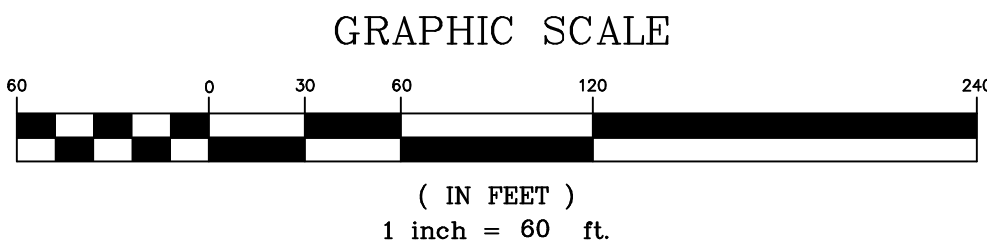
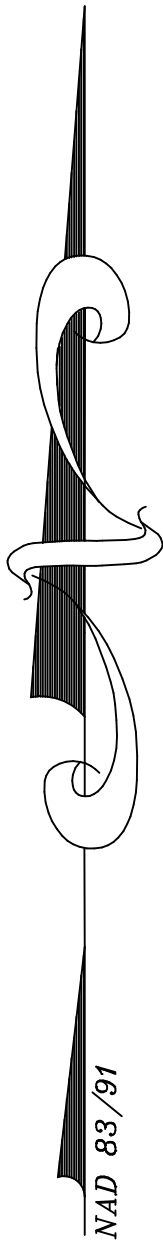




FOREST CONSERVATION LAW STATEMENT

THIS SITE IS SUBJECT TO THE WORCESTER COUNTY FOREST CONSERVATION LAW. THIS SUBDIVISION IS SUBJECT TO FOREST CONSERVATION PLAN NO. 14-28. THIS SITE HAS BEEN SUBJECT TO A REGULATED ACTIVITY UNDER THE WORCESTER COUNTY FOREST CONSERVATION LAW. ANY FUTURE APPROVAL OF THIS SITE FOR A REGULATED ACTIVITY SHALL BE SUBJECT TO THE COUNTY FOREST CONSERVATION LAW. A FOREST CONSERVATION PLAN HAS BEEN APPROVED AND IS ON FILE WITH THE DEPARTMENT OF PLANNING, PERMITS AND INSPECTIONS. A PERPETUAL PROTECTIVE AGREEMENT, DEED OF FOREST CONSERVATION EASEMENT, WORCESTER COUNTY, MARYLAND WILL BE RECORDED SIMULTANEOUSLY WITH THIS PLAT IN THE LAND RECORDS OF WORCESTER COUNTY, MARYLAND.

PLAT BOOK : SVH 240/62



BUILD PINES LLC  
DEED : 6373/231  
TAX ID#03-017168  
USE : IMPROVED

REFERENCE

LOT AREA: PARCEL 275 = 3.791 ACRES±  
DEED REFERENCE: PARCEL 275 = SVH 6373/231  
EX. ZONING: A-2  
ZONING SETBACKS: FOR CONTRACTOR SHOPS  
FRONT: 60' FROM CENTERLINE ROAD  
SIDES: 50', REAR: 50'  
BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 24047C0154H DATED 7-16-2015  
THIS SITE IS LOCATED IN ZONE X  
WATERSHED IS OCEAN/COASTAL - NEWPORT BAY DRAINAGE 2130105

- ⬆ DENOTES FOREST CONSERVATION EASEMENT SIGN (PER RECORD PLAN)
- ⬆ DENOTES IRON AXLE FOUND
- ⬆ DENOTES IRON PIPE FOUND
- ⬆ DENOTES IRON BOUNDER FOUND
- ⬆ DENOTES IRON ROD SET

NOTE : WETLANDS AND BUFFERS WERE REPORTEDLY PRIORLY IMPACTED  
BY LETTER OF AUTHORIZATION #201461386/14-NT-2089 DATED 9-15-2014  
WITH EXPIRATION OF 9-15-2017.

DENOTES NON TIDAL WETLANDS  
AS DELINEATED BY SPENCER ROWE INC.

DENOTES FOREST CONSERVATION EASEMENT AREA  
2.41 ACRES

NOTE : 0.746 AC. OF FORESTED NON TIDAL WETLANDS WITHIN F.C.A.

Frank G. Lynch, Jr.  
& Associates, Inc.

SURVEYING - LAND PLANNING  
10535 RACETRACK ROAD - BERLIN, MARYLAND 21811  
(410) 641-5353 • 641-5773

DESIGNED BY	N/A	SURVEYED BY	FGL 3/CL	FILE NO.	12386-24
DRAWN BY	F.G.L. JR.	DATE	4-08-2024	SHEET	1 OF 1
CHECKED BY	FRANK G. LYNCH	SCALE	1" = 60'		

EXPIRES 2-21-2026

PROFESSIONAL SEAL

TITLE

PROPOSED CONTRACTOR SHOPS  
PARCEL 275 - TAX MAP 25  
10529 FLOWER STREET, BERLIN, MD.

PROJECT

TAX MAP 25 - PARCEL 275  
THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND  
TAX ACCOUNT #017168

#	REVISION	DATE	CHKD

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**WORCESTER COUNTY BOARD OF ZONING APPEALS  
STAFF REPORT FOR:  
CASE NO. 25-50**

**IMPORTANT NOTICE**

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**HEARING DATE:** September 11, 2025

**LOCATION:** 10529 Flower Street, Tax Map 25, Parcel 275, Tax District 3, Worcester County, Maryland.

**APPROVAL REQUESTED:** A special exception to allow three (3) contractor shops in the A-2 Agricultural District.

**CODE REFERENCES:** Zoning Code §§ ZS 1-116(c)(3) and ZS 1-202(C)(13).

**PROPERTY HISTORY:** The following records are on file:

- |            |  |
|------------|--|
| 10/10/2014 | Building Permit No. 14-1039 – Issued 12/10/2014 – Proposed 40’ x 80’ pole building with 600 s.f. of living area as a SF dwelling – PERMIT REVISED per 14-1169 to remove the dwelling unit (see below).   |
| 11/25/2014 | Building Permit No. 14-1169 – Issued 11/10/2015 (now expired) – Two-story single-family dwelling with attached garage, front and rear decks, and rear screened porch, and change in approval of BP 14-1039 to remove the dwelling from that permit so that the 40’ by 80’ pole building would only be used for personal storage.   |
| 8/8/2016   | Renewal application submitted for Building Permit No. 14-1039 – 40’ by 80’ detached garage for personal storage only.  |
| 6/13/2024  | BZA Case No. 24-32 – Approval of a special exception to allow contractor shops and three (3) setback variances: <ol style="list-style-type: none"><li>1. Right side yard setback variance from 50 feet to 44 feet (to encroach 6 feet) for the proposed contractor shop building;</li><li>2. A variance to the right side yard setback from 50 feet to 45.5 feet (to encroach 4.5 feet); and</li><li>3. A variance to the left side yard setback from 50 feet to 36.5 feet (to encroach 13.5 feet) – NOTE: See below – this special exception was not exercised within one year of approval and has expired; the variances remain in effect as they “run with the land.”</li></ol> |

**COMMENTS:** The applicant is seeking approval of a special exception for contractor shops in three (3) buildings at this property – one (1) building is existing and two (2) buildings are proposed, per the site plan. The Board previously approved this request in June 2024 along with setback variances and although variances do not expire, special exceptions must be implemented within one (1) year or they expire. A site plan application was not received and thus the original approval expired.

With respect to the special exception request, the Board must make findings that the proposed use or structure:

1. Will be in conformance with the County’s Comprehensive Plan.
2. Will be in harmony with the general character of the neighborhood considering population density, the design, scale and bulk of any proposed new structures, the intensity and character of the activity, traffic and parking conditions or the number of similar uses.
3. Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding neighborhoods; will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity; and will not have a detrimental effect on ground- or surface water quality.
4. Will have no detrimental impact on vehicular or pedestrian traffic.
5. Will not adversely affect the health, safety, morals, security or general welfare of residents, workers, or visitors in the area.
6. Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, medical facilities, water, sanitary sewers, public roads, storm sewers, drainage and other public improvements.
7. Will meet the definitions and specific standards set forth elsewhere in this Title for such use.

**SUBSEQUENT PROCESSES IF APPROVED:**

1. Obtain site plan approval for the contractor shop use.
2. Obtain all required permits.

**OWNERS:** Build Pines LLC  
205 West Street  
Berlin, MD 21811

**APPLICANT :** Hugh Cropper IV  
9927 Stephen Decatur Hwy, Suite F-12  
Ocean City, MD 21842

**PREPARED BY:** Zoning Division Staff

In accordance with Section ZS 1-114, the Department has met the public notification requirements with regard to advertisement in a local paper, posting of property and notification of adjoining property owners.

APPLICATION TO :  
BOARD OF ZONING APPEALS  
WORCESTER COUNTY, MARYLAND  
ONE WEST MARKET STREET  
GOVERNMENT CENTER ROOM 1201  
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 25-39  
DATE FILED: 4-25-2025  
HEARING DATE: 7-10-2025 (Postponed)  
9-11-2025

APPLICATION BEING MADE FOR:

<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> FORESTRY
<input checked="" type="checkbox"/> VARIANCE	<input checked="" type="checkbox"/> CRITICAL AREA
<input type="checkbox"/> EXPANSION OF NONCONFORMING USE/STRUCTURE	<input type="checkbox"/> APPEAL
<input type="checkbox"/> OTHER	

☐ AFTER THE FACT      ☒ PROPOSED      ☐ ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: Variances to reduce the Atlantic Coastal Bays Critical Area Buffer  
(1) from 100 feet to 41.79 feet for a proposed dwelling, (2) from 100 feet to 29.71 feet for a proposed garage, and (3) from 100 feet to 13.79 feet for a proposed driveway. Revised for 9-11-2025: see 7-24-2025 letter from Hugh Cropper

LOCATION OF PROPERTY:

TAX MAP: 33      PARCEL: 206      SECTION:      LOT/ BLOCK:  
On the N/S/E/W of: South side of Grey Fox Lane  
8718 Grey Fox Lane, Berlin MD 21811 (Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Donald F. D'Aquila      Telephone: \_\_\_\_\_  
Address: 3963 Oyster Shell Lane, Bivalve, Maryland 21814      E-Mail: \_\_\_\_\_

APPLICANT INFORMATION:

Applicant's Name: Hugh Cropper IV      Telephone: \_\_\_\_\_  
Address: 9927 Stephen Decatur Highway, Suite F-12, Ocean City, MD 21842      E-Mail: \_\_\_\_\_

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)  
No

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? Yes      If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? Yes

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: _____	FROM CENTERLINE OF ROAD	REAR: <u>50'</u>
_____	RIGHT OF WAY OF A STATE ROAD	LEFT SIDE: <u>20'</u>
<u>35'</u>	FROM PROPERTY LINE	RIGHT SIDE: <u>20'</u>

ZONING DISTRICT: A-2      TAX DISTRICT: 3

  
Signature of Owner or Legal Representative

  
Signature of Applicant

\*\*\*SEE NEXT PAGE FOR NOTARY\*\*\* (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION  
NOTARY PAGE FOR BOTH  
OWNER AND APPLICANT**

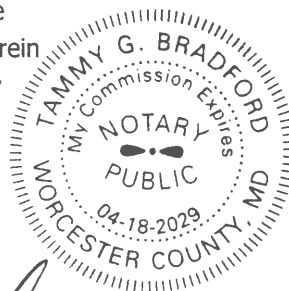
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of April  
20 25 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared Hugh Cropper IV, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

  
Notary Public

My Commission Expires: 4/18/2029



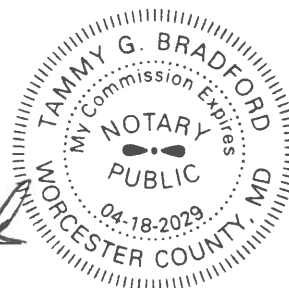
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of April  
20 25 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared Hugh Cropper IV, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

  
Notary Public

My Commission Expires: 4/18/2029



LAW OFFICES

## BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

CURTIS H. BOOTH  
HUGH CROPPER IV  
THOMAS C. MARRINER\*  
ELIZABETH ANN EVINS  
LYNDSEY J. RYAN  
KRISTINA L. WATKOWSKI

9927 STEPHEN DECATUR HWY., F-12

OCEAN CITY, MARYLAND 21842

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EASTON, MD 21601

(410) 822-2929

FAX (410) 820-6586

WEBSITE

[www.bbcmllaw.com](http://www.bbcmllaw.com)

\*ADMITTED MD & DC

July 24 , 2025

Mr. Brian Soper  
Natural Resources Administrator  
Department of Environmental Programs  
Worcester County, Maryland  
One West Market Street, Room 1306  
Snow Hill, Maryland 21863

RE: ***Worcester County Tax Map 33, Parcel 206***  
***8718 Grey Fox Lane, Berlin, MD 21811***

Dear Mr. Soper:

Please find attached ten copies of an updated Site Plan, submitted in response to the June 6, 2025 Revised Letter from the State of Maryland, Critical Area Commission.

The proposed Site Plan has been redesigned to reduce overall clearing, impacts to FIDS interior bird habitat, and it aligns better with the spirit and intent of the Critical Area Program.

The proposed 500 sq. ft. garage has been eliminated.

Parking will now be under the proposed 28 x 40 single family dwelling, which is a total of 1,206.53 sq. ft. The footprint of the house has not expanded. The only difference is that there will be a garage underneath for parking.

The total proposed impervious area has been reduced from 3,479.13 sq. ft. to 3,203.49 sq. ft.

Perhaps more importantly, all of the existing trees have been located on site. The driveway has been realigned to avoid impact with existing trees.

The single family dwelling has been shifted in a northwest direction, to avoid impacts with existing trees, and to move it further landward, away from the shoreline of Ayres Creek.

This is just a brief summary of the proposed changes to the Site Plan. The property is zoned A-2, Agricultural District, and the single family dwelling is permitted by zoning. The property is designated Limited Development Area, or LDA. The allowable lot coverage is 5,445 sq. ft., and the proposed lot coverage is 3,203.49 sq. ft. The existing dirt road is compacted, so some of that lot coverage pre-exists.

Thank you for your consideration.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'H. Cropper IV', written in a cursive style.

Hugh Cropper IV

HC/tgb

Enclosures

CC: Kristina L. Watkowski, Esquire  
Evan C. Young  
Chris McCabe  
Donald D'Aquila



LINE	BEARING	DISTANCE
1	S 11° 13' 18" W	18.26
2	S 21° 33' 18" W	22.03
3	S 25° 45' 18" W	22.03
4	S 42° 18' 57" W	13.96
5	S 40° 41' 02" W	13.34
6	S 58° 41' 30" W	18.45
7	S 65° 30' 28" W	15.73
8	S 51° 10' 58" W	6.83
9	N 33° 48' 59" W	17.15
10	N 36° 51' 38" W	18.10
11	N 37° 12' 13" W	16.92
12	H 34° 07' 02" W	22.34
13	N 36° 22' 07" W	27.22
14	N 31° 57' 51" W	13.62

TAX ID: 03-024458  
TAX MAP 33  
PARCEL 173  
N/F  
CAROLYN A. PARK  
DEED: 6045/350  
PLAT: 84/14  
USE: RESIDENTIAL

TAX ID: 03-024458  
TAX MAP 33  
PARCEL 173  
N/F  
CAROLYN A. PARK  
DEED: 6045/350  
PLAT: 84/14  
USE: RESIDENTIAL

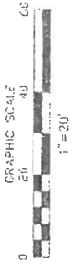
TAX ID: 03-024431  
TAX MAP 33  
PARCEL 180  
N/F  
KENNETH ALLEN TAYLOR, et al  
DEED: 6777/243  
USE: RESIDENTIAL

## LEGEND

- - CONCRETE MONUMENT FOUND
- - PROPERTY CORNER
- ⊙ - PROPOSED WELL
- ⊙ - PROPOSED SEPTIC TANK
- ⊙ - EXISTING TREE LOCATION

## SITE NOTES:

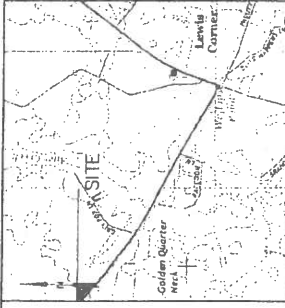
- OWNER: DONALD F. DAQUILA
- 3903 OYSTER SHELL LANE, BERLIN, MD 20811
- TAX MAP NO. 33, GRID 14, PARCEL 205
- ACCOUNT NO.: 03-024195
- DEED REF.: 0860/265
- PLAT REF.: 84/14
- SITE ADDRESS: 8718 GREY FOX LANE, BERLIN, MD 20811
- CURRENT USE: RESIDENTIAL
- ZONING: R-2 (RURAL URBAN DISTRICT)
- SETBACKS: FRONT = 35', REAR = 20'
- LOT AREA AS NOTED
- BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 24047C 0170 H, DATED 7/16/2015, THE LOT SHOWN IS LOCATED IN ZONE AE (EL 5).
- HORIZONTAL DATUM IS ASSUMED, VERTICAL DATUM IS NAVD83 (US FEET).
- BASED ON THE MARYLAND ENVIRONMENTAL RESOURCES AND LAND INFORMATION NETWORK (MERLIN) THIS SITE LIES WITHIN THE UNITED DEVELOPMENT AREA (UDA).
- BASED ON THE MARYLAND ENVIRONMENTAL RESOURCES AND LAND INFORMATION NETWORK (MERLIN) THIS SITE DOES NOT CONTAIN WETLANDS.
- NO ABSTRACT TITLE WAS PROVIDED PRIOR TO THIS SURVEY.
- THIS SURVEY WAS BASED ON PHYSICAL EVIDENCE AND ADEQUATE RECORDS. IT SHALL BE IN ACCORDANCE WITH ALL FUTURE CONSTRUCTION ZONING ORDINANCE IN EFFECT AT THE TIME OF CONSTRUCTION.
- THIS LOT IS SERVED BY PRIVATE WATER AND SEWER.



## SURVEYOR'S CERTIFICATION

I hereby certify that I have made a Site Plan of the property shown for the purpose of establishing improvements thereon only as shown. This plot is not intended for use in establishing the property lines.

Evan C. Young  
Professional Land Surveyor, MD No. 22027  
Expiration 4/20/2026  
Date: 7/22/2025



## VICINITY MAP

1" = 2000'

## PURPOSE STATEMENT

The purpose of this site plan is to build a house. Due to shoreline on two sides of the property there is no buildable area.

**EXISTING IMPERVIOUS AREA**  
DRIVEWAY 1,628.51 SQ. FT.

1,628.51 / 28,312.12 = 0.057 (5.7%)

**PROPOSED IMPERVIOUS AREA**  
HOUSE 1,205.53 SQ. FT.  
DRIVEWAY 368.45 SQ. FT.  
TOTAL 1,574.58 SQ. FT.

**TOTAL IMPERVIOUS AREA**  
HOUSE 1,205.53 SQ. FT.  
DRIVEWAY 1,598.58 SQ. FT.  
TOTAL 3,203.49 SQ. FT.

3,203.49 / 28,312.12 = 0.113 (11.3%)

5,445 SQ. FT. ALLOWABLE IMPERVIOUS

**LIMIT OF DISTURBANCE**  
SF/ACD 6,515.64 SQ. FT.

**TREE CLEARING**  
HOUSE 1,705.05 SQ. FT.  
DRIVEWAY 1,288.31 SQ. FT.  
TOTAL 3,388.60 SQ. FT.

EXISTING TREE COVERAGE 15,101 SQ. FT.

2,993.36 / 15,101.99 = 0.1982 (19.8%)

THE DRIVEWAY WILL BE IMPROVED BETWEEN THE EXISTING TREES TO MINIMIZE ADDITIONAL TREE REMOVAL.

## CRITICAL AREA SITE PLAN

DONALD F. DAQUILA

1394 Market Street,  
Towson, MD 21204  
Phone: 410-257-2149  
Email: info@dfdaquil.com

Wessex County, Maryland



DATE: 7/22/2025	TIME: 11:00 AM	SCALE: 1" = 2000'	PROJECT: 2025-001
CAD NAME: M2500.DWG	CAD DATE: 7/22/2025	SHEET: 1	OF: 1



LAW OFFICES

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KRISTINA L. WATKOWSKI

\*ADMITTED MD & DC

July 24 , 2025

Mr. Brian Soper  
Natural Resources Administrator  
Department of Environmental Programs  
Worcester County, Maryland  
One West Market Street, Room 1306  
Snow Hill, Maryland 21863

RE: *Worcester County Tax Map 33, Parcel 206*  
*8718 Grey Fox Lane, Berlin, MD 21811*

Dear Mr. Soper:

Please find attached ten copies of an updated Site Plan, submitted in response to the June 6, 2025 Revised Letter from the State of Maryland, Critical Area Commission.

The proposed Site Plan has been redesigned to reduce overall clearing, impacts to FIDS interior bird habitat, and it aligns better with the spirit and intent of the Critical Area Program.

The proposed 500 sq. ft. garage has been eliminated.

Parking will now be under the proposed 28 x 40 single family dwelling, which is a total of 1,206.53 sq. ft. The footprint of the house has not expanded. The only difference is that there will be a garage underneath for parking.

The total proposed impervious area has been reduced from 3,479.13 sq. ft. to 3,203.49 sq. ft.

Perhaps more importantly, all of the existing trees have been located on site. The driveway has been realigned to avoid impact with existing trees.

The single family dwelling has been shifted in a northwest direction, to avoid impacts with existing trees, and to move it further landward, away from the shoreline of Ayres Creek.

This is just a brief summary of the proposed changes to the Site Plan. The property is zoned A-2, Agricultural District, and the single family dwelling is permitted by zoning. The property is designated Limited Development Area, or LDA. The allowable lot coverage is 5,445 sq. ft., and the proposed lot coverage is 3,203.49 sq. ft. The existing dirt road is compacted, so some of that lot coverage pre-exists.

Thank you for your consideration.

Very truly yours,



Hugh Cropper IV

HC/tgb

Enclosures

CC: Kristina L. Watkowski, Esquire  
Evan C. Young  
Chris McCabe  
Donald D'Aquila



**WORCESTER COUNTY BOARD OF ZONING APPEALS**  
**STAFF REPORT FOR:**  
**CASE NO. 25-39**

**IMPORTANT NOTICE**

**Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.**

**HEARING DATE:** September 11, 2025 (Postponed from July 10, 2025)

**LOCATION:** 8718 Grey Fox Lane, Tax Map 33, Parcel 206, Tax District 3, Worcester County, Maryland.

**APPROVAL REQUESTED:** Two (2) variances to reduce the Atlantic Coastal Bays Critical Area Buffer (1) from 100 feet to 51.76 feet (to encroach 48.24 feet) for a proposed dwelling; and (2) from 100 feet to 12.83 feet (to encroach 87.17 feet) for a proposed driveway in the A-2 Agricultural District.

**CODE REFERENCES:** §§ ZS 1-116(m), ZS 1-202(b)(5) and ZS 1-305, and Natural Resources Code §§ 3-104(d)(4) and NR 3-111.

**PROPERTY HISTORY:** This property is undeveloped with no records on file for development.

**COMMENTS:** The proposed improvements do not require a Zoning variance. Please refer to comments from Environmental Programs.

**ENCLOSED PLEASE FIND THE STAFF REPORT FROM THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS, NATURAL RESOURCES DIVISION AND THE CRITICAL AREA COMMISSION RELATIVE TO THIS REQUEST.**

**SUBSEQUENT PROCESS(ES) IF APPROVED:**

1. Obtain all necessary permits.

**OWNER:** Donald F. D'Aquila  
3963 Oyster Shell Lane  
Bivalve, MD 21814



**APPLICANT :** Hugh Cropper IV  
9927 Stephen Decatur Highway F-12  
Ocean City, MD 21842

**PREPARED BY:** Zoning Division Staff

In accordance with Section ZS 1-114, the Department has met the public notification requirements with regard to advertisement in a local paper, posting of property and notification of adjoining property owners.



**Worcester County**  
Department of Environmental Programs  
Natural Resources Division

## Memorandum

---

**To:** Kristin Tremblay, Zoning Administrator

**From:** Joy S. Birch, Natural Resources Planner III 

**Subject:** Critical Area Variance – Donald F. Daquila, 8718 Grey Fox Lane, Case # 25-39

**Date:** August 28, 2025

---

The following comments are provided for the above referenced case as related to the Atlantic Coastal Bays Critical Area Law:

This variance request before the Board of Zoning Appeals (BZA) is for a property located within the Atlantic Coastal Bays Critical Area. The property is identified as the lands of Donald F. Daquila, Tax Map 33, Parcel 206, 8717 Grey Fox Lane, Berlin, MD 21811. The property is more specifically located within the Limited Development Area (LDA) designation with an associated 100' buffer.

The Applicants are requesting a variance to  $\delta$ NR 3-104(c) (4) of the Worcester County Code of Public Local Laws in order gain authorization to construct a Single-Family Dwelling and accessories within the 100' buffer.

The Critical Area "[b]uffer shall be established at a minimum distance of one hundred feet landward from the mean high-water line of tidal waters" as stated in  $\delta$ NR 3-104(c)(1). Under  $\delta$ NR 3-104(c) (4) of the County Code, "[n]ew development activities including structures . . . and other impervious surfaces may not be allowed in the Buffer". Under  $\delta$ NR 3-111(c) of the County Code, "[A]pplications for a variance shall be made in writing to the Board of Zoning Appeals".

Under  $\delta$ NR 3-111 "A Critical Area Program variance may be granted . . . where, owing to special features of a site or other circumstances, implementation of this Program or a literal enforcement of provisions within the Program would result in unwarranted hardship to an applicant".

Under the Code of Maryland (COMAR) 27.01.12.06, Worcester County may not accept an application for a variance to legalize a violation of this subtitle, including an unpermitted

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structure or other development activity, until the County issues a notice of violation and assesses an administrative or civil penalty for the violation.

As the Board is aware, from previous variances to the Critical Area Law, all applicants must address five standards. The Critical Area Law requires that each of the five standards for a variance be met before the Board renders a decision.

### **STAFF ANALYSIS**

The five standards for a Variance, as listed in §NR 3-111(b) (1) thru (5) of the County Code, will be addressed below.

- 1) Special conditions or circumstances exist that are peculiar to the applicant's land or structure and a literal enforcement of provisions and requirements of the County's Atlantic Coastal Bays Critical Area Program would result in unwarranted hardship.**

Staff agrees that without the granting of this variance a potential hardship could exist. This property was platted prior to the adoption of the Atlantic Coastal Bays Critical Area Program. The property is not located within a Buffer Management Area, which would have reduced the impact to the 100' Buffer. Without granting this variance a potential hardship could exist by inhibiting them from constructing a modest home on the property.

- 2) A literal interpretation of the provisions of the County's Atlantic Coastal Bays Critical Area Program and related laws will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Atlantic Coastal Bays Critical Area.**

Staffs' opinion would be that the applicant's rights could be lessened without the granting of this variance due to the restrictions of the Atlantic Coastal Bays Critical Area Program. Numerous properties within the Critical Area, including the adjacent lot, have structures that are located within the 100' buffer.

- 3) The granting of a variance will not confer upon an applicant any special privilege that would be denied by the County's Atlantic Coastal Bays Critical Area Program to other lands or structures within the Atlantic Coastal Bays Critical Area.**

As stated previously, there are numerous properties throughout the County that have structures located within the 100' buffer. Since this was platted prior to the adoption of the Critical Area program, provisions were not provided during the review process which could have lessened these buffer requirements. Therefore, granting this variance would not present a special right or privilege to the applicant.

- 4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property.**

This request is not an after-the-fact variance, and the properties were platted prior to the adoption of the Atlantic Coastal Bays Critical Area program.

- 5) The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Atlantic Coastal Bays Critical Area**

**Citizens and Government Working Together**

**and the granting of the variance will be in harmony with the general spirit and intent of the County's Atlantic Coastal Bays Critical Program.**

While the granting of this variance could slightly affect the water quality due to the proposed impact to the 100' buffer, actions will be taken to offset this issue. If approved the proposed activity will be required to conduct mitigation at a 3:1 ratio for the area disturbed within the 100' buffer and 1:1 ratio for the direct clearing. Furthermore, compliance with Stormwater/Erosion Sediment Control regulations will be required for disturbance 5,000 square feet or greater and/or use of 100 cubic yards or greater of fill.

- (6) The Board of Zoning Appeals shall not make a decision relative to a request for such a variance without reviewing the comments of the Department and finding that the applicant has satisfied each of the provisions and standards contained herein.**

Staff agrees that the applicant does have an unwarranted hardship due to the 100' buffer. The Board should consider additional testimony before determining that the applicant has adequately addressed and met the standards required for a variance.

### **ADDITIONAL STAFF COMMENTS**

State Critical Area Commission staff has also reviewed this request and have provided comments. Critical Area Commission Natural Resources Planner, Kathryn Hayden, stated in her August 20, 2025, letter:

*"We note that in order for a variance be granted, the Board of Zoning Appeal (BZA) must find that the applicant has satisfied the burden of proof and persuasion that each and every one of the Critical Area variance standards under COMAR 27.01.12 has been met, including unwarranted hardship."*

The Commission also requests that they be informed by writing of the decision rendered by the Board for this case.

### **STAFF RECOMMENDATION**

Staff agrees that without this variance an unwarranted hardship could exist. The property owners have worked with the County as well as the State Critical Area Commission over the past year or so to lessen the impacts to the 100' buffer. The home has been reduced in size and some of the accessory structures modified to lessen impacts. There are numerous properties located throughout the County, and within this subdivision that have legally existing structures that encroach into the 100' buffer. Also, due to the fact that this lot was platted prior to the adoption of the Critical Area regulations, without a variance, the applicant rights could be lessened and result in a potential hardship.

Should the Board of Zoning Appeals grant the variance, the Department feels that there should be a condition placed on the site that requires full compliance with the 3:1 mitigation requirement. This mitigation will be based upon the amount of disturbance

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and lot coverage that occurs within the buffer. It should also be subject to the condition that the Applicant agrees to and enters upon a Critical Area Planting Agreement as required by §NR 3-111(e) (1). The Applicant would also be required to submit a planting plan and work with Staff to satisfy this requirement. Mitigation shall be conducted within the buffer first with the balance installed at other places onsite. If total amount mitigation cannot be planted onsite, provisions exist to allow for offsite planting and/or fee-in-lieu.

Should you have any questions or need additional information please contact me at 410-632-1220, ext. 1161 or e-mail at: [jbirch@co.worcester.md.us](mailto:jbirch@co.worcester.md.us).

**Citizens and Government Working Together**

WORCESTER COUNTY GOVERNMENT CENTER    1 WEST MARKET STREET, ROOM 1306    SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220    FAX: 410-632-2012

Wes Moore  
Governor  
Aruna Miller  
Lt. Governor



Erik Fisher  
Chair  
Nick Kelly  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

August 20, 2025

Ms. Joy Birch  
Worcester County Department of Environmental Programs  
One West Market Street Room 1306  
Snow Hill, MD 21863

Re: Revised Site Plan – Donald F Daquila – Variance

Dear Ms. Birch,

Thank you for providing our office with a revised site plan for the above referenced Critical Area Buffer variance application to construct a 1,206 square foot house and a driveway at 8718 Grey Fox Lane in Berlin MD (Tax Map 33, Parcel 206). This letter is a follow up to the June 6, 2025 letter from our office entitled "REVISED LETTER for Donald F Daquila – Variance". The site is located entirely within the Critical Area on lands designated Limited Development Area (LDA) and is mostly encompassed by the 100-foot Critical Area Buffer. The site is primarily forested and is mapped to be within Forest Interior Dwelling Species (FIDS) habitat according to MERLIN. No lot coverage currently exists on the site. If this variance is approved as proposed, the construction will result in 6,515 square feet of disturbance and 3,203 square feet of lot coverage in the Buffer. Approximately 19.8% of the forest/developed woodland on the site is proposed to be cleared.

We note that in order for a variance be granted, the Board of Zoning Appeals (BZA) must find that the applicant has satisfied the burden of proof and persuasion that each and every one of the Critical Area variance standards under COMAR 27.01.12 has been met, including unwarranted hardship. Furthermore, State law establishes the presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law and County's Critical Area Program. The BZA must make an affirmative finding that the applicant has overcome this presumption, based on the competent and substantial evidence presented from the applicant. While this office recognizes the environmental site constraints limiting the buildable area, and that some relief from the strict provisions of the code may be warranted, it does not appear that the proposal as currently designed meets each and every one of the standards as it seems there is still opportunity to redesign the proposal to reduce overall clearing and impacts to FIDS interior<sup>1</sup> habitat. For example, the applicant could reduce the proposed

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<sup>1</sup> FIDS interior habitat is the area of contiguous forest that is located 300 feet from the edge of that forest. The forest edge is wherever there is a minimum 30-foot wide break in the forest canopy (e.g., a road or lawn). The forest edge does not include natural forest edges such as those adjacent to open water, nonforested wetlands and streams. More information on FIDS habitat, can be found in the Critical Area Commission's 2000 [A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area](#). This particular property appears to be entirely within FIDS interior habitat.

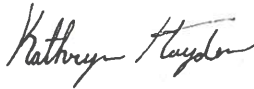
Ms. Birch  
Donald F Daquila – Variance – Revised Site Plan  
Page 2 of 3

fragmentation of the FIDS interior and follow FIDS site design guidelines by positioning the proposed dwelling closer to Grey Fox Lane where there are less trees, as shown in the attached image. Doing so will better align this proposal with the spirit and intent of the Critical Area laws, regulations, and the Worcester County Critical Area Program.

We note that should the BZA find that the applicant has met each and every one of the Critical Area variance standards for this or an amended request that shows minimization to Habitat Protection Areas (HPAs) on the site, appropriate mitigation is required for impacts to FIDS habitat, and for the permanent disturbance to the Buffer. This entails determining if the FIDS site design standards have been met. As proposed, it appears the location of the dwelling will impact the interior of FIDS habitat and do not follow FIDS site design guidelines. This would require mitigation in the form of planting appropriate species in an approved site that creates new FIDS habitat or enhances existing habitat at a 1:1 ratio for the direct clearing plus two times the amount of interior lost, or requires mitigation at a ratio of 1.5 times the entire areal extent of the forest/developed woodland cleared (whichever is greater). Lastly, mitigation is required at a 3:1 ratio for the permanent disturbance in the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing the date the decision is made in this case. If you have any questions, please feel free to contact me at 410-260-3479 or [kathryn.hayden@maryland.gov](mailto:kathryn.hayden@maryland.gov).

Sincerely,

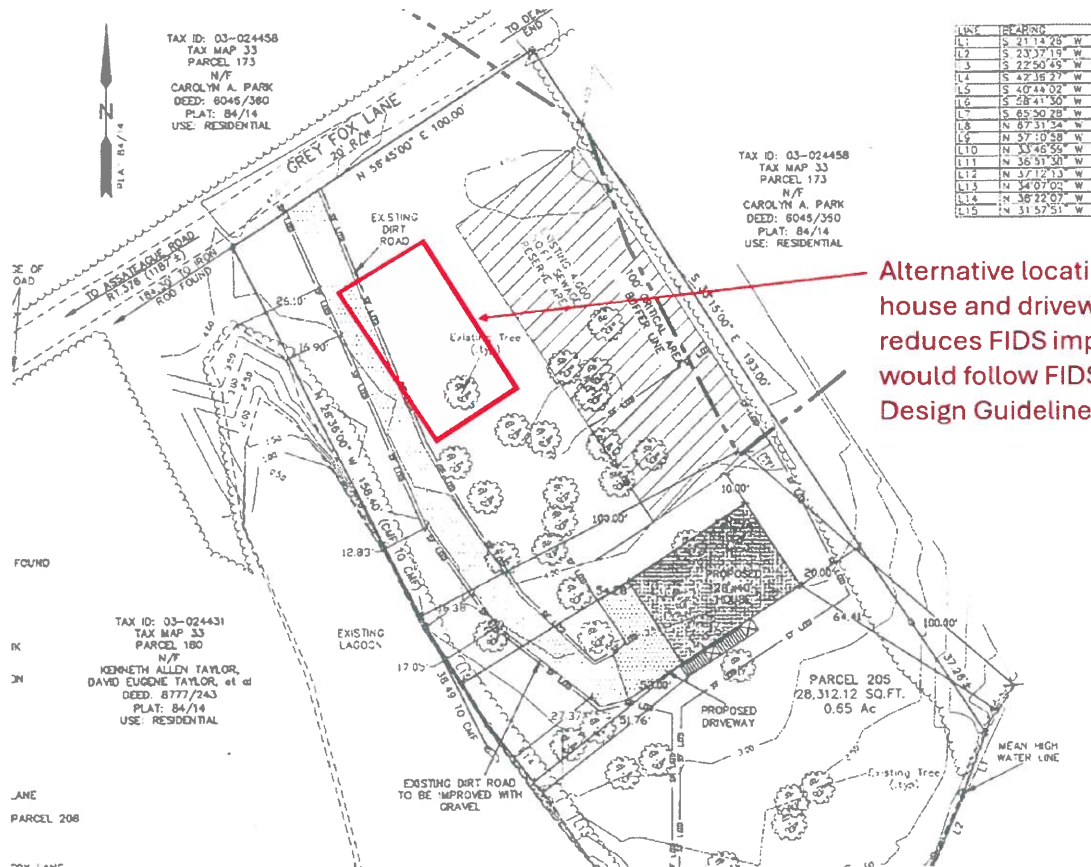


Kathryn Hayden  
Natural Resources Planner

File: WC 0110-25  
CC: Jennifer Esposito, Critical Area Commission

Attachment: Alternative Location.jpg

Attachment: Alternative Location.jpg



APPLICATION TO :  
BOARD OF ZONING APPEALS  
WORCESTER COUNTY, MARYLAND  
ONE WEST MARKET STREET  
GOVERNMENT CENTER ROOM 1201  
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 24-71  
DATE FILED: 7-25-2025  
HEARING DATE: 9-11-2025

APPLICATION BEING MADE FOR:

☐ SPECIAL EXCEPTION  
☐ VARIANCE  
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE  
☐ OTHER

☒ FORESTRY  
☐ CRITICAL AREA  
☐ APPEAL

☐ AFTER THE FACT ☒ PROPOSED ☐ ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: Extending the 4 headland features of the proposed living shoreline design channelward 275', 150', 143', and 154'. Please see site plans.

LOCATION OF PROPERTY:

TAX MAP: 0042 PARCEL: 0040 SECTION: \_\_\_\_\_ LOT/ BLOCK: \_\_\_\_\_  
On the N/S/E/W of: \_\_\_\_\_  
(Feet/Miles), N/S/E/W of \_\_\_\_\_

PROPERTY OWNER INFORMATION:

Owner's Name: United States of America Telephone: \_\_\_\_\_  
Address: 1849 C Street NW E-Mail: \_\_\_\_\_  
Washington DC

APPLICANT INFORMATION:

Applicant's Name: Billy Weiland Telephone: \_\_\_\_\_  
Address: 8219 Stephen Decatur Hwy E-Mail: \_\_\_\_\_  
Berlin MD 21811

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)  
yes, 23-43, 5/11/2023

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? yes If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? yes

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: \_\_\_\_\_ FROM CENTERLINE OF ROAD REAR: \_\_\_\_\_  
\_\_\_\_\_ RIGHT OF WAY OF A STATE ROAD LEFT SIDE: \_\_\_\_\_  
\_\_\_\_\_ FROM PROPERTY LINE RIGHT SIDE: \_\_\_\_\_

ZONING DISTRICT: N/A TAX DISTRICT: 10

WILLIAM  
HULSLANDER

Digitally signed by WILLIAM  
HULSLANDER  
Date: 2024.11.11 10:23:27 -05'00'

Signature of Owner or Legal Representative

Signature of Applicant

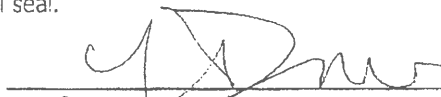
\*\*\*SEE NEXT PAGE FOR NOTARY\*\*\* (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION  
NOTARY PAGE FOR BOTH  
OWNER AND APPLICANT**

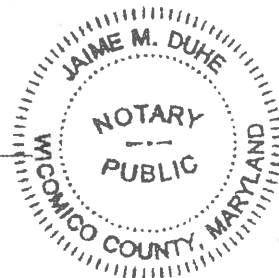
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)**

I HEREBY CERTIFY that on this 3rd day of April  
20 23 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared Hugh J. Hawthorne, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public


My Commission Expires: 9-10-25



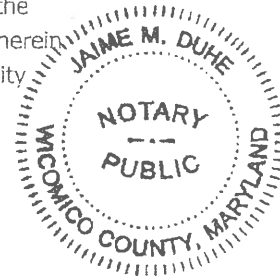
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)**

I HEREBY CERTIFY that on this 3rd day of April  
20 23 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared William Ryan Neiland, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-10-25



APPLICATION TO :  
BOARD OF ZONING APPEALS  
WORCESTER COUNTY, MARYLAND  
ONE WEST MARKET STREET  
GOVERNMENT CENTER ROOM 1201  
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :  
CASE NO: 24-71  
DATE FILED: 7-25-2025  
HEARING DATE: 9-11-2025

**APPLICATION BEING MADE FOR:**

☐ SPECIAL EXCEPTION  
☐ VARIANCE  
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE  
☐ OTHER

☒ FORESTRY  
☒ CRITICAL AREA  
☐ APPEAL

☐ AFTER THE FACT ☒ PROPOSED ☐ ADMINISTRATIVE ADJUSTMENT

**TO THE BOARD OF ZONING APPEALS:**

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: Extending the 4 headland features of the proposed living shoreline design channelward 275', 150', 143', and 154'. Please see site plans

**LOCATION OF PROPERTY:**

TAX MAP: 0042 PARCEL: 0008 SECTION: \_\_\_\_\_ LOT/ BLOCK: \_\_\_\_\_  
On the N/S/E/W of: \_\_\_\_\_  
(Feet/Miles), N/S/E/W of \_\_\_\_\_

**PROPERTY OWNER INFORMATION:**

Owner's Name: State of Maryland Telephone: \_\_\_\_\_  
Address: Taves Office Bldg 580 Taylor Ave E-Mail: \_\_\_\_\_  
Annapolis, MD 21401

**APPLICANT INFORMATION:**

Applicant's Name: Billy Weiland Telephone: \_\_\_\_\_  
Address: 9219 Stephen Decatur Hwy E-Mail: \_\_\_\_\_  
Berlin MD 21811

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)  
yes, 23-43, 5/11/2023

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? yes If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? yes

**OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:**

FRONT: \_\_\_\_\_ FROM CENTERLINE OF ROAD REAR: \_\_\_\_\_  
\_\_\_\_\_ RIGHT OF WAY OF A STATE ROAD LEFT SIDE: \_\_\_\_\_  
\_\_\_\_\_ FROM PROPERTY LINE RIGHT SIDE: \_\_\_\_\_

ZONING DISTRICT: N/A TAX DISTRICT: 10

Angela Baldwin  
Signature of Owner or Legal Representative

[Signature]  
Signature of Applicant


\*\*\*SEE NEXT PAGE FOR NOTARY\*\*\* (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION  
NOTARY PAGE FOR BOTH  
OWNER AND APPLICANT**

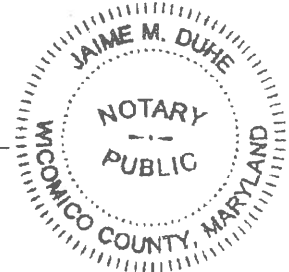
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)**

I HEREBY CERTIFY that on this 3rd day of April  
20 23 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared Angela E. Baldwin, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-10-25



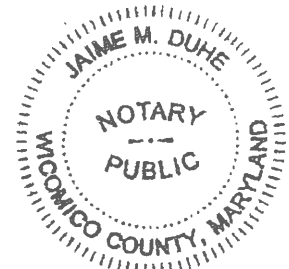
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)**

I HEREBY CERTIFY that on this 3rd day of April  
20 23 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared William Ryan Weiland, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-10-25





APPLICATION TO :  
BOARD OF ZONING APPEALS  
WORCESTER COUNTY, MARYLAND  
ONE WEST MARKET STREET  
GOVERNMENT CENTER ROOM 1201  
SNOW HILL, MD 21863-1070

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CASE NO: 24-71  
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**APPLICATION BEING MADE FOR:**

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☐ VARIANCE  
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE  
☐ OTHER  
☐ AFTER THE FACT ☒ PROPOSED ☐ ADMINISTRATIVE ADJUSTMENT  
☒ FORESTRY  
☒ CRITICAL AREA  
☐ APPEAL

**TO THE BOARD OF ZONING APPEALS:**

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: Extending the 4 headland features of the proposed living shoreline design channelward 25', 150', 143', and 154'. Please see site plans

**LOCATION OF PROPERTY:**

TAX MAP: 0042 PARCEL: 0036 SECTION: \_\_\_\_\_ LOT/ BLOCK: \_\_\_\_\_  
On the N/S/E/W of: \_\_\_\_\_  
(Feet/Miles), N/S/E/W of \_\_\_\_\_

**PROPERTY OWNER INFORMATION:**

Owner's Name: Quark Family Ltd. Partnership Telephone: \_\_\_\_\_  
Address: 7000 Rum Pointe Rd E-Mail: \_\_\_\_\_  
Berlin MD 21811

**APPLICANT INFORMATION:**

Applicant's Name: Billy Weyland Telephone: \_\_\_\_\_  
Address: 8219 Stephens Decatur Hwy E-Mail: \_\_\_\_\_  
Berlin MD 21811

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date.)  
yes, 23-43, 5/11/2023

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? yes If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? yes

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FRONT: \_\_\_\_\_ FROM CENTERLINE OF ROAD \_\_\_\_\_ REAR: \_\_\_\_\_  
\_\_\_\_\_ RIGHT OF WAY OF A STATE ROAD \_\_\_\_\_ LEFT SIDE: \_\_\_\_\_  
\_\_\_\_\_ FROM PROPERTY LINE \_\_\_\_\_ RIGHT SIDE: \_\_\_\_\_

ZONING DISTRICT: N/A TAX DISTRICT: 10

Kimberly Hinkle  
Signature of Owner or Legal Representative

Billy Weyland  
Signature of Applicant

\*\*\*SEE NEXT PAGE FOR NOTARY\*\*\* (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION  
NOTARY PAGE FOR BOTH  
OWNER AND APPLICANT**

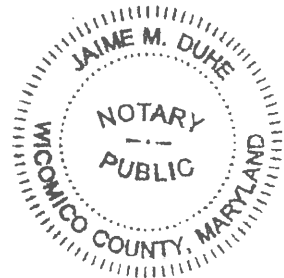
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of April  
20 23 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared Kimberly A. Pruck Mihalz, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-10-25



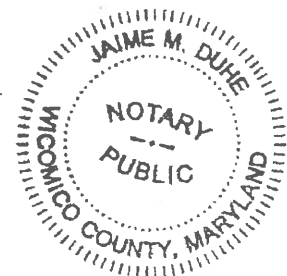
**STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of April  
20 23 before me, a Notary Public in and for the State and County aforesaid,  
personally appeared William Ryan Weiland, known to me (or  
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged he executed the same for the purposes therein  
contained AND FURTHER MADE OATH that he executed the same in the capacity  
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-10-25



# SINEPUXENT SOUTH DYNAMIC LIVING SHORELINE

SHEET INDEX	
DESCRIPTION	SHEET
TITLE SHEET	1
EXISTING CONDITIONS PLAN	2
STANDARD DETAILS - BREAKWATER	3
STANDARD DETAILS - BREAKWATER	4
CHISEL SECTIONS	5
SEGMENT AND EROSION CONTROL PLAN	6
SEGMENT AND EROSION CONTROL NOTES AND DETAILS	7
PLANTING PLAN	8
PLANTING DETAILS	9
	10

**OWNER'S DEVELOPER'S CERTIFICATION**

I, the undersigned, hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief, and that I am not aware of any material misstatements or omissions in the information provided.

Signed: \_\_\_\_\_

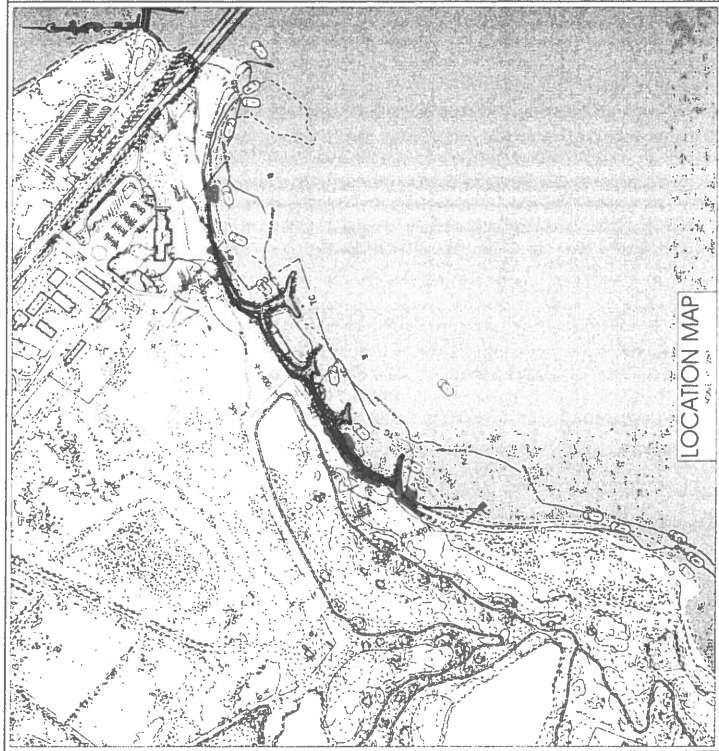
Printed Name: \_\_\_\_\_

**DESIGN CERTIFICATION**

I, the undersigned, hereby certify that I am a duly licensed Professional Engineer in the State of Maryland, and that I am the author of the design shown on this plan.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_



PROJECT OUTCOMES	
SHORELINE RESTORATION	1,406 LINEAR FEET
TIDAL WETLAND CREATION / RESTORATION	40,796 SF / 0.94 ACRES
NATIVE PLANTINGS	6,808 PLANTS

**SEQUENCE OF CONSTRUCTION**

THE BELOW NOTED TIMES ARE APPROXIMATE AND REPRESENT WORKING DAYS. TASKS MAY BE COMPLETED IN SEQUENCE OR IN PARALLEL. THE SEQUENCE MAY BE ALTERED WITH APPROVAL FROM THE ENGINEER AND WORCESTER EROSION CONTROL INSPECTOR.

1. STAKE OUT, LAYOUT, OR OTHERWISE Delineate THE LIMIT OF DISTURBANCE (1 DAY)
2. WITH THE WORCESTER COUNTY DEPARTMENT OF ENVIRONMENTAL PROGRAMS, CONDUCT AN ENVIRONMENTAL ASSESSMENT (1 DAY)
3. WITH THE WORCESTER COUNTY DEPARTMENT OF ENVIRONMENTAL PROGRAMS, CONDUCT AN ENVIRONMENTAL ASSESSMENT (1 DAY)
4. AFTER OBTAINING APPROVAL FROM THE WORCESTER COUNTY DEPARTMENT OF ENVIRONMENTAL PROGRAMS, CONDUCT AN ENVIRONMENTAL ASSESSMENT (1 DAY)
5. STAKE OUT, LAYOUT, OR OTHERWISE Delineate THE LIMIT OF DISTURBANCE (1 DAY)
6. STAKE OUT, LAYOUT, OR OTHERWISE Delineate THE LIMIT OF DISTURBANCE (1 DAY)
7. STAKE OUT, LAYOUT, OR OTHERWISE Delineate THE LIMIT OF DISTURBANCE (1 DAY)
8. STAKE OUT, LAYOUT, OR OTHERWISE Delineate THE LIMIT OF DISTURBANCE (1 DAY)
9. STAKE OUT, LAYOUT, OR OTHERWISE Delineate THE LIMIT OF DISTURBANCE (1 DAY)
10. STAKE OUT, LAYOUT, OR OTHERWISE Delineate THE LIMIT OF DISTURBANCE (1 DAY)

TOTAL PROJECT DURATION: 45 DAYS

**INFORMATION STATEMENT**

1. PROJECT LOCATION: SINEPUXENT SOUTH, DYNAMIC LIVING SHORELINE, 11000 MAP 002, GPO 000, PARCEL 000, WILMINGTON COUNTY, DE.

2. PROJECT DESCRIPTION: THE PROJECT IS A SHORELINE RESTORATION AND WETLAND CREATION PROJECT. IT WILL INVOLVE THE CONSTRUCTION OF A BREAKWATER, THE RESTORATION OF TIDAL WETLANDS, AND THE PLANTING OF NATIVE PLANTS.

3. PROJECT PURPOSE: THE PURPOSE OF THE PROJECT IS TO RESTORE THE SHORELINE AND WETLANDS, IMPROVE WATER QUALITY, AND PROVIDE HABITAT FOR WILDLIFE.

4. PROJECT BENEFITS: THE BENEFITS OF THE PROJECT INCLUDE IMPROVED WATER QUALITY, RESTORED HABITAT, AND INCREASED BIODIVERSITY.

5. PROJECT RISKS: THE RISKS OF THE PROJECT INCLUDE DELAYS, COST OVERRUNS, AND ADVERSE IMPACTS ON THE ENVIRONMENT.

6. PROJECT MITIGATIONS: THE MITIGATIONS FOR THE PROJECT INCLUDE REGULAR COMMUNICATION WITH THE ENGINEER AND WORCESTER EROSION CONTROL INSPECTOR, AND IMPLEMENTING BEST MANAGEMENT PRACTICES.

**VICINITY MAP**

SCALE: 1"=100'

COPYING: THIS MAP IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

PERMITTED USE: NO. 20113000

PERMITS	
WORCESTER COUNTY GRADING	XXXX
WORCESTER COUNTY SOIL CONSERVATION DISTRICT	XXXX
STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION	71W 0149
STATE OF DELAWARE DEPARTMENT OF ENVIRONMENTAL CONTROL	NAB 2023 0023

PERMITS #	
XXXX	XXXX
XXXX	XXXX
XXXX	XXXX
XXXX	XXXX

APPROVALS	
WORCESTER COUNTY GRADING	XXXX
WORCESTER COUNTY SOIL CONSERVATION DISTRICT	XXXX
STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION	71W 0149
STATE OF DELAWARE DEPARTMENT OF ENVIRONMENTAL CONTROL	NAB 2023 0023

**UNDERWOOD & ASSOCIATES**

11000 MAP 002, GPO 000, PARCEL 000, WILMINGTON COUNTY, DE.

11000 MAP 002, GPO 000, PARCEL 000, WILMINGTON COUNTY, DE.

**SINEPUXENT SOUTH**

**DYNAMIC LIVING SHORELINE**

11000 MAP 002, GPO 000, PARCEL 000, WILMINGTON COUNTY, DE.

**UNDERWOOD & ASSOCIATES**

11000 MAP 002, GPO 000, PARCEL 000, WILMINGTON COUNTY, DE.

11000 MAP 002, GPO 000, PARCEL 000, WILMINGTON COUNTY, DE.

**SINEPUXENT SOUTH**

**DYNAMIC LIVING SHORELINE**

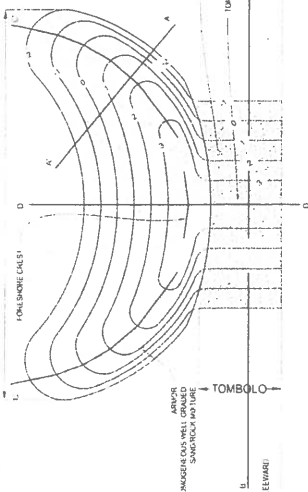
11000 MAP 002, GPO 000, PARCEL 000, WILMINGTON COUNTY, DE.





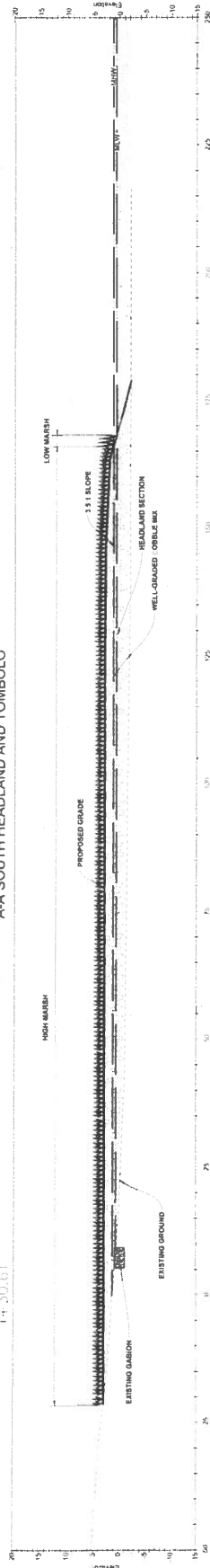






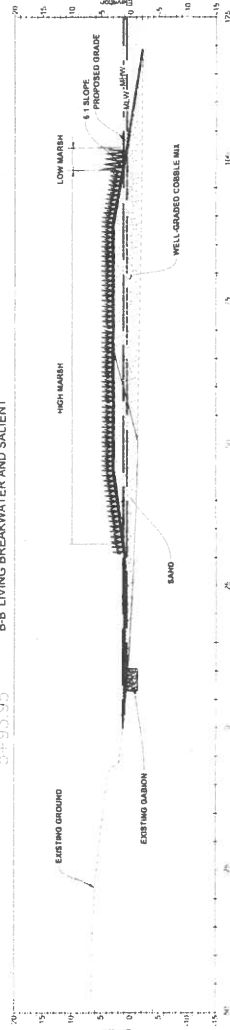
# A-A SOUTH HEADLAND AND TOMBOLO

1+30.61



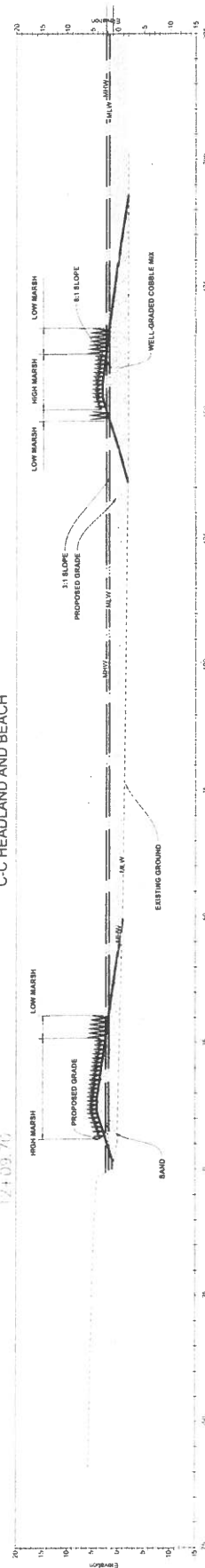
# B-B LIVING BREAKWATER AND SALIENT

5+93.95



# C-C HEADLAND AND BEACH

12+03.70



## CROSS SECTIONS

PROFILE

SCALE HORIZ. 1"=10'; VERT. 1"=10'



UNDERWOOD & ASSOCIATES  
LANDSCAPE ARCHITECTS  
1000 N. 10TH AVE.  
SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1100  
FAX: 303.733.1101  
WWW.UA-CO.COM

DAVID J. WALLACE, P.E., L.C.  
1000 N. 10TH AVE., SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1100  
FAX: 303.733.1101  
WWW.UA-CO.COM



DATE: JULY 21, 2023	PROJECT: SOUTHERN CROSSING
DESIGNED BY: J. WALLACE	CHECKED BY: J. WALLACE
APPROVED BY: J. WALLACE	DATE: 7/21/23
PROJECT NO: 23-001	SHEET NO: 1 OF 1
PROJECT LOCATION: 1500 MARSH VIEW LANE, BERLIN, MD 21111	
PROJECT DESCRIPTION: MARSH RESTORATION	

CROSS SECTION PLAN	DATE: 7/21/23
SINERUEXENT SOUTH	PROJECT: SOUTHERN CROSSING
DYNAMIC LIVING SHORELINE	CHECKED BY: J. WALLACE
1500 MARSH VIEW LANE, BERLIN, MD 21111	APPROVED BY: J. WALLACE
MAP 1500 GRD 0000 PARCEL 0000	DATE: 7/21/23
W. ELECTRIC DISTRICT, WINDSOR COUNTY	SHEET NO: 1 OF 1





[illegible][illegible]

A floating point  
adjacent to it as  
to provide sufficient  
over-designing.



**Objectives**

Students will be able to:

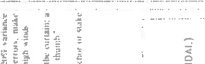
- 1. identify the various components of a water treatment system;
- 2. explain the function of each component;
- 3. describe the process of water treatment;
- 4. explain the importance of water treatment;
- 5. identify the various types of water treatment systems;
- 6. explain the difference between surface water and groundwater;
- 7. describe the process of groundwater recharge;
- 8. explain the importance of groundwater protection;
- 9. identify the various types of groundwater contamination;
- 10. explain the process of groundwater remediation.

[illegible]

Table 3.2-1) should be determined (up to 2 kPa) for the curtain.



here may be  
and/or wind  
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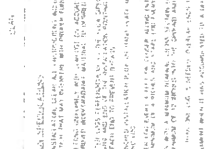


10. The following are the steps in the process of developing a business plan:

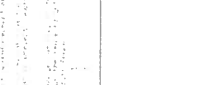
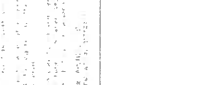
the LBN is not a true, homogeneous population. It is composed of the following subgroups:

- **Acute LBN:** This group is characterized by a rapid onset of symptoms, often within 24 hours of the initial insult. It is typically associated with a high degree of morbidity and mortality.
- **Chronic LBN:** This group is characterized by a gradual onset of symptoms, often over a period of weeks or months. It is typically associated with a lower degree of morbidity and mortality.
- **Subacute LBN:** This group is characterized by an intermediate onset of symptoms, often within 1 to 3 weeks of the initial insult. It is typically associated with a moderate degree of morbidity and mortality.

The LBN is a complex and heterogeneous population, and its management requires a tailored approach based on the specific characteristics of the individual patient.



*(continued)*



TYPE II



AND, OR HEAVY



**ACTION**

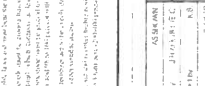


The authors thank Dr. J. H. Wiersma for his critical reading of the manuscript.

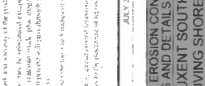
This work was supported by the National Science Foundation Grant DMR-7806974.

Received March 27, 1980

Accepted June 11, 1980



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© 2000 Blackwell Science Ltd, *Journal of Internal Medicine* 247: 395–402

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Notes: Data obtained from the 2000 Census of the United States.

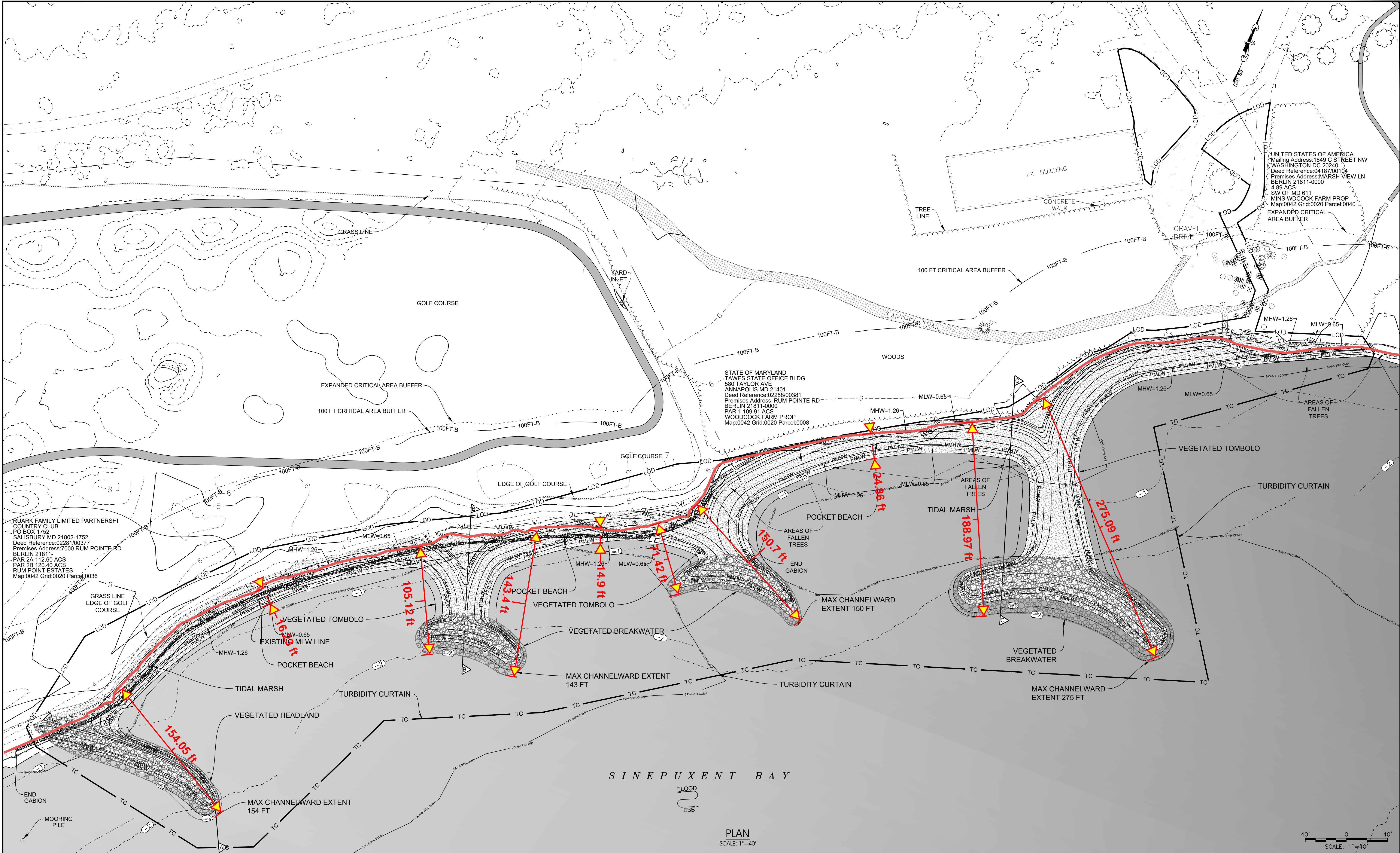
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RUARK FAMILY LIMITED PARTNERSHI  
COUNTRY CLUB  
PO BOX 1752  
SALISBURY MD 21802-1752  
Deed Reference:0228100377  
Premises Address:7000 RUM POINTE RD  
BERLIN 21811-  
PAR 2A 112.80 ACS  
PAR 2B 120.40 ACS  
RUM POINT ESTATES  
Map:0042 Grid:0020 Parcel:0036

STATE OF MARYLAND  
TAWES STATE OFFICE BLDG  
580 TAYLOR AVE  
ANNAPOLIS MD 21401  
Deed Reference:02258/00381  
Premises Address:RUM POINTE RD  
BERLIN 21811-0000  
PAR 1 109.91 ACS  
WOODCOCK FARM PROP  
Map:0042 Grid:0020 Parcel:0008

UNITED STATES OF AMERICA  
Mailing Address:1849 C STREET NW  
WASHINGTON DC 20240  
Deed Reference:04187/00104  
Premises Address:MARSH VIEW LN  
BERLIN 21811-0000  
4.89 ACS  
SW OF MD 611  
MINS WDCOCK FARM PROP  
Map:0042 Grid:0020 Parcel:0040  
EXPANDED CRITICAL  
AREA BUFFER

PLAN  
SCALE: 1"=40'

40' 0 40'  
SCALE: 1"=40'

<b>UNDERWOOD &amp; ASSOCIATES</b> LANDSCAPE ARCHITECTURE • ECOLOGICAL RESTORATION A DESIGN/BUILD Co.  1753 EBLING TRAIL • ANNAPOLIS, MD 21401 tel. 410-849-3211 fax. 410-849-2136		<p>August 6th, 2025</p> <table><tr><td>Scale</td><td>AS SHOWN</td></tr><tr><td>Drawn By</td><td>J.H./J.K./B.L./E.C.</td></tr><tr><td>Approved By</td><td>K.B.</td></tr><tr><td>Sheet No.</td><td>1 of 1</td></tr><tr><td>Project No.</td><td>...</td></tr><tr><td>Proposal No.</td><td>...</td></tr></table> <table><tr><td colspan="2"><b>Channelward Fill Exhibit</b></td></tr><tr><td colspan="2"><b>SINEPUXENT SOUTH</b></td></tr><tr><td colspan="2"><b>DYNAMIC LIVING SHORELINE</b></td></tr><tr><td colspan="2">11800 MARSH VIEW LANE, BERLIN, MD 21811</td></tr><tr><td colspan="2">MAP 0042, GRID 0020, PARCEL 0008</td></tr><tr><td colspan="2">1st ELECTION DISTRICT, WORCESTER COUNTY</td></tr></table>		Scale	AS SHOWN	Drawn By	J.H./J.K./B.L./E.C.	Approved By	K.B.	Sheet No.	1 of 1	Project No.	...	Proposal No.	...	<b>Channelward Fill Exhibit</b>		<b>SINEPUXENT SOUTH</b>		<b>DYNAMIC LIVING SHORELINE</b>		11800 MARSH VIEW LANE, BERLIN, MD 21811		MAP 0042, GRID 0020, PARCEL 0008		1st ELECTION DISTRICT, WORCESTER COUNTY	
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Plotted: Aug 06, 2025 - 2:10pm  
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**WORCESTER COUNTY BOARD OF ZONING APPEALS  
STAFF REPORT FOR:  
CASE NO. 24-71**

**IMPORTANT NOTICE**

**Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.**

**HEARING DATE:** September 11, 2025 (Postponed from December 12, 2024)

**LOCATION:** 7000 Rum Pointe Road, Tax Map 40, Parcels 8, 36, and 40, Tax District 10, Worcester County, Maryland.

**APPROVAL REQUESTED:** A modification to extend waterfront structures in excess of 125 feet by 18 feet, 25 feet, 29 feet and 150 feet for construction of a proposed living shoreline project extending to a maximum of 275 feet channelward.

**CODE REFERENCES:** Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(3).

**PROPERTY HISTORY:** There has been one (1) previous decision by the BZA for this property, as listed below:

5/11/2023      BZA Case No. 23-43 – Modification to extend a waterfront structure in excess of 125 feet by 25 feet for construction of a living shoreline project extending a total of 150 feet channelward - Granted

**COMMENTS:** The proposed improvements do not require a Zoning variance. Please refer to comments from Environmental Programs. This application is a revision of the request approved by the BZA in 2023.

**ENCLOSED PLEASE FIND THE STAFF REPORT FROM THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS, NATURAL RESOURCES DIVISION**

**SUBSEQUENT PROCESSES IF APPROVED:**

1. Secure necessary shoreline permits.

<b>OWNERS:</b> State of Maryland (P. 8)	USA (P. 40)	Ruark Family Ltd. Part. (P. 36)
580 Taylor Ave	1849 C Street NW	PO Box 1752
Annapolis, MD 21401	Wash. DC, 20240	Salisbury, MD 21802-1752

**APPLICANT:** Billy Weiland  
8219 Stephen Decatur Hwy.  
Berlin, MD 21811

**PREPARED BY:** Zoning Division Staff

In accordance with Section ZS 1-114, the Department has met the public notification requirements with regard to advertisement in a local paper, posting of property and notification of adjoining property owners.





Worcester County Dept. of Environmental Programs - Natural Resources Division  
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863  
Tel: (410) 632-1220 | Fax: (410) 632-2012

## MEMORANDUM

DATE: August 25, 2025  
TO: Kristen Tremblay, Zoning Administrator - DRP  
FROM: David M. Bradford, Deputy Director *DMB*  
SUBJECT: BZA Case # 24-71 – Maryland Coastal Bays – Tax Map 42, Parcels 8, 36, and 40.

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As the designated Approval Authority for shoreline construction activities occurring within the County, I felt it appropriate to provide comments to the Board for the above referenced case which is specifically pertaining to proposed waterfront structures.

This request proposes authorizing waterfront structures exceeding the allowable 125 feet channelward extension. Specifically, this project proposes four shoreline erosion control structures that extend 143', 150', 154', and 275' channelward. All marine structures within the County are limited to a maximum channelward distance of 125 feet unless otherwise approved by the Board of Zoning Appeals.

**NR 2-102(e)(1):**

*Extension into water area. Waterfront structures shall not extend into any body of water more than one-half the distance from the mean high-water line to the center line of the body of water upon which the structure is situated or one hundred twenty-five feet, whichever is less, except as may be modified by the Board of Zoning Appeals where the Board determines that the additional extension will not adversely affect navigation or have adverse environmental impacts.*

Based upon numerous site visits to the property and after a thorough review of the provided plans, we feel that the requested 275 feet channelward extension seems excessive based upon actual site conditions. While we certainly agree that there is an erosion issue occurring on the site, it is no different than many other sites we have dealt with throughout the County that have been successful in restoring their shoreline in a much less intensive manner. Typical shoreline erosion control projects that we have permitted extend an average of 25 – 100 feet. This specific channelward request of 275 feet would be the furthest extension of a shoreline erosion control structure in our records.

**As currently presented, we cannot fully support this request. While we agree that there is an erosion issue occurring at the site, we would prefer to see a lessened channelward encroachment which would reduce associated impacts. However, if this request is approved, we would recommend that the Board place a condition on the approval that a pre-construction stake out and an as-constructed survey be performed by a surveyor licensed in Maryland to verify these channelward extensions.**

Cc: Robert Mitchell, DEP Director;  
Brian Soper, NR Administrator;  
Joy Birch, NR Planner;

**DEPT. OF ENVIRONMENTAL  
PROGRAMS COMMENTS FOR  
EACH CASE**

**(Includes Critical Area, Forestry & Environmental  
Programs)**



**Worcester County**  
Department of Environmental Programs  
Environmental Programs Division

## Memorandum

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**To:** Board of Zoning Appeals (BZA) for the July 10, 2025 meeting

**From:** Environmental Programs Staff

**Date:** 6/27/2025

---

These comments are based upon the site plans received and are subject to change as the plans change to accommodate comments made by other committee members.

**6:30 p.m.**

**Case No. 25-51**, on the lands of Christina and Jeffrey Lank, on the application of Kristina Watkowski, requesting an after-the-fact variance to the side yard setback from 20 feet to 18.5 feet (to encroach 1.5 feet) for a detached garage and an after-the-fact variance to the side yard setback from 20 feet to 7.7 feet (to encroach 12.3 feet) for a shed in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5) and ZS 1-305, located at 7109 Ayres Lane Road, Tax Map 72, Parcel 101, Tax District 2, Worcester County, Maryland.

**No objection to the variance request.**

**6:35 p.m.**

**Case No. 25-50**, on the lands of Build Pines, LLC, on the application of Hugh Cropper, IV, requesting a special exception to allow contractor shops in the A-2 Agricultural District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3), ZS 1-116(c)(4) and ZS 1-202(c)(13), located at 10529 Flower Street, Tax Map 25, Parcel 275, Tax District 3, Worcester County, Maryland.

**No objection to the special exception request. However, the septic reserve area is limited to a maximum of 600 gallons per day flow. The system can handle the projected flow for the two proposed 3,200 square foot contractor shops and a potential conversion of the existing 3,200 sf building. That will be all the system can handle. These units cannot be sold individually without a condominium being established, a plat submitted for review and recorded upon approval. To record the condo plat, a shared facility agreement will need to be approved and recorded.**

**Citizens and Government Working Together**

**6:40 p.m.**

**Case No. 25-39**, on the lands of Donald D'Aquila, on the application of Hugh Cropper IV, requesting two (2) variances to reduce the Atlantic Coastal Bays Critical Area Buffer (1) from 100 feet to 51.76 feet (to encroach 48.24 feet) for a proposed dwelling; and (2) from 100 feet to 12.83 feet (to encroach 87.17 feet) for a proposed driveway in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(m), ZS 1-202(b)(5) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located at 8718 Grey Fox Lane, Tax Map 33, Parcel 206, Tax District 3, Worcester County, Maryland.

**No objection to the variance requests.**

**6:45 p.m.**

**Case No. 24-71**, on the application of Maryland Coastal Bays Program, on the lands of the State of Maryland, Ruark Family LP, and Assateague Island National Seashore, requesting a modification to extend four (4) waterfront structures in excess of 125 feet by 18 feet, 25 feet, 29 feet and 150 feet for construction of a proposed living shoreline project extending to a maximum of 275 feet channelward, pursuant to Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(3), located at 7000 Rum Pointe Road, Tax Map 42, Parcels 8, 36, and 40, Tax District 10, Worcester County, Maryland.

**No objection to the modification request.**

**Citizens and Government Working Together**

WORCESTER COUNTY GOVERNMENT CENTER    1 WEST MARKET STREET, ROOM 1306    SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220    FAX: 410-632-2012



**Worcester County**  
Department of Environmental Programs  
Natural Resources Division

**Memorandum**

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**To:** Kristen Tremblay, Zoning Administrator

**From:** Joy S. Birch, Natural Resources Planner III 

**Subject:** Board of Zoning Appeals Comments – September 11, 2025

**Date:** August 28, 2025

---

Below are comments related to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, September 11, 2025, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

**6:30 pm – Case #25-51:**

This request is located outside of the Atlantic Coastal and Chesapeake Bay Critical Area programs.  
No Comment.

**6:35 pm -Case #25-50:**

This request is located outside of the Atlantic Coastal and Chesapeake Bay Critical Area programs.  
No Comment.

**6:40 pm – Case #25-39:**

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Limited Development Area (LDA) with an associated 100' buffer. **As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided**

**6:45 pm – Case #24-71:**

A portion of this request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Resource Conservation Area (RCA) with an associated 100-foot buffer. Much of the proposed activity is currently below Mean High Water, and it is unclear what the increase in uplands will be. A preliminary Buffer Management Plan has been submitted, and a final plan will be required prior to the issuance of any permits. An Erosion and Sediment Control Plan has been approved. Staff reserves any further comments until submission of all required plans and permits. **Please see attached Shoreline Memo.**



**Worcester County**  
Department of Environmental Programs  
Natural Resources Division

**Memorandum**

---

**To:** Kristen Tremblay, Zoning Administrator

**From:** David Mathers, Natural Resources Planner IV 

**Subject:** Board of Zoning Appeals Comments – September 11, 2025 Meeting

**Date:** August 29 , 2025

---

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, September 11, 2025, for their conformance with the Forest Conservation Act.

**6:30 pm – Case # 25-51:**

In accordance with Subtitle IV, Section 1-403(b)(8) of the Natural Resources Article of the Worcester County Code of Public Local Laws, this site plan is exempt from the County's Forest Conservation Law since the activity does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest and is the subject of a Declaration of Intent filed with the County. The Declaration of Intent – Single Lot shall remain valid for a period of five years from the date of local authorization. Furthermore, any future approval of this land for a regulated activity shall be subject to the County's Forest Conservation Law.

**6:35 pm -Case # 25-50:**

This site is subject to the Worcester County Forest Conservation Law. This property is subject to Forest Conservation Plan #14-26. This property has met compliance with the Worcester County Forest Conservation Law through the establishment of on-site Forest Conservation easements. Forest Conservation easement areas are to be kept as a natural habitat area, no clearing or grading within these Conservation easement areas is permitted, and any new structures and improvements must not encroach into the Forest Conservation easement. Furthermore, all Forest Conservation signs must be in place around the Conservation easements.

**Citizens and Government Working Together**

**6:40 pm -Case # 25-39:**

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and therefore exempt from the Forest Conservation Act. No comment.

**6:45 pm -Case # 24-71:**

This property is subject to Forest Conservation Plan #94-10. This property has met compliance with the Worcester County Forest Conservation Law through the establishment of on-site Forest Conservation Easements. Forest Conservation Easement areas are to be kept as a natural habitat area, no clearing or grading within these Conservation Easement areas is permitted, and any new structures and improvements must not encroach into the Forest Conservation Easement. Furthermore, all Forest Conservation signs must be in place around the Conservation Easements.

**Citizens and Government Working Together**

WORCESTER COUNTY GOVERNMENT CENTER    1 WEST MARKET STREET, ROOM 1306    SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220    FAX: 410-632-2012