

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

THURSDAY OCTOBER 9, 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. 25-53, on the lands of the Donald W. Urbancic Living Trust, requesting a variance to the rear yard setback from 5 feet to 3.4 feet (to encroach 1.6 feet) for a proposed deck in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318, located at 8837 Bay Ridge Drive, Tax Map 33, Parcel 347, Lot 163, Tax District 10, Worcester County, Maryland.

6:35 p.m.

Case No. 25-54, on the lands of Holly and Daniel Bernabei, requesting a variance to the side yard setback from 10 feet to 4.8 feet (to encroach 5.2 feet) and a variance to the rear yard setback from 25 feet to 24.875 feet (to encroach 0.125 feet) for a proposed open deck enlargement in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) & ZS 1-305 located at 11406 Maid at Arms Lane, Tax Map 26, Parcel 1, Lot 74, Tax District 3, Worcester County, Maryland.

6:40 p.m.

Case No. 25-56, on the lands of Kristi and Brooks Brittingham, requesting five (5) variances associated with a proposed minor subdivision, including three (3) variances to the front and side yard setback for existing poultry houses from 200 feet to 100 feet (a reduction of 100 feet); one (1) variance to the front yard setback for an existing manure shed from 200 feet to 170 feet (a reduction of 30 feet); and one (1) variance to the minimum lot width requirement from 200 feet to 180.13 feet (a reduction of 19.87 feet) for a proposed new lot in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5), ZS 1-349(f) and ZS 1-305, located at 8723 Ninepin Branch Road, Tax Map 30, Parcel 16, Tax District 4, Worcester County, Maryland.

6:45 p.m.

Case No. 25-57, on the lands of Rhonda and Clayton Hathaway, on the application of Blair Carey/RBR Homes, requesting a variance to the rear yard setback from 30 feet to 20.8 feet (to encroach 9.2 feet) for a third floor open deck with stairs and a variance to the rear yard setback from 30 feet to 26 feet (to encroach 4 feet) for first, second and third floor porches associated with a proposed residence in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 38 Teal Circle, Tax Map 16, Parcel 41, Section 4, Lot 61, Tax District 3, Worcester County, Maryland.

6:50 p.m.

Case No. 25-55, on the lands of the Friends of Bishopville Cemetery, Inc., on the application of Joseph E. Moore, requesting two (2) special exceptions for (1) the expansion of an existing cemetery and (2) the approval of a Columbarium on a separate parcel in the V-1 Village District, pursuant to Zoning Code §§

ZS 1-116(c)(3), ZS 1-204(c)(19) and ZS 1-305, located at 10636 Cemetery Road, Tax Map 3, Parcels 98 and 101, Tax District 5, Worcester County, Maryland.

6:55 p.m.

Case No. 25-58, on the lands of Cecelia and Joseph Letts, on the application of Hugh Cropper IV, requesting a special exception for the enlargement of a nonconforming structure (single-family residence) and three (3) variances including (1) a variance to the side yard setback from 20 feet to 11.2 feet (to encroach 8.8 feet) for the dwelling; (2) a variance to the side yard setback from 20 feet to 13.5 feet (to encroach 6.5 feet) for a proposed deck and steps; and (3) an after-the-fact variance to the side yard setback from 20 feet to 3.7 feet (to encroach 16.3 feet) for an existing shed in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(5), ZS 1-122(d)(1), ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-202(b)(5) and ZS 1-305, located at 8949 Clark Road, Tax Map 33, Parcel 7, Tax District 10, Worcester County, Maryland.

7:00 p.m.

Case No. 25-59, on the lands of John Skidmore, requesting a variance to the side yard setback from 6 feet to 0 feet (to encroach 6 feet) for a proposed pool, deck, covered deck and associated improvements in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 26 West Mallard Drive, Tax Map 21, Parcel 273, Section 14C, Lot 122, Tax District 3, Worcester County, Maryland.

7:05 p.m.

Case No. 25-52, on the lands of Nicholas and Danielle Campanaro, on the application of Hugh Cropper IV, requesting a variance to reduce the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 75.4 feet (to encroach 24.6 feet) for a proposed single-family residence in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(m), ZS 1-205(b)(2) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located on the southwestern side of Trappe Creek Drive at its intersection with Hunting Hound Road, Tax Map 32, Parcel 349, Lot 15, Tax District 3, 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: 25-53
DATE FILED: 9-2-2025
HEARING DATE: 10-9-2025

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:

Replacement of a small deck with
one of greater width (6 feet) and extended length (20 feet)

LOCATION OF PROPERTY:

TAX MAP: 33 PARCEL: 347 SECTION: LOT/ BLOCK: 163
On the N/S/E/W of:
(Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Donald + Ruth Urbancic Tel:
Address: 8837 Bay Ridge Drive Berlin, MD 21811 F

APPLICANT INFORMATION:

Applicant's Name: Ruth Urbancic
Address: 8837 Bay Ridge Drive Berlin, MD 21811 E-Mail: 1001.com

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?

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: FROM CENTERLINE OF ROAD
RIGHT OF WAY OF A STATE ROAD
10' FROM PROPERTY LINE

REAR: 5'
LEFT SIDE: 7'
RIGHT SIDE: 3'

ZONING DISTRICT: A-2

TAX DISTRICT: 10

Donald W Urbancic
Signature of Owner or Legal Representative

Ruth Urbancic
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**

Georgia

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

I HEREBY CERTIFY that on this 28 day of August
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared [Signature], 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.

[Signature]
Notary Public

My Commission Expires: 03/11/2029



Georgia

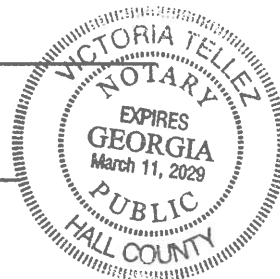
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 28 day of August
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared [Signature], 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.

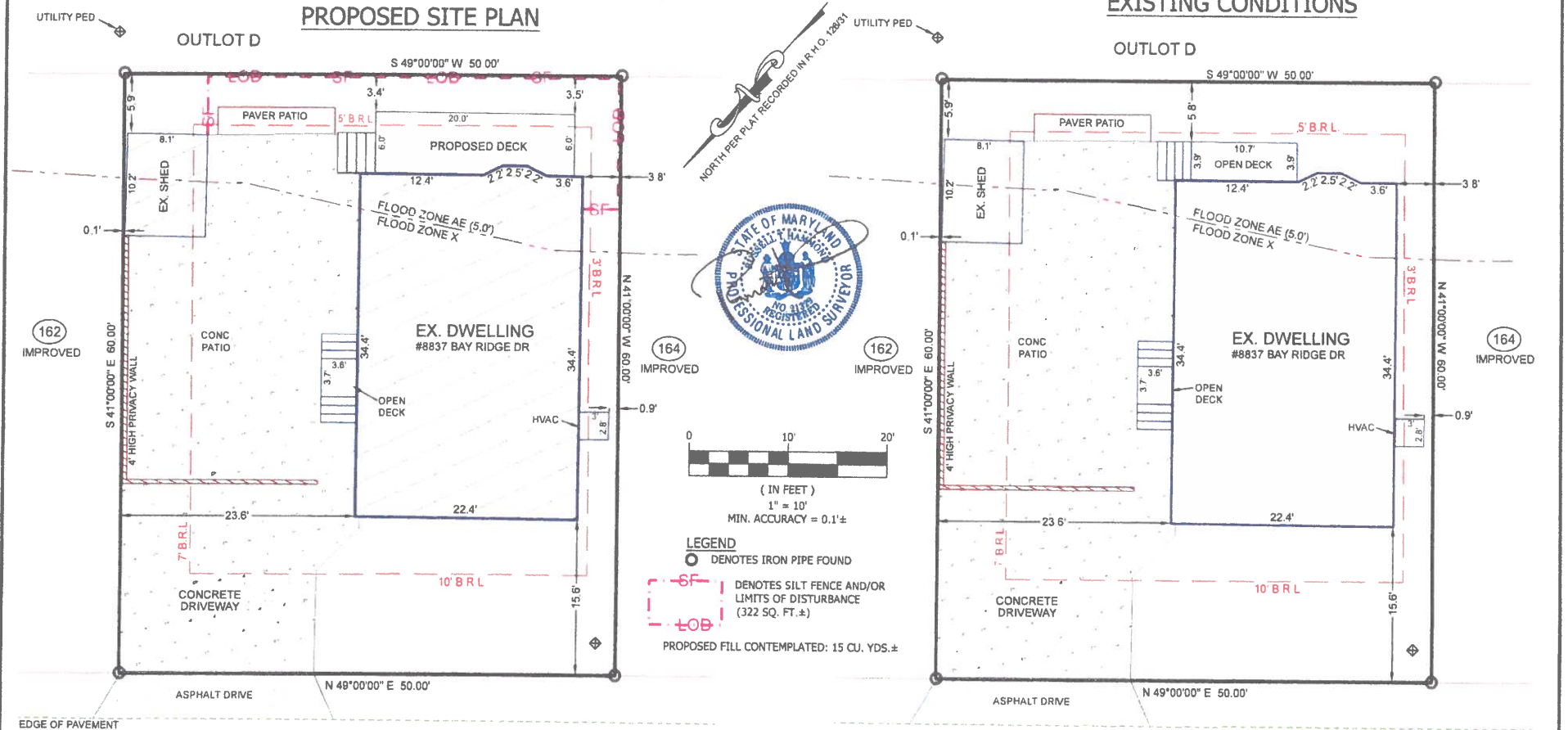
[Signature]
Notary Public

My Commission Expires: 03/11/2029



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.



GENERAL NOTES:

ADDRESS: 8837 BAY RIDGE DR
TAX MAP 33, PARCEL 347
DEED REF.: S.V.H. 5922/346
PLAT REF.: R.H.O. 126/31
LOT AREA: 3,000 S.F.±
BLDG ENVELOPE: 1,800 S.F.±
EX. ZONING: A-1
PLATTED SETBACKS:
FRONT: 10', REAR: 5'
RIGHT SIDE: 3', LEFT SIDE: 7'
FLOOD ZONE: X & AE (EL 5')
PER FIRM NO. 240083 0170 H
DATED JULY 16, 2015.
CRITICAL AREA DESIGNATION: I.D.A.
BUFFER MANAGEMENT AREA "A"

LOT COVERAGE

EX. DWELLING = 775 S.F.±
EX. SIDE OPEN DECK & STEPS = 32 S.F.±
EX. SHED = 83 S.F.±
EX. PAVER PATIO = 31 S.F.±
EX. CONC. DRIVE & PATIO = 1,084 S.F.±
EX. HVAC PLATFORM = 8 S.F.±

PROPOSED REAR DECK & STEPS = 133 S.F.±

TOTAL PROPOSED LOT COVERAGE = 2,146 S.F.±
2,146 - 2,068 = 78 S.F.± INCREASE IN LOT COVERAGE

ALL LOTS ARE SUBJECT TO THE FOLLOWING UTILITY/DRAINAGE EASEMENTS

- 1 A 10' WIDE EASEMENT PARALLEL TO THE REAR LOT LINE
- 2 A 3' WIDE EASEMENT PARALLEL TO THE SIDE LOT LINE
- 3 A 10' WIDE EASEMENT PARALLEL TO THE ROAD RIGHT-OF-WAY.

SITE PLAN FOR DECK

- LOT 163 -

PHASE 1 - ASSATEAGUE POINTE RESORT

TENTH TAX DISTRICT

WORCESTER COUNTY, MARYLAND

CURRENT OWNER: DONALD W. URBANIC LIVING TRUST - 5647 BATTLE RIDGE DRIVE, FLOWERY BRANCH, GA. 30542

BAY RIDGE DRIVE

30' R.O.W.

EX. LOT COVERAGE

EX. DWELLING = 775 S.F.±
EX. SIDE OPEN DECK & STEPS = 32 S.F.±
EX. SHED = 83 S.F.±
EX. PAVER PATIO = 31 S.F.±
EX. CONC. DRIVE & PATIO = 1,084 S.F.±
EX. REAR OPEN DECK & STEPS = 55 S.F.±
EX. HVAC PLATFORM = 8 S.F.±
TOTAL EX. LOT COVERAGE = 2,068 S.F.±

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.: 2025-3791
DATE: 08/04/2025

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 25-53

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: October 9, 2025

LOCATION: Located at 8837 Bay Ridge Drive, Tax Map 33, Parcel 347, Lot 163, Tax District 10, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the rear yard setback from 5 feet to 3.4 feet (to encroach 1.6 feet) associated with a proposed deck in the A-2 Agricultural District.

CODE REFERENCES: Zoning Code Sections ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318.

PROPERTY HISTORY: The following records are on file:

08/25/1994 Building Permit No. 36247 – Issued 09/01/1994 – C/O issued 04/07/1995 – Permit for a 22' x 34' manufactured home with an 8' x 10' shed and a fence.

COMMENTS: The property owner requests approval for a larger open deck (8' x 20') that would replace an existing 4' x 11' (approximate) deck. A similar request was approved by the Board on the adjacent parcel (Case # 22-48 approved on 10/14/2022); in that case a 1.7' variance for an open deck was approved that placed the deck 3.3' from the rear property line.

For the variance request, 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 a building permit and all other necessary approvals.

OWNER: Donald W. Urbancic Living Trust, Donald W. Urbancic Trustee
8837 Bay Ridge Drive
Berlin, MD 21811

APPLICANT : Ruth Urbancic
8837 Bay Ridge Dr.
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.

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: 25-54
DATE FILED: 9-4-2025
HEARING DATE: 10-9-2025

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:

Variance (for building
restriction line) for new deck: 24' x 6.9' (7.2' x 6.9')

LOCATION OF PROPERTY:

TAX MAP: 0026 PARCEL: 0001 SECTION:

LOT/ BLOCK: 74

On the N/S/E/W of:

(Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Daniel & Holly Bernabei Teleph

Address: 11406 Maid @ Arms Ln E-M

Berlin, MD 21811

APPLICANT INFORMATION:

Applicant's Name: Holly Bernabei T

Address: 11406 Maid @ Arms Ln E-M

Berlin, MD 21811

Has property in question ever been subject of a previous appeal? (If yes, give con

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
☐ RIGHT OF WAY OF A STATE ROAD
25' FROM PROPERTY LINE

REAR : 25'
LEFT SIDE: 10'
RIGHT SIDE: 10'

ZONING DISTRICT: R-1 (PUD)

TAX DISTRICT: 3

Holly Bernabei
Signature of Owner or Legal Representative

Holly Bernabei
Signature of Applicant

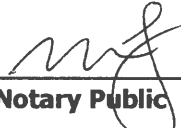
SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**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 4 day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Holly Bernabei, 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: March 7, 2029.



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

I HEREBY CERTIFY that on this 4 day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Holly Bernabei, 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: March 7, 2029.





1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT, EASEMENTS, RIGHTS-OF-WAY, COVENANTS AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.

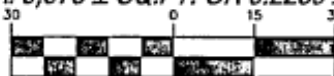
2. THIS SURVEY IS BASED ON THE FINAL SITE PLAN OF GLENN RIDDLE, PHASE 3 DATED 06/24/18, AND IS SUBJECT TO ANY OR ALL EASEMENTS AND RIGHT-OF-WAYS AS RECORDED. BEARING SYSTEM REFERENCED TO PLAT BOOK SWY 184 PAGE 01

3. THIS SURVEY SHOWS ONLY VISIBLE ABOVE GROUND IMPROVEMENTS AND DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED.

4. THE INFORMATION SHOWN HEREON IS BASED ON THE PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF WORCESTER COUNTY, MARYLAND, AND A FIELD RUN SURVEY, 171,000 ZONE "C" SHARED & UN-SHARED PER FEAM MAP #24047C0150-H 07/16/15)

PREPARED FOR

LOT 74, RIDDLE FARM, PHASE 3
TRACTS 1 THRU 3, 5 & P/O 4, LOTS 44-103
THIRD & TENTH ELECTION DISTRICT
WORCESTER COUNTY, MARYLAND
TAX MAP 0026, GRID 0003, PARCEL 0001
AREA: 9.975 ± SQ.FT. OR 0.2289 ± ACRES



GRAPHIC SCALE

VISTA
DESIGN INC.

11634 Worcester Hwy., Shrewsbury, MA 01545

pH 410-352-5604

610-352-3875

อีเมล vinai@vinadesigninc.com

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DESIGNED BY:

FIELD BOOK #31 PAGE #16

JOE# 18-052-074

DRAWN BY:

DATE: 05/04/19

SHEET 1 OF 1

CHECKED BY: DLA

SCALE AS SHOWN

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 25-54

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: October 9, 2025

LOCATION: Located at 11406 Maid at Arms Lane, Tax Map 26, Parcel 1, Lot 74, Tax District 10, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the side yard setback from 10 feet to 4.8 feet (to encroach 5.2 feet) and a variance to the rear yard setback from 25 feet to 24.875 feet (to encroach 0.125 feet) for a proposed open deck enlargement in the R-1 Rural Residential District.

CODE REFERENCES: Zoning Code Sections ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-318.

PROPERTY HISTORY: The following records are on file:

10/18/2018 Building Permit No. 18-0728 – Issued 10/18/2018 – C/O issued 06/05/2019 – Permit for a single-family dwelling with attached garage, front porch and rear deck.

COMMENTS: The property owners request approval to enlarge the existing 12' x 14' rear open deck so that it extends along the entire length of the house and will be 12' x 49.8'. As proposed, the deck would encroach into the rear yard setback at each end. The applicants' rear yard adjoins the golf course and a stormwater management pond.

For the variance request, 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 a building permit and all other necessary approvals.

OWNER: Daniel and Holly Bernabei
11406 Maid at Arms Lane
Berlin, MD 21811

APPLICANT : Same

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: 25-56
DATE FILED: 9-9-2025
HEARING DATE: 10-9-2025

APPLICATION BEING MADE FOR:

☐ SPECIAL EXCEPTION
☒ VARIANCE
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE
☐ OTHER
☐ AFTER THE FACT ☒ PROPOSED
☐ FORESTRY
☐ CRITICAL AREA
☐ APPEAL
☐ 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: _____

LOCATION OF PROPERTY:

TAX MAP: 30 PARCEL: 16 SECTION: _____ LOT/ BLOCK: _____

On the N/S/E/W of: Ninepin Branch Rd.

* 8723 Ninepin Branch Rd. (Feet/Miles), N/S/E/W of ~2,000' south of Libertytown Rd

PROPERTY OWNER INFORMATION:

Owner's Name: Brooks + Kristi Brittingham Telephone: _____
Address: 8723 Ninepin Branch Rd., Berlin, MD 21811 E-M _____

APPLICANT INFORMATION:

Applicant's Name: _____ Telephone: _____
Address: _____ E-Mail: _____

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

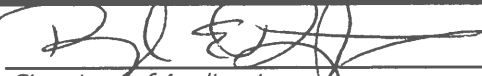
Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? No If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? _____

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

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

ZONING DISTRICT: _____ TAX DISTRICT: _____


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 9th day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Brooks Edward Brittingham, 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.

DAVIDA T. WASHINGTON
Notary Public



My Commission Expires: August 19, 2028

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

I HEREBY CERTIFY that on this 9th day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Brooks Edward Brittingham, 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.

DAVIDA T. WASHINGTON
Notary Public



My Commission Expires: August 19, 2028

GENERAL NOTES

PROPERTY / OWNER INFORMATION:

TAX MAP NO. 30 - PARCEL 16
TAX ID: 04 - 000269

BROOKS & KRISTI BRITTINGHAM
MAILING ADDRESS: 8723 NINEPIN BRANCH ROAD
BERLIN, MD 21811

DEED ON RECORD: 6757 / 402
REFERENCE PLAT: JEB 9 / 44

NO TITLE REPORT WAS OBTAINED OR PROVIDED FOR REVIEW DURING THE PREPARATION FOR THIS SURVEY. BEING SUCH, THIS PLAT SHALL NOT BEAR CERTIFICATION AS TO THE EXISTENCE OR NONEXISTENCE OF ANY EASEMENTS, RIGHTS OF WAY, OR ENCUMBRANCES, EXCEPT THOSE SPECIFICALLY SHOWN HEREON. ADDITIONALLY, THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY SUCH RIGHTS OF WAY, EASEMENTS, OR ENCUMBRANCES AS MAY BE DISCLOSED BY A COMPLETE TITLE SEARCH.

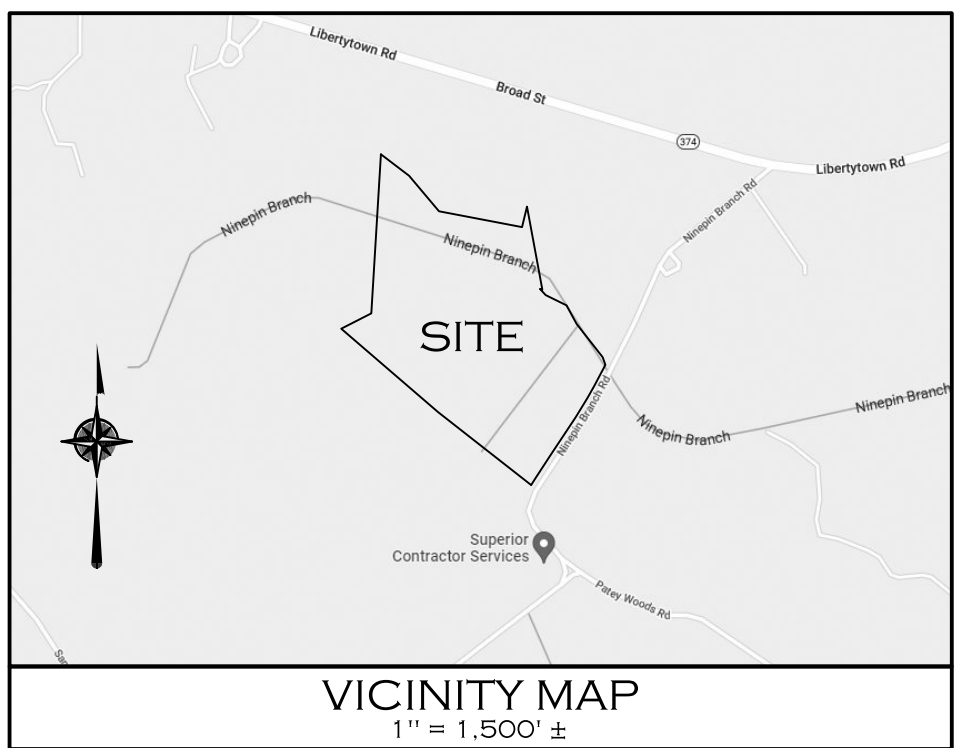
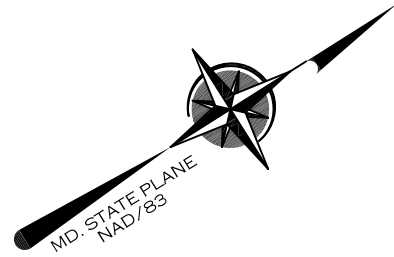
ZONED: A-1
SETBACKS: FRONT: 60' FROM CENTER OF ROAD
SIDE: 20'
REAR: 50'

EXISTING USE: AGRICULTURAL / RESIDENTIAL

THIS PROPERTY IS NOT LOCATED WITHIN THE LIMITS OF THE ATLANTIC COASTAL BAYS OR CHESAPEAKE BAY CRITICAL AREA.

COORDINATE INFORMATION SHOWN HEREON IS BASED IN THE MARYLAND STATE COORDINATE SYSTEM, NAD/83 DATUM.

BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 24047C01150H, DATED JULY 16, 2015, THIS PARCEL IS LOCATED WITHIN ZONE X.



VICINITY MAP
1" = 1,500' ±

N / F
WILLIAM T. BURBAGE & JO ANN BURBAGE
RICHARD F. BURBAGE & BETTY J. BURBAGE
TAX ID: 03 - 018997
T.M. 30 - PARCEL 45
D.B. 5193 / 664
ZONED: A-1
USE: AGRICULTURAL / WOODLAND

N / F
WILLIAM T. BURBAGE & JO ANN BURBAGE
RICHARD F. BURBAGE & BETTY J. BURBAGE
TAX ID: 03 - 018901 2
T.M. 30 - PARCEL 1
D.B. 5193 / 664
ZONED: A-1
USE: VACANT / WOODLAND

N / F
ROY A. CZARKOWSKI &
FELIX J. CZARKOWSKI
TAX ID: 03 - 019047
T.M. 30 - PARCEL 2
D.B. 666 / 155
ZONED: A-1
USE: VACANT / WOODLAND

N / F
KIMBERLY B. WHITE &
KEVIN H. WHITE
TAX ID: 04 - 000545
T.M. 30 - PARCEL 81
D.B. 5161 / 57
ZONED: A-1
USE: AGRICULTURAL

N / F
CHARLES & LISA REYNOLDS
TAX ID: 04 - 006143
T.M. 30 - PARCEL 25
D.B. 6123 / 185
ZONED: A-1
USE: RESIDENTIAL / WOODLAND

OWNER'S

BROOKS BRITTINGHAM

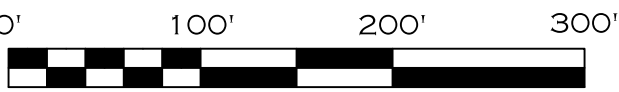
DATE

KRISTI BRITTINGHAM

DATE

LEGEND

- IRON PIPE FOUND
- ▲ IRON STOB FOUND
- UNMARKED POINT
- ⊙ IRON ROD & CAP TO BE SET
- ⊙ UTILITY POLE
- ⊙ WELL
- OP — OVERHEAD UTILITIES



LINE	BEARING	DISTANCE
L1	N 54°13'22" W	138.98
L2	N 32°59'18" E	118.05
L3	S 32°59'08" W	109.87
L4	S 54°13'23" E	142.21
L5	N 53°48'58" W	105.98
L6	N 32°59'08" E	40.28
L7	N 52°55'33" W	133.00
L8	N 37°04'27" E	119.87

CHORD	RADIUS	ARC	BEARING	CHORD
C1	3725.00'	119.99'	S 27°34'44" W	1119.98'
C2	3725.00'	263.14'	S 30°28'55" W	263.10'
C3	2400.44'	166.40'	S 51°49'43" W	165.05'



TAX MAP #	30
PARCEL	16
DISTRICT	04
COUNTY	WORCESTER
STATE	MARYLAND
DEED REF.	6757 / 402
PLAT REF.	JEB 9 / 44
DRAWN BY	CJP
DATE	08 / 20 / 2025
REVISED	09 / 16 / 2025
SCALE	1" = 100'
SURVEY #	MD - 00228

SITE PLAN
PROPOSED SUBDIVISION

LANDS OF
BROOKS BRITTINGHAM &
KRISTI BRITTINGHAM

NINEPIN BRANCH ROAD, BERLIN, MD 21811



LAND SURVEYING
35322 BAYARD ROAD
FRANKFORD, DE 19045
302-539-2488

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 25-56

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: October 9, 2025

LOCATION: Located at 8723 Ninepin Branch Road, Tax Map 30, Parcel 16, Tax District 4, Worcester County, Maryland.

APPROVAL REQUESTED: Five (5) variances associated with a proposed minor subdivision, including three (3) variances to the front and side yard setback for existing poultry houses from 200 feet to 100 feet (a reduction of 100 feet); one (1) variance to the front yard setback for an existing manure shed from 200 feet to 170 feet (a reduction of 30 feet), and one (1) variance to the minimum lot width requirement from 200 feet to 180.13 feet (a reduction of 19.87 feet) for a proposed new lot in the A-1 Agricultural District.

CODE REFERENCES: Zoning Code Sections ZS 1-116(c)(4), ZS 1-201(b)(5), ZS 1-349(f) and ZS 1-305.

PROPERTY HISTORY:

12/02/2016 Building Permit No. 16-0854 – Issued 12/02/2016 – C/O issued 03/24/2025 – Permit for three 60' x 560' poultry houses and a 50' x 80' manure shed.

07/17/2018 Building Permit No. 18-0634 – Issued 08/08/2018 – No C/O in file – Permit for a two-story single-family dwelling with a fireplace, attached garage, and front and rear covered porches.

09/26/2019 Building Permit No. 19-0921 – Issued 03/21/2020 – C/O issued 03/06/2025 – Permit for a 30' x 40' pole barn for agricultural use on an active poultry farm.

COMMENTS: The property owners operate a poultry farm on their 62-acre property where they also have their residence. They are proposing a minor subdivision of five (5) lots and are requesting five (5) variances associated with this request. The three (3) existing poultry houses (and manure shed) would be located on a 15.87 acre parcel; the applicants' residence would be on a 2.35 acre parcel; and three (3) new undeveloped lots would be created consisting of 2.06 acres; 2.65 acres; and 39.23 acres, respectively. The Code requires a 200' setback from poultry houses to all property lines – the three (3) poultry houses are proposed to be 100 feet from the new side and front lot lines created by the subdivision accounting for three (3) variances. An existing manure shed would

be 170 feet from a new lot line, requiring a 30' variance; and one (1) of the new lots being created (proposed Lot 2) is 180.13 feet wide at the point that is in line with the applicants' house on proposed Lot 3 (the applicants intend for Lot 2 to be for one of their children) – it should be noted that Lot 2 does meet the Code requirement of 200' wide towards the rear of the lot, but not at the point where it is likely that a house will be built.

For the variance request, 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 a building permit and all other necessary approvals.

OWNER: Kristi and Brooks Brittingham
8723 Ninepin Branch Road
Berlin, MD 21811

APPLICANT : Same

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: 25-57
DATE FILED: 9-9-2025
HEARING DATE: 10-9-2025

APPLICATION BEING MADE FOR:

☐ SPECIAL EXCEPTION	☐ FORESTRY
☒ VARIANCE	☐ CRITICAL AREA
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE	☐ APPEAL
☐ OTHER	

☐ AFTER THE FACT	☒ PROPOSED	☐ ADMINISTRATIVE ADJUSTMENT
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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: Permission to encroach the rear 30' setback with porch/deck off the newly constructed home. Pool in setback as an accessory detached from everything.

LOCATION OF PROPERTY:

TAX MAP: 0016 PARCEL: 0041 SECTION: 4 LOT/ BLOCK: 61
On the N/S/E/W of:
(Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Rhonda Clayton Hathaway Tel:
Address: 38 Teal Ocean Pines, MD

APPLICANT INFORMATION:

Applicant's Name: Blair Carey/RBR Homes 21801
Address: 118 N Division St Suite 303 Salisbury MD

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? No If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations?

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: <u>25'</u>	FROM CENTERLINE OF ROAD	REAR: <u>30'</u>
	RIGHT OF WAY OF A STATE ROAD	LEFT SIDE: <u>6'</u>
	FROM PROPERTY LINE	RIGHT SIDE: <u>6'</u>

ZONING DISTRICT: R-3 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**

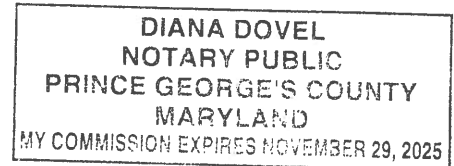
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 4th day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Rhonda Y. Hathaway & Clayton B. Hathaway, 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.

Diana Dovel
Notary Public

My Commission Expires: Nov 29, 2025



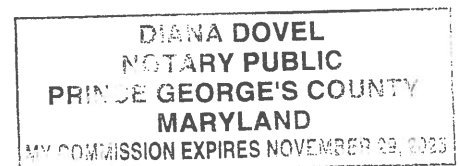
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

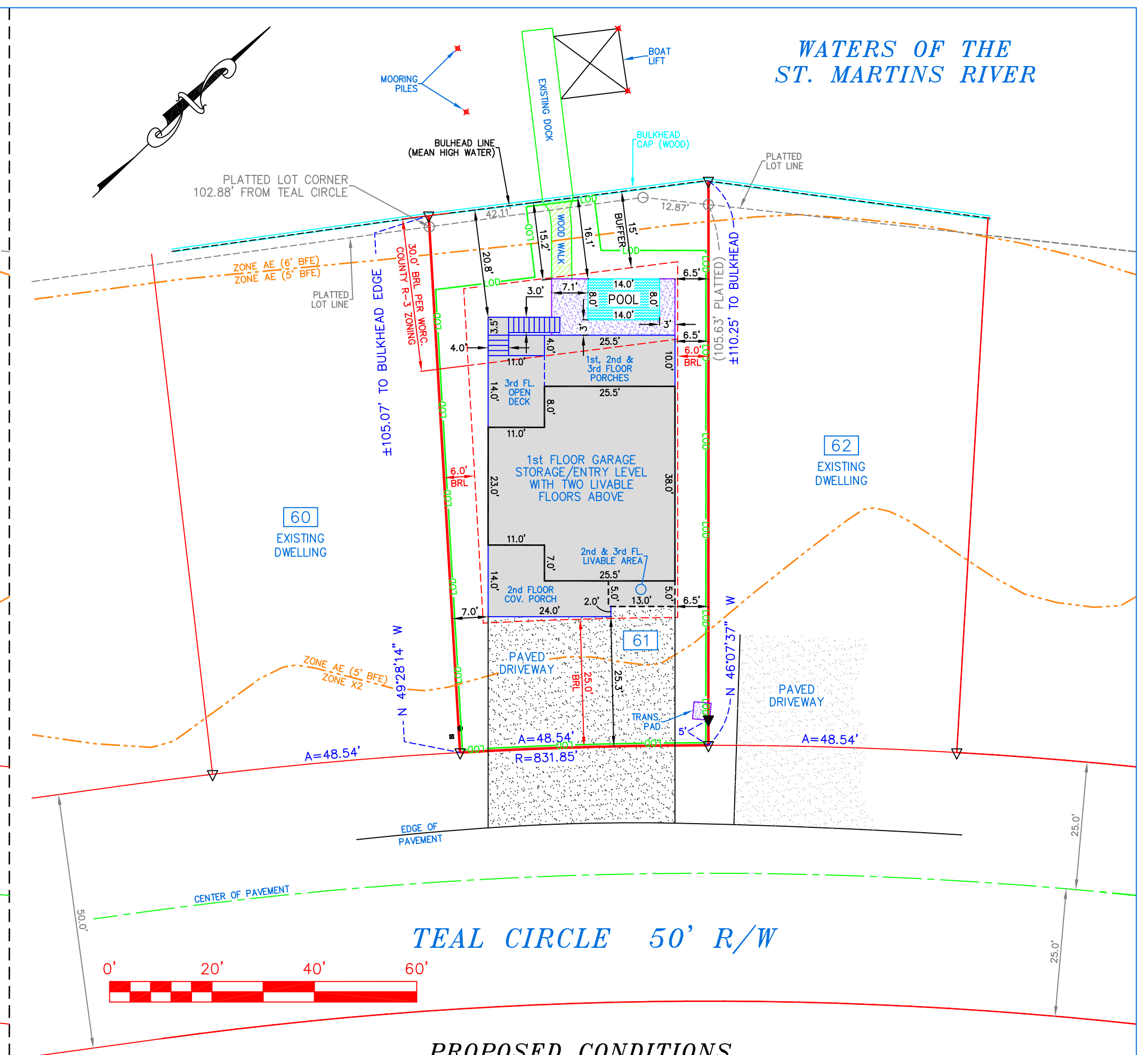
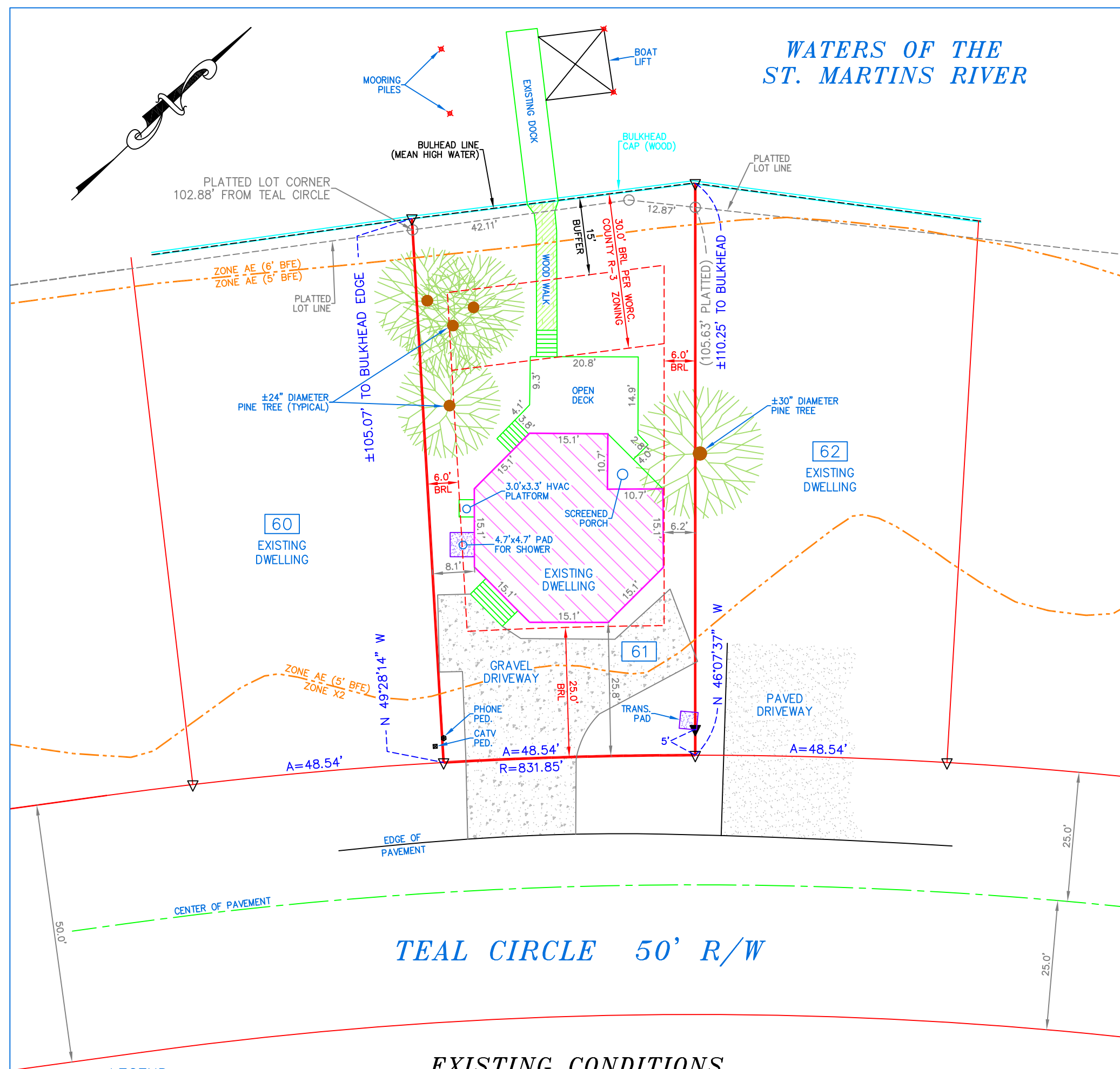
I HEREBY CERTIFY that on this 4th day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Blair Carey, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed 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.

Diana Dovel
Notary Public

My Commission Expires: Nov. 29, 2025





LEGEND:

- ▼ DENOTES DRILL HOLE, FOUND
- ▽ DENOTES UNMARKED POINT
- DENOTES PLATTED LOT CORNER
- L.O.D. DENOTES LIMIT OF DISTURBANCE AREA

EXISTING CONDITIONS

NOTES:

THIS PROPERTY IS SITUATED WITHIN FLOOD HAZARD ZONES X2 & AE (ELEV. 5' & 6') AS SHOWN ON FIRM MAP # 24047C0045H, DATED 07/16/15.

THIS PROPERTY IS IN THE ATLANTIC COASTAL BAYS CRITICAL AREA;
ZONE: IDA (INTENSELY DEVELOPED AREA)
BUFFER MANAGEMENT AREA: GROUP A

ADDRESS:

38 TEAL CIRCLE
BERLIN, MARYLAND 21811

OWNERS:

CLAYTON B. HATHAWAY
RHONDA Y. HATHAWAY
126 FAIRFAX BLVD.
WILMINGTON, DE 19803

DEED REFERENCE:

SRB 6800/0478
SEC. 4, LOT 61
PARCEL 0041
TAX MAP 0016

TAX ACCOUNT ID:

#03-093255

REFERENCE PLAT:

"OCEAN PINES
SECTION 4"

BY:

PRINCE WILLIAM ENG. CO.
DATE: FEB. 1969
PLAT BOOK: FWH 11/54-66

PROPERTY ZONED: R-3

MIN. FRONT YARD 25'
MIN. REAR YARD 30'
MIN. SIDE YARD 6'

LOT COVERAGE CALCULATIONS:

EXISTING:

DWELLING:	1,041 SQ. FT.
SCREENED PORCH:	57 SQ. FT.
OPEN DECK:	337 SQ. FT.
STEPS:	76 SQ. FT.
SHOWER:	22 SQ. FT.
HVAC PLATFORM:	10 SQ. FT.
WOOD WALK:	100 SQ. FT.
GRAVEL DRIVEWAY:	943 SQ. FT.
TOTAL:	2,586 SQ. FT.

AREA OF LOT 61 TO BULKHEAD = 5,552 SQ. FT.
EXISTING LOT COVERAGE AREA = 2,586 SQ. FT.
EXISTING LOT COVERAGE PERCENTAGE = 46.58%

LOT COVERAGE WITHIN 15' BUFFER:

EXISTING:

P/O WOOD WALK:	62 SQ. FT.
TOTAL:	62 SQ. FT.

LOT COVERAGE CALCULATIONS:

PROPOSED:

DWELLING:	1,287 SQ. FT.
DECK/PORCHES:	651 SQ. FT.
STEPS/LANDING:	60 SQ. FT.
POOL:	112 SQ. FT.
POOL DECK:	148 SQ. FT.
WOOD WALK:	64 SQ. FT.
PAVED DRIVEWAY:	958 SQ. FT.
TOTAL:	3,280 SQ. FT.

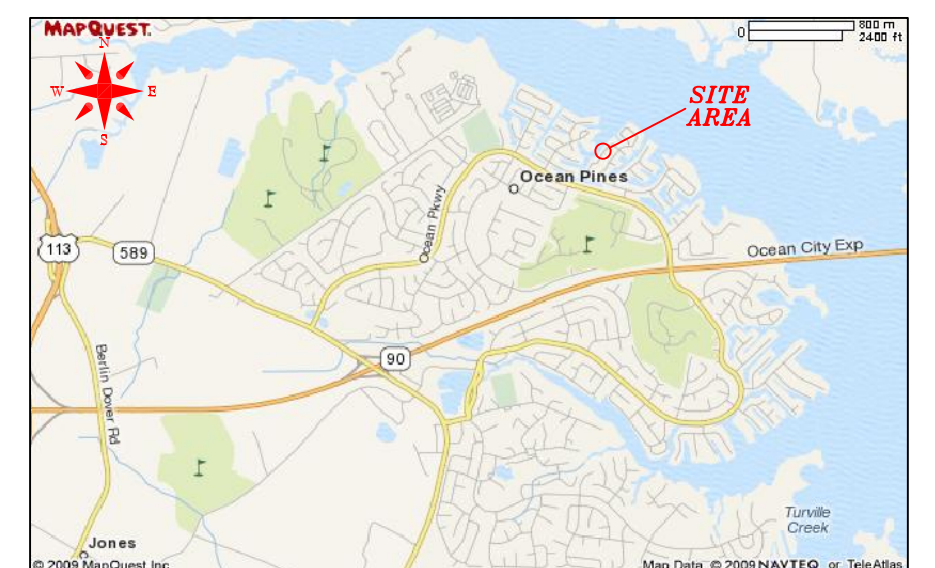
INCREASE IN LOT COVERAGE = 694 SQ. FT.

AREA OF LOT 61 TO BULKHEAD = 5,552 SQ. FT.
PROPOSED LOT COVERAGE AREA = 3,280 SQ. FT.
PROPOSED LOT COVERAGE PERCENTAGE = 59.08%

LOT COVERAGE WITHIN 15' BUFFER:

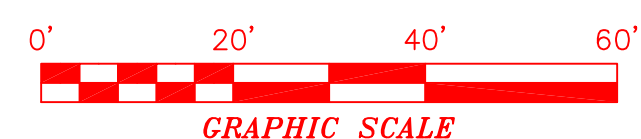
PROPOSED:

P/O WOOD WALK:	62 SQ. FT.
TOTAL:	62 SQ. FT.



VICINITY MAP - NO SCALE

PLATTED AREA OF LOT 61 = ±5,430 SQ. FT.
AREA OF LOT 61 TO BULKHEAD (MHW) = ±5,552 SQ. FT.
LIMIT OF DISTURBANCE AREA = ±4,875 SQ. FT.



SITE PLAN OCEAN PINES SECTION 4, LOT 61

THIRD TAX DISTRICT
WORCESTER COUNTY, MARYLAND

SCALE: 1" = 20' DATE: 09/10/2025
JOB NO. 0980_SP2



CAL HOLLOWAY

9/10/2025
DATE:

I CERTIFY THAT THE SURVEY SHOWN HEREON IS AN ACCURATE TRANSIT-TAPE SURVEY; AND THERE ARE NO ENCROACHMENTS ACROSS THE PROPERTY LINES OTHER THAN THOSE SHOWN.



Benchmark Land
Surveying, Inc.

24 Broad Street
Berlin, MD 21811
410-641-3313
cal@benchmarkmd.com

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 25-57

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: October 9, 2025

LOCATION: Located at 38 Teal Circle, Tax Map 16, Parcel 41, Section 4, Lot 61, Tax District 3, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the rear yard setback from 30 feet to 20.8 feet (to encroach 9.2 feet) for a third floor open deck with stairs and a variance to the rear yard setback from 30 feet to 26 feet (to encroach 4 feet) for first, second and third floor porches associated with a proposed residence in the R-3 Multi-family Residential District.

CODE REFERENCES: Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305.

PROPERTY HISTORY: The following records are on file:

07/30/1981 Building Permit No. 10000 – Issued 07/31/1981 – Zoning Certificate issued 04/26/1982 – Permit for a single-family residence.
04/24/1995 Shoreline Construction Permit No. 39091 – Issued 04/25/1995 – Zoning Certificate issued 05/01/1995 – After-the-Fact permit for a parallel dock.
05/01/1996 Shoreline Construction Permit No. 43584 – Issued 05/02/1996 – Zoning Certificate issued 05/22/1996 – Permit to remove existing dock and install new perpendicular pier with a boatlift.

COMMENTS: The property is improved with a residence constructed in 1982; however, the existing residence will be relocated to another lot in Ocean Pines and a new home will be constructed on this property. As proposed, the new home will fit within the buildable area but the first, second and third floor porches in the rear will need a 4' variance, and the third-floor open deck with stairs will need a 9.2' variance. The lot totals approximately 5,550 s.f. with about 2,100 s.f. of buildable area, whereas new lots in the R-3 District must have a minimum lot size of 10,000 s.f. and a buildable area of 2,500 s.f.

For the variance request, 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 a building permit and all other necessary approvals.

OWNER: Rhonda and Clayton Hathaway
126 Fairfax Blvd.
Wilmington, DE 19803

APPLICANT : Blair Carey
c/o RBR Homes
118 N. Division St., Suite 303
Salisbury, MD 21801

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: 25-55
DATE FILED: 9-8-2025
HEARING DATE: 10-9-2025

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: Special exception pursuant to Section ZS1-204
for a special exception in the V-1 Village District under special exception 19 for the addition to a cemetery, and the location of a columbarium within said cemetery located in and near the Village of Bishopville, on Cemetery Road.

LOCATION OF PROPERTY:

TAX MAP: 3 PARCEL: 101 & 98 SECTION: LOT/ BLOCK:
On the N/S/E/W of: Cemetery Road a distance of approximately
300 (Feet/Miles), N/S/E/W of Hatchery Road in Bishopville

PROPERTY OWNER INFORMATION:

Owner's Name: Friends of Bishopville Cemetery, Inc. Telephone:
Address: 10652,10660 Cemetery Rd., Bishopville, MD 21813 E-Mail:

APPLICANT INFORMATION:

Applicant's Name: Joseph E. Moore, Esq. Title:
Address: 3509 COASTAL HIGHWAY, OC, 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? No If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations?

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: 35' FROM CENTERLINE OF ROAD RIGHT-OF-WAY
FROM PROPERTY LINE

REAR: N/A
LEFT SIDE: N/A
RIGHT SIDE: N/A

ZONING DISTRICT: V-1

TAX DISTRICT: 5

Linda M. Bunting, Chairperson
Signature of Owner or Legal Representative

Joseph E. Moore
Signature of Applicant

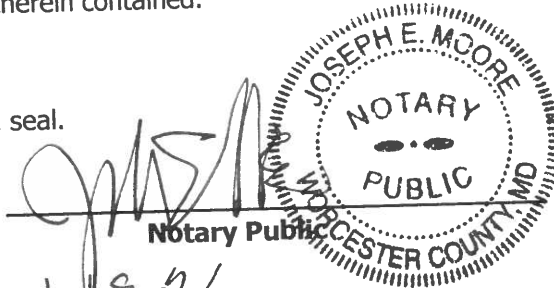
SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**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 4th day of September
2025 before me, a Notary Public in and for the State and County aforesaid,
personally appeared LINDA BUNTING, CHAIRPERSON, 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.

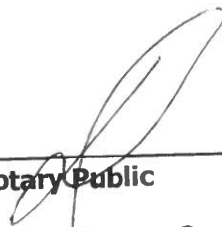


My Commission Expires: 1-19-26

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

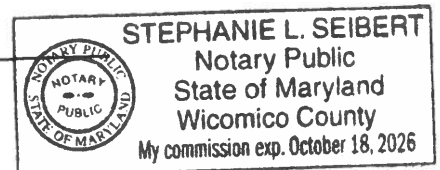
I HEREBY CERTIFY that on this 5th day of September
2025 before me, a Notary Public in and for the State and County aforesaid,
personally appeared JOSEPH E. MOORE, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed 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.

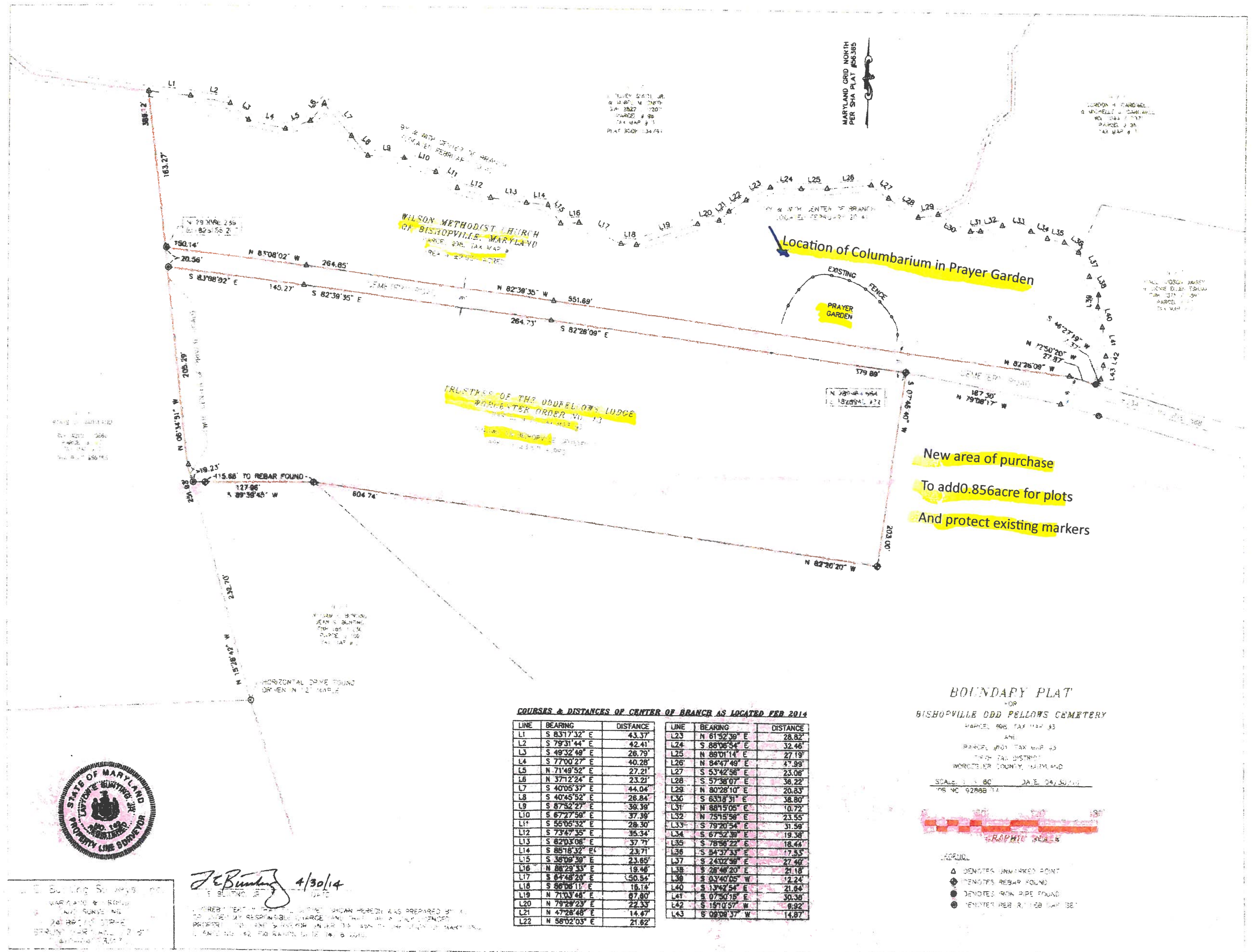
AS WITNESS my hand and official seal.



Notary Public

My Commission Expires: October 18, 2026





A. Plat of parcels
98 and 101

WORCESTER COUNTY FOREST CONSERVATION NOTE:

IN ACCORDANCE WITH ARTICLE IV, SECTION 1-403 (B)(14) OF THE NATURAL RESOURCES ARTICLE OF THE WORCESTER COUNTY CODE OF PUBLIC LOCAL LAWS, THIS SUBDIVISION IS EXEMPT FROM THE COUNTY'S FOREST CONSERVATION LAW SINCE THE SUBDIVISION IS A BOUNDARY LINE ADJUSTMENT WITH NO ACCOMPANYING CHANGE IN LAND USE. ANY FUTURE APPROVAL OF THIS LAND FOR A REGULATED ACTIVITY SHALL BE SUBJECT TO THE COUNTY'S FOREST CONSERVATION LAW.

ORIGINAL TRACT AREA	SUBTRACTION	ADDITION	NEW TRACT AREA	BUILDABLE AREA
TAX MAP 3 - PARCEL 102 5.386 ACRES	0.856 ACRES TO PARCEL 101 4.736 ACRES TO PARCEL 103	N/A	2.736 ACRES	81,987 SQ. FT.
TAX MAP 3 - PARCEL 101 3.516 ACRES	N/A	0.856 ACRES	4.372 ACRES	N/A
TAX MAP 3 - PARCEL 103 7.443 ACRES	0.296 ACRES TO PARCEL 101 4.736 ACRES FROM PARCEL 102 0.296 ACRES TO PARCEL 101	12.177 ACRES	12.177 ACRES	447,600 SQ. FT.
TAX MAP 3 - PARCEL 101 1.090 ACRES	0.296 ACRES TO PARCEL 103	0.296 ACRES FROM PARCEL 103	1.090 ACRES	16,237 SQ. FT.

WORCESTER COUNTY ENVIRONMENTAL PROGRAMS

TAX MAP 3 - PARCEL 102 - LAND OF TUDOR
TAX MAP 3 - PARCEL 101 - LAND OF TUDOR
TAX MAP 3 - PARCEL 103 - LAND OF MELSON
THIS LOT IS APPROVED WITH EXISTING WATER AND SEWERAGE FACILITIES AS SHOWN. THIS DOES NOT INDICATE THAT THE QUALITY OF THESE SYSTEMS HAS BEEN EVALUATED. THE 10,000 SQ. FT. SEWERAGE RESERVE AREA MUST REMAIN FREE OF BUILDINGS, EASEMENTS, RIGHT OF WAY, AND ANY OTHER PERMANENT OR PHYSICAL OBJECTS AND BE RESERVED FOR FUTURE SEWERAGE DISPOSAL. IN ADDITION, ANY FUTURE CHANGES TO THESE SYSTEMS FIRST REQUIRE AN EVALUATION AND PERMIT FROM THE ENVIRONMENTAL PROGRAMS.

TAX MAP 3 - PARCEL 101
PARCEL IS APPROVED AS A CEMETERY ONLY

APPROVING AUTHORITY - WORCESTER COUNTY
DATE

WORCESTER COUNTY PLANNING COMMISSION:

A. THE GRANT OF A PERMIT OR APPROVAL OF THIS SUBDIVISION SHALL NOT CONSTITUTE A REPRESENTATION, GUARANTEE OR WARRANTY OF ANY KIND BY WORCESTER COUNTY OR BY ANY OFFICIAL OR EMPLOYEE THEREOF OF THE PRACTICABILITY, BUILDABILITY OR SAFETY OF ANY PROPOSED USE AND SHALL CREATE NO LIABILITY UPON THE COUNTY, ITS OFFICIALS OR EMPLOYEES.
B. ANY APPROVAL BY THE DEPARTMENT OF THE ENVIRONMENT OF ANY SEWER OR WATER SYSTEM OR BUTAILITY THEREOF IS BASED UPON STATE AND COUNTY STANDARDS EXISTING AS OF THE DATE OF APPROVAL. SUCH STANDARDS ARE SUBJECT TO CHANGE AND A BUILDING PERMIT MAY BE OBTAINED IN THE FUTURE. IN THE EVENT THAT CURRENT STANDARDS CANNOT BE MET AS OF THE DATE OF APPLICATION FOR SUCH PERMIT, THE APPROVAL SHOWN HEREON IS NOT SUFFICIENT APPROVAL FOR A BUILDING PERMIT.

APPROVING AUTHORITY - WORCESTER COUNTY
DATE

SRB LIBER 252 FOLIO 6
RECORDED

DEC - 5 2022

TAX MAP 3 - PARCEL 113
ACCT 8 06-00007
LANDS OF
ROKAMMA AND MICHAEL L. FOWET
DEED REF. S.R.B. 770711
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 107
ACCT 8 06-00078
LANDS OF
DONALD W. AND MARSHY THOMAS
DEED REF. S.R.B. 1001001
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 108
ACCT 8 06-00143
LANDS OF
JOSEPH VIGNALE JR. AND ETHEL R. VIGNALE
DEED REF. W.C.L. 194917
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 109
ACCT 8 06-00027
LANDS OF
WILLIAM E. BUNTING JR., ETHEL R. VIGNALE AND POLINA B. BUNTING
DEED REF. S.R.B. 718048
ZONED: V-1
CURRENT USE: AGRICULTURAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-00141
LANDS OF
FRIENDS OF BISHOPVILLE CEMETERY INC.
DEED REF. S.R.B. 783028
ZONED: V-1
CURRENT USE: CEMETERY

TAX MAP 3 - PARCEL 144
ACCT 8 06-00381
LANDS OF
JOHN R. AND BARBARA M. HAMPSHIRE
DEED REF. S.R.B. 200844
ZONED: V-1
CURRENT USE: AGRICULTURAL

TAX MAP 3 - PARCEL 80
ACCT 7 05-00429
LANDS OF
LINDA A. GODFREY
DEED REF. S.R.B. 787148
ZONED: V-1
CURRENT USE: AGRICULTURAL

TAX MAP 3 - PARCEL 88
ACCT 7 06-00199
LANDS OF
ERIN R. GRAY AND ROBERT A. GRAY JR.
DEED REF. S.R.B. 824078
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 108
ACCT 8 06-00036
LANDS OF
DEAN THOMAS AND BARBARA STEBBE BENNETT
DEED REF. S.R.B. 712840
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 104
ACCT 8 06-00077
LANDS OF
GEORGE ALLAN AND MARY ANN LAYFIELD
DEED REF. J.W.L. 18914
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
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TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
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TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
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ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

TAX MAP 3 - PARCEL 101
ACCT 8 06-01004
LANDS OF
EDWARD A. TUDOR
DEED REF. S.R.B. 814353
ZONED: V-1
CURRENT USE: RESIDENTIAL

LEGEND

- THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
- FOUND IRON PIPE
 - FOUND IRON AXLE
 - FOUND IRON ROD
 - SET IRON ROD
 - UNMARKED POINT
 - SEPTIC TANK
 - DORMING WELL
 - UTILITY POLE
 - ELECTRIC METER
 - GUY ANCHOR
 - STREET SIGN
 - EXISTING GRAVE PLAT CORNER
 - PROPOSED WELL
 - POWEL FLAG

0 60 120 180
(IN FEET)
1" = 60'
MPL. ACCURACY = 0.1"

COORDINATE TABLE

NOTES: COORDINATES AS SHOWN HEREON ARE BASED UPON AN ASSUMED DATUM

POINT	NORTHING	EASTING	DESCRIPTION	POINT	NORTHING	EASTING	DESCRIPTION
1	8715.321	8312.180	SEWAGE RESERVE AREA	13	8329.280	8293.781	SEWAGE RESERVE AREA
2	8715.321	8312.180	SEWAGE RESERVE AREA	14	8329.280	8293.781	SEWAGE RESERVE AREA
3	8628.677	8144.975	SEWAGE RESERVE AREA	15	8329.280	8293.781	SEWAGE RESERVE AREA
4	8628.677	8144.975	SEWAGE RESERVE AREA	16	8329.280	8293.781	SEWAGE RESERVE AREA
5	8628.677	8144.975	SEWAGE RESERVE AREA	17	8329.280	8293.781	SEWAGE RESERVE AREA
6	8628.677	8144.975	SEWAGE RESERVE AREA	18	8329.280	8293.781	SEWAGE RESERVE AREA
7	8628.677	8144.975	SEWAGE RESERVE AREA	19	8329.280	8293.781	SEWAGE RESERVE AREA
8	8628.677	8144.975	SEWAGE RESERVE AREA	20	8329.280	8293.781	SEWAGE RESERVE AREA
9	8628.677	8144.975	SEWAGE RESERVE AREA	21	8329.280	8293.781	SEWAGE RESERVE AREA
10	8628.677	8144.975	SEWAGE RESERVE AREA	22	8329.280	8293.781	SEWAGE RESERVE AREA
11	8628.677	8144.975	SEWAGE RESERVE AREA	23	8329.280	8293.781	SEWAGE RESERVE AREA
12	8628.677	8144.975	SEWAGE RESERVE AREA	24	8329.280	8293.781	SEWAGE RESERVE AREA
				25	8329.280	8293.781	SEWAGE RESERVE AREA

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, UTILITIES OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.

GENERAL NOTES:

1. ZONED: V-1 (VILLAGE DISTRICT)
SETBACKS: FRONT 25', SIDE 5', REAR 30'
2. THIS SUBDIVISION LIES IN THE ISLE OF WIGHT BAY WATERSHED, No. 02130103
3. THERE ARE NO ANNUAL CONTAMINANT STRUCTURES WITHIN 200' OF A NEW PROPERTY LINE. ALL STRUCTURES WITHIN 50' OF A NEW PROPERTY LINE HAVE BEEN SHOWN.
4. BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 24010030H, DATED JULY 18, 2015. THIS SUBDIVISION IS LOCATED IN FLOOD ZONE 2.
5. THIS PROPERTY NOT WITHIN WORCESTER COUNTY CRITICAL AREA.
6. THE PURPOSE OF THIS PLAT IS TO ADJUST THE BOUNDARY LINES BETWEEN PARCEL 101, PARCEL 102, PARCEL 103 AND PARCEL 104.
7. THERE ARE NO PUBLIC DRAINAGE ASSOCIATION LOCATED ON THIS PROPERTY.

OWNER'S CERTIFICATION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THESE TERMS OF THE OWNER, PROPRIETORS AND TRUSTEES. IF ANY, THEREOF. THE REQUIREMENTS OF TITLE 3, SECTION 106 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF THE STATE OF MARYLAND, LATEST EDITION, AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

THE FOLLOWING LISTED WITNESS STUPE, AGENTS AND IMPROVEMENTS ARE HEREBY OFFERED FOR DEDICATION TO THE COUNTY COMMISSIONERS FOR WORCESTER COUNTY. ACCEPTANCE OF SUCH OFFER MAY TAKE PLACE AT ANY TIME BY APPROPRIATE ACT OF THE COUNTY COMMISSIONERS. THE COUNTY COMMISSIONERS ARE IN WAY REQUIRED TO ACCEPT SUCH OFFER. THIS OFFER MAY NOT BE WITHDRAWN WITHOUT THE CONSENT OF THE COUNTY COMMISSIONERS.

1. A 10' FOOT STRIP ALONG A PORTION OF CEMETERY ROAD, IS HEREBY DEDICATED TO WORCESTER COUNTY PER THIS PLAT FOR ROAD WIDENING AND UTILITY PURPOSES.

OWNER: EDWARD A. TUDOR
13228 HATCHERY ROAD
BISHOPVILLE, MD 21033

Heather McCurdy
13228 SWORDFISH DRIVE
OCEAN CITY MD 21842

Friends of Bishopville Cemetery Inc.
P.O. BOX 62
BISHOPVILLE, MD 21033

5/31/2022
DATE

5/31/2022
DATE

10/31/2022
DATE

BOUNDARY LINE ADJUSTMENT PLAT

LANDS OF EDWARD A. TUDOR
LANDS OF HEATHER MCCURDY MELSON
LANDS OF FRIENDS OF BISHOPVILLE CEMETERY INC.
FIFTH TAX DISTRICT - WORCESTER COUNTY, MARYLAND

RUSSELL T. HAMMOND
Surveying, LLC

SURVEYING - LAND PLANNING
10311 Hotel Road
Bishopville, MD 21033
(410) 352-5674 • (410) 775-8076

ORDERED BY	N/A	SURVEYED BY	G. T. HAMMOND	FILE #	2020-2932
DRAWN BY	R. T. Hammond	DATE	05/19/2022		
CHECKED BY	R. T. Hammond	SCALE	1" = 60'		

SHEET 1 OF 1

B. Plat of addition
To cemetery
Parcel 101

P252422

MSA 51257-9496

TAX MAP 3 - PARCEL 131 - LANDS OF TUDOR
TAX MAP 3 - PARCEL 102 - LANDS OF NELSON

THIS LOT IS APPROVED WITH EXISTING WATER AND SEWAGE FACILITIES AS SHOWN. THIS DOES NOT INDICATE THAT THE QUALITY OF THESE SYSTEMS HAS BEEN EVALUATED. THE 10,000 SQ FT SEWAGE RESERVE AREA MUST REMAIN FREE OF BUILDINGS, EASEMENT RIGHT OF WAYS, AND ANY OTHER PERMANENT OR PHYSICAL OBJECTS AND BE RESERVED FOR FUTURE SEWAGE DISPOSAL. IN ADDITION ANY FUTURE CHANGES TO THESE SYSTEMS FIRST REQUIRE AN EVALUATION AND PERMIT FROM THE ENVIRONMENTAL PROGRAMS.

TAX MAP 3 - PARCEL 101

PARCEL IS APPROVED AS A CEMETERY ONLY.

REPRODUCTION OF THIS MAP FOR ANY PURPOSE OTHER THAN THE PRACTICABILITY, BUILDABILITY OR SAFETY OF ANY PROPOSED USE AND SHALL CREATE NO LIABILITY UPON THE COUNTY, ITS OFFICIALS OR EMPLOYEES.

8. ANY APPROVAL BY THE DEPARTMENT OF THE ENVIRONMENT OF ANY SEWER OR WATER SYSTEM OR SUITABILITY THEREOF IS BASED UPON STATE AND COUNTY STANDARDS EXISTING AS OF THE DATE OF APPROVAL. SUCH STANDARDS ARE SUBJECT TO CHANGE AND A BUILDING PERMIT MAY BE DENIED IN THE FUTURE IN THE EVENT THAT CURRENT STANDARDS CANNOT BE MET AS OF THE DATE OF APPLICATION FOR SUCH PERMIT. THE APPROVAL SHOWN HEREON IS NOT SUFFICIENT APPROVAL FOR A BUILDING PERMIT.

APPROVING AUTHORITY - WORCESTER COUNTY

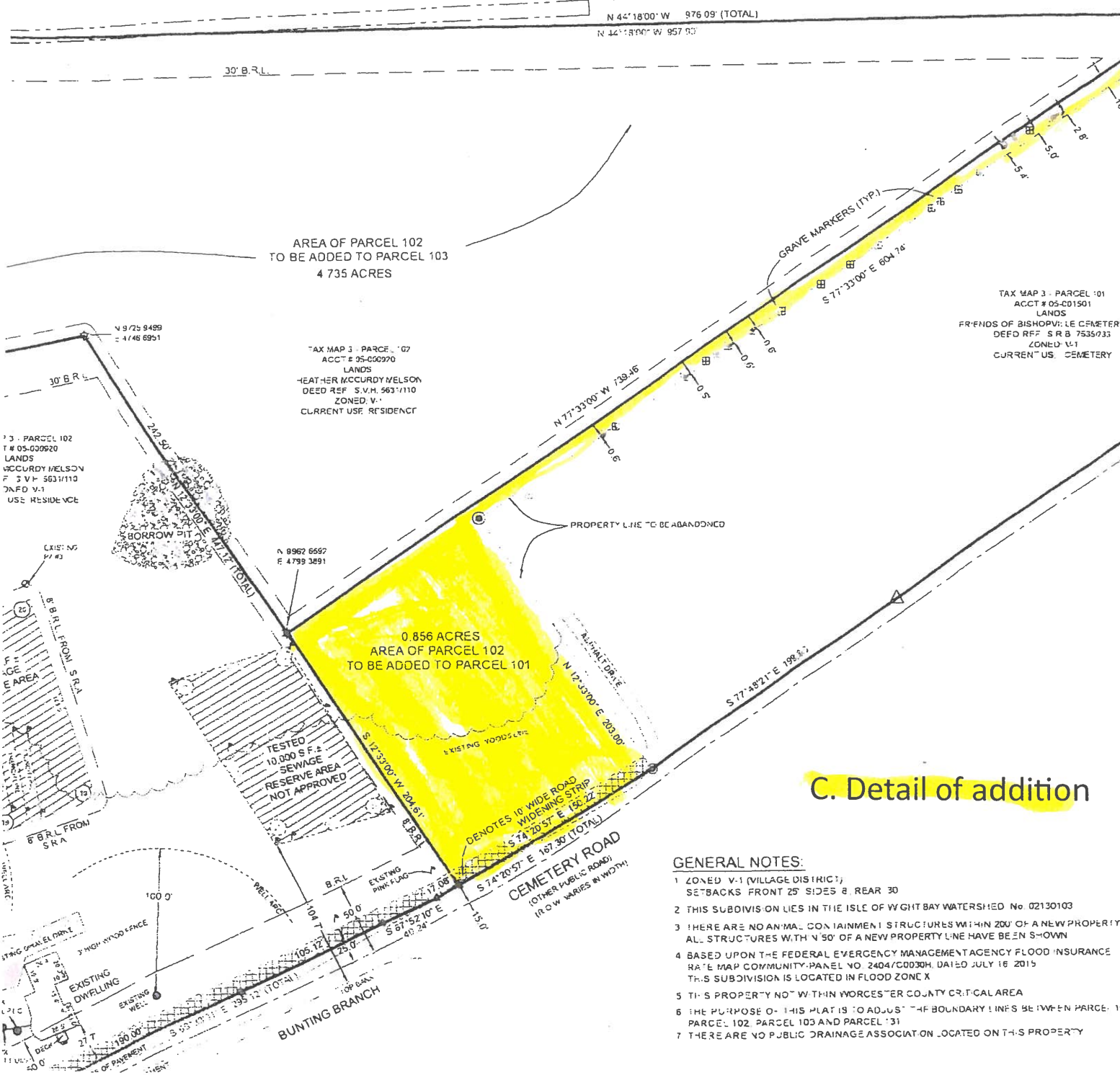
DATE

APPROVING AUTHORITY - WORCESTER COUNTY

DATE

TAX MAP 3 - PARCEL 106
 ACCT # 05 000327
 LANDS N/F

WILLIAM E. BUNTING JR., ESTHER B. VIGNALE AND BEUNDA S. BUNTING
 DEED REF. S.R.B. 7182438
 ZONED V-1
 CURRENT USE AGRICULTURAL



C. Detail of addition

GENERAL NOTES:

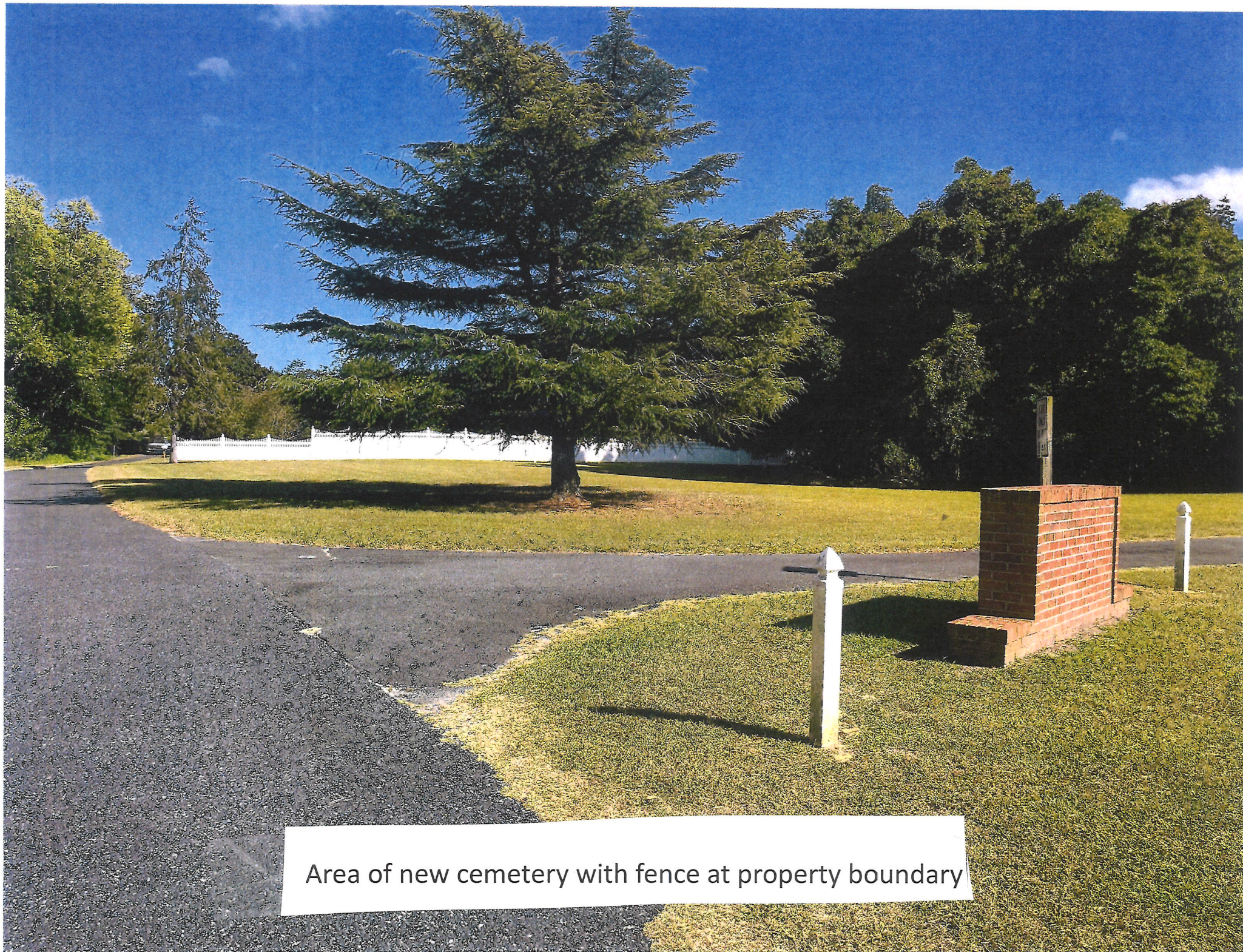
1. ZONED V-1 (VILLAGE DISTRICT)
 SETBACKS: FRONT 25' SIDES 8' REAR 30'
2. THIS SUBDIVISION LIES IN THE ISLE OF WIGHT BAY WATERSHED No. 02130103
3. THERE ARE NO ANIMAL CONFINEMENT STRUCTURES WITHIN 200' OF A NEW PROPERTY LINE. STRUCTURES WITHIN 50' OF A NEW PROPERTY LINE HAVE BEEN SHOWN.
4. BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 2404/C0030H, DATED JULY 16, 2015, THIS SUBDIVISION IS LOCATED IN FLOOD ZONE X.
5. THIS PROPERTY NOT WITHIN WORCESTER COUNTY CRITICAL AREA.
6. THE PURPOSE OF THIS PLAT IS TO ADJUST THE BOUNDARY LINES BETWEEN PARCELS 101, PARCEL 102, PARCEL 103 AND PARCEL 131.
7. THERE ARE NO PUBLIC DRAINAGE ASSOCIATIONS LOCATED ON THIS PROPERTY.



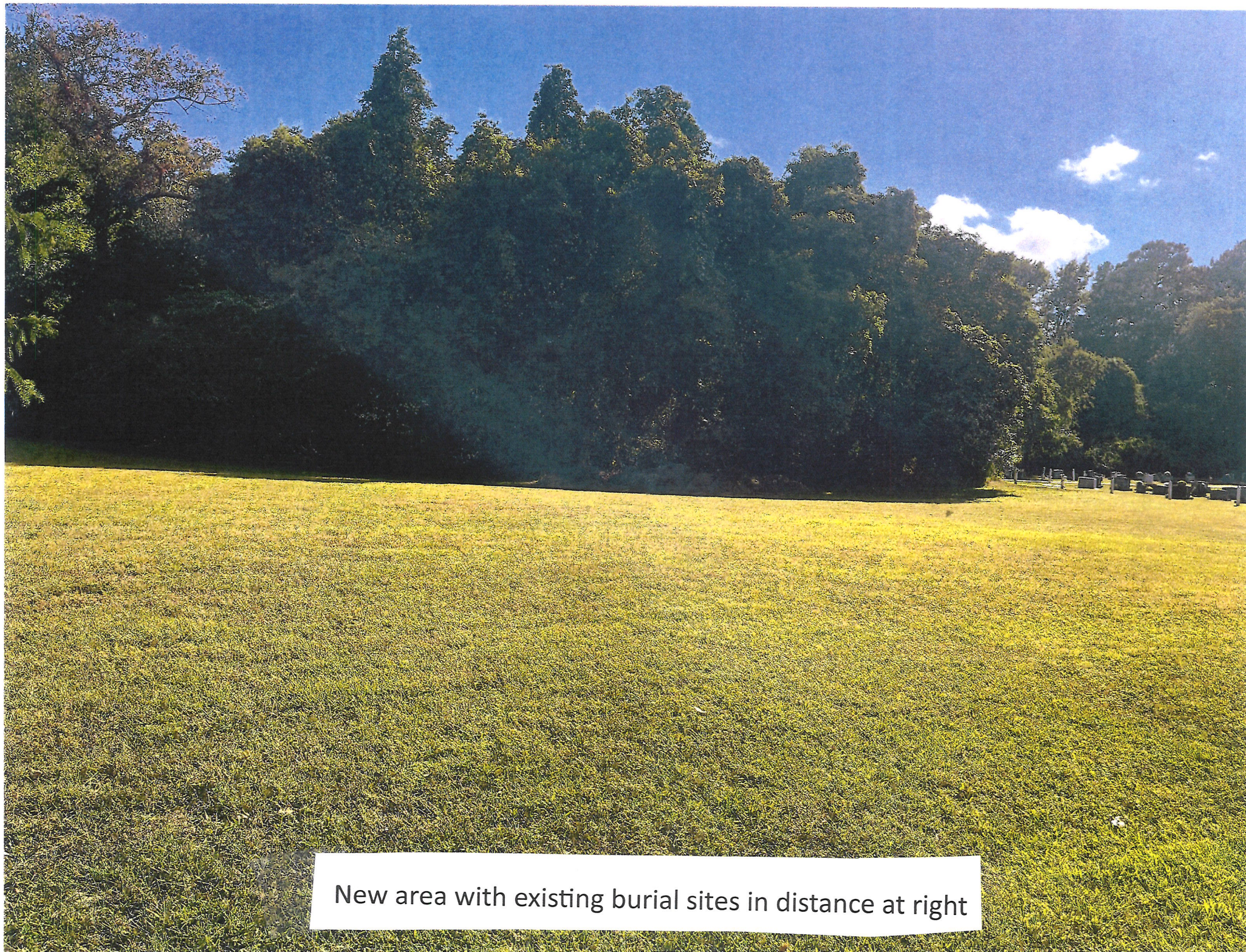
Area of columbarium at prayer garden



Columbarium



Area of new cemetery with fence at property boundary



New area with existing burial sites in distance at right



Closer view of new area

A photograph of a residential property. In the foreground, there is a large, mature evergreen tree on the right side, casting a shadow on the grass. A white picket fence runs across the middle ground. Behind the fence, a dark-colored house with a gabled roof is visible. The background is filled with more trees under a clear blue sky. A gravel path is visible on the left side of the frame.

Neighboring property beyond boundary fence

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 25-55**

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: October 9, 2025

LOCATION: 10636 Cemetery Road, Tax Map 3, Parcels 98 and 101, Tax District 5, Worcester County, Maryland.

APPROVAL REQUESTED: Two (2) special exceptions for (1) the expansion of an existing cemetery [P. 101] and (2) the approval of a Columbarium on a separate parcel [P. 98] in the V-1 Village District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(3), ZS 1-204(c)(19) and ZS 1-305.

PROPERTY HISTORY: The following records are on file:

12/12/2023 Building Permit No. 24-1436 – Issued 12/22/2023 – CO issued 02/26/2024 - Permit for approx.. 204 linear feet of 6’ tall privacy fence.
12/05/2022 Recordation of Plat for a Boundary Line Adjustment (BLA) – BLA affecting Parcels 101, 102, 103 and 131 was recorded at Liber 252, Folio 69. Plat added 0.856 acre to P. 101 (the cemetery location).

COMMENTS: A cemetery was established on P. 101 prior to 1900; in 2022 less than an acre (0.856 ac.) was added to the cemetery property so that the property now totals approximately 4.4 acres. The Friends of Bishopville Cemetery, Inc., the owners of the cemetery, request a special exception to expand the cemetery onto the newly added property. In addition, the property owners request a special exception for a Columbarium for P. 98, located directly across Cemetery Road from the existing cemetery.

With respect to the special exception requests, 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 any required permits.

OWNERS: Friends of Bishopville Cemetery, Inc.
c/o Linda Bunting, Chairperson
P.O. Box 62
Bishopville, MD 21813-0062

APPLICANT : Joseph E. Moore, Esq.
3509 Coastal Highway
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: 25-58
DATE FILED: 9-10-2025
HEARING DATE: 10-9-2025

APPLICATION BEING MADE FOR:

☐	SPECIAL EXCEPTION	☐	FORESTRY
☒	VARIANCE	☐	CRITICAL AREA
☒	EXPANSION OF NONCONFORMING USE/STRUCTURE	☐	APPEAL
☐	OTHER		

☒	AFTER THE FACT	☒	PROPOSED	☐	ADMINISTRATIVE ADJUSTMENT
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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: the expansion of an existing nonconforming structure of 732 square feet to 1,079 square feet, a variance to the side yard setback from 20 feet to 13.5 feet for a proposed dwelling and from 20 feet to 13.5 feet for a proposed deck and steps, and an after the fact variance to the side yard setback from 20 feet to 3.7 feet for an existing shed.

LOCATION OF PROPERTY:

TAX MAP: 33 PARCEL: 07 SECTION: _____ LOT/ BLOCK: _____
On the N/S/E/W of: Northwest side of Clark Road
8949 Clark Road, Berlin MD 21811 (Feet/Miles), N/S/E/W of _____

PROPERTY OWNER INFORMATION:

Owner's Name: Joseph David & Cecelia S. Letts Telephone: _____
Address: 8949 Clark Road, Berlin Maryland 21811 Fax: _____

APPLICANT INFORMATION:

Applicant's Name: Hugh Cropper IV
Address: 9927 Stephen Decatur Hwy., Suite F-12, Ocean City, MD 21812 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: <u>60'</u>	FROM CENTERLINE OF ROAD	REAR: <u>N/A</u>
	RIGHT OF WAY OF A STATE ROAD	LEFT SIDE: <u>20'</u>
	FROM PROPERTY LINE	RIGHT SIDE: <u>20'</u>

ZONING DISTRICT: A-2 TAX DISTRICT: 10

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**

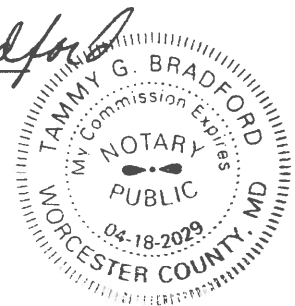
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 10th day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Hugh Cropper IV, atty 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



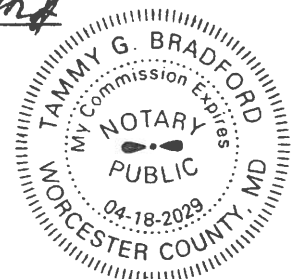
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 10th day of September
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.

Tammy G. Bradford
Notary Public

My Commission Expires: 4/18/2029



CHARLES A. ROBERTSON
PARCEL 145 - TAX MAP 33
DEED : 1160/387



WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 25-58

IMPORTANT NOTICE

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HEARING DATE: October 9, 2025

LOCATION: 8949 Clark Road, Tax Map 33, Parcel 7, Tax District 10, Worcester County, Maryland.

APPROVAL REQUESTED: A special exception for the enlargement of a nonconforming structure (single-family residence) and three (3) variances including (1) a variance to the side yard setback from 20 feet to 11.2 feet (to encroach 8.8 feet) for the dwelling; (2) a variance to the side yard setback from 20 feet to 13.5 feet (to encroach 6.5 feet) for a proposed deck and steps; and (3) an after-the-fact variance to the side yard setback from 20 feet to 3.7 feet (to encroach 16.3 feet) for an existing shed in the A-2 Agricultural District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(5), ZS 1-122(d)(1), ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-202(b)(5) and ZS 1-305.

PROPERTY HISTORY: The property is improved with a residence constructed in 1930 with the following records on file:

01/26/1967	Building Permit No. 973 – Issued 01/26/1967 – Zoning Certificate issued 04/14/1967 – Permit for a 20’ x 30’ storage building.
10/01/1990	Building Permit No. 20733 – Issued 10/01/1990 – Zoning Certificate not in file – Permit for a 12’ x 16’ deck and a storage room.

COMMENTS: The property owners propose to enlarge a single-family residence that is located entirely outside of this lot’s building envelope. The proposed improvements outside of the building envelope total 293 s.f., which is an increase of approximately 40% of the area of the current nonconforming structure (the Code limits the expansion of the nonconformity to no more than 50%). The proposed improvements that will require a variance include the addition to the existing dwelling (requiring an 8.8’ side yard setback variance) and a proposed deck with steps (requiring a 6.5’ side yard setback variance). In addition, the applicant is requesting a 16.3’ side yard setback variance for an existing shed.

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.

For the variance request, 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 a building permit and all other necessary approvals.

OWNER: Joseph David and Cecelia S. Letts
8949 Clark Road
Berlin, MD 21811

APPLICANT : Hugh Cropper IV
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: 25-59
DATE FILED: 9-10-2025
HEARING DATE: 10-9-2025

APPLICATION BEING MADE FOR:

☐ SPECIAL EXCEPTION	☐ FORESTRY
☒ VARIANCE	☐ CRITICAL AREA
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE	☐ APPEAL
☐ 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: a zoning variance to reduce the minimum required 6' side yard setback on the Northeast border to zero of the property known as 26 West Mallard Drive, Ocean Pines, MD 21811. See Attachment "A" in support of such request.

LOCATION OF PROPERTY:

TAX MAP: 0021 PARCEL: 0273 SECTION: 14C LOT/ BLOCK: 122
On the N/S/E/W of: Mallard Drive West, Ocean Pines Sec 14C II
(Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: John Jason Skidmore Telephone: _____
Address: 38 Lauren Knoll Court, Baldwin, MD 21013 E-mail: _____

APPLICANT INFORMATION:

Applicant's Name: John Jason Skidmore
Address: 38 Lauren Knoll Court, Baldwin, MD 21013 E-mail: _____

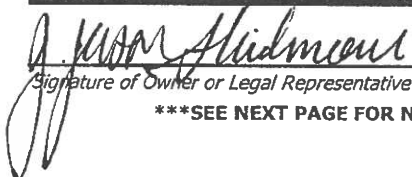
Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)
No.

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.

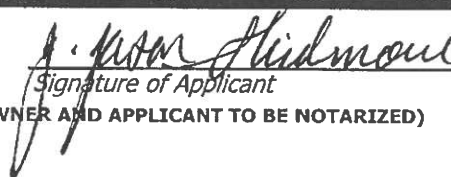
OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: _____	FROM CENTERLINE OF ROAD	REAR: <u>30'</u>
_____	RIGHT OF WAY OF A STATE ROAD	LEFT SIDE: <u>6'</u>
<u>25'</u>	FROM PROPERTY LINE	RIGHT SIDE: <u>6'</u>

ZONING DISTRICT: R-3 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**

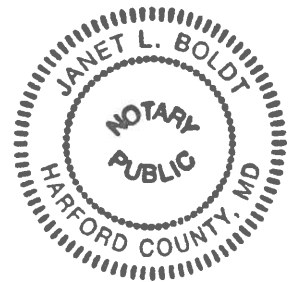
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 2nd day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared JOHN JASON SKIDMORE, 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: 8/17/29

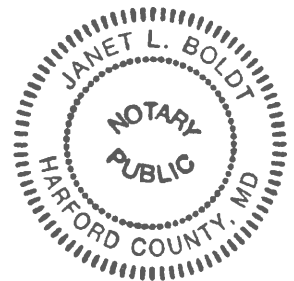
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 2nd day of September
20 25 before me, a Notary Public in and for the State and County aforesaid,
personally appeared JOHN JASON SKIDMORE, 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: 8/17/29

ATTACHMENT “A”

IN THE COUNTY OF WORCESTER, MARYLAND
BOARD OF ZONING APPEALS

Case No. _____

IN THE MATTER OF THE APPLICATION OF *
JOHN JASON SKIDMORE *
FOR VARIANCE *

**STATEMENT OF PURPOSE AND JUSTIFICATION
IN SUPPORT OF APPLICATION FOR VARIANCE**

Petitioner, John Jason Skidmore (“Skidmore”), by his attorneys, Breza & Associates, LLC, submits this Statement of Purpose and Justification in regard to its Application for a Variance (the “Application”) to demonstrate conformance of the requested Variance relief with all applicable review requirements and criteria. As outlined on the Tax Map (attached as **Exhibit “1”**), the property that is the subject of the Application consists of approximately 19,018 square feet (+/-) (referred to in the Land Records of Worcester County, Maryland at Deed Liber 08579, Folio 00462, see **Exhibit “2”**), more formally known as all of Lot 122, Parcel 0273, on Tax Map 0021, Grid 000, Neighborhood 3030143.24 (the “**Property**”), and as shown on the Site Plan to Accompany Building Permit Application (the “**Site Plan**”) (attached as **Exhibit “3”**) dated August 19, 2024, prepared by Samuel T. Hutchins, Professional Land Surveyor #21682, of STH Land Services, LLC.

As shown on the 2009 Official Zoning Map, attached as **Exhibit "4"**, the Property is located in the R-3 (Multi-family Residential District) Zone, as set forth in §ZS 1-207 of the Worcester County MD Code (the "**Zoning Ordinance**") (See §ZS 1-207 on **Exhibit "5"**).

The Petitioner, as legal owner of the Property, requests a Variance of the six-foot (6") setback on the Northeast border of the side yard as shown on the Site Plan, which Site Plan reflects a setback of zero on the Northeast border of the side yard such that the improvements abut the property line of the Property and the adjacent property. The legal owners of the adjacent property are in support of Petitioner's request for the herein described Variance.

Section ZS 1-116(c)(4) [Variance] of the Zoning Ordinance (attached as **Exhibit "6"**) indicate that a variance may be granted if special conditions and circumstances exist which are peculiar to the land, structure or building, along with the 3 additional factors are met. The Petitioner hereby requests a Variance from the side yard setback of six (6) feet as set forth in Section ZS 1-207(b)(2). The Petitioner is hereby requesting approval for the Variance such that the setback be reduced to zero as shown on the Site Plan.

I. BACKGROUND

The Property was purchased by Petitioner in 2023 and the Property is currently used by Petitioner. The current residence was constructed on or about 1983. All major utilities necessary to service the Property are immediately available and adequate. The main residence is connected to public water and sewer. The site was developed in accordance with the developer's storm water management plan and in relation to the topography of the site. The majority of the site appears to

drain toward the storm water management facility. No neighbor has complained about any drainage issue.

The use of the Property complies with the 2006 Comprehensive Plan for the County of Worcester, as updated. The County of Worcester approved the original subdivision with the R-3 zoning in place at that time. The Property was designated for residential purposes. This neighborhood includes other residential homes along Mallard Drive. For these reasons, the R-3 zoning of the Property is consistent with the existing Comprehensive Plan for current and future development of the area.

The Petitioner intends to construct the proposed pool and proposed deck complex as shown on the Site Plan, but otherwise shall continue to use the Property in a similar manner to how it has been used historically. It is anticipated that the remaining areas of the Property shall be within the required setback lines. In fact, the proposed plan reduces the lot coverage within the Building Management Area (BMA).

All relevant permits shall be in place at the time the proposed pool and related improvements are constructed. The existing Site Plan was drawn with the surrounding area in mind in terms of scale, bulk, height, materials and textures, and remains compatible with the character of the neighborhood.

II. PROPOSED CHANGES OF THE EXISTING STRUCTURES AT THE PROPERTY

As shown on the Site Plan, and as outlined above, the Petitioner will be replacing the existing deck and patio with the proposed pool and proposed deck complex. Architectural plans demonstrate the changes will be in character with the existing structure and the neighboring

properties as well, see **Exhibit “7”**. An aerial photograph of the Property which includes the front, side and rear yard, as well as the adjacent neighbor’s property is attached as **Exhibit “8”**.

Care will be taken to build the proposed pool and proposed deck complex to be architecturally compatible with the existing structure, and with nearby residential properties in its scale, bulk, height, materials, and textures. The proposed pool and proposed deck complex shall be constructed using high quality materials. The nearest adjacent home is 24 West Mallard Drive and the owner of that property is in support of the proposed Variance as shown on the letter of support provided by them and attached hereto as **Exhibit “9”**.

The Property sits at the end of a cul-de-sac and is one of the rear lots. The Property has an almost triangular shape. The Property is bordered on the West side by 24 West Mallard Drive and the owners of that property are in support of the Site Plan and requested Variance.

III. BUILDING STANDARDS IN R-3 ZONE, SECTION ZS 1-207 AND RELIEF

Section ZS 1-207(b)(2) (Permitted principal uses and structures) is relevant to this Application. The residence is a single-family dwelling. The residence sits within the required setbacks, with the exception only of the Northeast border of the side yard as shown on the Site Plan. This section requires that the front yard setback is 25 ft., each side yard setback is 6 ft., and the rear yard setback is 30 ft.

Petitioner hereby requests relief from **Section ZS 1-207(b)(2)**, to permit the side yard setback to be less than 6 feet. The specific Variance relief sought is to reduce this distance to zero for the western side yard setback as set forth in the Site Plan.

IV. FACTORS FOR CONSIDERATION OF VARIANCE

Section ZS 1-116(c)(4) indicates *The Board of Zoning Appeals may authorize, upon appeal, in specific cases such variance from the setback or lot area provision of this Title as will not be contrary to the public interest where, owing to special or unique conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship other than a financial nature.*

- A. *A variance from the terms of this title shall not be granted unless and until the applicant has demonstrated each of 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 of circumstances is not one that could be reasonable provided for under legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.*

V. CONSIDERATIONS FOR APPROVAL OF REQUESTED VARIANCE RELIEF

The proposed reduction or waiver of the six (6) foot setback to zero for the proposed replacement of the existing deck with a deck, pool and related improvements. The witnesses for the Petitioner shall describe how the Petitioner has maintained the residence and land, and how the proposed changes fit on the Property in the R-3 zone and will not adversely affect the public health, safety, or general welfare of people or property in the neighborhood.

Consideration of the above factors applicable to Variances as outlined in Section ZS 1-116(c)(4) as applied to the Application support approval of the requested relief. The Petitioner's Property has special conditions and circumstances. The Petitioner's lot is "pie" shaped, having very narrow street frontage, and expanding in width toward the water. That combined with the wider BMA along the water results in a smaller and difficulty shaped building envelope. In addition, the existing structure intrudes significantly into the BMA. In order to repair/replace the

deck, the Petitioner either has to continue the significant intrusion into the BMA, or to seek relief from the side yard setback. The proposed plan reduces the lot coverage within the BMA by 172 square feet. The lot is also unusual in that it is at the end of a cul-de-sac on the water, therefore, the number of people living in the immediate vicinity is low, and the closest adjacent home is in support of this request. To deny the requested relief would preclude Petitioner from improvements similar to the nearby properties and result in continued use in the BMA. The proposed Variance is compatible with the scale of the building and the land, and there is no sufficient detrimental impact on the community that would require denial of this Application. No adverse traffic conditions or other negative impacts are created by approving this Variance. Fire, police, and health services will continue to have easy access to the site over the paved roadway from Mallard Drive. Neighbors will continue to enjoy their own properties without concern about dust, noise, odors, and lighting.

The proposed relief should be granted pursuant to the Application for the following reasons: The Petitioner has demonstrated the reduction of the setback to zero will be in harmony with the general character of the neighborhood; such reduction will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding property 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; such reduction will have no detrimental effect on vehicular or pedestrian traffic; and such reduction will not overburden existing public services and facilities.

VI. SUMMARY

The proposed reduced setback will not alter the character of the surrounding neighborhood. By approving this necessary Variance, the Property will remain a family residence well suited for a single family dwelling and will diminish the intrusion into the BMA. The proposed reduced setback will not place any additional burden on area schools, police and fire protection, and/or roads and storm drainage. The existing improvements will remain and will continue to have no objectionable traffic, noise, odors, dust, or illumination impacts on the neighborhood.

Petitioner respectfully requests approval of the Variance without conditions. In addition to the foregoing, Petitioner reserves the right to submit additional evidence and justification not included in this Application as well as call additional witnesses and submit such other reports and exhibits as it deems necessary.

Respectfully submitted,

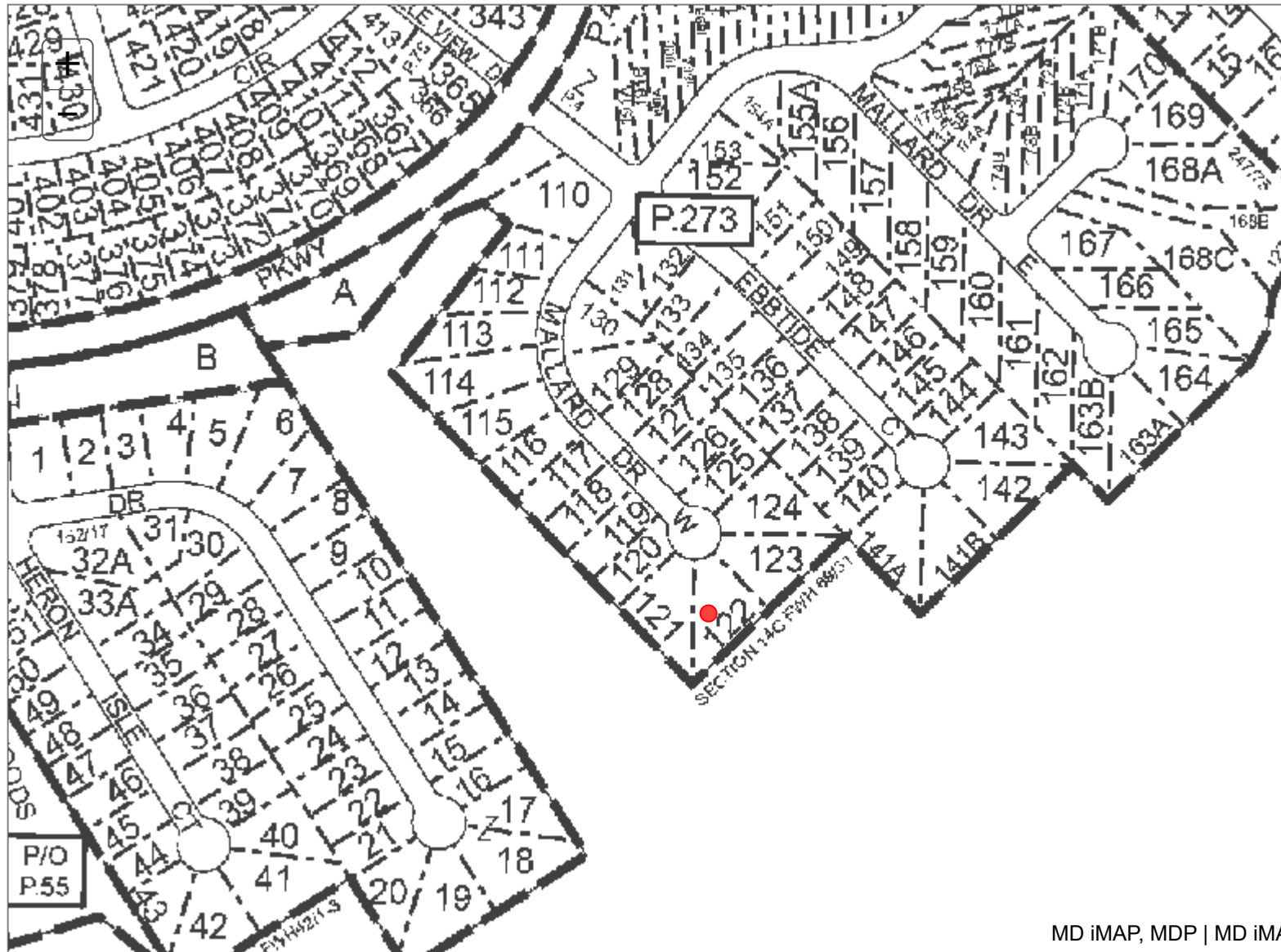
Breza & Associates, LLC

By:  Digitally signed by Scott Breza
DN: cn=Scott Breza,
email=scottb@brezalaw.com
Date: 2025.09.10 11:05:31 -
n4'00'

Exhibit List

- Exhibit “1” - **Tax Map**
- Exhibit “2” - **Recorded Deed**
- Exhibit “3” - **Site Plan**
- Exhibit “4” - **2009 Official Zoning Map**
- Exhibit “5” - **Zoning Ordinance Section ZS 1-207**
- Exhibit “6” - **Section ZS 1-116(c)(4) [Variance] of the Zoning Ordinance**
- Exhibit “7” - **Architectural plans for Skidmore Residence.**
- Exhibit “8” - **Aerial Photograph of Property and Adjacent Property**
- Exhibit “9” - **Letter of Support of Adjacent Property Owner**

District: **03** Account Number: **113779**



MD iMAP, MDP | MD iMA

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at

<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (**<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>**).

20
40
10560
8060
76714.97
(NWT)

AFTER RECORDING, PLEASE RETURN TO:
Bright Title and Settlement Services, LLC
1002 Eastern Shore Drive
Unit A
Salisbury, MD 21804

This Deed, made this 19th day of May, 2023, by and between **LANCE W. UFEMA**, "GRANTOR", and **JOHN JASON SKIDMORE**, "GRANTEE".

Witnesseth –

That in consideration of the sum of One Million Six Hundred Thousand and 00/100 Dollars (\$1,600,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, Lance W. Ufema, Grantor, does hereby grant and convey to John Jason Skidmore, the said Grantee, as sole owner, his personal representatives, heirs and assigns, in fee simple, forever, all that lot of ground situate in the County of Worcester, State of Maryland and described as follows, that is to say:

All that certain lot, or parcel of land lying and being situate in the Section called "Wood Duck Isle" of the Subdivision known as "Ocean Pines", in the Third Election District of Worcester County, Maryland and being more particularly designated and described as Lot No. 122, Section 14-C, on a Plat entitled "Ocean Pines - Section 14-C, Wood Duck Isle II", which said plat is recorded among the Land Records of Worcester County, Maryland, in Plat Book No. 69, Folio 31, et seq.

For informational purposes only: The improvements thereon being known as 26 West Mallard Drive, Ocean Pines, MD 21811. Tax I.D. No. 03-113779.

Being the same property which by deed dated September 28, 2015 and recorded January 19, 2016 among the Land Records of Worcester County, Maryland in Liber 6704, folio 367 was granted and conveyed by Lance J. Ufema and Julie Ufema, his wife unto Lance W. Ufema, solely.

Being also the same property which by deed dated December 29, 2015 and recorded January 19, 2016 among the Land Records of Worcester County, Maryland in Liber 6704, folio 362 was granted and conveyed by Jett D. Ufema and Dane C. Ufema, by Lance J. Ufema, as Trustee unto Lance W. Ufema.

Being also the same property which by deed dated October 27, 2010 and recorded October 28, 2010 among the Land Records of Worcester County, Maryland in Liber 5564, folio 368 was granted and conveyed by Lance W. Ufema unto Julie Ufema.

Being also the same property which by deed dated October 12, 2010 and recorded October 13, 2010 among the Land Records of Worcester County, Maryland in Liber 5555, folio 32 was granted and conveyed by Lance W. Ufema, resident of Pennsylvania unto Lance J. Ufema and Jett D. Ufema and Dane C. Ufema.

Being also the same property which by deed dated December 03, 2009 and recorded December 4, 2009 among the Land Records of Worcester County, Maryland in Liber 5395, folio 451 was granted and conveyed by Lance W. Ufema unto Lance J. Ufema, Jett D. Ufema, and Dane C. Ufema.

Being also the same property which by deed dated December 29, 2008 and recorded December 31, 2008 among the Land Records of Worcester County, Maryland in Liber 5183, folio 368 was granted and conveyed by Lance W. Ufema unto Lance J. Ufema, Jett D. Ufema and Dane C. Ufema.

Being also the same property which by deed dated May 13, 1996 and recorded May 15, 1996 among the Land Records of Worcester County, Maryland in Liber 2272, folio 491 was granted and conveyed by Marc J. Loundas and Margaret Loundas, his wife unto Lance W. Ufema.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

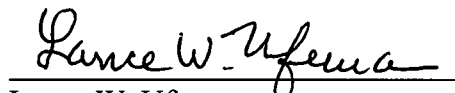
Subject to any and all covenants, easements, restrictions, rights-of-way and other matters of record.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said John Jason Skidmore, as sole owner, his personal representatives, heirs and assigns, in fee simple, forever.

And the Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant Specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

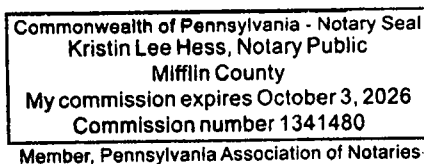


 (SEAL)
Lance W. Ufema

STATE OF Pennsylvania }
 COUNTY OF Mifflin } SS

I hereby certify that on this 11th day of May, 2023, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Lance W. Ufema, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

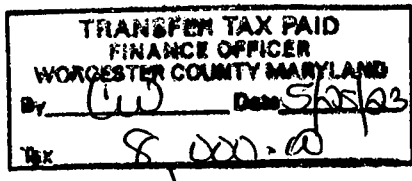


Kristin Lee Hess
 Notary Public

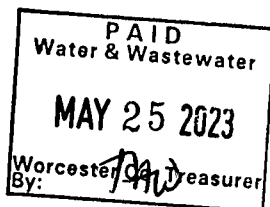
My Commission Expires: October 3, 2026

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Arlette K. Bright
 Arlette K. Bright, Attorney



TAXES FOR WHICH ASSESSMENTS
 HAVE BEEN RECEIVED HAVE BEEN
 PAID AS OF THIS DATE: 5/25/23
 Worcester County Finance Officer
 By: [Signature]
 EXCEPT PERSONAL PROPERTY



LR - Deed (w Taxes)
 Recording Fee no CT 20.00
 Name: ufema/ skidmore
 Ref:
 LR - Surcharge - linked 40.00
 LR - Recordation Tax - linked. 10,560.00
 LR - State Transfer Tax - linked 8,000.00
 LR - NR Tax - 1kd 76,714.97
 =====
 SubTotal: 95,334.97
 =====
 Total: 95,449.97
 05/25/2023 02:43
 CC23-CaR
 #17282569 CC0104 -
 Worcester
 County/CC01.04.01 -
 Register 01

MAY 25 2023 The foregoing instrument
 filed for record and is accordingly recorded
 among the land records of Worcester County,
 Maryland.

[Signature] Clerk

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Worcester
Information provided is for the use of the Clerk's Office, State Department of
Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1	Type(s) of Instruments	(☐ Check Box if addendum Intake Form is Attached.)			
		1 Deed	Mortgage	Other	Other
2	Conveyance Type Check Box	☒ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms- Length Sale [9]
3	Tax Exemptions (if applicable) Cite or Explain Authority	Recordation			
		State Transfer			
		County Transfer			

4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration	
		Purchase Price/Consideration	\$ 1,600,000.00	Transfer Tax Consideration	\$
		Any New Mortgage	\$ 1,280,000.00	X () % =	\$
		Balance of Existing Mortgage	\$	Less Exemption Amount -	\$
		Other:	\$	Total Transfer Tax =	\$
		Other:	\$	Recordation Tax Consideration	\$
		Full Cash Value:	\$	X () per \$500 =	\$
		TOTAL DUE	\$		

5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent: Tax Bill: C.B. Credit: Ag. Tax/Other:
		Recording Charge	\$ 20.00	\$ 75.00	
		Surcharge	\$ 40.00	\$ 40.00	
		State Recordation Tax	\$ 10,560.00	\$	
		State Transfer Tax	\$ 8,000.00	\$	
		County Transfer Tax	\$ 8,000.00	\$	
		Other	\$	\$	
		Other	\$	\$	

6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
		03	113779	6704/367	0021	0273	☐ (5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
		Ocean Pines		122		14C		
		Location/Address of Property Being Conveyed (2)						
		26 West Mallard Drive, Ocean Pines, MD 21811						
		Other Property Identifiers (if applicable)						Water Meter Account No.
		Residential ☒ or Non-Residential ☐		Fee Simple ☒ or Ground Rent ☐		Amount: N/A		
		Partial Conveyance? ☐ Yes ☒ No		Description/Amt. of SqFt/Acreage Transferred: N/A				

7	Transferred From	Doc. 1 – Grantor(s) Name(s)		Doc. 2 – Grantor(s) Name(s)	
		Lance W. Ufema		John Jason Skidmore	
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)		Doc. 2 – Owner(s) of Record, if Different from Grantor(s)	

8	Transferred To	Doc. 1 – Grantee(s) Name(s)		Doc. 2 – Grantee(s) Name(s)	
		John Jason Skidmore		Waterstone Mortgage Corporation	
		New Owner's (Grantee) Mailing Address			
		38 Lauren Knoll Ct., Baldwin, MD 21013			

9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)		Doc. 2 – Additional Names to be Indexed (Optional)	

10	Contact/Mail Information	Instrument Submitted By or Contact Person			☒ Return to Contact Person
		Name: Sam Greenfeld			☐ Hold for Pickup ☐ Return Address Provided
		Firm: Bright Title and Settlement Services, LLC			
		Address: 1002 Eastern Shore Drive, Unit A Salisbury, MD 21804 Phone: (443) 736-3044			

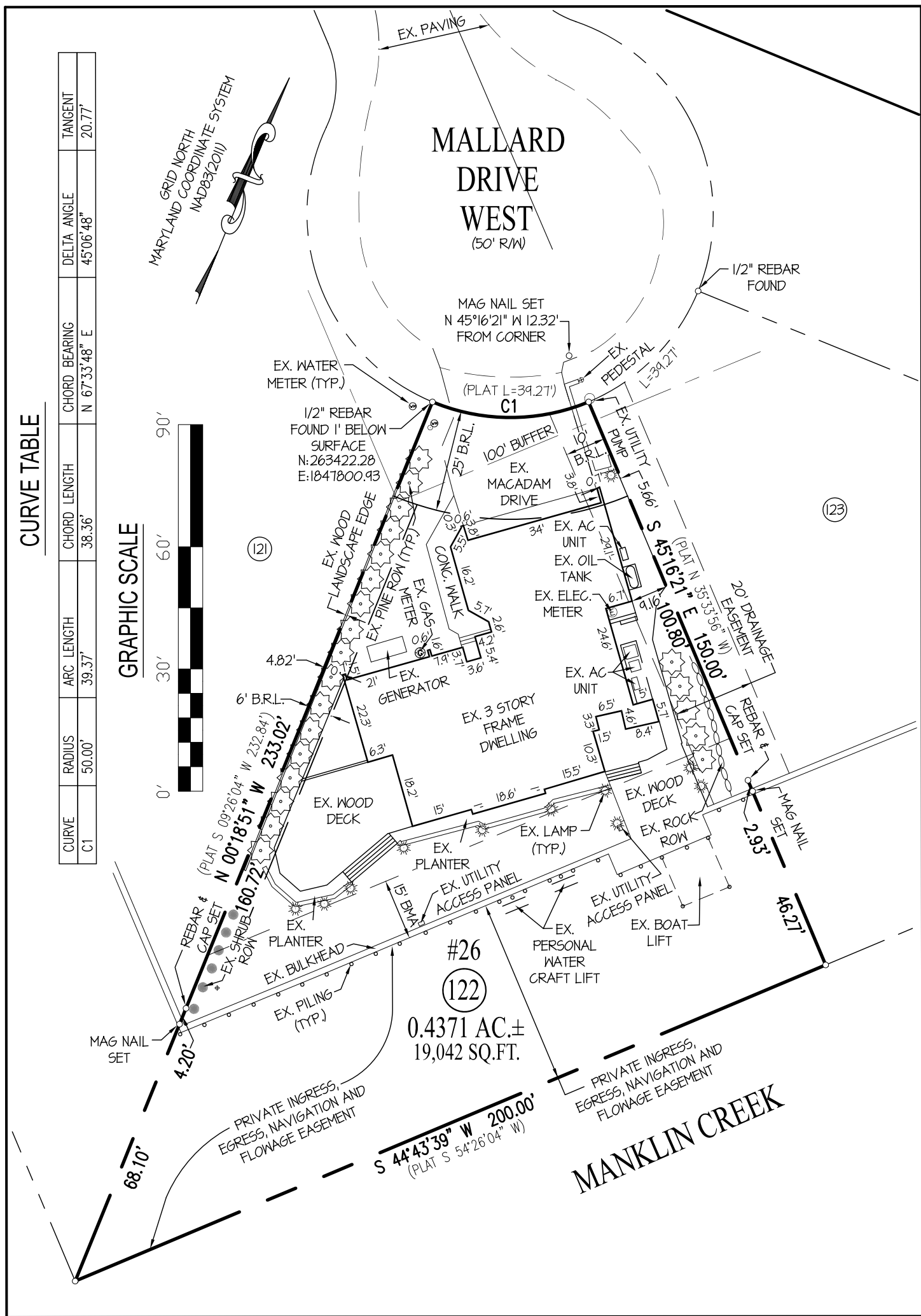
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER			
	Assessment Information	Yes ☒ No ☐	Will the property being conveyed be the grantee's principal residence?	
		Yes ☒ No ☐	Does transfer include personal property? If yes, identify: _____	
		Yes ☒ No ☐	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	

Space Reserved for County Validation	Assessment Use Only – Do Not Write Below This Line									
	Terminal Verification		Agricultural Verification		Whole		Part		Tran. Process Verification	
	Transfer Number		Date Received:		Deed Reference:		Assigned Property No.:			
	Year	20	20	Geo.	Map	Sub	Block			
	Land			Zoning	Grid	Plat	Lot			
	Buildings			Use	Parcel	Section	Occ. Cd.			
	Total			Town Cd.	Ex. St.	Ex. Cd.				
	REMARKS:									

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE
BENEFIT OF A TITLE REPORT AND/OR ABSTRACT.

BOUNDARY SURVEY

EXISTING CONDITIONS



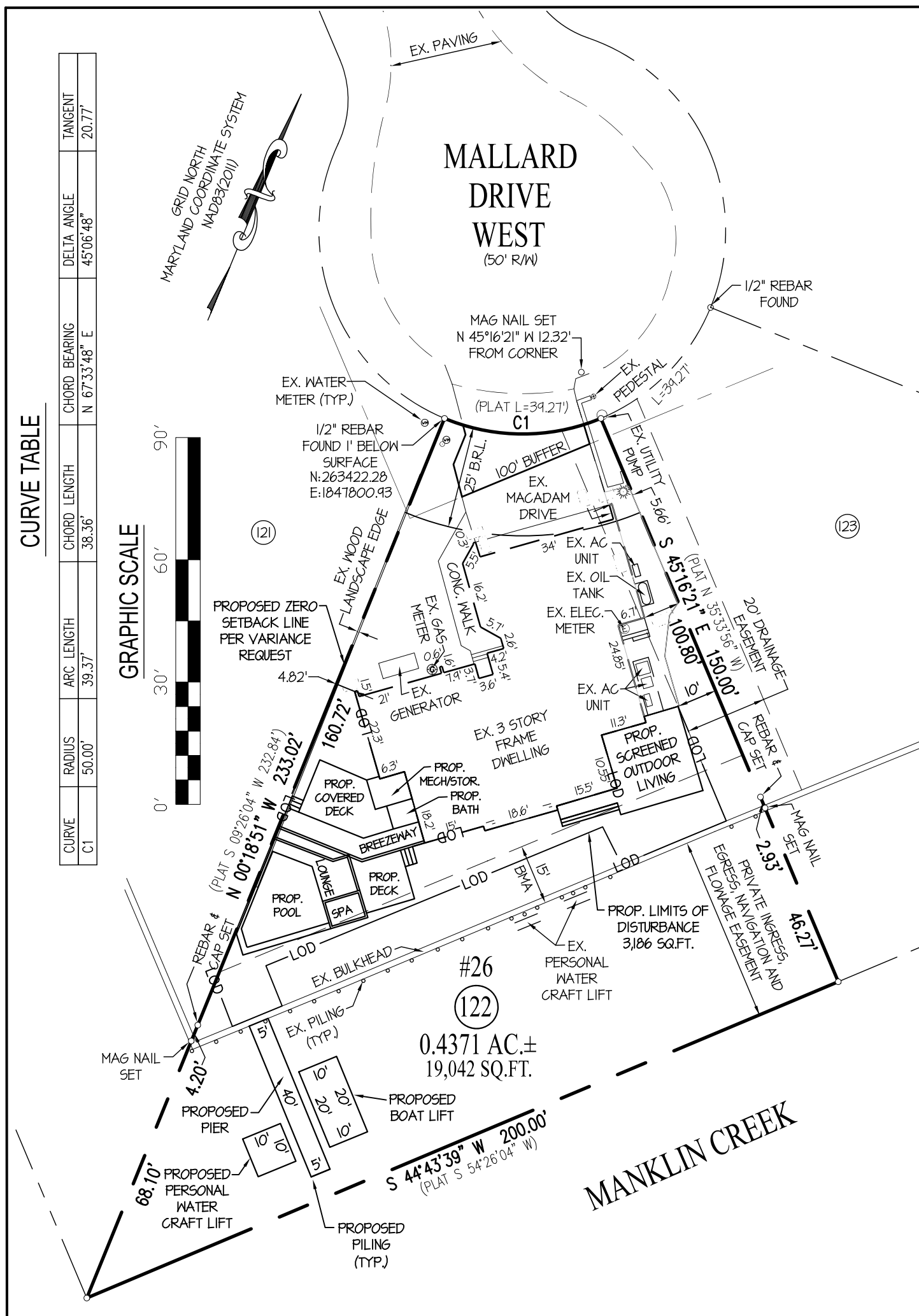
SITE DATA

TOTAL NUMBER OF LOTS: 1
(122) - INDICATES LOT NUMBER
DEED REFERENCE: S.R.B. 8579/462
PLAT REFERENCE: F.W.H. 69-31
PRESENT ZONING: R3
TAX MAP NO.21 PARCEL NO.273, LOT 122
TAX ID: 03-113779
PROP. LIMITS OF DISTURBANCE = 3,186 SQ.FT.

R3 ZONING SETBACKS
FRONT = 25'
SIDEYARD = 6'
REAR YARD = 30'

APPLICANT REQUESTS A VARIANCE TO ALLOW A ZERO FOOT SETBACK
FROM THE N 00°18'51" W 233.02 FOOT LINE OF LOT 122 IN LIEU OF
THE 6 FOOT SETBACK AS SET FORTH IN SECTION 2S 1-207 TO
ACCOMMODATE THE POOL AND DECK COMPLEX.

PROPOSED SITE PLAN



EXISTING TOTAL IMPERVIOUS AREA

HOUSE = 3,358 SQ.FT.
MACADAM DRIVE = 716 SQ.FT.
CONC. = 388 SQ.FT.
DOCK = 136 SQ.FT.
DECK AND STEPS = 1,151 SQ.FT.
BULKHEAD = 216 SQ.FT.
TOTAL IMPERVIOUS AREA = 6,825 SQ.FT.

TOTAL EXISTING LOT COVERAGE:

6,825 SQ.FT./19,042 SQ.FT. X 100 = 35.84%

EXISTING/PROPOSED LOT COVERAGE:

HOUSE = 3,307 SQ.FT.
MACADAM DRIVE = 716 SQ.FT.
CONC. = 388 SQ.FT.
DECK AND STEPS = 461 SQ.FT.
BULKHEAD = 216 SQ.FT.
POOL HOUSE/DECK/SPA/POOL/OUTDOOR LIVING AREA = 1,822 SQ.FT.
PIER = 200 SQ.FT.

TOTAL EXISTING/PROPOSED LOT COVERAGE:

7,170 SQ.FT./19,042 SQ.FT. X 100 = 37.65%

PROPERTY IS LOCATED IN THE ATLANTIC COASTAL BAYS CRITICAL AREA
IDA (INTENSELY DEVELOPED AREA).

PROPERTY IS LOCATED IN THE BUFFER MANAGEMENT AREA (A-15)

EXISTING IMPERVIOUS AREA INSIDE 15' (BMA) BUFFER MANAGEMENT AREA A-15

DECK = 271 SQ.FT.

EXISTING/PROPOSED IMPERVIOUS AREA INSIDE 15' (BMA) BUFFER MANAGEMENT AREA A-15

SPA/DECK/OUTDOOR SCREENED LIVING AREA = 96 SQ.FT.

THIS PLAN REPRESENTS A 172 SQ.FT. DECREASE IN LOT COVERAGE WITHING THE BMA

EXISTING/PROPOSED LOT COVERAGE WITHIN THE 100' BUFFER AREA

HOUSE = 3,307 SQ.FT.
MACADAM DRIVE = 462 SQ.FT.
CONC. = 388 SQ.FT.
DECK AND STEPS = 461 SQ.FT.
BULKHEAD = 216 SQ.FT.
POOL HOUSE/DECK/SPA/POOL/OUTDOOR LIVING AREA = 1,822 SQ.FT.
PIER = 200 SQ.FT.
TOTAL = 6,856 SQ.FT.

EXISTING/PROPOSED LOT COVERAGE OUTSIDE THE 100' BUFFER AREA

MACADAM DRIVE = 314 SQ.FT.

THIS PLAN REPRESENTS A 345 SQ.FT. INCREASE IN LOT COVERAGE

I HEREBY CERTIFY, TO MY BEST KNOWLEDGE AND BELIEF, THAT THIS PLAT
AND THE SURVEY IN WHICH IT IS BASED WAS MADE UNDER MY DIRECT
SUPERVISION AND IS IN ACCORDANCE WITH CHAPTER 06, "MINIMUM
STANDARDS OF PRACTICE" TITLE 09, MARYLAND DEPARTMENT OF
LABOR LICENSING AND REGULATION FOR PROFESSIONAL LAND SURVEYORS.

SAMUEL T. HUTCHINGS
PROFESSIONAL LAND SURVEYOR #21682
EXPIRES 12-13-2024

GRAPHIC SCALE



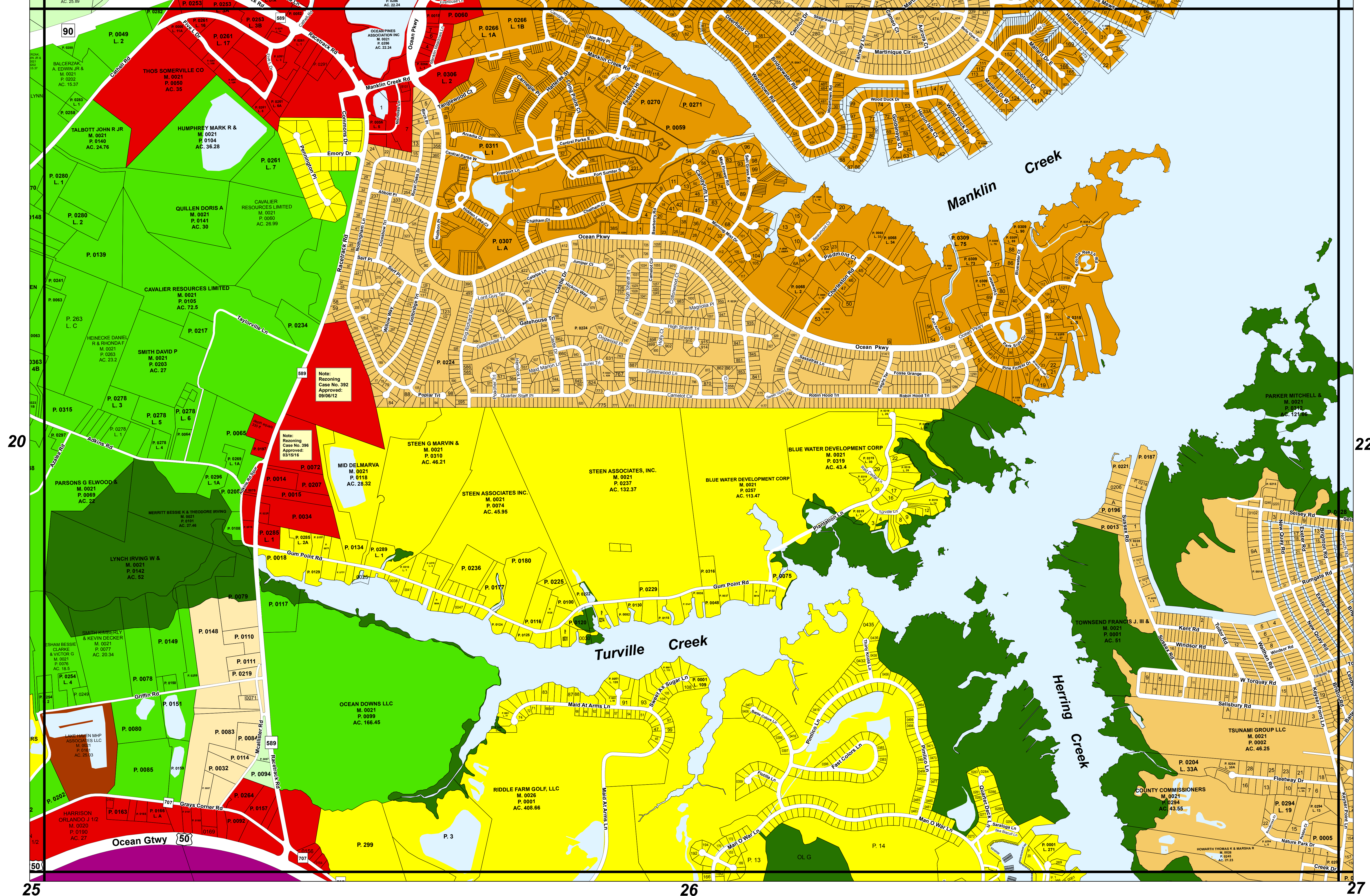
OWNER

JASON SKIDMORE
38 LAUREN KNOLL COURT
BALDWIN, MD 21013

DEED REF: S.R.B. 8579/462
PLAT REF: F.W.H. 69-31

REVISED 6-2-2025
REVISED 9-30-2024
REVISED 9-26-2024

SITE PLAN
TO ACCOMPANY BUILDING PERMIT APPLICATION
LOT 122
OCEAN PINES
SECTION 14C
WOOD DUCK ISLE II
ELEC. DIST. NO. 3
WORCESTER COUNTY, MD.
LAND SURVEYING & ENGINEERING
STH SERVICES, LLC
41 COASTAL DRIVE
BERLIN, MD 21811
443-513-8736
SCALE: 1"=30' DATE: 8-19-2024 DRAWN: MJN JOB NO.:E-23-010

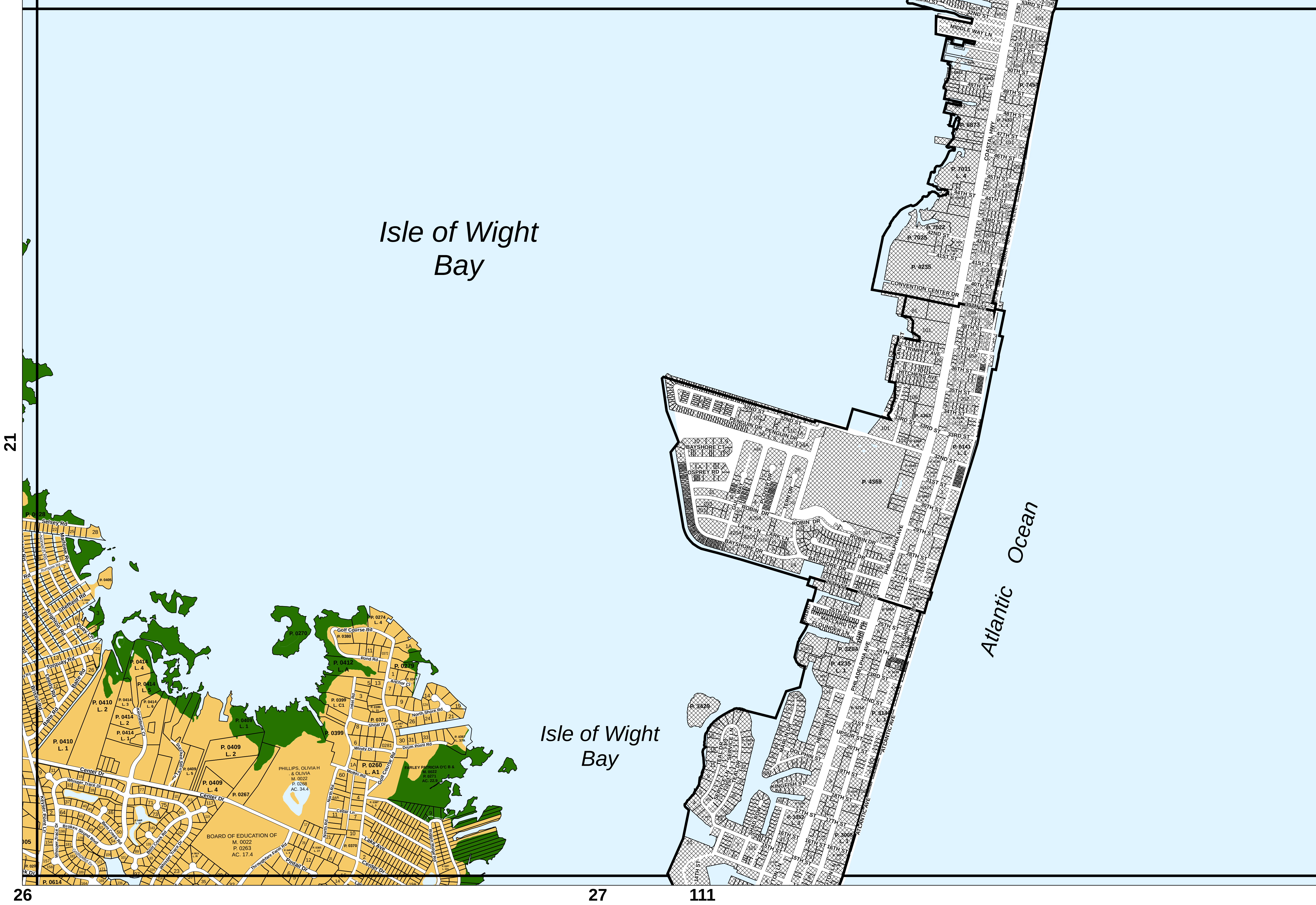


Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
Source: Worcester County Commissioners; UPDATED: Resolution No. 12-01 and 16-01.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 21



21

26

27

111

0 300 600 1,200 Feet

Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
Source: Worcester County Commissioners.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

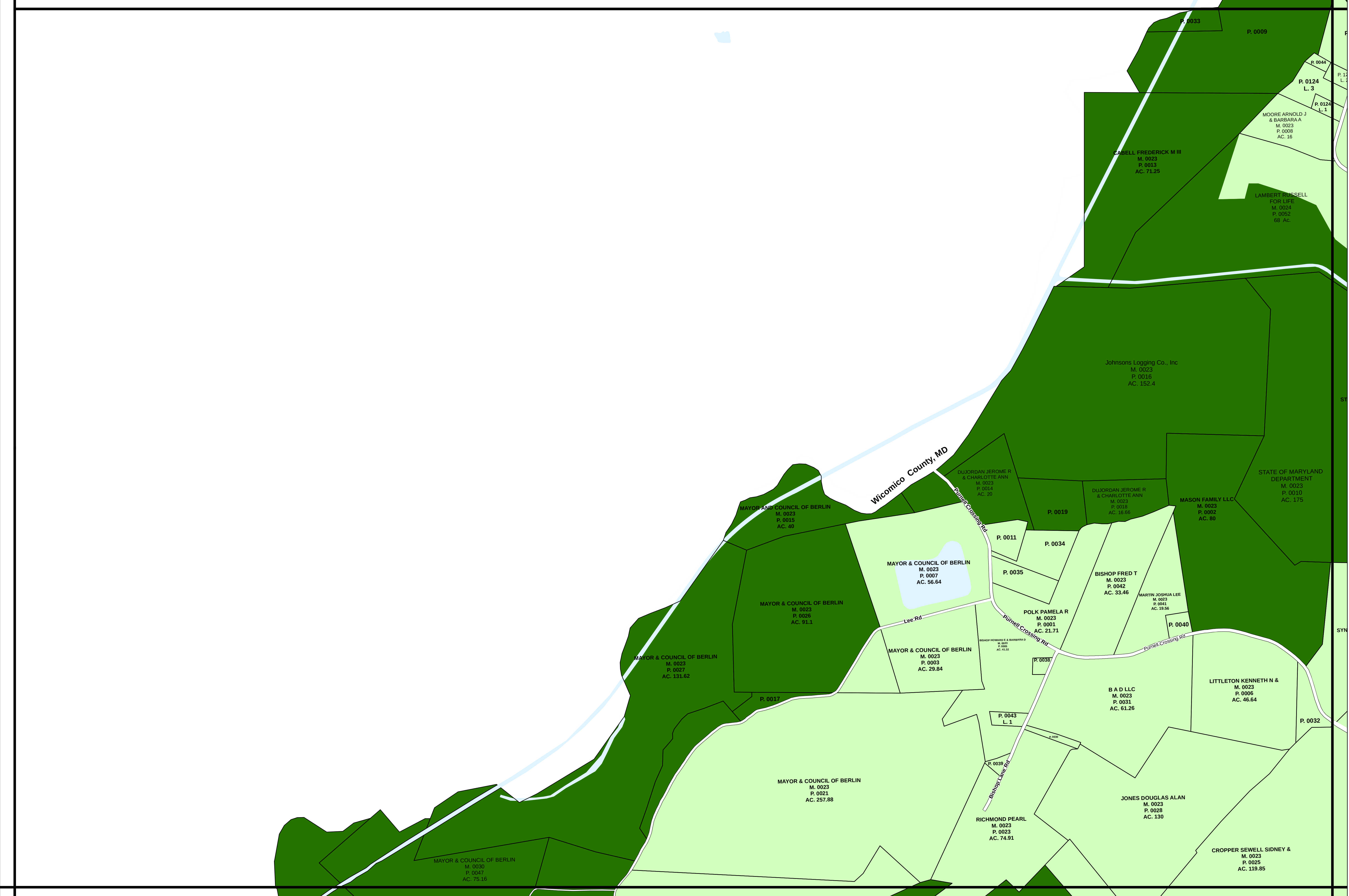
0 300 600 1,200 Feet

Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
Source: Worcester County Commissioners.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 23



20



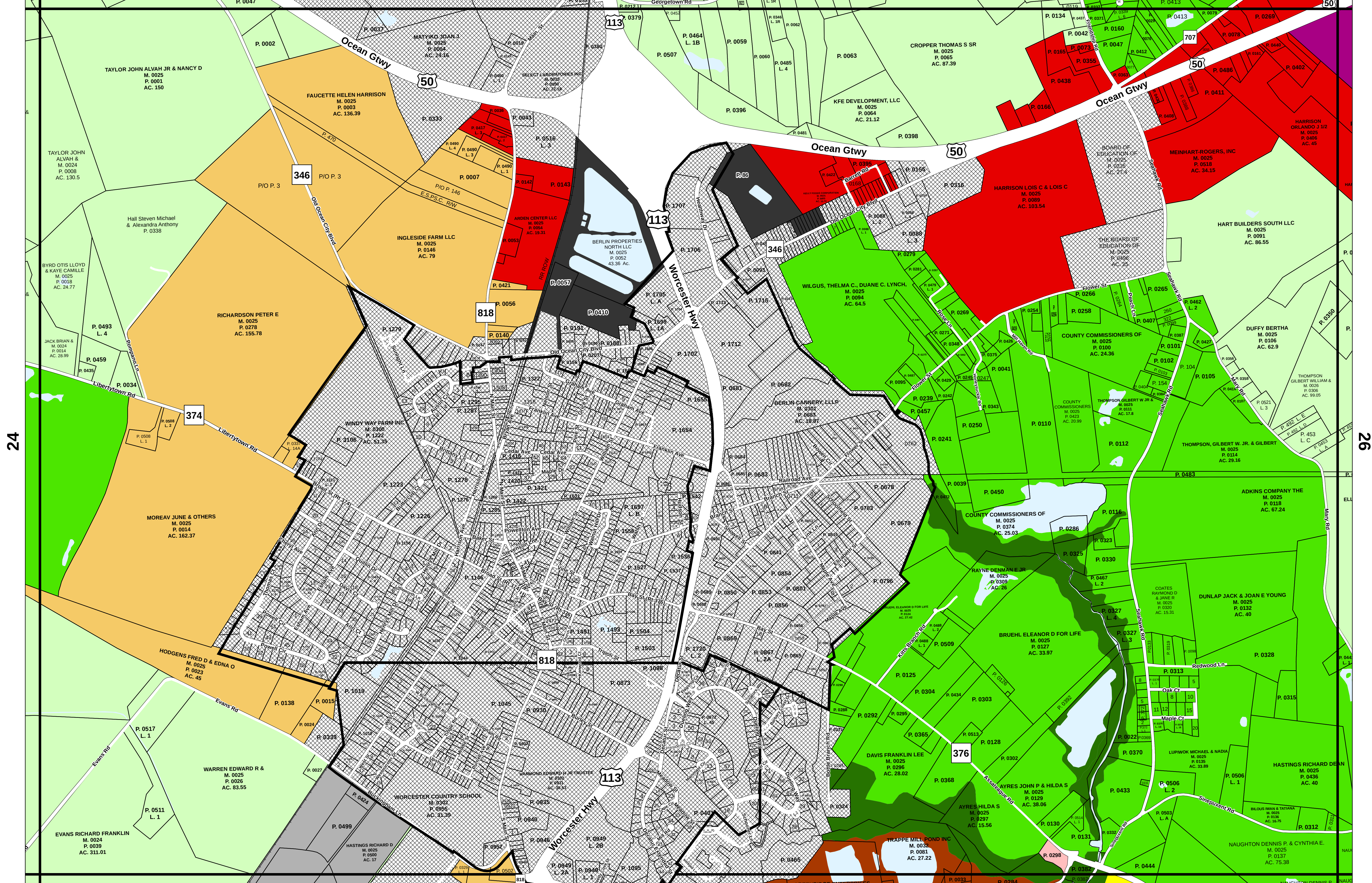
32

 A1
  RP
  R2
  I1
  C1
  V1

 A2
  E1
  R3
  I2
  C2
  MUN

 CA
  R1
  R4
  CM
  C3

Tax Map 24



0 300 600 1,200 Feet

Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
Source: Worcester County Commissioners.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 25

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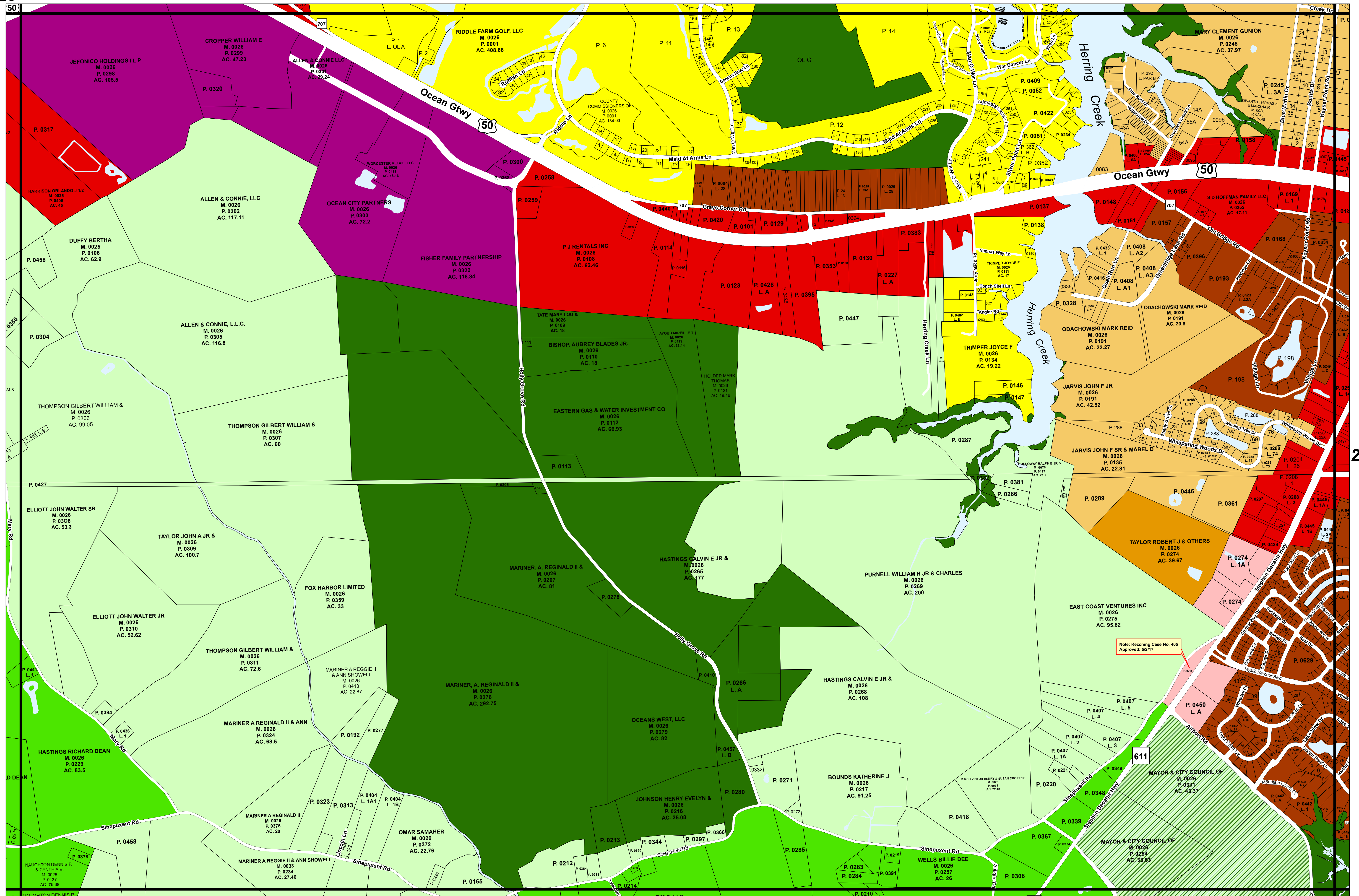
34

Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
Source: Worcester County Commissioners; UPDATED: Resolution No. 17-01.
NOTE: Resolution 17-01 references Map 26, Parcel 211, Case No. 405, effective 5/2/17.

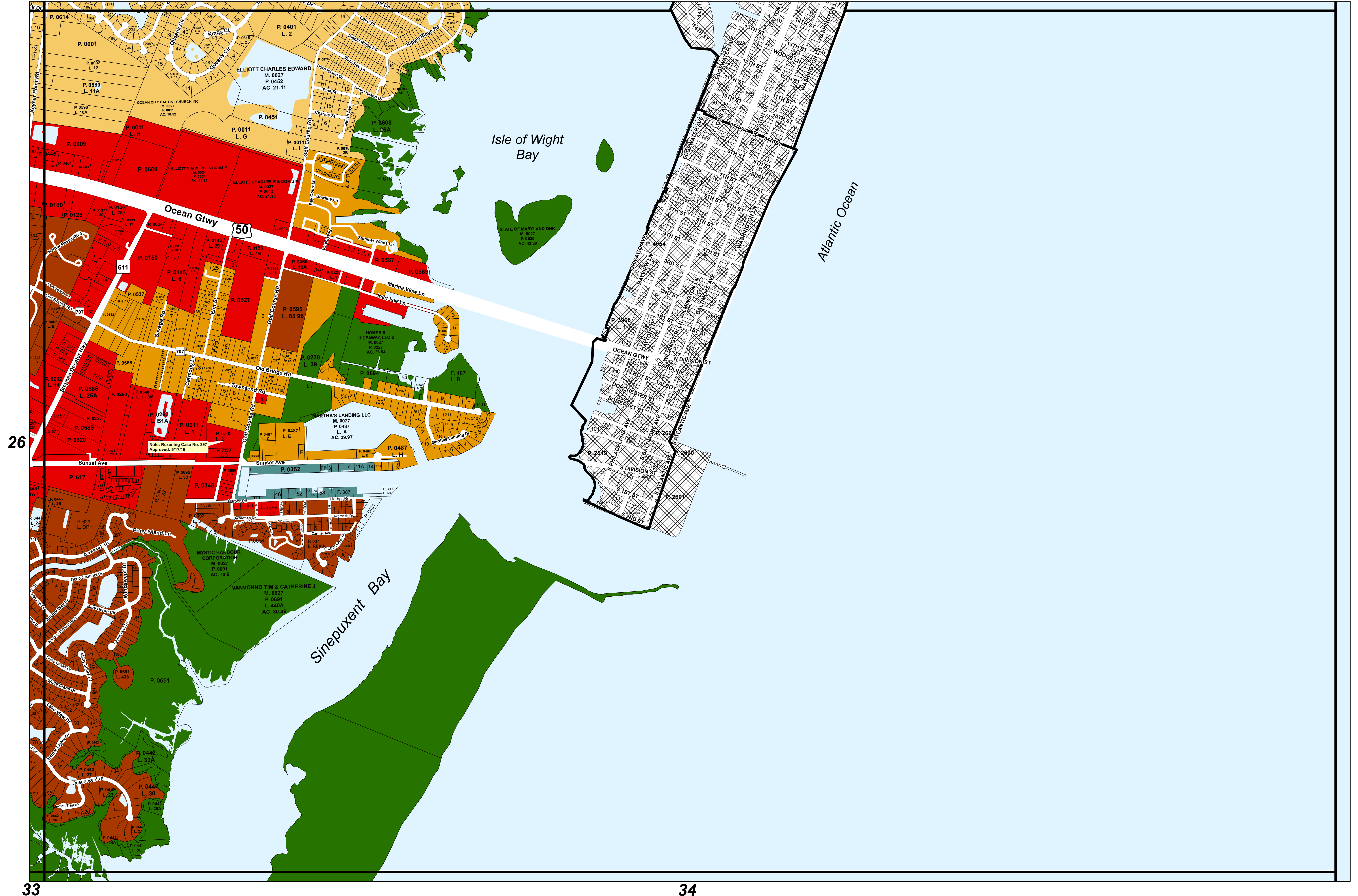
A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 26



21

111 & 22



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34

Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
Source: Worcester County Commissioners; UPDATED: Resolution No. 16-04.
NOTE: Resolution 16-04 references Map 27, Parcel 702, Lot 2 which was formerly Map 27, Parcel 312, Lot C1-D3.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 27

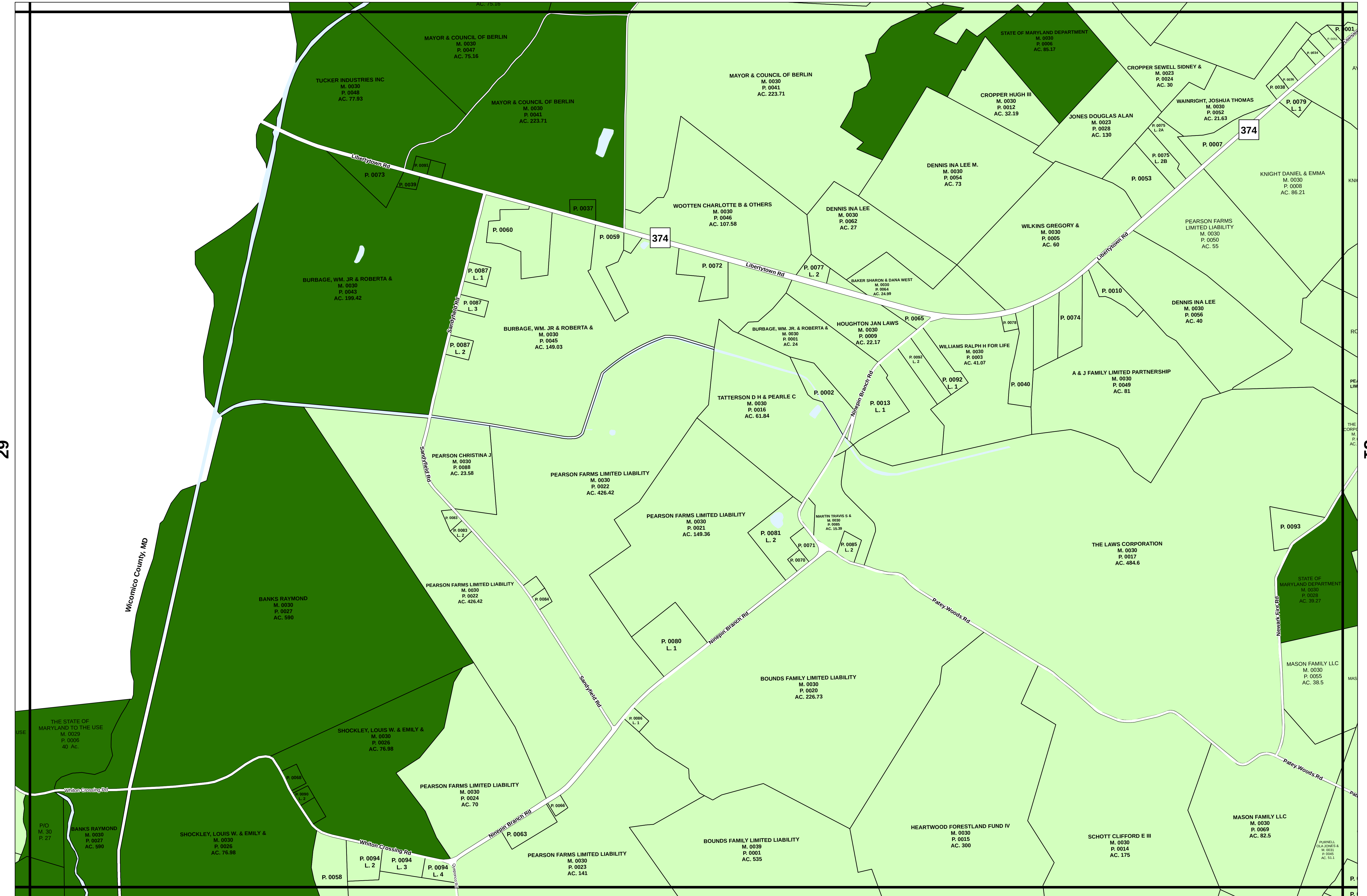


23

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0 300 600 1,200 Feet

Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2009.
Source: Worcester County Commissioners.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	R1	R4	CM	C3	

Tax Map 30

§ ZS 1-207. R-3 Multi-family Residential District.

- (a) Purpose and intent. This district is intended to protect and preserve existing residential subdivisions throughout the County and to provide for compatible infill development in those areas. Furthermore, as contemplated by the Comprehensive Plan, this district can serve as the core of a traditional neighborhood development, where the highest densities are desired. The Comprehensive Plan recommends that designated growth areas be developed as traditional neighborhoods. Projects of more than twenty dwelling units which are proposed after the effective date of this Title are required to be developed as residential planned communities in order to encourage traditional neighborhood development and utilization of conservation design principles. Therefore, new development in this district may be at densities higher than that cited below as the maximum density, provided adequate sewer service is available, while infill development in existing developed areas shall be at densities consistent with those allowed by the primary district regulations.
- (b) Permitted principal uses and structures. The following uses and structures are permitted in the R-3 District:
- (1) Single-family clustered housing. Minimum lot requirements shall be: lot area, six thousand square feet; maximum density, six units per net acre; lot width, fifty feet; front yard setback, fifteen feet; each side yard setback, five feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-307 hereof.
 - (2) Single-family dwellings. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; maximum density, six units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
 - (3) Manufactured homes in accordance with § ZS 1-314(b) hereof. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; maximum density, six units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
 - (4) Two-family and multi-family dwellings. Minimum lot requirements shall be: lot area, twenty-four thousand square feet [see § ZS 1-305(l) hereof]; maximum density, six units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; rear yard setback, thirty feet; and subject to the provisions of § ZS 1-312 hereof.
 - (5) Townhouses. Minimum lot requirements shall be: lot area, two thousand square feet [see § ZS 1-305(l) hereof]; maximum density, six units per net acre; lot width, eighteen feet for interior units and twenty-six feet for end units; front yard setback, fifteen feet [see § ZS 1-305(b) hereof]; each side yard setback, zero feet if joined by a party wall to another unit and eight feet if not; and rear yard setback, fifteen feet; and subject to the provisions of § ZS 1-313 hereof.
 - (6) Major and minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
 - (7) Group homes. Minimum lot requirements shall be: lot area, ten thousand square feet

[see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet. The applicant shall provide evidence that such facility shall be of sufficient size to accommodate the proposed number of developmentally disabled persons and staff and that the facility will not constitute a nuisance. Such facility shall be subject to the provisions of § ZS 1-325 hereof, and no group home shall be located within one thousand feet from any other group home.

- (8) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type which serve the needs of the local community only. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (9) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers and swimming pools provided as an amenity to a use allowed as a permitted principal use or structure but excluding summer camps, fraternal lodges, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent deck and patio areas, and locker areas shall be at least one hundred feet from any perimeter property lines and public road rights-of-way.
- (10) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply to structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (11) Fishing, trapping and hunting blinds and wildlife observation structures. No lot requirements shall apply.
- (12) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (13) Monopoles up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
- (14) Small wind energy conversion systems up to a maximum of seventy-five feet in height, subject to the provisions of § ZS 1-344 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the R-3 District in accordance with the provisions of § ZS 1-116(c) hereof:
 - (1) Planned senior developments, subject to the provisions of § ZS 1-316 hereof.

- (2) Assisted living facilities, provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (3) Schools, including boarding schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet.
- (4) Day-care centers. Minimum lot requirements shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
- (5) Churches, temples and mosques. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
- (6) Cemeteries, including chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- (7) Public and private noncommercial cultural, social, and recreational areas and centers, including fraternal lodges, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. All swimming pools and locker areas shall be at least two hundred feet from any perimeter property lines and public road rights-of-way.
- (8) Private noncommercial marinas designed for the mooring, launching and fueling of pleasure craft, provided that dry storage and boat maintenance facilities do not exceed twenty-five feet in height. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided, however, that any such marina, boat storage, launching or maintenance facility must be incidental to a principal permitted use or structure, group of uses or group of structures and located on the same or on a contiguous lot or tract of land. Such marina, boat storage, launching or maintenance facility may serve a single lot or group of lots, provided that it is contiguous to one or more of such lots or a common area contiguous to and serving the lots. Any marina, boat storage, launching or maintenance facility may not provide for the docking, storage or maintenance of more than one boat per lot or per dwelling unit. The Board of Zoning Appeals may grant a waiver of the requirements of contiguousness, but in no event shall the marina, boat storage, launching or maintenance facility be permitted more than two hundred feet from the lot

or from one of the lots served.

- (9) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
 - (10) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (11) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
 - (12) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (13) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (14) Monopoles over one hundred feet in height, but not exceeding one hundred ninety-nine feet, and freestanding towers up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (15) Heliports for emergency and law enforcement aircraft only and subject to the provisions of § ZS 1-345 hereof.
 - (16) Large day-care homes. Minimum lot requirements shall be: lot area, twelve thousand square feet [see § ZS 1-305(1) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet. **[Added 2-18-2014 by Bill No. 14-1¹]**
 - (17) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the R-3 District.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the R-3 District:
- (1) Noncommercial private residential parking garages and areas, swimming pools and other customary residential outbuildings and structures for the use of residents.

1. Editor's Note: This bill also renumbered former Subsection (c)(16) as Subsection (c)(17).

- (2) Customary incidental home occupations, subject to the provisions of § ZS 1-339 hereof.
- (3) The keeping of not more than two roomers or boarders.
- (4) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
- (5) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
- (6) Private waterfront structures, subject to the provisions of § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
- (7) Temporary buildings and structures as provided for and regulated by § ZS 1-334 hereof.
- (8) Yard sales, subject to the provisions of § ZS 1-341 hereof.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roofed principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.
- (f) Other regulations. The uses and structures permitted in the R-3 District shall be subject to the applicable regulations contained in Subtitle ZS1:I, General Provisions, and Subtitle ZS1:III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-116. Board of Zoning Appeals.

- (a) Establishment; composition; appointment and removal; vacancies; compensation; staff and resources. A Board of Zoning Appeals is hereby established (hereinafter called the "Board"). The Board shall consist of seven members appointed by the County Commissioners for staggered three-year terms or until a successor takes office. Members may, after a public hearing, be removed from office by the County Commissioners for inefficiency, neglect of duty or malfeasance in office. The County Commissioners shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the County Commissioners. Members may serve with such compensation as the County Commissioners deem appropriate. The Board may be supplied with such staff and resources as the County Commissioners deem appropriate.
- (b) Organization; voting; meetings; rules and records; assistance. The Board shall elect a Chairman from its membership. The Chairman's term shall be twelve months with eligibility for reelection. The Board shall have at least four members present and voting to conduct business. A majority of the members present and voting must vote in favor of any matter in order for it to be approved. Failure to obtain such affirmative vote of a majority of the members present and voting shall constitute a denial. After voting upon an application the Board shall not rehear, reconsider or reopen such matter except in accordance with Subsection (i) hereof. However, prior to a vote being taken, the Board may continue any case solely for the purposes of obtaining additional evidence or testimony deemed necessary by the Board to reach a proper conclusion, allowing time for studies or surveys to be performed to provide additional information to the Board or enabling applicants or protestants to prepare responses to issues that develop that could not have been reasonably foreseen. A continuance shall not be granted to the applicant simply for additional preparation time or the presence of opponents. The Board shall adopt rules for the transaction of business, which shall be posted in the office of the Department and be available to the public in written form. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep written records of its resolutions, transactions, testimonies, findings, decisions, determinations and other official actions, which records shall be a public record. Where specific findings are required or criteria apply, separate written findings shall be made on each of the criteria or findings. The Board may call upon any County official or department for assistance in the performance of its duties, and it shall be the duty of such officer or department to render such assistance to the Board as may reasonably be required.
- (c) Powers with respect to zoning matters. The Board shall have the following powers and functions:
 - (1) To hear and decide appeals where it is alleged that there is an error in the application of the law (but not in discretionary judgment) in any order, requirement, decision or determination made by the Department in the administration or enforcement of this Title or in the decision of the hearing official relative to administrative adjustments

considered pursuant to § ZS 1-117(f) hereof. There shall be no appeal to the Board from a decision of the Planning Commission.

- (2) To determine, consistent with the provisions of § ZS 1-110(c) hereof, the boundaries of districts.
- (3) To hear and decide only such special exceptions as the Board is specifically authorized to pass on according to the provisions of this Title and to decide such questions as are involved in determining whether special exceptions should be granted.
 - A. A special exception may be granted only when the Board finds, from a preponderance of the evidence of record, 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 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 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. Will have no detrimental effect 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.
 - B. The applicant for a special exception shall have the burden of proof in addressing the criteria set forth in Subsection (c)(3)A hereof and the burden of providing the evidence necessary on all questions of fact which are raised by the Board.
 - C. Any special exception approved by the Board must be unconditionally accepted as approved, in writing, to the Board by the applicant requesting such use within ninety days after such special exception has been approved by the Board. Failure to so accept in writing, as herein provided, any such special exception so approved by the Board shall be considered a rejection and abandonment by the applicant of any such special exception so approved, and thereafter any such special exception so approved shall be null and void and of no effect whatsoever.

- D. Unless otherwise designated by the Board, any special exception shall be implemented within twelve months from its approval. If it has not been so implemented, it shall be considered abandoned and shall terminate.
 - E. In the event that any special exception which has been implemented is abandoned or ceased for a period of twelve consecutive months, it shall be considered abandoned and shall terminate.
- (4) To authorize, upon appeal, in specific cases such variances from the setback or lot area provisions of this Title as will not be contrary to the public interest where, owing to special or unique conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship of other than a financial nature.
- A. A variance from the terms of this Title shall not be granted unless and until the applicant has demonstrated each of 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.
 - B. A variance shall only be granted which modifies the setback, area or lot width provisions of this Title, and the Board shall be without authority to grant a variance which would allow a use not otherwise permitted under the terms of this Title in the district involved. The Board may not grant a variance to a definition.
 - C. Variances may be granted only for individual lots pursuant to specific applications. No blanket variance is permitted.
- (5) To grant the expansion of the area of nonconforming uses and structures upon a single lot in accordance with the provisions of § ZS 1-122 hereof.
- (6) To prescribe, in the granting of any variance, special exception or expansion of a nonconforming use or structure, appropriate conditions and safeguards in conformity with this Title and other regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance or special exception is granted, shall be deemed a violation of this Title and shall be punishable under the provisions of § ZS 1-120 hereof and, at the discretion of the Board after notice and hearing, shall be grounds for termination or revocation of the variance or special exception itself.
- (7) To reverse, affirm, wholly or in part, or modify the order and render the decision as ought to be made, the actions of the Department and to that end shall have the powers

of the Department so long as such action is in conformity with the terms of this Title.

- (8) To have continuing jurisdiction, without time limitation, over all special exceptions, variances and expansions of nonconforming uses and structures granted by the Board and may, from time to time, review such cases to ensure compliance with this Title. Should the Board find noncompliance, it may request that the Department pursue the complaint as provided in § ZS 1-111 hereof, or it may rehear the case following the procedures prescribed by this Title for an original case, including required public notice and a public hearing. Upon rehearing the case, the Board may attach additional conditions or limitations to ensure future compliance, or it may revoke the original grant and may order the special exception, variance or expansion removed and the site restored to its prior condition. A special exception, variance or expansion of a nonconformity granted by the Board shall authorize only such structures and uses as specified in the approval and is subject to all conditions or plans attached thereto. No future changes or expansion of a special exception, variance or nonconformity shall be made without the prior approval of the Board.
 - (9) To require a bond to its satisfaction in cases where it deems such to be appropriate.
- (d) Who may file an appeal or application; forms; time for action; site plan.
- (1) Applications for special exceptions, variances, expansions of a nonconformity and interpretation of district boundaries consistent with the provisions of § ZS 1-110(c) hereof may be filed only by an aggrieved governmental agency or the owner, contract purchaser, option holder or lessee of the property to be affected or by his attorney or agent. Applications filed by persons other than the property owner must be cosigned by the property owner or the property owner's attorney at law or in fact. Appeals to the Board for administrative review may be filed by any person or governmental agency who is directly aggrieved by the order, requirements, decision or determination from which the appeal is taken. Appeals and applications shall be made on forms provided by the Department. Such appeals or applications shall be acted upon within a reasonable time not to exceed ninety days or such lesser period as may be provided by the rules of the Board. Appeals and applications accompanied by the required fees as established by the County Commissioners shall be filed with the Department. In the case of appeals, the Department shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
 - A. An applicant or applicant's attorney may request for any action before the Board of Zoning Appeals a postponement of the application's consideration or for an application yet to be scheduled, its placement on inactive status. Said requests may be made at any time; however, if the request is made after the public hearing has been scheduled, the applicant or applicant's attorney shall then be responsible for the payment of any and all reasonable re-advertising and administrative costs associated with the rescheduling of the public hearing. All such requests shall be in writing. In all cases where a request for postponement of the application or a request for its placement on inactive status is not rescinded by the applicant or applicant's attorney within one year from the date the original application was submitted, the application shall be considered withdrawn in its entirety. Any

further application for any action by the Board of Zoning Appeals for the same property must be processed as an entirely new application, including the remittance of all required fees. **[Added 10-17-2017 by Bill No. 17-10]**

- (2) In the case of special exceptions, variances and expansions of nonconformities, every application shall be accompanied by a site plan meeting the following requirements:
 - A. Drafting standards. The site plan and all supporting drawings shall be prepared on one or more reproducible sheets. Applications with drawings larger than eleven by seventeen inches in size shall provide additional copies for review as may be required. The plan may be prepared at any conventional scale, provided that all information is clear and legible. The plan shall contain sufficient detail, labeling and dimensions to be easily understood. All lot dimensions shall be based on actual measurement or deed description. All exhibits must be easily removable from any mounting or frame. The Department may require submission of the exhibits in electronic format.
 - B. General data. The site plan shall identify the name and address of the property owner and the applicant if not the same, the general location of the property by use of an insert vicinity map, North arrow, scale, date and zoning classifications. The plan shall also bear the signatures of the applicant, the property owner or his attorney in fact or at law and bear the name of the person who prepared the site plan.
 - C. Layout. The plan shall show all property lines, structures, use areas, roads, access points, vehicular circulation, parking areas, pedestrian circulation, signs, yard setbacks, drainageways, utility lines, easements, landscaping, exterior lighting, fences, walls and other physical features. Both existing and proposed features shall be shown and labeled as such.
 - D. Elevations. The plan shall show typical schematic elevations of the major buildings and structures and of any freestanding signs. The elevations shall indicate the type of construction and basic exterior materials and color treatment.
 - E. Relationship to abutting roads and properties. The plan shall show the location of abutting roads, structures, use areas, parking lots, fences, walls, signs and other significant physical features within one hundred feet of the property line.
 - F. General description. Accompanying the site plan shall be a written description of the project and its intended use or operation. Such description shall be typed on sheets eight and one-half by eleven inches in size.
- (3) The Board may waive any of the requirements cited in Subsection (d)(2) hereof where it finds them nonessential for rendering its decision. The Board may adopt policies to be used for waivers. The Board or Department may require such additional data, drawings or documentation as it deems necessary to adequately review the application for compliance with the intent and provisions of this Title. The Board may continue any case in order to obtain additional data, drawings or documentation.
- (4) The Board's granting of a special exception, variance or expansion of a nonconforming

use or structure shall authorize, without deviation, only the uses and structures as shown on the site plan as approved, including any modifications that the Board may have incorporated in its approval. Deviation from such approved site plan or attached modifications shall be considered a violation of this Title.

- (e) Hearing; notice. The Board shall fix a reasonable time for the hearing of appeals and applications, consistent with its rules of practice and procedure. Public notice shall be given by the Board for all hearings relating to zoning matters in accordance with the procedures set forth in § ZS 1-114 hereof.
- (f) Calendar of the Board. A calendar of the Board showing the times and dates of hearings relating to zoning matters shall be maintained and posted in a conspicuous location in the office of the Department. The Board shall assure that a current copy of the calendar is provided to the Planning Commission.
- (g) Advice of Planning Commission.
 - (1) The Board shall provide the Planning Commission with a copy of its agenda at least fifteen days prior to each of its meetings. The Planning Commission may comment on or appear at the hearing on any matter pending before the Board. Such comments shall be considered by the Board but shall not be binding upon the Board.
 - (2) The Board may request from the Planning Commission or Technical Review Committee such technical service, data or factual evidence as will further assist the Board in reaching decisions, and any such information forwarded by the Planning Commission shall be incorporated into the public record and shall be made available to the applicant if requested.
- (h) Stay of proceedings. An appeal to the Board shall stay all proceedings, time requirements and approval periods by all agencies and by all persons affected by the action appealed from, including the applicant, unless the Department certifies to the Board that, by reason of facts stated in the certificate, a stay would, in the Department's opinion, cause imminent peril to life or property, in which case the Board may, by written order, permit such proceedings to go forward, in whole or in part, under such restrictions as the Board may deem appropriate. This section shall not be construed to permit the continuance of any action constituting or compounding a violation hereof, it being the intent that all agencies and persons, including the applicant and the Department, involved in the matter cease all actions affecting the same (unless exception is made as herein provided) until the Board has decided the matter.
- (i) Repeated application for special exception, variance or expansion of nonconforming use or structure. No application for a special exception, variance or expansion of a nonconforming use or structure shall be accepted by the Department if the application is for substantially the same proposal on the same property as an application denied by the Board within the previous twelve months as measured from the date of the Board's vote for denial. However, the Board may allow an applicant to withdraw an application at any time, provided that, if the request for withdrawal is made after publication of the notice of public hearing, no similar application shall be allowed within twelve months following the date of such withdrawal. The Board may specify by formal resolution that the time limitation shall not apply in such cases where the Board finds that the applicant is unable to attend the advertised hearing for

any of the following reasons:

- (1) A death in the immediate family of the applicant or his/her attorney.
- (2) A serious illness on the part of the applicant or his/her attorney which requires the treatment or supervision of a medical doctor.
- (3) The incarceration or criminal detention of the applicant or his/her attorney.
- (4) Any other like circumstance that the Board determines to be of such a serious nature as to prohibit the attendance of the applicant or his/her attorney.

(j) Limitation of authority of Board.

- (1) Nothing contained in this section shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision or determination which conforms to the provisions of this Title and which is therefore not erroneous or to authorize the Board to validate, ratify or legalize any violation of law or of the provisions of this Title.
- (2) The Board shall not amend any of the provisions of this Title, including the Official Zoning Maps, except as specifically authorized in Subsection (c)(2) hereof.

(k) Powers with respect to forest conservation matters. The Board shall have only the following powers and functions:

- (1) To hear and decide appeals from an applicant where it is alleged that there is an error in the application of the law (but not in discretionary judgment), in any order, requirement, decision or determination made by the Department in the administration or enforcement of the Worcester County Forest Conservation Law.¹
- (2) To hear and decide applications from an applicant for adjustments and exceptions to the requirements of the Worcester County Forest Conservation Law in accordance with the provisions thereof.
- (3) Decisions of the Board with respect to such matters shall be made after a hearing following the same procedures established for a zoning case in Subsections (d)(2) and (d)(3) and Subsections (e), (g), (h) and (i) hereof.

(l) Powers with respect to the Chesapeake Bay Critical Area. In accordance with the provisions of § NR 3-211 of the Worcester County Natural Resources Article, as from time to time amended, the Board shall have the power to authorize upon appeal in specific cases variances to the terms of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, NR3, Subtitle NR3:II, Worcester County Chesapeake Bay Critical Area Ordinance.

(m) Powers with respect to the Atlantic Coastal Bays Critical Area. The Board shall have only the following powers and functions with respect to the Atlantic Coastal Bays Critical Area:

1. Editor's Note: See § NR 1-401 et seq. of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland.

- (1) In accordance with the provisions of § NR 3-111 of the Worcester County Natural Resources Article, as from time to time amended, the Board shall have the power to authorize upon appeal in specific cases variances to the terms of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, NR3, Subtitle NR3:I, Atlantic Coastal Bays Critical Area Ordinance.
 - (2) In accordance with the provisions of any buffer management plans adopted by resolution of the County Commissioners in accordance with the provisions of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, Title 3, Subtitle I, Atlantic Coastal Bays Critical Area Ordinance, the Board shall have the power to review the decision of the Department with respect to the denial of requests for payment in lieu for required mitigation or bufferyard establishment.
- (n) Powers with respect to construction along shorelines. The Board shall have only the following powers and functions with respect to construction along shorelines: **[Added 9-15-2015 by Bill No. 15-10]**
- (1) In accordance with § NR 2-102(h)(1) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, as from time to time amended, the Board shall only have the power to hear and decide appeals where it is alleged that there is an error in the application of the law (but not in discretionary judgment) in any requirement, decision or determination made by the Department or Approval Authority charged with administration of construction along shorelines as specified in § NR 2-102 relative to any application for shoreline construction. In considering such an appeal and making a decision the Board shall make specific findings of fact with regard to the Department's or Approval Authority's decision on the application relative to the following: environmental impact; navigational impact; recreational potential; commercial benefit to Worcester County; the impact of the proposed construction upon the surrounding neighborhood and upon property values therein; and such other matters as the Board may consider appropriate and germane to the issue.
 - (2) To authorize modifications to the limitations on the extension of waterfront structures into a body of water pursuant to § NR 2-102(e)(1), as from time to time amended.
 - (3) To authorize modifications to the minimum separation requirement of waterfront structures to adjoining property lines pursuant to § NR 2-102(e)(2), as from time to time amended.



24 West Mallard Drive (Adjacent)

26 West Mallard Drive (Subject)



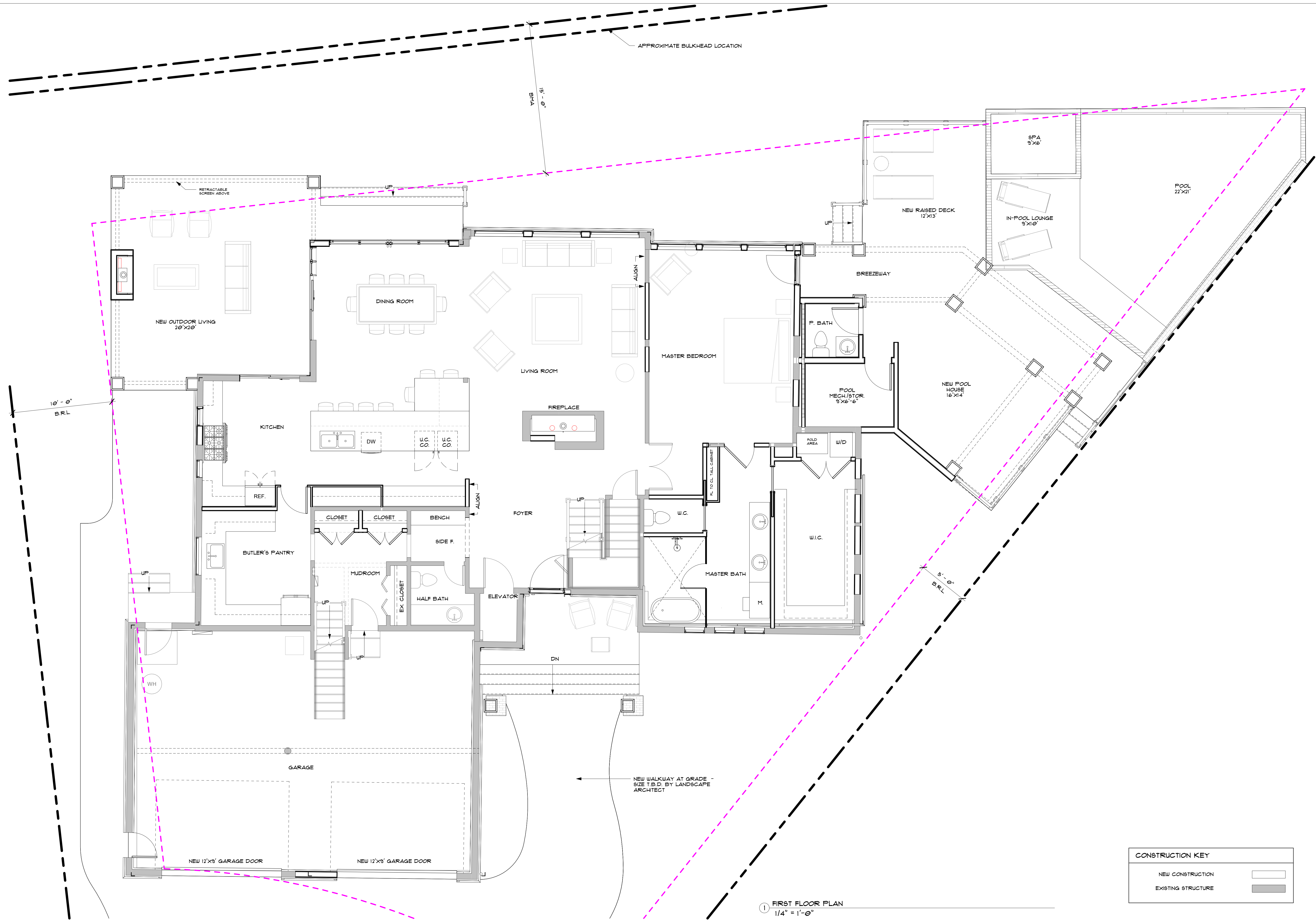
CONSULTANTS:

26 MALLARD DR W
OCEAN PINES, MD

FIRST FLOOR

[illegible]

2025.04.09	Zoning - Plan Layout
REV DATE	DESCRIPTION
1:	2023.07.07
ECT NO.	2023067
E:	1/4" = 1'-0"
MGR:	L.White
WN BY:	A. Harrer
SHEET NUMBER:	

$$A^{-1} \mathbf{0} = \mathbf{0}$$


ELEVATION MATERIAL SCHEDULE

NAVY - 16" x 6" FIBERCEMENT
LAP SIDING

WHITE - 6" FIBERCEMENT LAP SIDING

WHITE - FIBERCEMENT BOARD &
BATTEN VERTICAL SIDING

WHITE - FIBERCEMENT TRIM

WHITE - WINDOW EXTERIOR FINISH AS
PER WINDOW LOCATION

NAVY - WINDOW EXTERIOR FINISH AS
PER WINDOW LOCATION

TBD - BRICK VENEER

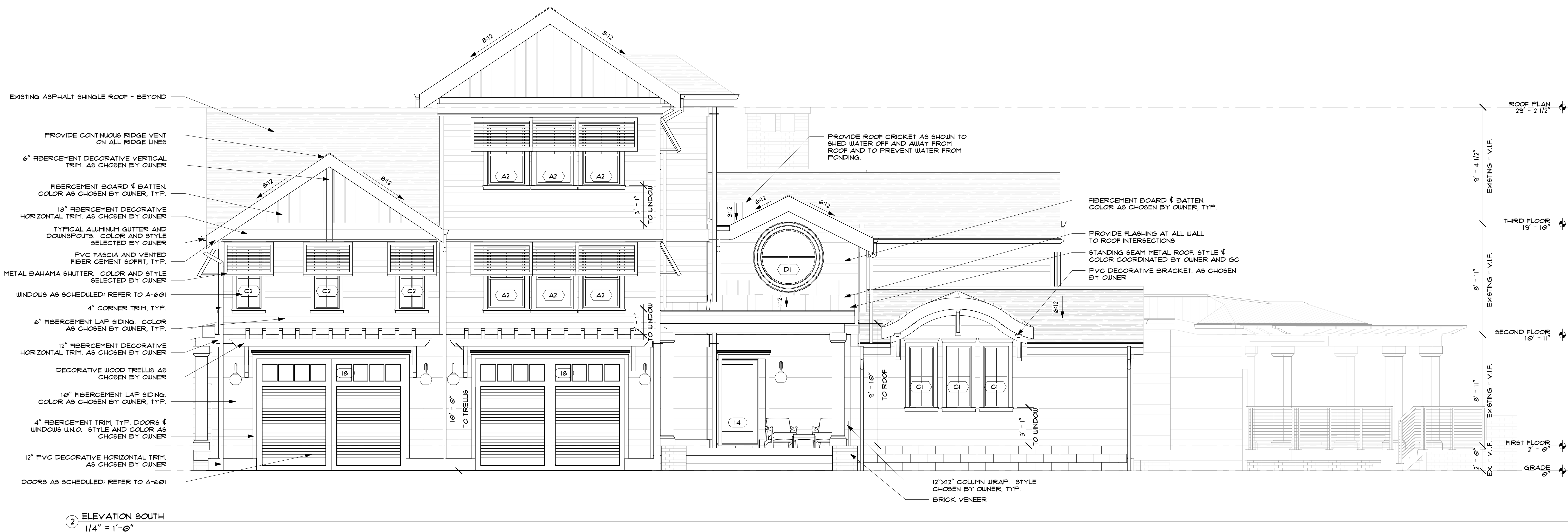
TBD - GARAGE DOOR EXTERIOR FINISH

TBD - STANDING SEAM METAL ROOF

TBD - STANDING SEAM METAL ROOF

ELEVATION NOTES

- G.C. TO VERIFY ALL FINAL GRADE ELEVATIONS PRIOR TO EXTERIOR MATERIAL INSTALLATION
- G.C. TO VERIFY ALL EXTERIOR MATERIALS AND FINISHES WITH OWNER PRIOR TO CONSTRUCTION
- ALL PENETRATIONS IN THE BUILDING'S THERMAL BARRIER TO BE SEALED. ALL WIRES, PIPES, FIXTURES AND FASTENERS TO BE SEALED SO THAT NO GAPS EXIST
- FILL AND PAINT ALL EXPOSED NAIL AND FASTENERS THAT EXIST IN EXTERIOR TRIM
- VERIFY ALL FASTENERS IN BUILDING EXTERIOR ARE RATED FOR EXTERIOR EXPOSURE
- VERIFY ALL METALS ARE COMPLIANT FOR THE USE AND ARE EXPOSED FOR USE WITH ADJACENT MATERIALS
- CAULK AND SEAL AT INTERSECTION OF ALL DISSIMILAR MATERIALS



SEAL:

FOR REVIEW
ONLY NOT FOR
CONSTRUCTION

PROFESSIONAL CERTIFICATION:
I CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM
A QUALIFIED ARCHITECT UNDER THE LAWS
OF THE STATE OF MARYLAND.

LICENSE NO.: 0013955
EXPIRATION NO.: 09.23.2026

THE DOCUMENTS PREPARED BY FISHER
ARCHITECTURE, LLC ARE SOLELY FOR
THE PURPOSES OF THE SPECIFIED
PROJECT. THEY ARE NOT INTENDED OR
AUTHORIZED FOR USE ON ANY OTHER
PROJECT. FISHER ARCHITECTURE, LLC
MAKES NO REPRESENTATION AS TO
THEIR SUITABILITY FOR ANY OTHER USE.
ALL DOCUMENTS PREPARED BY FISHER
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OF PROFESSIONAL SERVICE IN RESPECT
OF THE PROJECT. THESE DOCUMENTS
ARE, AND SHALL REMAIN, THE PROPERTY
OF FISHER ARCHITECTURE, LLC.

CONSULTANTS:

SKIDMORE RESIDENCE

26 MALLARD DRIVE
OCEAN PINES, MD

SHEET INFO:

ELEVATIONS

CD11 2025.04.08 Zoning - Elevations
REV. REV. DATE DESCRIPTION
DATE: 2025.07.07
PROJECT NO. 2025067
SCALE: 1/4" = 1'-0"
FROM MOOR: L.White
DRAWN BY: A. Harter
SHEET NUMBER:

A-201

PROVIDE CONTINUOUS RIDGE VENT
ON ALL RIDGE LINES

ARCHITECTUAL ASPHALT SHINGLE ROOF

OVERFRAME NEW ROOF OVER
EXISTING ROOF FRAMING, TYP.

EXISTING ROOF

PVC FASCIA AND VENTED
FIBERCEMENT SOFFIT, TYP.

METAL BAHAMA SHUTTER. COLOR AND
STYLE SELECTED BY OWNER

4" CORNER TRIM, TYP.

WINDOWS AS SCHEDULED;
REFER TO A-601

6" FIBERCEMENT LAP SIDING. COLOR
AS CHOSEN BY OWNER, TYP.

12" FIBERCEMENT DECORATIVE
HORIZONTAL TRIM. AS CHOSEN BY OWNER

4" FIBERCEMENT TRIM, TYP. DOORS &
WINDOWS U.N.C. STYLE AND COLOR AS
CHOSEN BY OWNER

DECORATIVE WOOD TRELLIS AS
CHOSEN BY OWNER

12" FIBERCEMENT DECORATIVE
HORIZONTAL TRIM. AS CHOSEN BY OWNER

10" FIBERCEMENT LAP SIDING.
COLOR AS CHOSEN BY OWNER, TYP.

12" PVC DECORATIVE HORIZONTAL TRIM
AS CHOSEN BY OWNER

1 ELEVATION EAST
1/4" = 1'-0"

ELEVATION MATERIAL SCHEDULE

NAVY - 10" & 6" FIBERCEMENT
LAP SIDING

WHITE - 6" FIBERCEMENT LAP SIDING

WHITE - FIBERCEMENT BOARD &
BATTEN VERTICAL SIDING

WHITE - FIBERCEMENT TRIM

WHITE - WINDOW EXTERIOR FINISH AS
PER WINDOW LOCATION

NAVY - WINDOW EXTERIOR FINISH AS
PER WINDOW LOCATION

TBD - BRICK VENEER

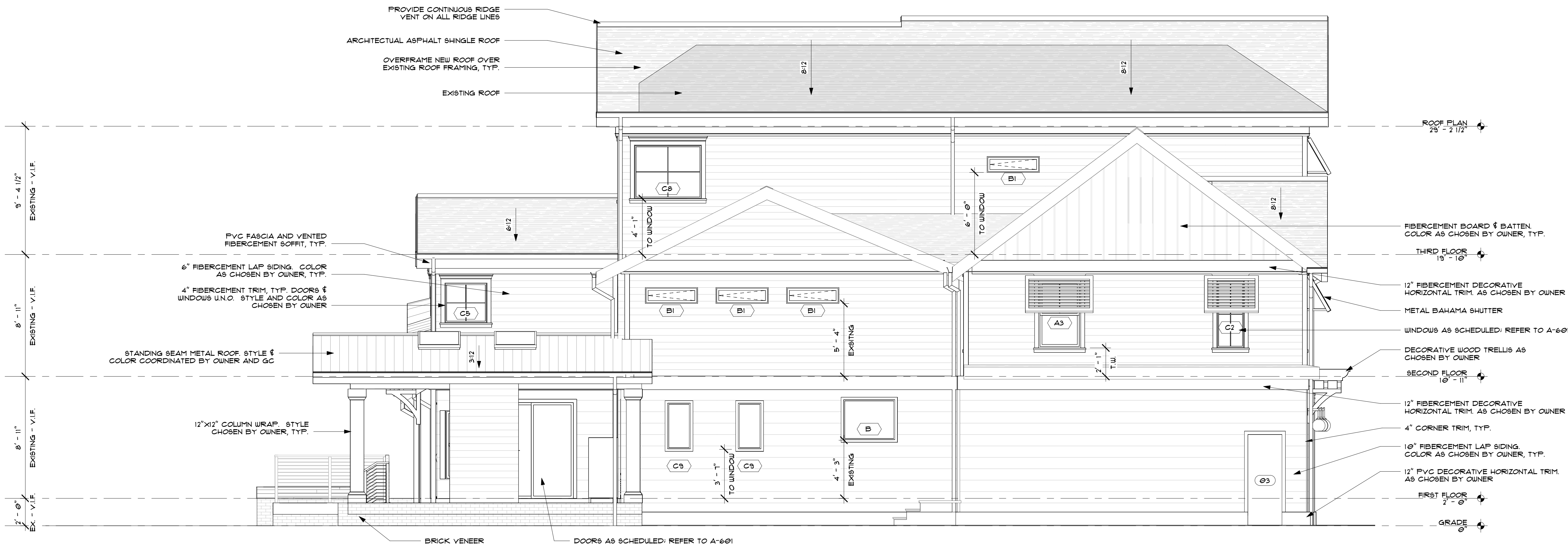
TBD - GARAGE DOOR EXTERIOR FINISH

TBD - STANDING SEAM METAL ROOF

TBD - STANDING SEAM METAL ROOF

ELEVATION NOTES

- G.C. TO VERIFY ALL FINAL GRADE ELEVATIONS PRIOR TO EXTERIOR MATERIAL INSTALLATION.
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- ALL PENETRATIONS IN THE BUILDINGS THERMAL BARRIER TO BE SEALED. ALL WIRES, PIPES, FIXTURES AND FASTENERS TO BE SEALED SO THAT NO GAPS EXIST.
- FILL AND PAINT ALL EXPOSED NAIL AND FASTENERS THAT EXIST IN EXTERIOR TRIM.
- VERIFY ALL FASTENERS IN BUILDING EXTERIOR ARE RATED FOR EXTERIOR EXPOSURE.
- VERIFY ALL METALS ARE COMPLIANT FOR THE USE AND ARE EXPOSED FOR USE WITH ADJACENT MATERIALS.
- CAULK AND SEAL AT INTERSECTION OF ALL DISSIMILAR MATERIALS.



2 ELEVATION WEST
1/4" = 1'-0"



Fisher Architecture, LLC
542 Riverside Drive
Salisbury, MD 21801
(410) 742-0238

SEAL:

FOR REVIEW
ONLY NOT FOR
CONSTRUCTION

PROFESSIONAL CERTIFICATION:
I CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM
A LICENSED ARCHITECT UNDER THE LAWS
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OF FISHER ARCHITECTURE, LLC.

CONSULTANTS:

SKIDMORE RESIDENCE
26 MALLARD DR W
OCEAN PINES, MD

SHEET INFO:

ELEVATIONS

REV.	DATE	DESCRIPTION
CD11	2025.04.08	Zoning - Elevations
DATE:	2025.07.07	
PROJECT NO.	20250607	
SCALE:	1/4" = 1'-0"	
PROJ. MGR.	L. White	
DRAWN BY:	A. Harter	
SHEET NUMBER:		

A-202

February 23, 2024

Worcester County Government Center
Development Review & Permitting – Zoning Division
1 W. Market St. Room 1201
Snow Hill, MD 21863

RE: 26 West Mallard Drive – application of Jason Skidmore

To Whom it May Concern:

We are next door neighbors of Jason Skidmore (26 West Mallard Drive). We have been residents of the Ocean Pines community for over 25 years.

Mr. Skidmore has taken the time to discuss the improvements he would like to make to his home. We are the closest and will have the direct view of the improvements, and do not believe there is any detrimental impact. We believe the improvements will be an enhancement to his property and to the community as a whole.

We wanted to let you know that we support his plans and hope you allow him to move forward.

Sincerely,


Sidney Maffett
24 West Mallard Drive
Ocean Pines, MD 21811

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 25-59

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: October 9, 2025

LOCATION: Located at 26 West Mallard Drive, Tax Map 21, Parcel 273, Section 14C, Lot 122, Tax District 3, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the side yard setback from 6 feet to 0 feet (to encroach 6 feet) for a proposed pool, deck, covered deck and associated improvements in the R-3 Multi-family Residential District.

CODE REFERENCES: Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305.

PROPERTY HISTORY: The following records are on file:

01/10/1983	Building Permit No. 11031 – Issued 01/10/1983 – Zoning Certificate issued 07/14/1983 – Permit for a single-family residence.
10/12/1995	Shoreline Construction Permit No. 41862 – Issued 10/19/1995 – Zoning Certificate issued 10/24/1995 – Permit for a parallel dock.
11/14/1996	Shoreline Construction Permit No. 46532 – Issued 11/14/1996 – Zoning Certificate issued 02/11/1997 – Permit for a replacement dock and a boatlift.
01/06/1997	Building Permit No. 47866 – Issued 01/24/1997 – C/O issued 08/12/1997 – Permit for an addition and new decking to the existing residence.
02/21/2007	Building Permit No. 10-5448 – Issued 03/01/2007 – C/O issued 08/28/2007 – Permit to extend 2 nd floor bedroom, extend existing deck and add attached storage shed to the existing residence.
01/17/2008	Building Permit No. 10-9479 – Issued 01/30/2008 – C/O issued 07/16/2008 – Permit for interior changes to reconfigure walls in the room over the garage and relocate bathroom, with no changes to the footprint to the existing residence.
05/24/2010	Shoreline Construction Permit No. 60046 – Issued 05/25/2010 – Zoning Certificate issued 09/23/2010 – Permit to replace and install a new boat lift.
02/07/2011	Building Permit No. 11-0091 – Issued 02/11/2011 – C/O issued 09/29/2011 – Permit for a third floor addition (bedroom, bathroom, family room) and an open rear deck to the existing residence.
08/21/2012	Building Permit No. 12-0786 – Issued 08/21/2012 – Permit for a 3' x 8' concrete pad for a generator 30" from the house.

02/01/2013 Building Permit No. 13-0095 – Issued 02/11/2013 – C/O issued 05/01/2013 –
Permit for installation of roof-mounted solar panels.

COMMENTS: The property owner proposes to remove an existing wood deck, and patio with a planter, that extends to the 6' side yard setback line, and replace those improvements with a pool that is elevated 2' above ground level as indicated on the submitted architectural plans, lounge, breezeway, and covered deck with steps that extend to the side property line, requiring a 6' side yard setback variance. The neighboring property owner has submitted a letter stating he has no objection to the improvements extending to their shared property line. Staff is not aware of similar requests that would result in a 0' side yard setback.

****If the Board is inclined to approve this request, Staff recommends that a Condition be included that requires a surveyor provide a stake-out prior to construction that ensures the improvements do not extend over the property line.**

For the variance request, 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 a building permit and all other necessary approvals.

OWNER: John Jason Skidmore
38 Lauren Knoll Court
Baldwin, MD 21013

APPLICANT : Same

CONTACT: Scott M. Breza, Esq.
Scott M. Breza & Associates, LLC
11019 McCormick Rd., Ste. 400
Hunt Valley, MD 21031

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, MARYLAND 21863-1070

OFFICE USE ONLY

CASE NUMBER: 25-52
DATE FILED: 8-1-2025
HEARING DATE: 10-9-2025

APPLICATION IS BEING MADE FOR:

XXX SPECIAL EXCEPTION
XXX VARIANCE
 EXPANSION OF NONCONFORMING USE/STRUCTURE
 OTHER
 AFTER THE FACT ✓ PROPOSED

XXX FORESTRY
 CRITICAL AREA
 APPEAL
 ADMINISTRATIVE
 REVIEW

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 variance to the 100 foot buffer requirement of the Atlantic Coastal Bays Critical Area Law to reduce the 100 foot buffer to 75.4 feet, an encroachment of 24.6 feet.

LOCATION OF PROPERTY:

Tax Map: 32 Parcel: 349 Unit: Lot: 15 Block:
Trappe Creek Drive, Stray Fox Subdivision

PROPERTY OWNER INFORMATION:

Owner: Nicolas and Danielle Campanaro
Address: 12527 Whispering Woods Drive, Ocean City, MD 21842

APPLICANT INFORMATION:

Applicant's Name: Hugh Cropper, IV Telephone:
Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842

Has property in question ever been subject of previous appeal? (If yes, give case no. and date) No
Is property located in the Chesapeake Bay Critical Area or the 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
15' RIGHT OF WAY STATE ROAD
 FROM PROPERTY LINE

REAR: 50 FT.
SIDE: LEFT 8 FT.
SIDE: RIGHT 8 FT. (Platted Setbacks)

ZONING DISTRICT R-1 Rural Res. TAX DISTRICT 3

[Signature]
Signature of Owner or Legal Representative

[Signature]
Signature of Applicant

SEE NEXT PAGE FOR NOTARY - BOTH THE OWNER AND APPLICANT NEED TO BE NOTARIZED

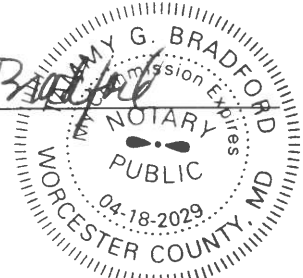
BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT

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

I HEREBY CERTIFY, that on this 23rd day of July, 2025, before me, a Notary Public in and for the State and County aforesaid, personally appeared HUGH CROPPER, IV, ON BEHALF OF 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 A Bradford
Notary Public



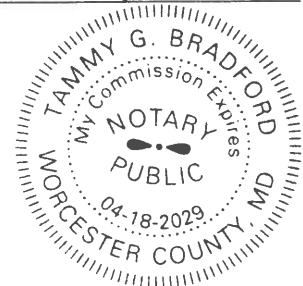
My Commission Expires: 4/18/2029

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

I HEREBY CERTIFY, that on this 23rd day of July, 2025, before me, a Notary Public in and for the State and County aforesaid, personally appeared HUGH CROPPER, IV, APPLICANT, 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 A Bradford
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

(410) 213-2681

FAX (410) 213-2685

EASTON OFFICE

130 N. WASHINGTON ST.

EASTON, MD 21601

(410) 822-2929

FAX (410) 820-6586

WEBSITE

www.bbcmllaw.com

*ADMITTED MD & DC

July 23 , 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 32, Parcel 349**
Lot 15, Stray Fox Subdivision

Dear Mr. Soper:

I represent Nicholas Campanaro and Danielle Campanaro, his wife, owners of Lot 15, one of the few remaining undeveloped lots in the Stray Fox Subdivision.

Lot 15 was originally designated on a Plat entitled "Record Plat, Stray Fox Subdivision, Third Election District, Worcester County, Maryland" made by Soule & Associates, Property Line Surveyor No. 450, of the State of Maryland, dated April, 1994, and recorded among the Land Records of Worcester County, Maryland, in Plat Book RHO No. 139, Folios 57, et. seq. The effective date of the Atlantic Coastal Bays Critical Area Law (subsequently combined with the Chesapeake Bay Critical Area Law) was June 1, 2002. Therefore, the creation of this lot predates the effect of the Critical Area Law by many years.

A copy of the proposed Site Plan is attached hereto and incorporated herein by reference.

The relevant portion of the original Subdivision Plat is attached hereto and incorporated herein by reference.

Lot 15 is unique by virtue of the fact that the Septic Reserve Area, or SRA, is located directly in the center of the lot. The other waterfront lots, Lots 11, 12, 13, and 14 all have the SRA's adjacent to Trappe Creek Drive.

Lots 16 and 17, adjoining to the northwest, are much larger lots, with larger building envelopes.

Lot 15 is also unique by virtue of the orientation of the shoreline, being triangular in shape at its intersection with Trappe Creek.

The utilization of Lot 15 is very unique in that the Stray Fox Subdivision is built out, and the vast majority of the homes were constructed **prior** to the effective date of the Critical Area Law. As such, they were subject to a 50 foot shoreline protection setback. As the proposed Site Plan demonstrates, the neighboring home on Lot 16 is approximately 58 feet from the mean high water line, and the majority of the house is located in the 100 foot Critical Area Buffer.

This is a variance to authorize a modest sized single family dwelling encroaching into the 100 foot Critical Area Buffer. Although a small lot, the allowable lot coverage is 9,310 sq. ft. The applicant has proposed 7,289 sq. ft. in lot coverage, well below the permitted minimum.

The proposed square footage in the buffer is 1,150 sq. ft., which is a minimal impact.

1. Due to special features of the site or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the local Critical Area program would result in an unwarranted hardship to the applicant.

Lot 15, and the entirety of the Stray Fox Subdivision, is zoned E-1, Estate District. A copy of the Worcester County statute is attached, and single family dwellings are permitted by Section ZS 1-203(b)(4).

Specific hardship/non-conformity is the fact that the minimum lot requirement in an E-1 Zoning District is 80,000 sq. ft., and Lot 15 is actually 62,064 sq. ft.

The minimum lot width is 200 ft., and the width of Lot 15 is 130 feet.

The front yard setback in an E-1 Zoning District is 50 feet.

Each side yard setback in the E-1 Zoning District is 50 feet, which completely consumes this 130 foot wide lot.

The rear yard setback is 50 feet, which is inapplicable in light of the 100 foot Critical Area Buffer, and the fact that the rear of the lot is platted as a Forest Conservation Easement.

Given the drainage and utility easement in the front yard, as well as the 50 foot front yard setback, it is impossible to locate the house northeast, or landward of the platted SRA.

The only buildable area on the lot is behind, or channelward of the SRA.

This property is unique in that the SRA was expanded in 2009.

According to Worcester County Environmental Programs, the highest and most well drained soils (which is also evident from the topo on the proposed Site Plan), would be on the southwesterly, or channelward portion of the lot. Therefore, this creates a hardship.

The property owner attempted to move the SRA closer to Trappe Creek Drive, and this request was denied.

The special features of the site and special conditions and circumstances particular to this land, have left only one building envelope, and the house is situated so as to reduce impacts.

Arguably, the house could be shifted in an easterly direction, towards Lot 14, but it would be impossible to accomplish a turn radius to get into the garage. The house would have to be pushed further channelward. Also, this scenario would provide even more lot coverage which the property owner is attempting to avoid.

This property presents a definite hardship, warranting the Critical Area Variance. Without the Critical Area Variance, the applicants would be denied reasonable and significant use of the entire lot.

2. A literal interpretation of the local Critical Area program would deprive the applicant of a use of land or a structure permitted to others in accordance with the provisions of the local Critical Area program.

This is the last remaining undeveloped waterfront lot in the Stray Fox Subdivision. Most of the houses in this subdivision were built prior to the effect of the Critical Area Law.

For example, the neighboring home on Lot 16 is located approximately 58 feet from the mean high water line, encroaching 42 feet into the Critical Area Buffer.

As described previously, Lots 11, 12, 13, and 14 enjoy generous building envelopes, because the SRA's are located adjacent to Trappe Creek Drive.

In the case of Lot 15, the SRA is located in the center of the lot, to accommodate the higher and more well drained soils.

The property owner applied to move the SRA adjacent to Trappe Creek Drive, like the other properties, and the request was denied due to the quality of the soils.

The applicants have proposed a modest sized home, and in every case it appears to be smaller than the other waterfront homes in this subdivision, or even the other interior homes for that matter.

Without the requested variance, the applicants will be denied a reasonable and significant use of the entire property, and will be deprived of rights enjoyed by other property owners.

3. The granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures in accordance with the provisions of the local Critical Area program.

Lot 15 is a platted, approved, and recorded building lot. It is zoned E-1, Estate District, which is a residential zoning, with a residential tax assessment. Single family dwellings and accessories are permitted by zoning. Lot 15 is located in a Limited Development Area or LDA. The lot has an existing Septic Reserve Area, or SRA. The property is located in the Stray Fox Subdivision, which is largely built out, except for this lot.

The granting of this variance is necessary to build a modest sized single family dwelling, and certainly would not confer a special privilege or right to the applicants.

4. The variance request is not based upon conditions or circumstances that are the result of actions by the applicant.

This is not an after-the-fact variance. The property was originally platted in 1994, prior to the enactment of the Critical Area Law, which was effective June 1, 2002.

The unique angle of the shoreline did not result from actions of the applicants, and it has created a hardship. The 100 foot Buffer imposes disproportionately on the northwest side of the lot.

The non-conforming size of the lot per zoning, in every respect, the unique configuration of the shoreline, the location of the SRA directly in the center of the lot, the utility easement in the front of the lot, and other conditions did not result from the actions of the applicants.

5. The variance request does not arise from any conforming or non-conforming condition on any neighboring property.

This request does not arise from any conditions relating to land or building use on any neighboring property. In fact, all of the other waterfront lots in this community are built out, and have existed for many years.

6. The granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area.

The proposed Site Plan in this case has a modest sized single family dwelling and represents a minimal intrusion, while providing the applicants with reasonable use and enjoyment of their property. Due to the angle of the shoreline at Trappe Creek, the 100 foot Buffer has a disproportionate impact on this property.

The proposed dwelling will only provide 1,150 sq. ft. of lot coverage within the Buffer, and there will still be a large Buffer available for mitigation. The mitigation will certainly outweigh any negative impacts of this proposed construction, and will improve water quality.

Currently, the majority of the 100 foot Buffer is mowed grass, probably mowed well into the Forest Conservation Easement by prior owners. The re-establishment of the Buffer will have a very positive impact on water quality.

7. The granting of the variance would be in harmony with the general spirit and intent of the Critical Area Law.

In conclusion, this is the last undeveloped lot in the Stray Fox Subdivision, and probably one of the last undeveloped lots in the entire area. Lot 15 is unique by virtue of the angle of the shoreline, the SRA being located in the center of the lot, the lot being non-conforming under the Zoning Code in every respect, and a front yard utility easement, among other things.

The property is zoned E-1 Estate District, a residential zoning, it is designated LDA, it is part of a platted residential subdivision, with a residential tax assessment, and will be served by an approved SRA.

The failure to grant this small buffer impact would represent an unwarranted hardship, and deprive the applicants use and enjoyment of their entire property.

The proposed use is probably less impactful than all of the other waterfront homes in this community, and the establishment of a Buffer Management Plan will improve water quality, and the applicants respectfully request that their Critical Area Variance be granted.

Respectfully submitted,

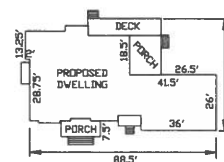
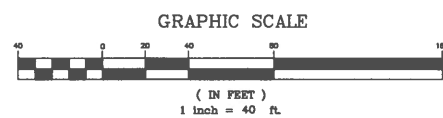


Hugh Cropper IV
Attorney for Property Owners
Nicholas and Danielle Campanaro

HC/tgb

CC: Nicholas and Danielle Campanaro
Chris McCabe
Frank G. Lynch, Jr.

per PLAT BOOK : RH0 138/59



DESIGNED BY	N/A	SURVEYED BY	FGLJ/PL	FILE #	12549-25
DRAWN BY	F.G.L. JR.	DATE	7-21-2025	SHEET 1 OF 1	
CHECKED BY	FRANK G. LYNCH	SCALE	1" = 40'		

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 25-52

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: October 9, 2025

LOCATION: Southwestern side of Trappe Creek Drive at its intersection with Hunting Hound Road, Tax Map 32, Parcel 349, Lot 15, Tax District 3, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to reduce the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 75.4 feet (to encroach 24.6 feet) for a proposed single-family residence in the R-1 Rural Residential District.

CODE REFERENCES: §§ ZS 1-116(m), ZS 1-205(b)(5) and ZS 1-305, and Natural Resources Code §§ 3-104(d)(4) and NR 3-111.

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

07/24/2000 Shoreline Construction Permit No. 66215 – Issued 07/26/2000 – Zoning Certificate issued 02/14/2002 – construction of pier and piling.
09/20/2010 Shoreline Construction Permit No. 2011-14714 – Issued 09/21/2010 – CO issued 05/18/2012 – construction of 180’ of shoreline stabilization including marsh plantings, fiber logs and stone sill.

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: Danielle and Nicholas Campanaro
12527 Whispering Woods Drive
Ocean City, MD 21842

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: Kristen Tremblay, Zoning Administrator

From: Joy S. Birch, Natural Resources Planner III (JB)

Subject: Critical Area Variance – Nicholas & Danielle Campanaro, Trappe Creek Drive
– Case # 25-52

Date: September 24, 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 Nicholas & Danielle Campanaro, Tax Map 32, Parcel 349, Lot 15, Trappe Creek Drive, 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 δ NR 3-104(c) (4) of the Worcester County Code of Public Local Laws in order to 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 δ NR 3-104(c)(1). Under δ 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 δ 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 δ 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".

Citizens and Government Working Together

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 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 six standards. The Critical Area Law requires that each of the six standards for a variance be met before the Board renders a decision.

STAFF ANALYSIS

The six standards for Variance, as listed in §NR 3-111(b) (1) thru (6) 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 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.

Staff's 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 and within this subdivision have structures located within the 100' buffer. Since this subdivision was platted prior to the adoption of the Critical Area program, provisions were not provided during the subdivision 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 this property was 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 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. 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 26, 2025 letter:

"Further, granting the variance in its current form would confer a special privilege, as it would allow construction within the buffer where it is not necessary and where reasonable redesign can avoid or significantly reduce such impacts."

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; however, there are areas of the proposed construction that could be reduced or modified to lessen the impacts to the 100' buffer. 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's 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 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.

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

August 26, 2025

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

Re: Nicolas & Danielle Campanaro – Variance (TM 32, P349, Lot 15)

Dear Ms. Birch,

Thank you for submitting the above referenced variance application to our office for review. The applicant is requesting a variance to the provisions of the Worcester County Critical Area Code to permit the construction of a single-family dwelling partially within the Critical Area Buffer. The property is located along Trappe Creek Drive in Berlin MD, 21811 within the Stray Fox Subdivision. The plat was recorded before the Worcester County Critical Area Program. The entire 62,064 square foot property is within the Critical Area on land designated Limited Development Area (LDA). Portions of the property are also within the Critical Area Buffer. The proposed lot coverage is 7,289 square feet, which is within the allowable limit for a lot of this size. The location of the proposed single family dwelling is limited by a septic reserve area in the center of the lot, and, in the front yard, a 50 foot setback as well as a drainage and utility easement. If approved, the development would result in 1,150 square feet of new lot coverage in the Buffer.

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. This office recognizes the site constraints limiting the buildable area and the applicants desire to keep the garage situated where it's currently proposed partially in the Buffer to accomplish a turn radius to get into the garage.

However, the variance standards require more than demonstrating inconvenience. The standard of *unwarranted hardship* requires that denial of the variance would effectively deprive the applicant of a reasonable and significant use of the entire parcel or lot for which the variance is requested. In this case, the applicant has reasonable alternatives available to either redesign or further reduce impacts to the Buffer—including relocating the deck and porch to the southeastern

Ms. Birch
Nicolas & Danielle Campanaro
August 26, 2025
Page 2 of 3

side of the property outside the Buffer as shown in the attached image or otherwise modifying the footprint of the dwelling to reduce encroachment. Given the availability of such design alternatives, the applicant cannot demonstrate that denial of the variance would result in unwarranted hardship.

Further, granting the variance in its current form would confer a *special privilege*, as it would allow construction within the Buffer where it is not necessary and where reasonable redesign can avoid or significantly reduce such impacts. This would not amount to the denial of a right commonly allowed to others under the Critical Area Program, since the law requires applicants to first exhaust alternatives that avoid or minimize impacts - including seeking other variance requests before seeking relief through a Critical Area variance.

For these reasons, it does not appear that the proposal as currently designed meets each and every one of the variance standards. Specifically, there remains opportunity to reduce or eliminate Buffer impacts entirely, and the request as submitted does not overcome the presumption of nonconformance to the purpose and intent of the Critical Area Program. 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.

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, in accordance with Natural Resources Article §8-1808(d)(6)(i), please provide the Commission with a copy of the written decision regarding this variance application within 10 working days after a written decision has been issued. If you have any questions, please feel free to contact me at 410-260-3479 or kathryn.hayden@maryland.gov.

Sincerely,

A handwritten signature in cursive script, reading "Kathryn Hayden".

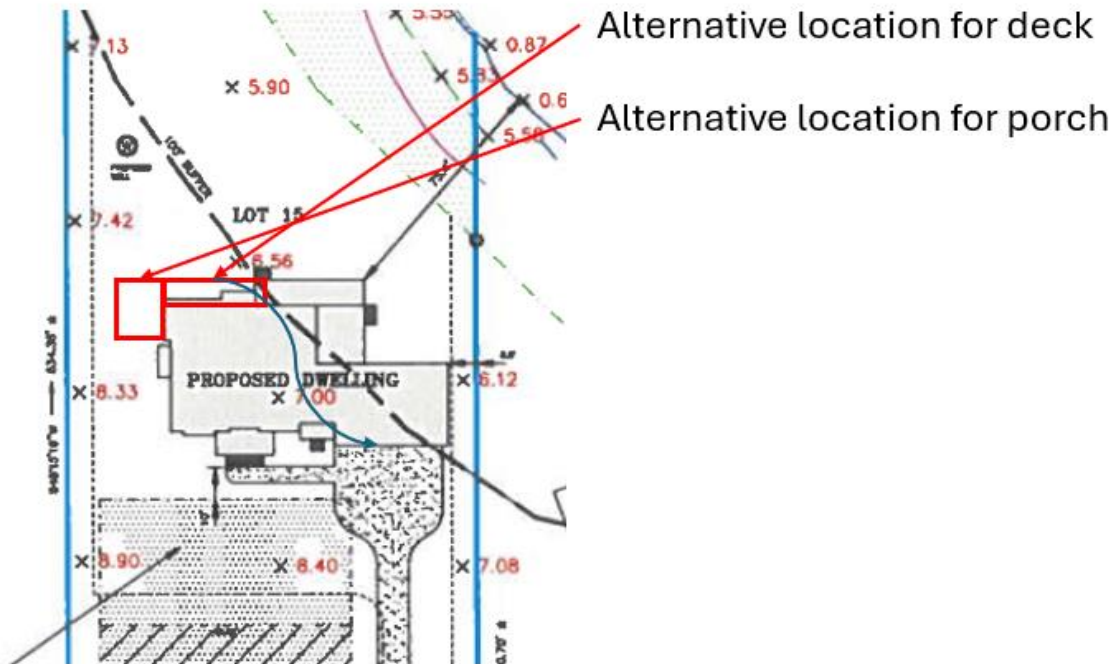
Kathryn Hayden
Natural Resources Planner

File: WC 0210-25
CC: Jennifer Esposito, Critical Area Commission

Attachment: Alternative Location.jpg

Ms. Birch
Nicolas & Danielle Campanaro
August 26, 2025
Page 3 of 3

Attachment: Alternative Location.jpg





Worcester County

Department of Environmental Programs
Natural Resources Division

Memorandum

To: Kristen Tremblay, Zoning Administrator

From: Joy S. Birch, Natural Resources Planner III 

Subject: Board of Zoning Appeals Comments – October 9, 2025

Date: September 24, 2025

Below are comments related to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, October 9, 2025, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #25-53:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area regulations. Any applicable mitigation will be addressed at the permitting stage; therefore, we reserve any further comments until permit submission.

6:35 pm -Case #25-54:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Limited Development Area (LDA) and is a non-waterfront lot. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area regulations. A Non-Conversion Agreement will be required at the permitting stage; therefore, we reserve any further comments until permit submission.

6:40 pm – Case #25-56:

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

6:45 pm – Case #25-57:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area regulations. Any applicable mitigation will be addressed at the permitting stage; therefore, we reserve any further comments until permit submission.

6:50 pm – Case #25-55:

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

6:55 pm – Case #25-58:

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

7:00 pm – Case #25-59:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area regulations. There is existing approved lot coverage within the buffer, and they are proposing a decrease in coverage; therefore, we reserve any further comments until permit submission.

7:05pm – Case # 25-52:

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**



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 – October 9, 2025 Meeting

Date: September 25, 2025

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, October 9, 2025, for their conformance with the Forest Conservation Act.

6:30 pm – Case # 25-53:

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.

6:35 pm -Case # 25-54:

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.

6:40 pm -Case # 25-56:

For land areas over 40,000 square feet and located outside the landward limits of Critical Area, any project requiring disturbance of 5,000 square feet or greater, or subdivision creating new lot(s), shall require compliance with the Worcester County Forest Conservation Law. To obtain compliance, the owner/applicant is required to have a Qualified Professional (approved by Maryland Department of Natural Resources), Licensed Landscape Architect, or Licensed Forester, prepare a Forest Stand Delineation and a Forest Conservation Plan for review and approval by the Department. This Department will reserve further comments until permit submission.

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6:45 pm -Case # 24-57:

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.

6:50 pm -Case # 25-55:

For land areas over 40,000 square feet and located outside the landward limits of Critical Area, any project requiring disturbance of 5,000 square feet or greater, or subdivision creating new lot(s), shall require compliance with the Worcester County Forest Conservation Law. To obtain compliance, the owner/applicant is required to have a Qualified Professional (approved by Maryland Department of Natural Resources), Licensed Landscape Architect, or Licensed Forester, prepare a Forest Stand Delineation and a Forest Conservation Plan for review and approval by the Department. This Department will reserve further comments until permit submission.

6:55 pm -Case # 25-58:

This property is not subject to the Worcester County Forest Conservation Law. This property is less than forty thousand square feet and therefore exempt from the Forest Conservation Act.

7:00 pm -Case # 25-59:

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.

7:05 pm -Case # 25-52:

This subdivision is subject to the Worcester County Forest Conservation Law. This property is subject to Forest Conservation Plan #93-14. 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.



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Board of Zoning Appeals (BZA) for the October 9, 2025 meeting

From: Environmental Programs Staff

Date: September 19, 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. 25-53, on the lands of the Donald W. Urbancic Living Trust, requesting a variance to the rear yard setback from 5 feet to 3.4 feet (to encroach 1.6 feet) for a proposed deck in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318, located at 8837 Bay Ridge Drive, Tax Map 33, Parcel 347, Lot 163, Tax District 10, Worcester County, Maryland.

No objection to this variance request.

6:35 p.m.

Case No. 25-54, on the lands of Holly and Daniel Bernabei, requesting a variance to the side yard setback from 10 feet to 4.8 feet (to encroach 5.2 feet) and a variance to the rear yard setback from 25 feet to 24.875 feet (to encroach 0.125 feet) for a proposed open deck enlargement in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) & ZS 1-305 located at 11406 Maid at Arms Lane, Tax Map 26, Parcel 1, Lot 74, Tax District 3, Worcester County, Maryland.

No objection to this variance request.

6:40 p.m.

Case No. 25-56, on the lands of Kristi and Brooks Brittingham, requesting five (5) variances associated with a proposed minor subdivision, including three (3) variances to the front and side yard setback for existing poultry houses from 200 feet to 100 feet (a reduction of 100 feet); one (1) variance to the front yard setback for an existing manure shed from 200 feet to 170 feet (a reduction of 30 feet); and one (1) variance to the minimum lot width requirement from 200 feet

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to 180.13 feet (a reduction of 19.87 feet) for a proposed new lot in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5), ZS 1-349(f) and ZS 1-305, located at 8723 Ninepin Branch Road, Tax Map 30, Parcel 16, Tax District 4, Worcester County, Maryland.

No objection to these variance requests.

6:45 p.m.

Case No. 25-57, on the lands of Rhonda and Clayton Hathaway, on the application of Blair Carey/RBR Homes, requesting a variance to the rear yard setback from 30 feet to 20.8 feet (to encroach 9.2 feet) for a third floor open deck with stairs and a variance to the rear yard setback from 30 feet to 26 feet (to encroach 4 feet) for first, second and third floor porches associated with a proposed residence in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 38 Teal Circle, Tax Map 16, Parcel 41, Section 4, Lot 61, Tax District 3, Worcester County, Maryland.

No objection to these variance requests.

6:50 p.m.

Case No. 25-55, on the lands of the Friends of Bishopville Cemetery, Inc., on the application of Joseph E. Moore, requesting two (2) special exceptions for (1) the expansion of an existing cemetery and (2) the approval of a Columbarium on a separate parcel in the V-1 Village District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-204(c)(19) and ZS 1-305, located at 10636 Cemetery Road, Tax Map 3, Parcels 98 and 101, Tax District 5, Worcester County, Maryland.

No objection to the special exception requests.

6:55 p.m.

Case No. 25-58, on the lands of Cecelia and Joseph Letts, on the application of Hugh Cropper IV, requesting a special exception for the enlargement of a nonconforming structure (single-family residence) and three (3) variances including (1) a variance to the side yard setback from 20 feet to 11.2 feet (to encroach 8.8 feet) for the dwelling; (2) a variance to the side yard setback from 20 feet to 13.5 feet (to encroach 6.5 feet) for a proposed deck and steps; and (3) an after-the-fact variance to the side yard setback from 20 feet to 3.7 feet (to encroach 16.3 feet) for an existing shed in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(5), ZS 1-122(d)(1), ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-202(b)(5) and ZS 1-305, located at 8949 Clark Road, Tax Map 33, Parcel 7, Tax District 10, Worcester County, Maryland.

A MDE well variance to reduce the minimum 30-foot separation from the well to the foundation is required. Applicant is working with Environmental Programs to obtain the variance. There is no guarantee that it will be granted.

7:00 p.m.

Case No. 25-59, on the lands of John Skidmore, requesting a variance to the side yard setback from 6 feet to 0 feet (to encroach 6 feet) for a proposed pool, deck, covered deck and associated improvements in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 26 West Mallard Drive, Tax Map 21, Parcel 273, Section 14C, Lot 122, Tax District 3, Worcester County, Maryland.

No objection to this variance request.

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7:05 p.m.

Case No. 25-52, on the lands of Nicholas and Danielle Campanaro, on the application of Hugh Cropper IV, requesting a variance to reduce the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 75.4 feet (to encroach 24.6 feet) for a proposed single-family residence in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(m), ZS 1-205(b)(2) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located on the southwestern side of Trappe Creek Drive at its intersection with Hunting Hound Road, Tax Map 32, Parcel 349, Lot 15, Tax District 3, Worcester County, Maryland.

No objection to this variance request.