

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

THURSDAY FEBRUARY 12, 2026

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. 26-8, on the lands of Amy and Scott Lawrence, requesting a variance to the front yard setback for a flag lot from 228 feet to 150 feet (to encroach 78 feet) for a proposed pole building in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5), ZS 1-201(d)(2), and ZS 1-305, located on the northwest side of Worcester Highway approximately 600 feet northeast of Johnson Neck Road, Tax Map 78, Parcel 81, Tax District 8, Worcester County, Maryland.

6:35 p.m.

Case No. 26-10, on the lands of Bryan Stefanic, on the application of Spencer Ayres Cropper, requesting an after-the-fact variance to the rear yard setback from 30 feet to 16.1 feet (to encroach 13.9 feet) for an existing open deck with a pool in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 1100 Ocean Parkway, Tax Map 21, Parcel 224, Section 10, Lot 388, Tax District 3, Worcester County, Maryland.

6:40 p.m.

Case No. 26-12, on the lands of Adam Lockhart Showell, Sr., as Custodian, on the application of Mark Spencer Cropper, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer Management Area from 50 feet to 3 feet (an encroachment of 47 feet) and a variance to the Ordinance prescribed front yard setback from 30 feet to 20 feet (an encroachment of 10 feet) associated with the proposed construction of a single-family dwelling in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-116(m)(1), ZS 1-206(b)(2) and ZS 1-305 and Natural Resources Code Sections NR 3-104 (c)(4) and NR 3-111 located on the south side of Pond Road, approximately 130 feet west of Golf Course Road, Tax Map 22, Parcel 412, Lot A, Tax District 10, Worcester County, Maryland.

6:45 p.m.

Case No. 26-9, on the lands of Frederick Henry Eisenbrandt, on the application of Hugh Cropper IV, requesting two (2) special exceptions to allow (1) a sawmill and the manufacturing and processing of wood products in an agricultural structure, and (2) the accessory use of that principal agricultural structure for the commercial hosting of non-agricultural functions and events in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-201(c)(8), ZS 1-201(c)(32) and ZS 1-325, located at 11930 Ocean Gateway, Tax Map 26, Parcel 260, Tax District 10, Worcester County, Maryland.

Administrative Matters

IMPORTANT NOTICE

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

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

OFFICE USE ONLY :
CASE NO: 26-8
DATE FILED: 1-2-2026
HEARING DATE: 1-12-2026

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:

Construct a pole building using Delmarva Pole Buildings in the front clearing grass area of my property where no trees have to be removed. My property is approximately 5 1/2 aches but mostly filled with trees other then the grass lot up front next to my neighbors house at 2733 Worcester Hwy. The pole building is to be built 150 feet back from the street and behind their homes rear set back line.

LOCATION OF PROPERTY:

TAX MAP: 0078 PARCEL: 0081 SECTION: LOT/ BLOCK:
On the N/S/E/W of:

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

PROPERTY OWNER INFORMATION:

Owner's Name: Scott Lawrence Telephone: _____
Address: 7805 New Battle Grove rd Dundalk MD 21222 E-Mail: _____

APPLICANT INFORMATION:

Applicant's Name: Scott Lawrence Telephone: _____
Address: 7805 New Battle Grove rd Dundalk MD 21222 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: _____ FROM CENTERLINE OF ROAD REAR: 50'
100' RIGHT OF WAY OF A STATE ROAD* LEFT SIDE: 20'
FROM PROPERTY LINE RIGHT SIDE: 20'

ZONING DISTRICT: A-1 TAX DISTRICT: 8

Signature of Owner or Legal Representative

Signature of Applicant

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

** Lot is a flag lot and pole building is proposed in the "pole" 150' from US 113; front setback line is 230' from front property line.*

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

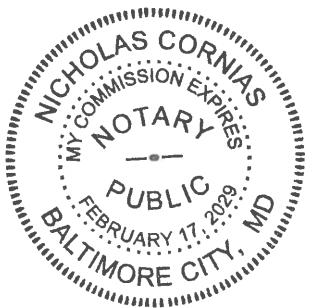
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 30 day of December,
20 20 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Devon Lawrence, 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: 02/17/2026



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

I HEREBY CERTIFY that on this _____ day of _____,
20 _____ before me, a Notary Public in and for the State and County aforesaid,
personally appeared _____, 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: _____

*NOTE: FOR THE SCALE TO
BE CORRECT SHEET MUST
BE PRINTED ON 11" x 17"*

N 67°30'29" E 297.32 (D)

N 67°30'21" E 224.25 (C)

STATE OF MARYLAND TO THE USE OF
DEPT. OF NATURAL RESOURCES
L 1948, F 501
PARCEL 83

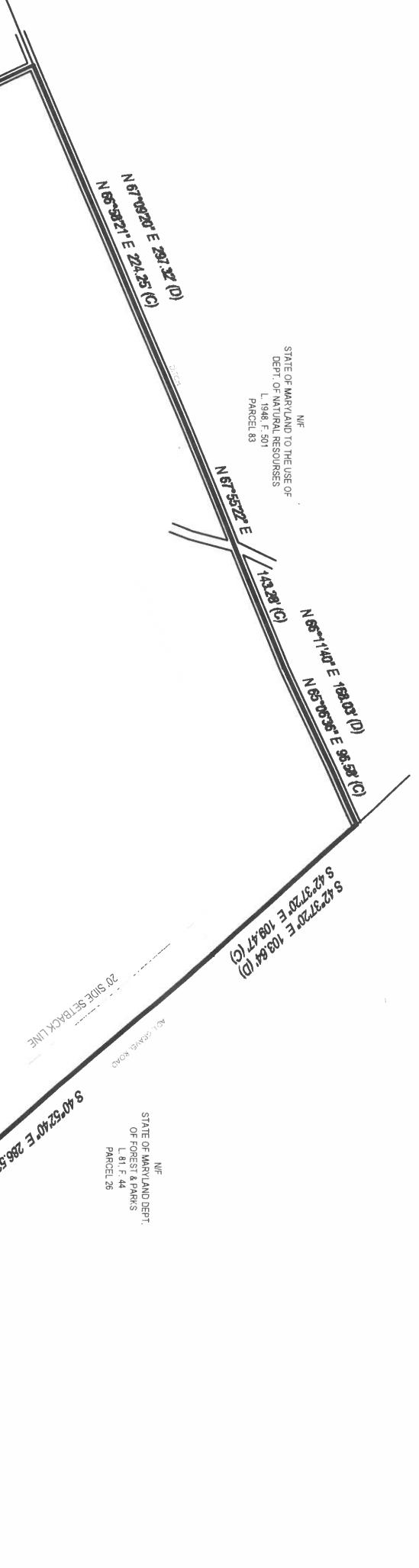
N 67°35'22" E
143.28 (C)

N 68°11'40" E 162.03 (D)
N 68°05'35" E 95.35 (C)

S 42°37'20" E 109.47 (D)
S 42°37'20" E 109.47 (C)

STATE OF MARYLAND DEPT.
OF FOREST & PARKS
L 81, F 44
PARCEL 26

PROPERTY OF
SCOTT LAWRENCE AND AMY LAWRENCE
LIBER 4193, FOLIO 185
5.396 Ac. (R)
5.422 Ac. (S)



NOTES:

SITE PLAN

ADDRESS:

WORCESTER HWY
POCOMOKE CITY, MD 21851

PARCEL ID: 2408000522

LOT AREA: 5.3946 ACRES

PLOT SIZE: 11" X 17"

WEBSITE: USASITEPLANS.COM

DRAWING SCALE: 1"=80'





Land Surveyors, LLC
www.exactaland.com Office: 443.891.3004

24103912
BOUNDARY SURVEY
WORCESTER COUNTY



PROPERTY ADDRESS:
0 WORCESTER HIGHWAY, POCOMOKE CITY, MARYLAND 2165100
SURVEY NUMBER: 24103912
CERTIFIED TO:
CERTIFIED TITLE CORPORATION.

BUYER:

LENDER:

TITLE COMPANY: CERTIFIED TITLE CORPORATION

COMMITMENT DATE: NOT REVIEWED

CLIENT FILE NO: P 24103912

NOTES:

LEGAL DESCRIPTION:
ALL THAT PIECE OF LAND BEING DESCRIBED IN LUBER 0314,
LOT 14, BLOCK 69, RECORDED AMONG THE LAND RECORDS OF WORCESTER
COUNTY, MARYLAND

STATE OF MARYLAND TO THE USE OF
DEPT. OF NATURAL RESOURCES

PARCEL 18

PARCEL 19

PARCEL 20

PARCEL 21

PARCEL 22

PARCEL 23

PARCEL 24

PARCEL 25

PARCEL 26

PARCEL 27

PARCEL 28

PARCEL 29

PARCEL 30

PARCEL 31

PARCEL 32

PARCEL 33

PARCEL 34

PARCEL 35

PARCEL 36

PARCEL 37

PARCEL 38

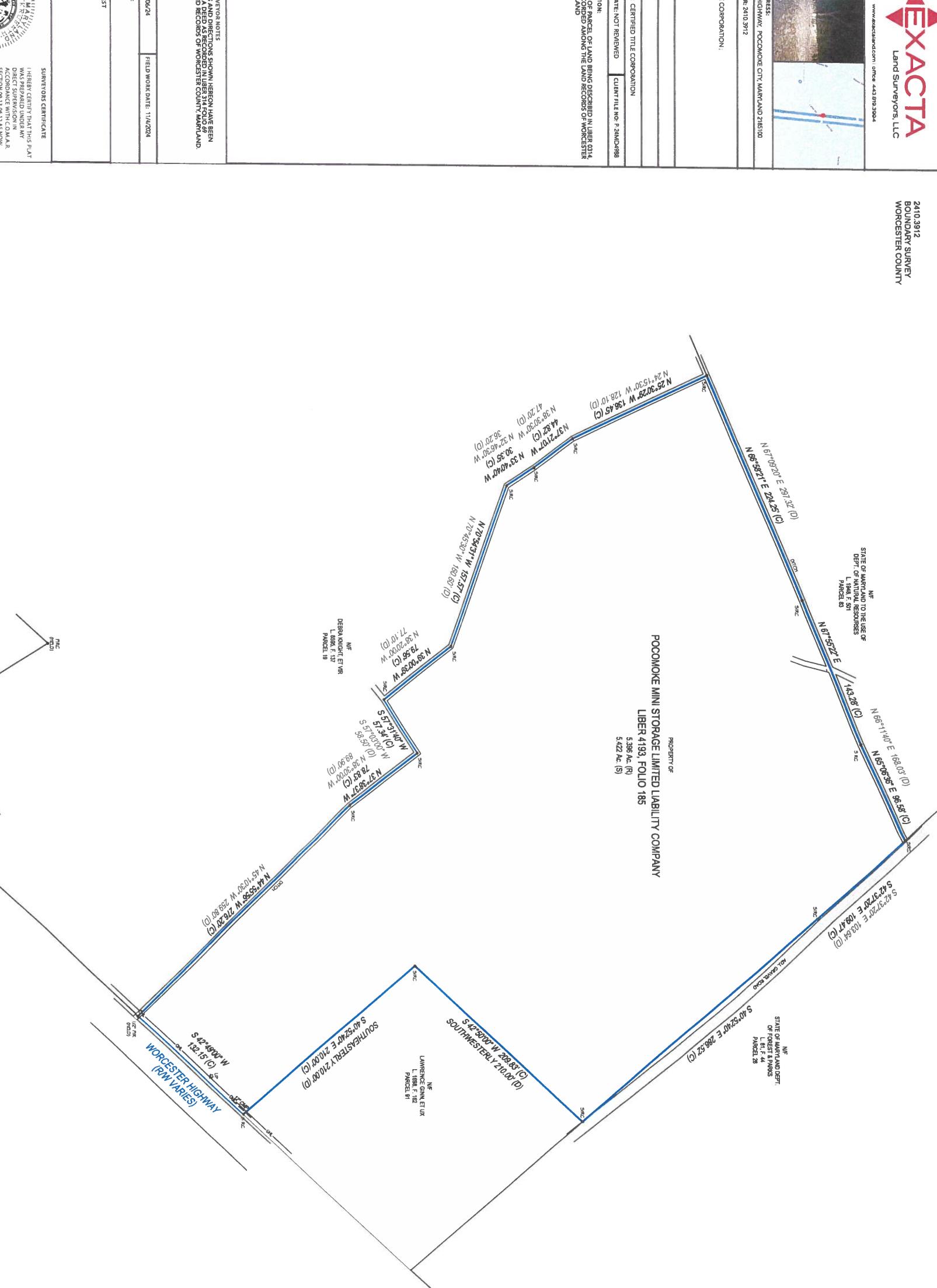
PARCEL 39

PARCEL 40

PARCEL 41

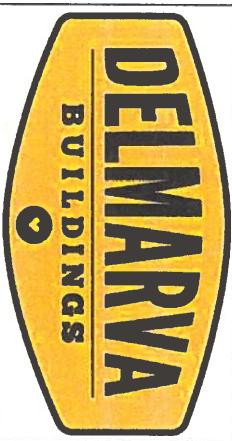
PARCEL 42

PARCEL 43



DELMARVA
POLE BUILDING SUPPLY INC.

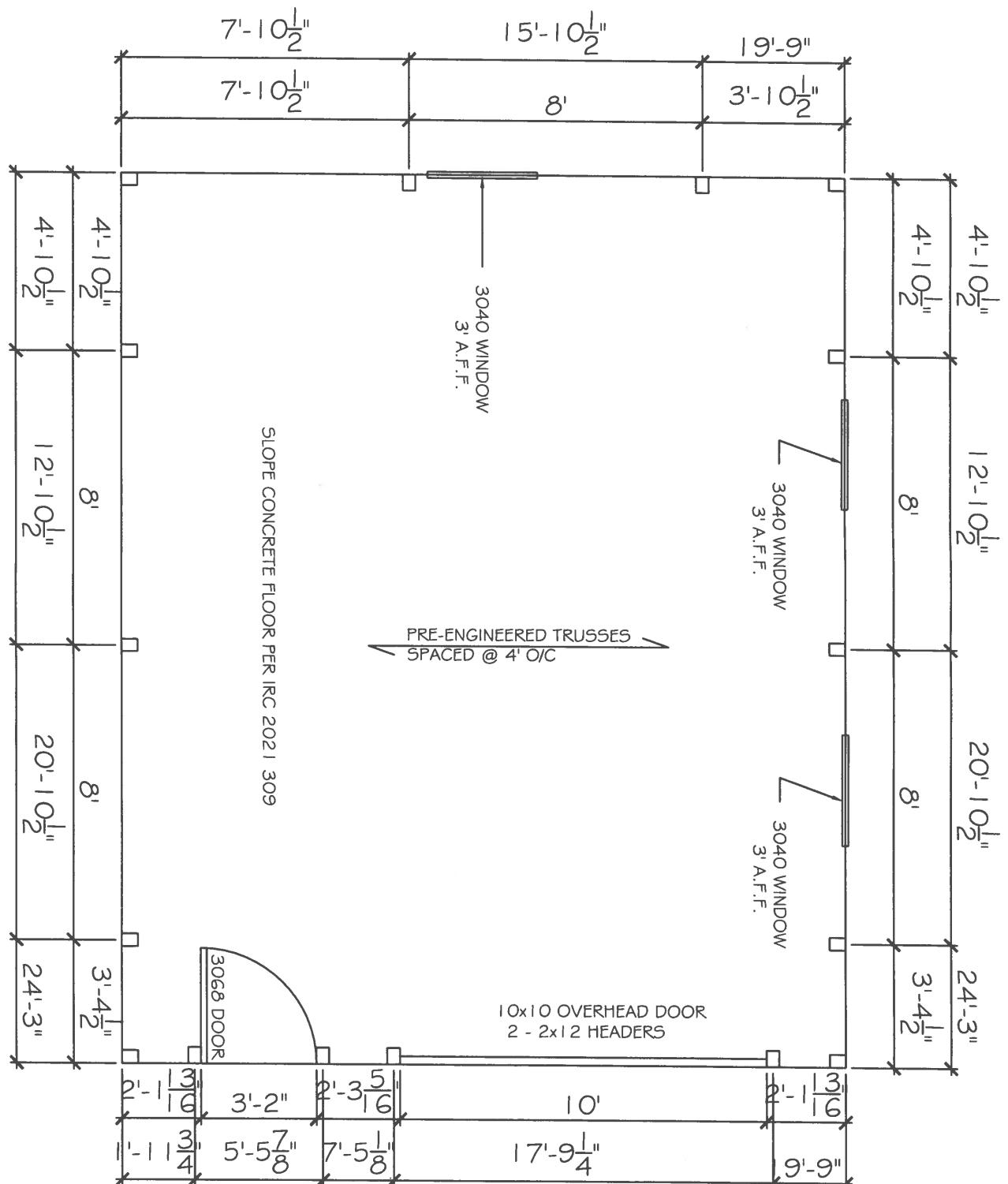
317 N. LAYTON AVE
WYOMING, DE 19934
(302) 698-3636



Date: 12-02-2025	Modification:
Technician: M. Snider	
Reviewed By: J. Stubbs	
Scale: 1/4"=1'	

SCOTT LAWRENCE
WORCESTER HIGHWAY
POCOCOMOKE CITY, MD 21851

FLOOR PLAN



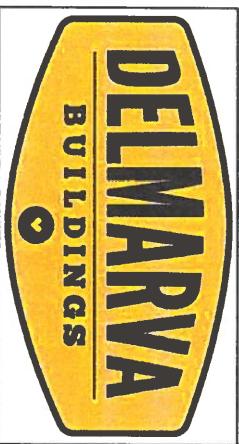
A1

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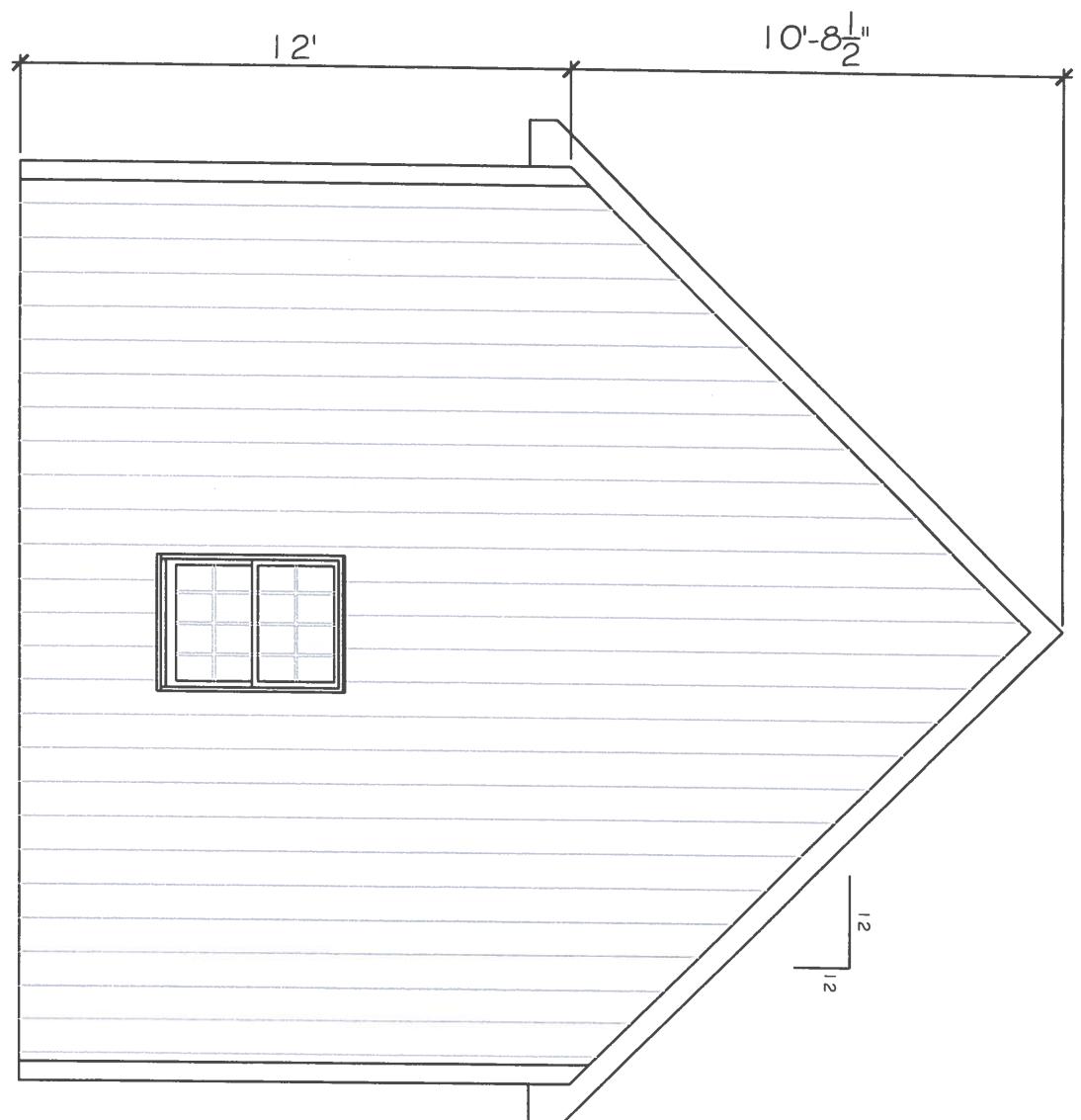
DELMARVA

POLE BUILDING SUPPLY INC.

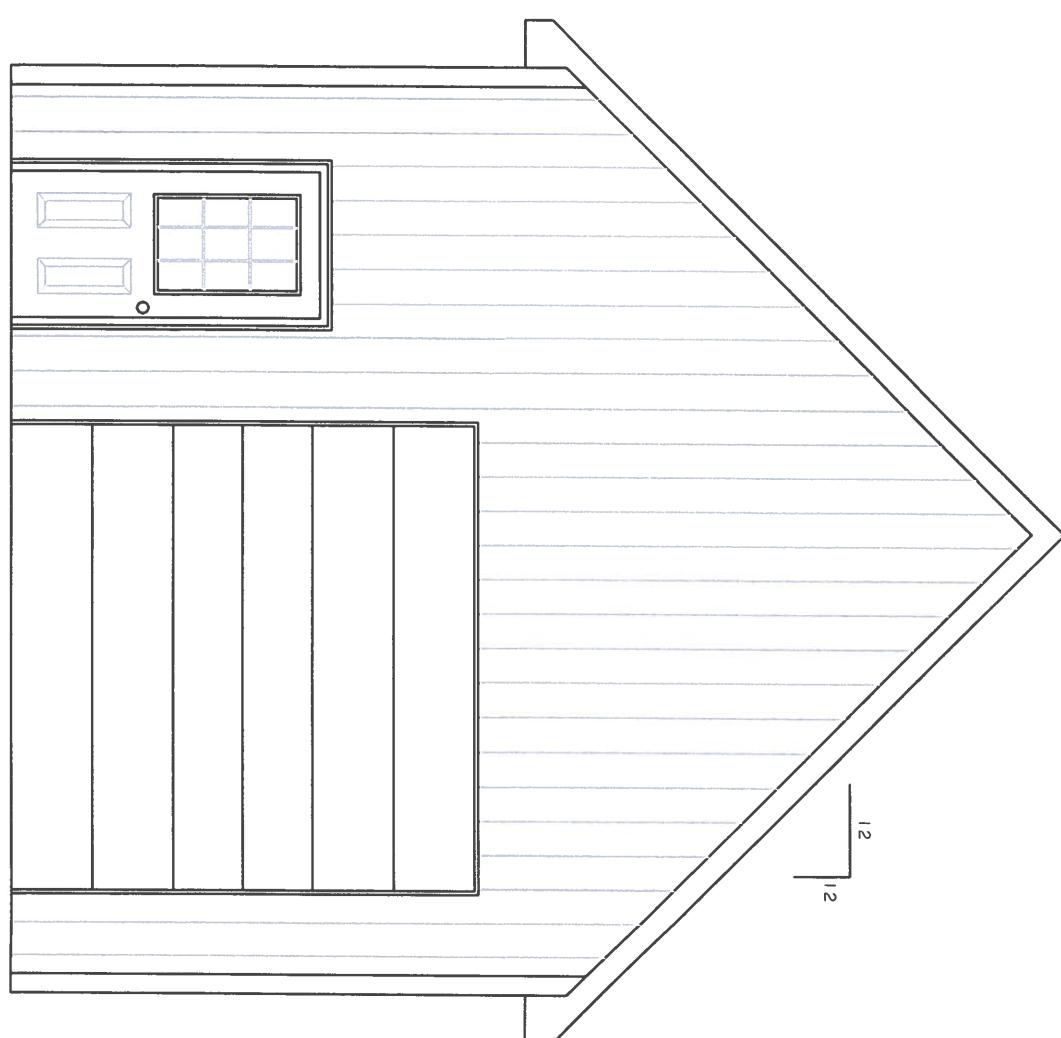
317 N. LAYTON AVE
WYOMING, DE 19934
(302) 698-3636



GABLE ELEVATION



GABLE ELEVATION



A2

Sheet

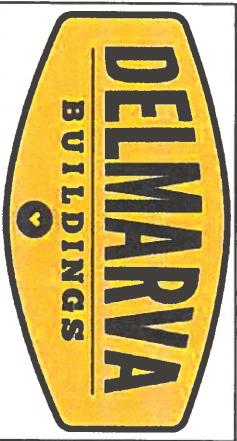
SCOTT LAWRENCE
WORCESTER HIGHWAY
POCOMOKE CITY, MD 21851

Date:	12-02-2025
Technician:	M. Snider
Reviewed By:	J. Stubbs
Scale:	1/4"=1'

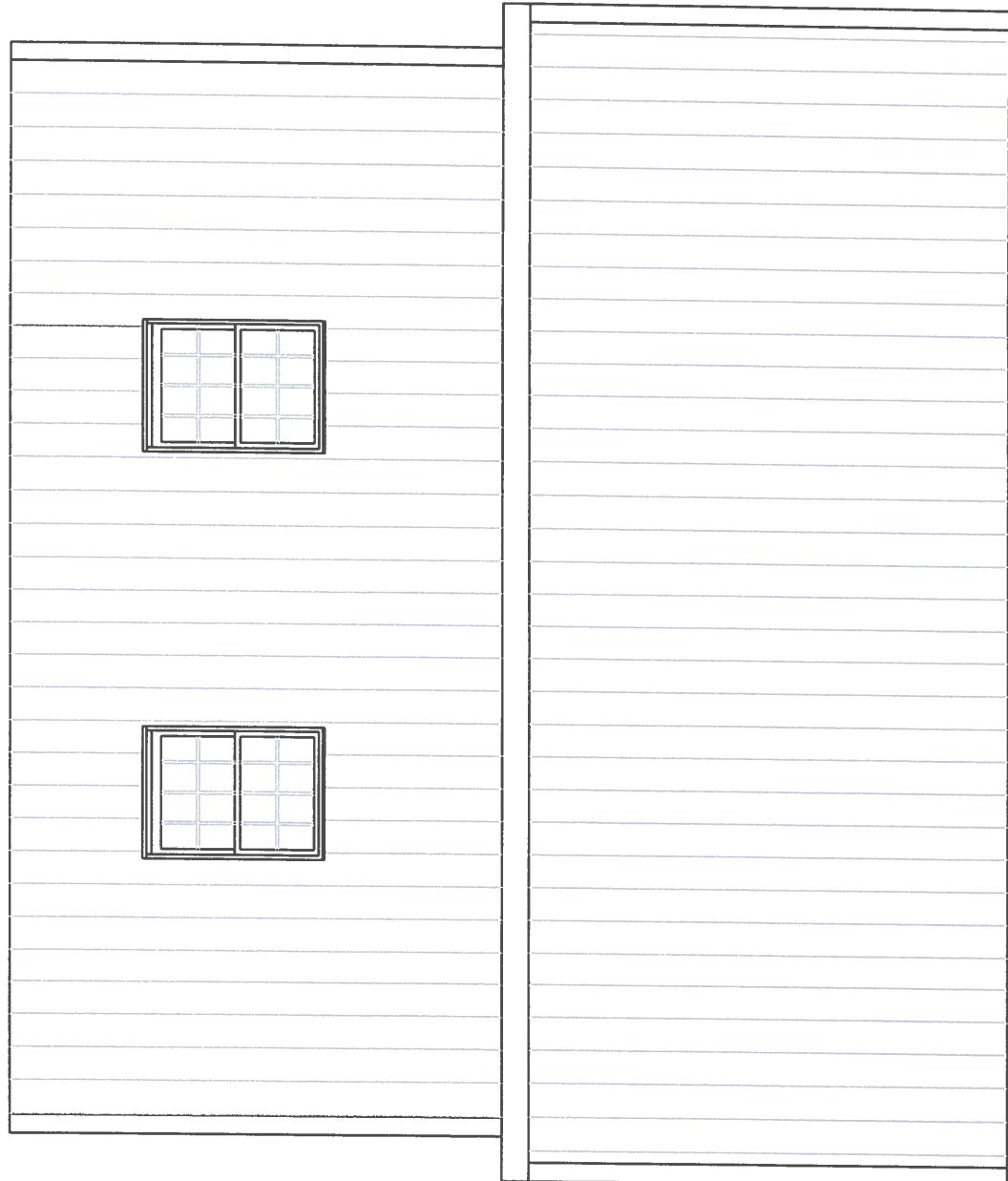
Date:	
Modification:	

DELMARVA
POLE BUILDING SUPPLY INC.

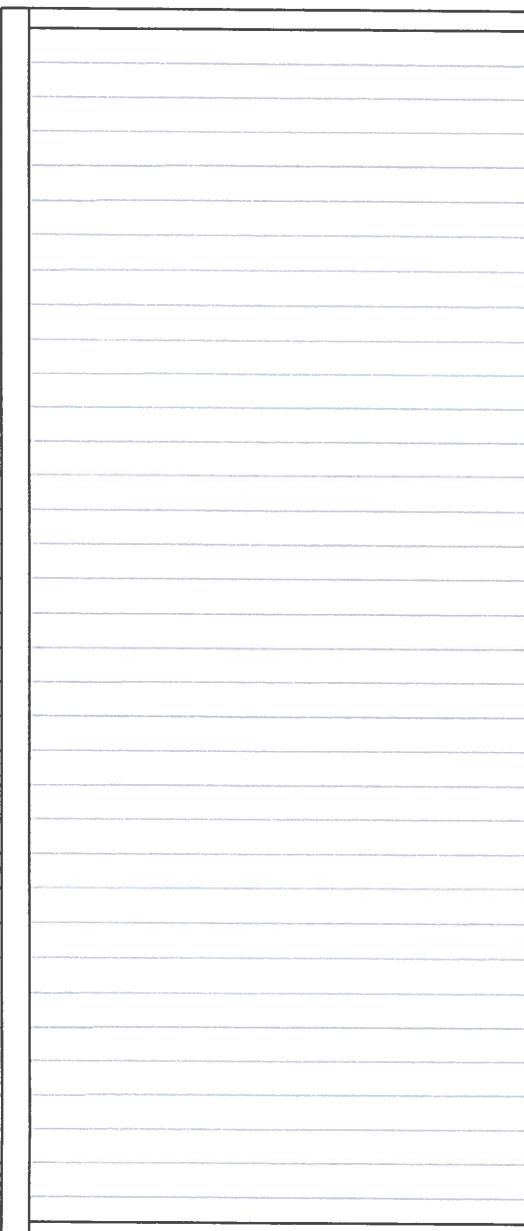
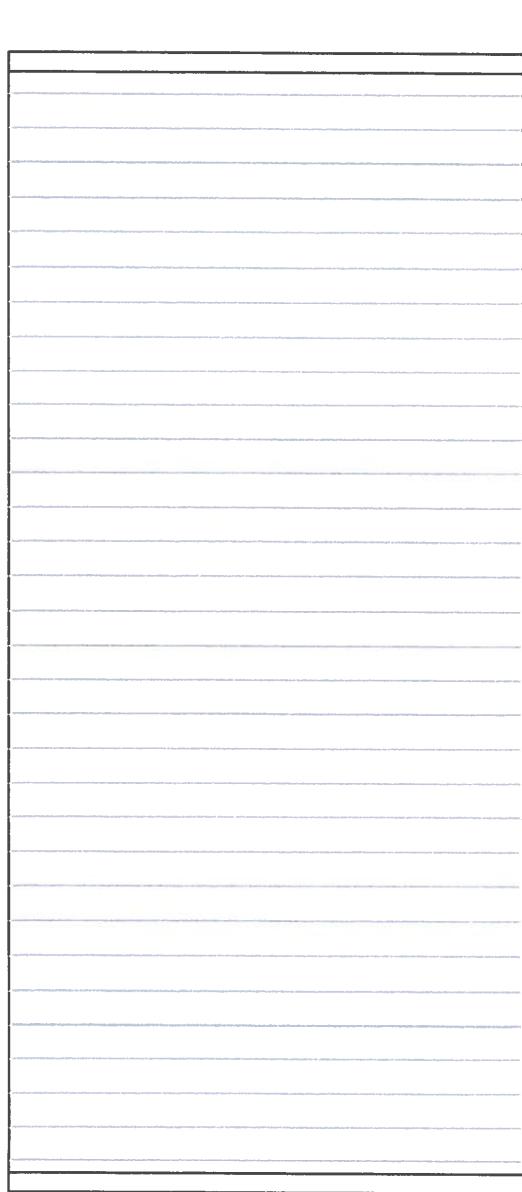
317 N. LAYTON AVE
WYOMING, DE 19934
(302) 688-3636



EAVE ELEVATION



EAVE ELEVATION



SCOTT LAWRENCE
WORCESTER HIGHWAY
POCOMOKE CITY, MD 21851

Date: 12-02-2025

Technician: M. Snider

Reviewed By: J. Stubbs

Scale: 1/4"=1'

A3

Sheet

A
5

TRUSS TO SUPPORT CONNECTION DETAILS

CONNECTION AT POST LOCATIONS

INSTALL SOFFIT PANEL INTO F & J TRIM
NAIL INTO BOTTOM OF FASCIA BOARD

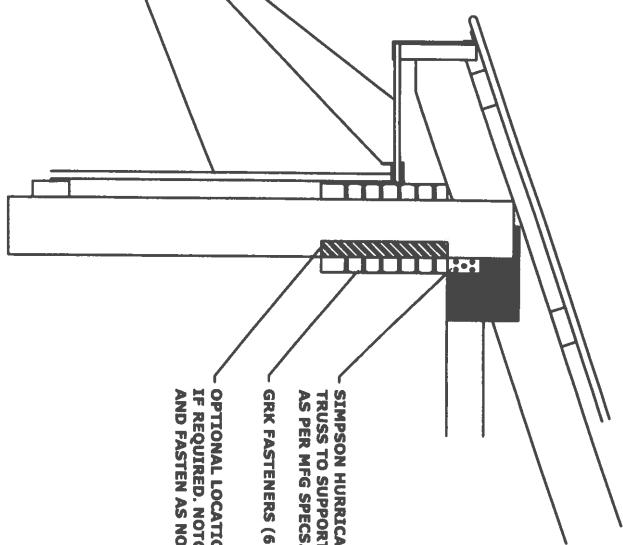
INSTALL F & J TRIM TO SUPPORT
WITH FLAT HEAD ROOFING NAIL

INSTALL WALL PANELS, ATTACH
TO GRTS WITH 1" SCREWS

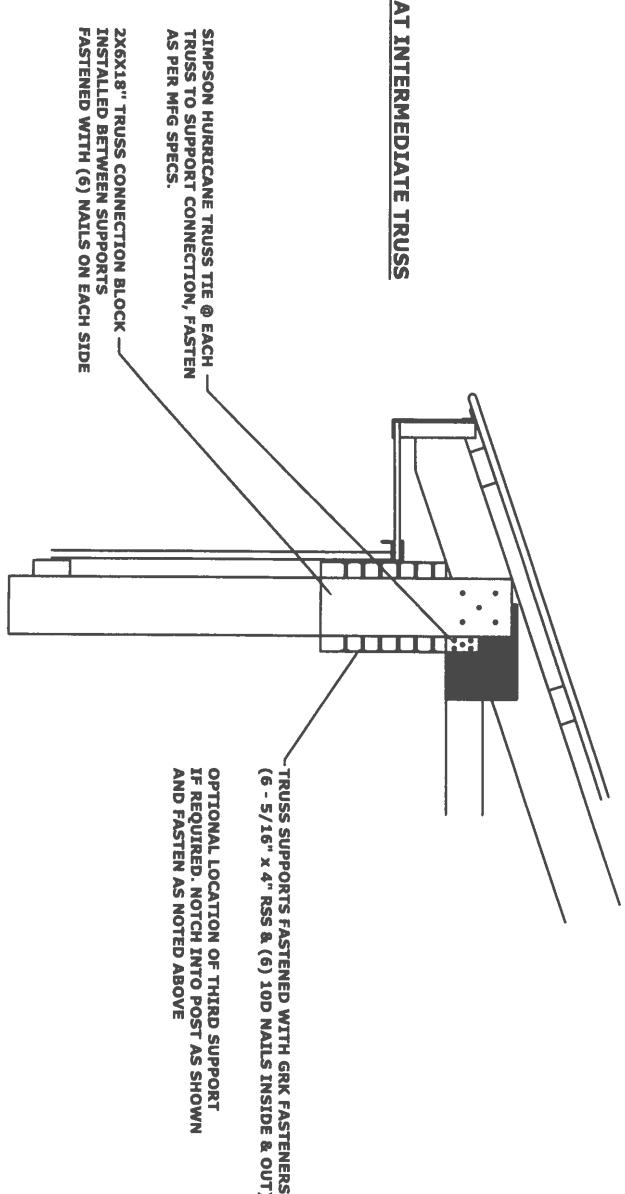
SIMPSON HURRICANE TRUSS TIE AT EACH
TRUSS TO SUPPORT CONNECTION, FASTEN
AS PER MFG SPECS.

GRK FASTENERS (6 - 5/16" x 4" RSS & (6) 10D NAILS INSIDE & OUT)

OPTIONAL LOCATION OF THIRD SUPPORT
IF REQUIRED, NOTCH INTO POST AS SHOWN
AND FASTEN AS NOTED ABOVE



CONNECTION AT INTERMEDIATE TRUSS



CONNECTION DETAILS

DELMARVA
POLE BUILDING SUPPLY INC.



Date:	12-02-2025
Technician:	M. Snider
Reviewed By:	J. Stubbs
Scale:	

SCOTT LAWRENCE
WORCESTER HIGHWAY
POCOMOKE CITY, MD 21851

A5

Sheet

317 N. LAYTON AVE
WYOMING, DE 19934
(302) 688-3636

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-8

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: February 12, 2026

LOCATION: Northwest side of Worcester Highway approximately 600 feet northeast of Johnson Neck Road, Tax Map 78, Parcel 81, Tax District 8, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the front yard setback for a flag lot from 228 feet to 150 feet (to encroach 78 feet) for a proposed pole building in the A-1 Agricultural District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5), ZS 1-201(d)(2) and ZS 1-305.

PROPERTY HISTORY: The property is vacant with no records on file.

COMMENTS: This 5.4-acre parcel is a “flag” lot with the front portion of the property cleared and ranging in width from 132’ along Worcester Highway to about 140’ in width at the point where the lot widens, 210’ from Worcester Highway. The Applicant is requesting approval to place the 490 sq. ft. pole building 150’ from Worcester Highway, in the cleared area. Because the parcel is a flag lot, the front setback line is 228’ from Worcester Highway. As proposed, the pole building will be in line with the rear of the house on the adjacent lot.

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 all necessary permits.

OWNER: Amy and Scott Lawrence
7805 New Battle Grove Road
Dundalk, MD 21222

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: 26-10
DATE FILED: 1-14-2026
HEARING DATE: 2-12-2026

APPLICATION BEING MADE FOR:

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

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: a variance seeking a 13.9 foot encroachment into the thirty (30) foot building restriction line located on the south side of the property so that a deck can remain on the property as previously constructed.

LOCATION OF PROPERTY:

TAX MAP:	21	PARCEL:	224	SECTION:	10	LOT/ BLOCK:	388
On the N/S/E/W of:	Ocean Parkway						
246	(Feet/Miles), N/S/E/W of			King Richard Road			

PROPERTY OWNER INFORMATION:

Owner's Name:	Bryan Stefanic	Telephone:	<input type="checkbox"/>
Address:	1100 Ocean Parkway, Berlin, Maryland 21811	E-Mail:	<input type="checkbox"/>

APPLICANT INFORMATION:

Applicant's Name:	SPENCER AYRES CROPPER	Telephone:	<input type="checkbox"/>
Address:	6200 COASTAL HIGHWAY, SUITE 200, OC, MD 21842	E-Mail:	<input type="checkbox"/>

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? N/A

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT:	<input type="checkbox"/>	FROM CENTERLINE OF ROAD RIGHT-OF-WAY	REAR:	<u>30'</u>
	<u>25'</u>	FROM PROPERTY LINE	LEFT SIDE:	<u>8'</u>
			RIGHT SIDE:	<u>8'</u>

ZONING DISTRICT: R-2

TAX DISTRICT: 3

Spencer Ayres Cropper
Signature of Owner or Legal Representative

Spencer Ayres Cropper
Signature of Applicant

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

Spencer Ayres Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

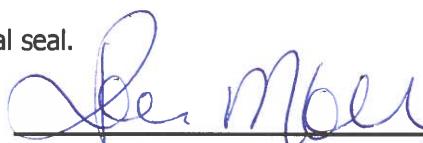
Spencer Ayres Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

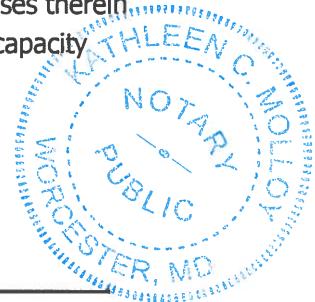
**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

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

I HEREBY CERTIFY that on this 13th day of January
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared SPENCER AYRES CROPPER, 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.



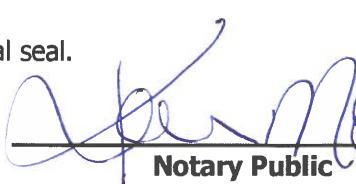
Notary Public

My Commission Expires: 10-15-2026

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

I HEREBY CERTIFY that on this 13th day of January
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared SPENCER AYRES CROPPER, 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.

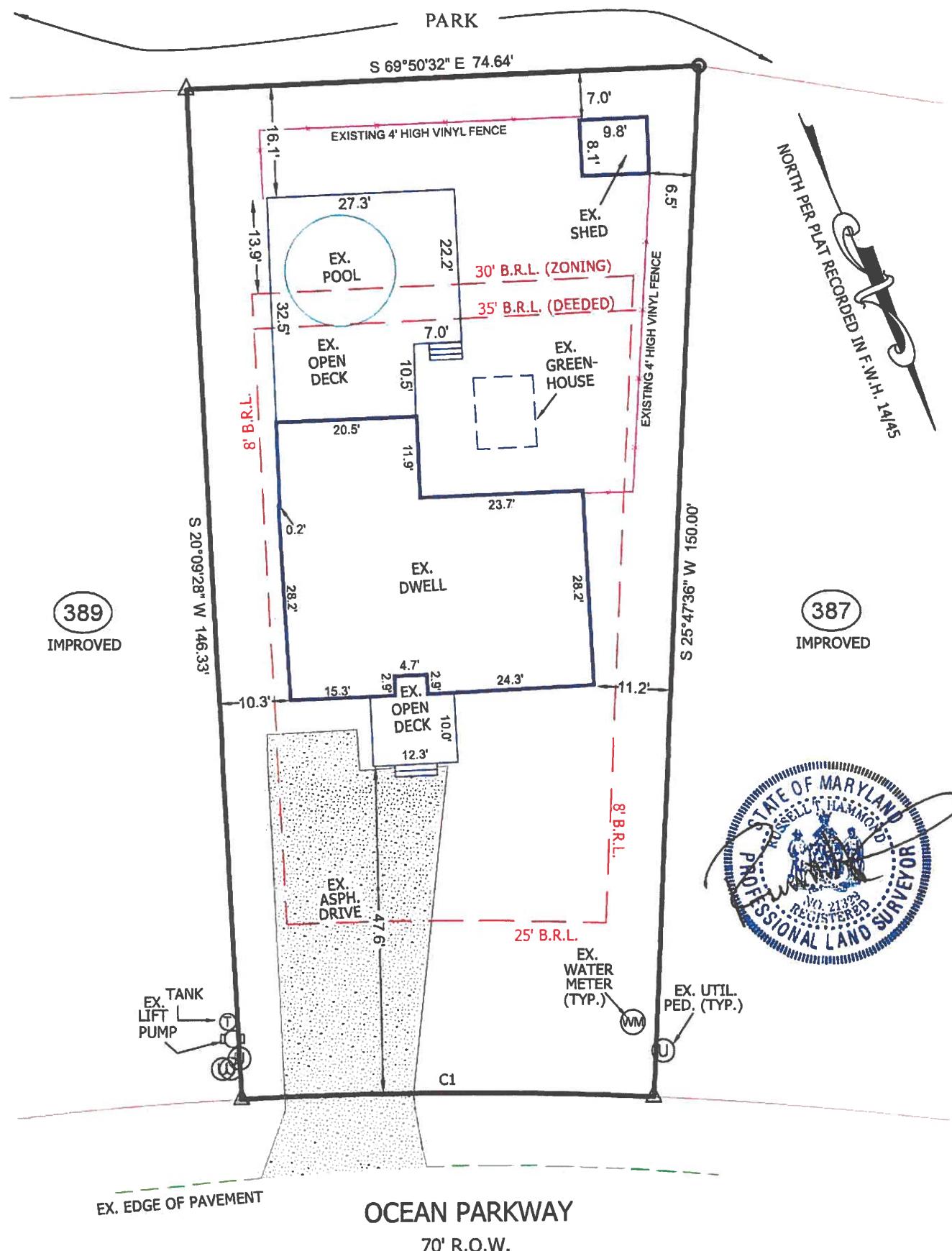


Notary Public

My Commission Expires: 10-15-2026

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.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	610.00'	60.00'	59.97'	N 67°01'28" W	5°38'08"



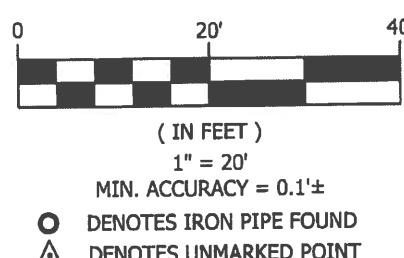
AS-CONSTRUCTED SURVEY

LOT 388 - SECTION 10 - OCEAN PINES

THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND

GENERAL NOTES:

TAX MAP 21, PARCEL 224
ADDRESS: 1100 OCEAN PARKWAY
DEED REF.: 7707/296
PLAT REF.: F.W.H. 14/45
LOT AREA: 9,923 S.F. ±
BUILDABLE AREA: 4,435 S.F. ±
EX. ZONING: R-2
ZONING SETBACKS:
FRONT: 25', SIDES: 8', REAR: 30'
FLOOD ZONE: X
PER FIRM NO. 24047C0160 H
DATED JULY 16, 2015.
CRITICAL AREA DESIGNATION: OUT OF PROGRAM



RUSSELL T. HAMMOND

Surveying, L.L.C.

SURVEYING - LAND PLANNING
10310 Hotel Road Bishopville, MD 21813
(410) 352-5674 - (410) 726-8076

DRAWN BY B. BATTY/ RT HAMMOND
FILE NO. 2022-3291
DATE 01/06/2026

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-10

IMPORTANT NOTICE

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HEARING DATE: February 12, 2026

LOCATION: 1100 Ocean Parkway, Tax Map 21, Parcel 224, Section 10, Lot 388, Tax District 3, Worcester County, Maryland.

APPROVAL REQUESTED: An after-the-fact variance to the rear yard setback from 30 feet to 16.1 feet (to encroach 13.9 feet) for an open deck with a pool in the R-2 Suburban Residential District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305.

PROPERTY HISTORY: The property is improved with a residence constructed in 1988 with the following records on file:

06/30/1987	Permit No. 15675 – Issued 06/30/1987 – Zoning Certificate issued 05/26/1988 - Permit for a single-family residence with a 10' x 10' rear open deck.
03/08/2006	Permit No. 99317 – Issued 03/14/2006 – C/O issued on 06/20/2006 - Permit for a 12' x 20' sunroom, an 8' x 10' detached shed and a 12' x 16' rear open deck.
11/04/2024	Permit No. 24-1496 – Issued 11/08/2024 – C/O issued on 01/28/2025 - Permit for approx. 96 linear feet of 4' tall vinyl fence.

COMMENTS: The residence at this property was constructed in 1988, and in 2006 a permit was issued for a 12' x 16' rear open deck that was approximately 36' from the rear property line. The existing rear deck has been enlarged since 2006 and is 16.1' from the rear property line. The rear of the property adjoins undeveloped parkland owned by the Ocean Pines Association. The current owner bought this property in July 2020.

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. N/A

OWNER: Bryan Stefanic
1100 Ocean Parkway
Ocean Pines, MD 21811

APPLICANT : Spencer Ayres Cropper
6200 Coastal Highway, Suite 200
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: 26-12
DATE FILED: 10-15-2025
HEARING DATE: 2-12-2026

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: a variance to encroach 47' into the 50' Critical Area Law BMA (See attached) and a variance to encroach 10 feet into the 30-foot front yard building restriction line.

LOCATION OF PROPERTY:

TAX MAP: 22 PARCEL: 412 SECTION: LOT/ BLOCK: A
On the N/S/E/W of: Pond Road
0 (Feet/Miles), N/S/E/W of Golf Course Road

PROPERTY OWNER INFORMATION:

Owner's Name: Adam Lockhart Showell, Sr as Custodian Telephone: 
Address: 3701 Atlantic Avenue, Ocean City, MD 21842 E-Mail: 

APPLICANT INFORMATION:

Applicant's Name: MARK SPENCER CROPPER Telephone: 
Address: 6200 COASTAL HIGHWAY, SUITE 200, 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? 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
30' FROM PROPERTY LINE

REAR: 30'
LEFT SIDE: 8'
RIGHT SIDE: 8'

ZONING DISTRICT: R-2 + RP

TAX DISTRICT: 10

Signature of Owner or Legal Representative

Signature of Applicant

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

Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

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

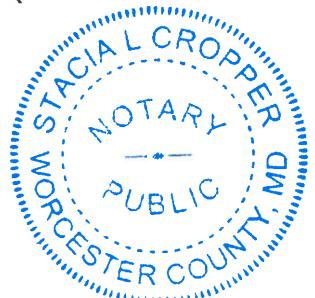
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 13th day of October
20 before me, a Notary Public in and for the State and County aforesaid,
personally appeared MARK SPENCER CROPPER, 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.

Stacia Cropper
Notary Public

My Commission Expires: 06 01 2028



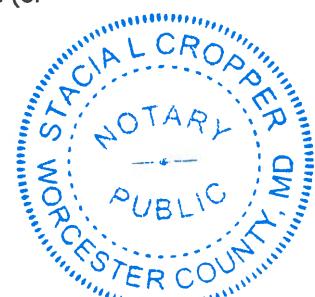
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 13th day of October
20 before me, a Notary Public in and for the State and County aforesaid,
personally appeared MARK SPENCER CROPPER, 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.

Stacia Cropper
Notary Public

My Commission Expires: 06 01 2028



Law Offices
AYRES, JENKINS, GORDY & ALMAND, P.A.

GUY R. AYRES, III (1973 - 2019)
JAMES W. ALMAND
WILLIAM E. ESHAM, III
MARK SPENCER CROPPER
BRUCE F. BRIGHT †
HEATHER E. STANSBURY
MAUREEN F.L. HOWARTH
RYAN D. BODLEY

6200 COASTAL HIGHWAY, SUITE 200
OCEAN CITY, MARYLAND 21842
www.ajgalaw.com

SENIOR ASSOCIATE
VICTORIA O'NEILL

ASSOCIATES
SPENCER AYRES CROPPER
BRADFORD F. KIRBY
TAYLOR DONLEY

(410) 723-1400
FAX (410) 723-1861
Email: mcropper@ajgalaw.com

OF COUNSEL
HAROLD B. GORDY, JR.
M. DEAN JENKINS
ALVIN I. FRDERICK

October 12, 2025

†Also admitted in District of Columbia

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

RE: *Worcester County Tax Map 22, Grid 20, Parcel 412, Lot A
S. Pond Road, Ocean City, MD 21842*

Dear Mr. Soper:

I represent Adam L. Showell, Jr. and Leticia Showell, his wife (collectively the “Showells”) with regard to constructing their family home on the above-referenced property (the “Property”) which has been in the Showell family since 1978. In order to do so, the Showells are requesting, among other things, a variance to encroach 47’ into the 50’ Atlantic Coastal Bays Critical Area Law (“CAL”) Buffer Management Area (“BMA”).

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.

The Captain’s Hill subdivision (the “Subdivision”) was recorded on August 2, 1961, 41 years prior to the adoption of the CAL. The Property is described in a Deed dated May 16, 1978, and recorded among the Land Records of Worcester County, Maryland at Liber 622, folio 697 et seq. and a subsequent deed dated August 12, 1996, and recorded among the Land Records of Worcester County, Maryland at Liber 2306, Folio 150, et seq. (collectively “Deeds” attached hereto as Exhibit “A”). The Property is also subject to a Perpetual Protective Agreement Deed of Forest Conservation Easement (“Easement”) recorded on January 10, 1996, among the Land Records of Worcester County, Maryland in Liber R.H.O. No. 2229, folio 521, et seq. (Exhibit “B”) and a Plat entitled “Lot A Minor Subdivision of Lands of Ann L. Showell”, dated May 5, 1995, and recorded among the Land Records of Worcester County, Maryland in Plat Book R.H.O. No. 145, folio 2 (“Plat” attached as Exhibit “C”). There are no provisions within the Subdivision to accommodate the BMA.

Attached as Exhibit "D" is the Existing Conditions Plan dated October 10, 2025, reflecting the wetlands, tidal and non-tidal, buffers and other site limitations of the Property. As you can see, of a total site area of 4.38 acres, only 0.1618 acres/7049.13 square feet/0.37% of net buildable area exists for the construction of the house as reflected on the Proposed Detail Site Plan dated August 14, 2025 ("Site Plan") attached hereto as Exhibit "E." In fact, it would be impossible to construct anything on the Property without a variance to the BMA and an unwarranted hardship would exist otherwise. The house is not excessively large considering the size of the Property and is consistent with other houses in the surrounding community.

It needs to be appreciated and reinforced that when the Property was subdivided as reflected on the Plat, the Easement was imposed on a very significant portion of the limited upland area which happens to be immediately adjacent to the road. Doing so was considered compliance with the most significant environmentally restrictive county program delegated by the State of Maryland at that time.

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.

Captain's Hill is one of the older subdivisions in Worcester County and is almost entirely developed. Virtually every waterfront single-family residence is located within a BMA or has other structures, decks or accessories located within it. Many homes in the Subdivision provide no buffers and have impervious structures extending up to bulkheads or the water's edge of the surrounding bay.

Not only was the Property subdivided many decades before the adoption of the CAL, but the approval and recordation of the Plat and Easement clearly evidence that it was always intended approved for development. Had that not been the case, there would have been no reason to subdivide the lands or burden the Property with the limitations and restrictions reflected in the Easement.

Therefore, a literal interpretation of the CAL would deprive the Showells of rights commonly enjoyed by other properties in this community. The Property is more unique than most within the Subdivision. For further justification, see the prior BMA variances granted for other properties within the Subdivision by the Worcester County Board of Zoning Appeals in Cases 100977, 16-1, 101001, 19-4 and 20-32 attached hereto collectively as Exhibit "F" and incorporated herein by reference.

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

As indicated previously, the vast majority of lots within the Subdivision were developed prior to the adoption of the CAL. The Property is zoned R-2, Suburban Residential District, which allows for the proposed house. Therefore, the granting of this variance does not confer upon the Showells any special privilege that would be declined by the CAL to other lands or structures within the Critical Area.

4. The variance required is not based upon conditions or circumstances that 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.

The Property is burdened by extensive site limitations and restrictions as reflected on the Existing Conditions Plan, Plat, Easement and Site Plan. This is not the case with most of the other lots developed within the Subdivision. The Showells are simply seeking to enjoy the same rights and privileges as are enjoyed by their neighbors. The wetlands, buffers and setbacks are not conditions that result from any actions (or inactions) on the part of the Showells. This is not an after-the-fact variance.

Moreover, in order to minimize the encroachment of the house into the more sensitive areas of the Property, the Showells are also requesting a variance to encroach 10' into the 30' front yard setback. In doing so, the house has been relocated closer to Pond Road and further away from tidal and non-tidal wetlands and associated buffers.

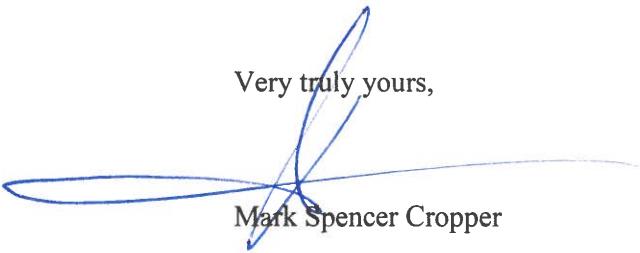
5. *The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Atlantic Coastal Bays Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the County's Atlantic Coastal Bays Critical Area Program.*

Many of the waterfront properties located within the Subdivision improved with single-family dwellings are located partly or completely within a BMA. Because this community is essentially completely developed with houses dating back to the 1950s, there is no reasonable basis to believe that granting the variance will have an adverse effect upon water quality or impact fish, wildlife or plant habitats. The general spirit and intent of the CAL is to appreciate and respect the existence of subdivisions that were designed and platted prior to the implementation of the CAL. Moreover, the development of this site will require compliance with all applicable State of Maryland stormwater and water quality regulations.

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.*

The Showells welcome the Department reviewing this application and any exhibits. Should any additional information be deemed necessary or desirable, do not hesitate to let me know. Hopefully, the staff will make a favorable recommendation to the Board of Zoning Appeals to grant this requested variance.

Very truly yours,



Mark Spencer Cropper

EXHIBIT “A”

Real Property Data Search ()
Search Result for WORCESTER COUNTY

View Map	No Ground Rent Redemption on File				No Ground Rent Registration on File			
Special Tax Recapture: None								
Account Number:	District - 10 Account Identifier - 359708							
Owner Information								
Owner Name:	SHOWELL ADAM LOCKHART SR AS CUSTODIAN	Use:	RESIDENTIAL					
Mailing Address:	3701 ATLANTIC AVENUE OCEAN CITY MD 21842-	Principal Residence:	NO					
		Deed Reference:	/02306/ 00150					
Location & Structure Information								
Premises Address:	S POND RD OCEAN CITY 21842-0000 Waterfront	Legal Description:	LOT A 4.38 ACS S/S POND RD SUB OF LANDS OF ANN L SHOWELL					
Map: 0022	Grid: 0020	Parcel: 0412	Neighborhood: 10010030.24	Subdivision: 0000	Section: A	Block: 2026	Assessment Year: 2026	Plat No: 145002 Plat Ref:
Town: None								
Primary Structure Built	Above Grade Living Area			Finished Basement Area	Property Land Area 4.3800 AC		County Use 000000	
Stories	Basement	Type	Exterior /	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements	
Value Information								
		Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2025			As of 07/01/2026	
Land:	427,200	427,200						
Improvements	0	0						
Total:	427,200	427,200		427,200				
Preferential Land:	0							
Transfer Information								
Seller: SHOWELL JOHN DALE III &	Date: 08/20/1996			Price: \$0				
Type: NON-ARMS LENGTH OTHER	Deed1: RHO /02306/ 00150			Deed2:				
Seller:	Date:			Price:				
Type:	Deed1:			Deed2:				
Seller:	Date:			Price:				
Type:	Deed1:			Deed2:				
Exemption Information								
Partial Exempt Assessments:	Class		07/01/2025	07/01/2026				
County:	000	0.00						
State:	000	0.00						
Municipal:	000	0.00		0.00				
Special Tax Recapture: None								

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

SPECIAL WARRANTY DEED

STATE OF MARYLAND

COUNTY OF WORCESTER

WIV 10-78 A 527840 *****125.00
WIV 10-78 A 527840 *****125.00
WIV 10-78 A 527847 *****125.00

THIS SPECIAL WARRANTY DEED made this 16th day of May, 1978, by MARYLAND NATIONAL BANK, a national banking association, having its principal place of business at 10 Light Street, Baltimore, Maryland 21203, hereinafter called the Grantor, to JOHN DALE SHOWELL, III, and ANN LOCKHART SHOWELL, his wife, residing at Golf Course Road, Ocean City, Maryland 21842, hereinafter called the Grantee.

WITNESSETH:

That the Grantor, for and in consideration of the sum of TWENTY ONE THOUSAND AND NO/100 DOLLARS (\$21,000.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, remise, release, convey and confirm unto the Grantee, their heirs, successors and assigns, the following described real property located in the County of Worcester, State of Maryland, described more particularly as follows:

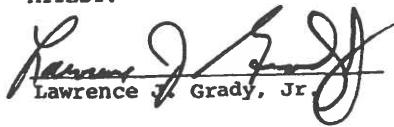
SEE EXHIBIT "A"

together with all the estate and rights of Grantor in such property.

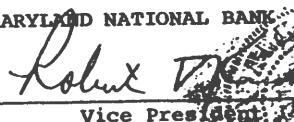
AND the Grantor hereby covenants with the Grantee that, except as set forth above, the premises are free from all encumbrances made by Grantor and Grantor will warrant and defend the property hereby conveyed against the lawful claims and demands of all persons claiming by, through, or under it, but against none other.

IN WITNESS WHEREOF the Grantor has caused these presents to be executed in its name, and its seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:


Lawrence J. Grady, Jr.

STATE OF MARYLAND)
) SS.
CITY OF BALTIMORE)

MARYLAND NATIONAL BANK
BY: 
Robert D. Kreider
Vice President

*Indorsed by
Verna Ruth Pierce*

On this the 16th day of May, 1978, before me Verna Ruth Pierce, the undersigned officer, personally appeared Robert D. Kreider, who acknowledged himself to be the Vice President of Maryland National Bank, a national banking association, and that he as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the national banking association by himself as Vice President and further acknowledges that this transfer does not constitute a transfer of all or substantially all of the assets of said national banking association.

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

My commission expires: 7-1-78



Notary Public

LIBER 622 folio 698

PARCEL B - BEGINNING FOR THE SECOND at a point on the west side of Indian Knoll Road as laid out 40 feet wide, said point being the beginning of that parcel of land described in a mortgage dated December 15, 1967 recorded among the Land Records of Worcester County, Maryland in Liber 227 at Folio 497 between Daniel Trimper, IV and Janet H. Trimper, his wife and The Farms Company, said point being also distant south 20 degrees 56 minutes 00 seconds west 100.62 feet from the southeast corner of Lot No. 13 as shown on the plat of Captains Hill, Plat Two, Section Two, said plat being recorded or intended to be recorded among the Land Records of Worcester County prior hereto, and running thence binding along the northern outlines of that parcel of land described in the above mentioned mortgage north 75 degrees 25 minutes 40 seconds west 865.70 feet more or less to the waters of the bayshore, thence along the meanders of the bayshore as determined by mean high water so as to include all the islands in front of the bayshore line and east of The Thoroughfare and belonging to The Thoroughfare Farm of which the land now being described is a part to the westerly outlines of that parcel of land thirdly described in a deed dated April 19, 1956 recorded among the aforesaid Land Records in Liber F.W.H. No. 90 at Folio 282 which was conveyed by The Farms Company, a Maryland Corporation and John S. Whaley, Trustee under the Last Will and Testament of John W. Staton, deceased, to Raymond A. Magee and Mary H. Magee, his wife, thence binding along said westerly outlines south 05 degrees 03 minutes 00 seconds west 362.00 feet to a point on the north side of Indian Knoll Road, 40 feet wide, as shown on the aforesaid Plat of Captains Hill, Plat Two, Section Two, thence binding along the northern outlines of Indian Knoll Road and along the western and southern outlines of Pond Road as shown on the aforesaid Plat the nine following courses and distances, viz.: (1) north 76 degrees 02 minutes 00 seconds west 43.20 feet, (2) 145.30 feet in a westerly direction along the arc of a curve to the left having a radius of 305.69 feet and a long chord bearing and distance of north 89 degrees 39 minutes 00 seconds west 143.93 feet, (3) 137.61 feet in a westerly direction along the arc of a curve to the right having a radius of 220.00 feet and a long chord bearing and distance of north 85 degrees 20 minutes 50 seconds west 135.38 feet, (4) north 67 degrees 25 minutes 40 seconds west 210.00 feet, (5) south 49 degrees 59 minutes 47 seconds west 65.25 feet, (6) 237.79 feet in a southeasterly direction along the arc of a curve to the right having a radius of 320.00 feet and a long chord bearing and distance of south 18 degrees 42 minutes 56 seconds east 232.35 feet, (7) 279.08 feet in a southeasterly direction along the arc of a curve to the left having a radius of 205.00 feet and a long chord bearing and distance of south 36 degrees 25 minutes 40 seconds east 258.02 feet, (8) south 75 degrees 25 minutes 40 seconds east 384.97 feet, and (9) 55.69 feet in a southeasterly direction along the arc of a curve to the right having a radius of 1,321.93 feet and a long chord bearing and distance of south 74 degrees 13 minutes 16 seconds east 55.69 feet to the northwest corner of Lot No. 13 as shown on the aforesaid plat of Captains Hill, thence binding along the western and southern outlines of said Lot No. 13 the two following courses and distances, viz.: (1) south 16 degrees 59 minutes 10 seconds west 158.95 feet, and (2) south 75 degrees 25 minutes 40 seconds east 105.71 feet to a point on the aforesaid west side of Indian Knoll Road, thence binding along the aforesaid west side of Indian Knoll Road south 20 degrees 56 minutes 00 seconds west 100.62 feet to the place of beginning, containing 19.2 acres of land, more or less.

EXHIBIT "A"

1971 May 18, 12:58 P.M. The foregoing warrant filed
for record and is accordingly recorded among the land records of
Worcester County, Md. in Liber F.W.H. No. 622 folios 697-698
FRANK W. HALES..... Clerk

Coates, Coates & Coates, P.A.

FILED
3 PM
10/10/2003

THIS DEED, made this 12th day of August, in the year nineteen hundred and ninety-six (1996), by ANN LOCKHART SHOWELL, INDIVIDUALLY and as PERSONAL REPRESENTATIVE OF THE ESTATE OF JOHN DALE SHOWELL, III, being Estate No. 8249 in the Orphans Court for Worcester County, Maryland, hereinafter referred to as Grantor, WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of Zero Dollars (\$0.00), and other good and valuable considerations, the said Grantor does hereby grant and convey unto ADAM LOCKHART SHOWELL, SR., AS CUSTODIAN FOR ADAM LOCKHART SHOWELL, JR., SARAH ANN SHOWELL and HANNAH NAPIER SHOWELL, UNDER THE MARYLAND UNIFORM TRANSFERS TO MINORS ACT, as joint tenants and not as tenants in common, forever in fee simple, the following described real property located in the County of Worcester, State of Maryland, described more particularly as follows: PARCEL B - BEGINNING FOR THE SECOND at a point on the west side of Indian Knoll Road as laid out 40 feet wide, said point being the beginning of that parcel of land described in a mortgage dated December 15, 1967 recorded among the Land Records of Worcester County, Maryland in Liber 227 at folio 497 between Samuel Trimper, IV and Janet H. Trimper, his wife and The Farm Company of Maryland, Inc. at lot # 21427 RHO 9219 Blk # 1523 said point being also distance south 20 degrees 56 minutes 40 seconds west 100.62 feet from the southeast corner of Lot No. 13 as shown on the plat of Captains Hill, Plat Two, Section Two, said plat being recorded or intended to be recorded among the Land Records of Worcester County prior hereto, and running thence ~~b6~~ 36³⁶ seconds west 865.70 feet more or less to the waters of the bayshore, thence along the meanders of the bayshore as

1HP FD SURE \$	5.00
REGISTRATION	20.00
TOTAL	25.00

LIBER 2306 FOLIO 50

S. Whaley, Trustee under the Last Will and Testament of John W. Staton, deceased, to Raymond A. Magee and Mary H. Magee, his wife, thence binding along said westerly outlines south 05 degrees 03 minutes 00 seconds west 362.00 feet to a point on the north side of Indian Knoll Road, 40 feet wide, as shown on the aforesaid Plat of Captains Hill, Plat Two, Section Two, thence binding along the northern outlines of Indian Knoll Road and along the western and southern outlines of Pond Road as shown on the aforesaid Plat the nine following courses and distances, viz.: (1) north 76 degrees 02 minutes 00 seconds west 43.20 feet, (2) 145.30 feet in a westerly direction along the arc of a curve to the left having a radius of 305.69 feet and a long chord bearing and distance of north 89 degrees 39 minutes 00 seconds west 143.93 feet, (3) 137.61 feet in a westerly direction along the arc of a curve to the right having a radius of 220.00 feet and a chord bearing and distance of north 85 degrees 20 minutes 50 seconds west 135.38 feet, (4) north 67 degrees 25 minutes 40 seconds west 210.00 feet, (5) south 49 degrees 59 minutes 47 seconds west 65.25 feet, (6) 237.79 feet in a southeasterly direction along the arc of a curve to the right having a radius of 320.00 feet and a long chord bearing and distance of south 18 degrees 42 minutes 56 seconds east 232.35 feet, (7) 279.08 feet in a southeasterly direction along the arc of a curve to the left having a radius of 205.00 feet and a long chord bearing and distance of south 36 degrees 25 minutes 40 seconds east 258.02 feet, (8) south 75 degrees 25 minutes 40 seconds east 384.97 feet, and (9) 55.69 feet in a southeasterly direction along the arc of a curve to the right having a radius of 1,321.93 feet and a long chord bearing and distance of south 74 degrees 13 minutes 16 seconds east 55.69 feet to the northwest

LIBER 2306 FOLIO 152

along the aforesaid west side of Indian Knoll Road south 20 degrees 56 minutes 00 seconds west 100.62 feet to the place of beginning, containing 19.2 acres of land, more or less, and BEING ALL AND THE SAME property which was granted and conveyed unto John Dale Showell, III, and Ann Lockhart Showell, his wife, from Maryland National Bank, by Deed dated May 16, 1978, and recorded among the Land Records of Worcester County, Maryland, in Liber F.W.H. No. 622, folio 697, et seq., the said John Dale Showell, III, having heretofore departed this life, leaving the said Ann Lockhart Showell the sole surviving tenant by the entirety.

TOGETHER with the improvements thereon, and the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the above described property unto the said Adam Lockhart Showell, Sr., as Custodian for Adam Lockhart Showell, Jr., Sarah Ann Showell and Hannah Napier Showell, under the Maryland Uniform Transfers to Minors Act, as joint tenants and not as tenants in common, forever in fee simple; SUBJECT, HOWEVER, to a Perpetual Protective Agreement Deed of Forest Conservation Easement, Worcester County, Maryland, recorded January 10, 1996, among the Land Records of Worcester County, Maryland, in Liber R.H.O. No. 2229, folio 521, et seq., and SUBJECT ALSO to a Plat entitled "Lot A Minor Subdivision of Lands of Ann L. Showell", dated May 5, 1995, and recorded among the Land Records of Worcester County, Maryland, in Plat Book R.H.O. No. 145, folio 2.

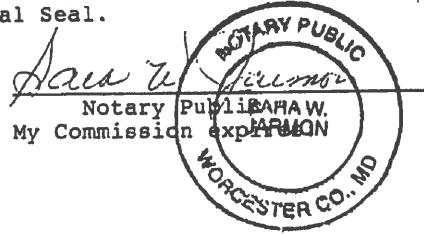
AND the said Grantor does hereby covenant to warrant specially the property hereby conveyed, and to execute such other and further assurances of the same as may be requisite.

Liber 2306 Folio 153

STATE OF MARYLAND, COUNTY OF WORCESTER, TO WIT:

I HEREBY CERTIFY that on this 12 day of AUGUST, 1996, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Ann Luckhart Showell and acknowledged the foregoing instrument to be her act and deed.

AS WITNESS my hand and Notarial Seal.



My Comm. Exps.
May 1, 1997

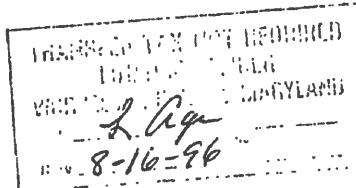
ATTORNEY AFFIDAVIT

I HEREBY CERTIFY that this instrument was prepared by an attorney or under the supervision of an attorney.

Thomas K. Coates

Thomas K. Coates

TAXES FOR WHICH ASSESSMENTS
HAVE BEEN RECEIVED HAVE BEEN
PAID AS OF THIS DATE 8-16-96
WORCESTER COUNTY FINANCE OFFICE
BY Lage
SYSTEM PERSONAL PROPERTY



RECEIVED FOR TRANSFER

State Department Of
Assessments & Taxation
For Worcester County

RECEIVED 8-16-96
By _____ Date _____

Agricultural Transfer Tax in the
amount of \$0
Gary M. Flater

RECEIVED 8-16-96

AUG 20 1996 The foregoing instrument
filed for record and is accordingly recorded
among the land records of Worcester County,
Maryland.

Richard H. Patten Clerk

LIBER 2306 FOLIO 154

State of Maryland Land Instrument Intake Sheet
 Baltimore City County: ~~XXXXXXXXXX~~ 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)

(Check Box if Addendum Intake Form is Attached.)

1 Type(s) of Instruments		<input checked="" type="checkbox"/> Deed <input type="checkbox"/> Mortgage <input type="checkbox"/> Lease <input type="checkbox"/> Other <input type="checkbox"/> Other																																
2 Conveyance Type		<input type="checkbox"/> Improved Sale <input type="checkbox"/> Unimproved Sale <input type="checkbox"/> Multiple Accounts <input type="checkbox"/> Not an Arms-Length <input type="checkbox"/> Arms-Length (1) <input type="checkbox"/> Arms-Length (2) <input type="checkbox"/> Arms-Length (3) <input type="checkbox"/> Length Sale (9)																																
3 Tax Exemptions (if Applicable)		<input type="checkbox"/> Recordation <input type="checkbox"/> State Transfer <input type="checkbox"/> County Transfer																																
4 Consideration and Tax Calculations		<table border="1"> <thead> <tr> <th>Consideration Amount</th> <th>Finance Office Use Only</th> </tr> </thead> <tbody> <tr> <td>Purchase Price/Consideration \$ 0.00</td> <td>Transfer and Recordation Tax Consideration \$</td> </tr> <tr> <td>Any New Mortgage \$ 0.00</td> <td>Transfer Tax Consideration \$</td> </tr> <tr> <td>Balance of Existing Mortgage \$ 0.00</td> <td>X () % = \$</td> </tr> <tr> <td>Other \$ 0.00</td> <td>Less Exemption Amount \$</td> </tr> <tr> <td></td> <td>Total Transfer Tax \$</td> </tr> <tr> <td></td> <td>Recordation Tax Consideration \$</td> </tr> <tr> <td></td> <td>X () per \$500 = \$</td> </tr> <tr> <td></td> <td>TOTAL DUE \$</td> </tr> </tbody> </table>	Consideration Amount	Finance Office Use Only	Purchase Price/Consideration \$ 0.00	Transfer and Recordation Tax Consideration \$	Any New Mortgage \$ 0.00	Transfer Tax Consideration \$	Balance of Existing Mortgage \$ 0.00	X () % = \$	Other \$ 0.00	Less Exemption Amount \$		Total Transfer Tax \$		Recordation Tax Consideration \$		X () per \$500 = \$		TOTAL DUE \$														
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EXHIBIT “B”

RETURN TO: Department of Planning, Permits & Inspections

FILED

PERPETUAL PROTECTIVE AGREEMENT
DEED OF FOREST CONSERVATION EASEMENT
WORCESTER COUNTY, MARYLAND

THIS DEED OF FOREST CONSERVATION EASEMENT is made this 2nd
day of January, 1996, by and between _____

Ann L. Showell

hereinafter called the "Grantors", and COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND, a body politic and corporate of the
State of Maryland, hereinafter called "County".

RECITALS

WHEREAS, Grantor is the owner of a certain parcel of land
situate in the Tenth Election District of Worcester County,
Maryland, which was conveyed to Grantor by Maryland National
Bank, by Deed dated May 16, 1978, and recorded among
the Land Records of Worcester County, Maryland, in Liber ~~10~~ 11, H.
622, folio 697, et seq.; the said John Dale Showell, III,
having departed this life prior hereto, leaving the Grantor as the
sole surviving tenant.

WHEREAS, Grantor has elected to engage in a regulated activity
as defined by the Worcester County Forest Conservation Law on said
property, and has applied to the Worcester County Department of
Planning, Permits and Inspections for approval of the regulated
activity, and which approval has been given and;

WHEREAS, as a condition of the aforesaid approval, Grantor has
submitted and the County has approved, Final Forest Conservation
Plan No. FCP-95-9 (the "Plan"), which sets forth the
requirements for forest retention, reforestation or afforestation
in an area located on the aforesaid property and designated on the
approved final subdivision plat, site development plan, or grading
permit, as the forest conservation area, and more particularly
described on Exhibit A, attached hereto and made a part hereof.
Said Plan is incorporated into and made a part of this Deed of
Easement by reference; and

WHEREAS, the Final Forest Conservation Plan and the Worcester
County Forest Conservation Law require the establishment of a
forest conservation easement in, on, over and through the forest
conservation area to ensure the permanent protection, management
and inspection of said area.

LIBER 2229 FOLIO 522

GRANT AND AGREEMENTS

NOW, THEREFORE, for and in consideration of the foregoing, the covenants and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grantor does hereby grant and convey unto County Commissioners of Worcester County, Maryland, a body politic and corporate of the State of Maryland, its successors and assigns, a forest conservation, management and access easement, of the nature and character and to the extent hereinafter set forth, in, on, over, through and across the aforesaid forest conservation area (as described in Exhibit A). Grantor further establishes, creates and declares the restrictions herein set forth in favor of and for the benefit of the County, its successors and assigns.

2. Grantor covenants with the County to refrain from destroying, damaging or removing anything of nature which grows there now, or hereafter without approval of the County as to manner, form, extent and any other aspects of the removal whatsoever, it being the express intention of the parties hereto that Grantor shall comply with the final forest conservation plan approved under the Worcester County Forest Conservation Law and that the easement area shall be preserved in a manner which protects the forest thereon, existing or to be established.

3. Grantor hereby relinquishes the right to use or develop the forest conservation area for any purpose whatsoever, except for the following uses:

A. Planting, maintenance and protection of the forest conservation area in accordance with the terms and conditions of the Plan and the Forest Planting and Maintenance Agreement;

B. Passive recreational activities which are consistent with and do not interfere with forest conservation and management or cause harm to forest management resources, including walking, hiking, and bird watching;

C. Forest conservation and management practices, including harvesting of trees in accordance with a written agreement with the State Department of Natural Resources, provided suitable provisions are made for the replacement of harvested trees.

4. Grantor may engage in limited clearing of the forest understory, such as may be necessary to allow a walking or hiking trail for foot traffic only; and may allow the removal of dead or dying trees, and noxious plants or weeds.

LIBER 2229 FOLIO 523

5. All rights reserved by or not prohibited to Grantor shall be exercised so as to prevent or minimize damage to the forest and trees, streams and water quality, plant and wildlife habitats, and the natural topographic character of the easement area.

6. The County, or its duly authorized representatives, shall have the right, at reasonable hours, to enter the forest conservation area for the sole purpose of inspecting the forest conservation area to determine whether the Grantor is complying with the terms, covenants, conditions, limitations and restrictions herein contained.

7. No failure on the part of the County to enforce any covenant or provision hereof shall discharge or invalidate such covenant or any other covenant, condition, or provision hereof or affect the right of the county to enforce the same in the event of a subsequent breach or default.

8. Upon any breach of the terms of this Deed of Easement, the County may exercise any or all of the remedies provided in the Worcester County Forest Conservation Law including, but not limited to, the institution of an action in equity to enjoin, by temporary or permanent injunction, such breach; to require the restoration of the forest to its condition prior to such breach, and such other legal action as may be necessary to ensure compliance with this Deed of Easement and the covenants, conditions, limitations and restrictions herein contained. If Grantor is found to have breached any of its obligations under this Deed of Easement, Grantor shall reimburse the County for any costs or expenses incurred, including consultant's fees, court costs, reasonable attorney's fees, and any administrative and overhead costs.

9. Interpretation of this Agreement shall be the sole province of County, and County may issue interpretations hereof upon request of Grantor, or at County's discretion. Upon application of Grantor, County may permit activities otherwise prohibited hereby, where County determines, based upon findings of fact, that such activity will not violate the purpose or intent of this agreement.

10. This Deed of Easement does not grant the public in general any right of access or any right to the use of the easement area or any other portion of the property. This easement extends only to those areas designated as the forest conservation area and necessary access thereto.

11. The Grantor further covenants and agrees that the easements, rights of way, covenants and agreements contained herein shall run with the forest conservation area and all portions thereof and shall bind the Grantor and her heirs, personal representatives, successors and assigns and shall bind all present

LIBER 2229 FOLIO 524

and subsequent owners of the property identified herein.

12. Grantor agrees to make specific reference to this Deed of Easement in a separate paragraph of any subsequent sales contract, mortgage, deed, lease or other legal instrument by which any interest in the forest conservation area is conveyed.

13. This Deed of Easement shall be binding upon the personal representatives, heirs, successors and assigns of the parties hereto.

14. The undersigned lienholders join herein for the purpose of subordinating any lien that they or any of them may have in the property described in Exhibit A to the effect of this Deed of Forest Conservation Easement and do further warrant and represent that they, to the best of their knowledge, belief and understanding are the only lienholders who have liens upon such property.

15. Grantor hereby warrants and covenants that the lienholders whose signatures follow are the only lienholders having any lien or encumbrance upon the property described in Exhibit A.

TO HAVE AND TO HOLD the said easement unto County Commissioners of Worcester County, Maryland, a body politic and corporate of the State of Maryland, its successors and assigns, forever, for the uses and purposes hereinbefore described.

AND the said Grantor covenants that they have not done or suffered to be done anything to encumber the property, easement, and/or rights hereby conveyed and that she will execute such other and further assurances of the same as may be necessary and requisite.

AS WITNESS our hands and seals the day and year first above written.

WITNESS:

Elizabeth S. Bozman

GRANTOR:

Ann L. Showell (SEAL)
Ann L. Showell

WITNESS:

LIENHOLDER(S):

_____(SEAL)
_____(SEAL)

LIBR2229 FOLIO525

ATTEST:

STATE OF MARYLAND. WORCESTER COUNTY. TO WIT:

GRANTEE:
~~COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MD~~

James G. Barrett, President

I HEREBY CERTIFY that on this 6th day of December, 1995, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Ann L. Showell, Grantor, who executed the foregoing instrument in my presence and acknowledged the same as her deed and act, and further made oath in due form of law that the matters and facts contained therein are true and correct to the best of her knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

Elizabeth S. Buzman
Notary Public
My Commission expires: 11-1-99

STATE OF MARYLAND, _____ COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 19_____, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, Lienholder(s), who, in my presence, executed the foregoing instrument for the purposes therein contained, and further made oath in due form of law that the matters and facts contained therein are true and correct to the best of his/her knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

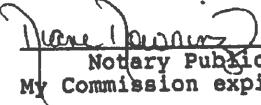
Notary Public
My Commission expires:

LIBER 2229 FOLIO 526

STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

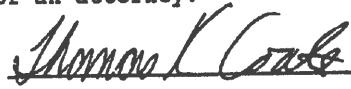
I HEREBY CERTIFY that on this 2nd day of January, 1996, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared James G. Barrett, President of the County Commissioners of Worcester County, Maryland, and as such President executed the foregoing Deed as Grantee for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.


Diane L. Coulter
Notary Public
My Commission expires: 07/15/99



I HEREBY CERTIFY that this instrument was prepared by an attorney or under the supervision of an attorney.


Thomas J. Coyle

LIBER 2229 FOLIO 527

EXHIBIT "A"

Forest Conservation Area

The Forest Conservation Area shall be all that tract or parcel lying and being in the Tenth Election District of Worcester County and State of Maryland, and being more particularly described as that area designated "forest conservation area" on a plat entitled "Minor Subdivision/Ann L. Showell", made by L. E. Bunting Surveys, Inc., dated May 5, 1995, and intended to be recorded among the Land Records of Worcester County, Maryland, immediately following the execution of this Agreement.

Plat recorded in Liber R.H.O. 145, folio 2.

1996 ¹⁰ The foregoing Easement and Plat filed
for record and is accordingly recorded among the land records of
Worcester County, Md. in Liber, R.H.O. No. 2227 folios 221 thru
227

Richard H. Cutten Clerk

EXHIBIT “C”

EXHIBIT “D”

EXHIBIT “E”

SITE DATA:

Owner:
Adam Lockhart Showell, Sr.
3701 As Cuttawee
Ocean City, Maryland 21842

Surveyor:

Vista Design, Inc.

11634 Worcester Hwy, Showell, MD 21862

Phone: 410-352-3874

Ocean City, Maryland 21842

Waterfront:

5. Front Rd.

Ocean City, Maryland 21842

Area \approx 90.793 SF / \approx 4.30 Acres

Tax Map
Tm 22 Grid 20 Parcel 412

Deed Book: 2306

Deed Book Page: 50

Parc. 43, P. 49-2

24047C01801 B61 effective Date July 16, 2015

Portion of the Site is Located Within Standard and Undeveloped

Flood Zone "A", Flood Zone "B", "C", "D", "E" per FIRM Map

TM 22 Grid 20 Parcel 412

Land Use: Residential, Single dwelling lot

Public Sanitary

Water Provider

Public Water

Horizontal Datum

NAD 83 National Spatial Reference System

Vertical Datum

NAD 88

Critical Area

The Site Within the 1,000 feet

Critical Days Critical Area Buffer

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EXHIBIT “F”

IN THE MATTER OF HUGH CROPPER, IV, ESQ. *

*

BEFORE THE BOARD OF ZONING *

*

APPEALS FOR WORCESTER COUNTY,
MARYLAND

Case No. 16-1

*

* * * * *

OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, June 9, 2016, upon the application of Hugh Cropper IV, Esquire, on the lands of Ocean City Projects, LLC, requesting a variance to the Atlantic Coastal Bays Critical Area buffer regulations from 50 feet to 21.8 feet (an encroachment of 28.2 feet into the buffer management area), associated with a proposed single-family dwelling in the R-2 Suburban Residential District, classified as IDA Intensely Developed Area, pursuant to Zoning Code Sections ZS 1-206(b)(2), ZS 1-305 and ZS 1-116(m); and Natural Resources Article Sections NR 3-104(c)(4) and NR 3-111. The property is located at 13036 North Shore Road, at the southeasterly terminus of North Shore Road, Tax Map 22, Parcel 367, Lot 20 of the Captain's Hill subdivision, in the Tenth Tax District of Worcester County, Maryland.

Jennifer Keener, Zoning Administrator, presented the application to the Board.

Frank Lynch testified before the Board along with Kimmerly Messick and Chris McCabe.

There were no protestants to the application.

After duly considering the application, and the testimony and other evidence offered and presented in connection therewith regarding the requested variance, the Board adopted the May 24, 2016 report as its finding of fact as if set forth fully herein:

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;**

The Board finds that without the granting of this variance a hardship will exist. The property was platted prior to the adoption of the Atlantic Coastal Bays Critical Area Program and therefore all current development must conform to the current Critical Area regulations as well as the 50' buffer management setback. The applicant will not have reasonable/full use of their property without the granting of this variance.

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;**

The Board finds that the applicant's rights will be lessened without the granting of this variance due to the restrictions of the Atlantic Coastal Bays Critical Area Program.

There are numerous properties located within the Critical Area that have structures located within the 50' buffer management area; however, most of them were constructed prior to the adoption of the Atlantic Coastal Bays Critical Area Program.

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 previously stated, there are numerous properties throughout the County that have structures located within the 50' buffer. Therefore, granting this variance will 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 variance is not base upon conditions or circumstances which are the result of the actions by the applicant. This is a proactive variance request.

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 Area Program;

The granting of this variance will not adversely affect water quality as the Buffer Management Plan will actually improve water quality as opposed to the lots current condition.

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.

The Board has reviewed comments of the Department and finds that the applicant has satisfied each provision of NR 3-111. Staff agrees that the applicant may have an unwarranted hardship due to the location of the 50' BMA buffer. The Board should consider additional testimony before determining that the applicant has addressed all standards required for a variance.

Accordingly, upon a Motion made by Mr. Irwin, which was seconded by Mr. Green, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested variance be GRANTED.

Date

Rodney Belmont

1-14-16
Date

Date

Glenn Irwin

Date

Thomas Babcock

** Mr. Purcell recused himself from this matter.

IN THE MATTER OF HUGH CROPPER, IV., ESQ.

*

BEFORE THE BOARD OF ZONING

*

APPEALS FOR WORCESTER COUNTY,

*

MARYLAND

Case No. 101001

* * * * *

OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Wednesday, April 19, 2006, upon the application of Hugh Cropper, IV, Esquire, requesting a variance to reduce the Atlantic Coastal Bays Critical Area Buffer Management Area from 50 feet to 10 feet (a reduction of 40 feet), associated with the construction of a fence, in a R-2 Suburban Residential District, pursuant to Sections NR 3-104(c)(4), NR 3-111, ZS 1-304(k)(3)(A), ZS 1-116(m) and ZS 1-116(c)(4). The property is located at 13031 Drum Point Road, Tax Map 22, Parcel 367, Lot 35, in the Captains Hill Subdivision, in the Tenth Tax District of Worcester County, Maryland.

Kelly Henry, Zoning Administrator, presented the application to the Board.

The applicant, Hugh Cropper, IV, Esquire, testified before the Board along with Jennifer Cropper. There were no protestants to the application.

After duly considering the application, and the testimony and other evidence offered and presented in connection therewith, the Board adopted the staff Memorandum dated March 28, 2006 as it's finding of fact as if fully set forth herein in its entirety . Accordingly, upon a Motion made by Mr. Outten, which was seconded by Mr. Taylor, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested variances be GRANTED.

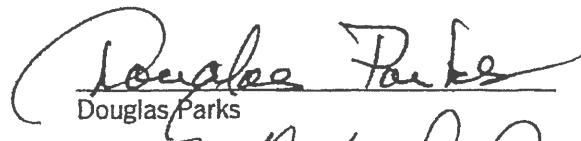
5/11/06
Date


Jerre Clauss
Chairperson

5/11/06
Date


Beth Gismondi

5/11/06
Date


Douglas Parks
Douglas Parks

5/11/06
Date


Dale Smack

5-11-06

Date

5-11-06

Date

5-11-06

Date

Richard Outten

Richard Outten

Louis H. Taylor

Louis Taylor

Joseph Green

Joseph Green

IN THE MATTER OF HUGH CROPPER, IV., ESQ. *

BEFORE THE BOARD OF ZONING *

APPEALS FOR WORCESTER COUNTY, *

MARYLAND

Case No. 100977

* * * * *

OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Wednesday, April 19, 2006, upon the application of Hugh Cropper, IV, Esquire, requesting a variance to reduce the Atlantic Coastal Bays Critical Area Buffer Management Area from 50 feet to 10 feet (a reduction of 40 feet), associated with the construction of a fence, in a R-2 Suburban Residential District, pursuant to Sections NR 3-104(c)(4), NR 3-111, ZS 1-304(k)(3)(A), ZS 1-116(m) and ZS 1-116(c)(4). The property is located at 13029 Drum Point Road, Tax Map 22, Parcel 367, Lot 34, in the Captains Hill Subdivision, in the Tenth Tax District of Worcester County, Maryland.

Kelly Henry, Zoning Administrator, presented the application to the Board.

The applicant, Hugh Cropper, IV, Esquire, testified before the Board along with Jennifer Cropper. There were no protestants to the application.

After duly considering the application, and the testimony and other evidence offered and presented in connection therewith, the Board adopted the staff Memorandum dated March 28, 2006 as it's finding of fact as if fully set forth herein in its entirety. Accordingly, upon a Motion made by Mr. Outten, which was seconded by Mr. Taylor, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested variance be GRANTED.

5/11/06
Date

5/11/06
Date

5/11/06
Date

Jerre Clauss
Jerre Clauss
Chairperson

Beth Gismondi
Beth Gismondi

Douglas Parks
Douglas Parks

5/11/06

Date

5-11-06

Date

5-11-06

Date

5-11-06

Date

J. Smack

Dale Smack

Richard Outten

Richard Outten

Louis H. Taylor

Louis Taylor

Joseph Green

Joseph Green

IN THE MATTER OF MARK CROPPER, ESQ. *

BEFORE THE BOARD OF ZONING

APPEALS FOR WORCESTER COUNTY,

Case No. 19-4

MARYLAND

* * * * *

OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, April 11, 2019, upon the application of Mark Cropper, Esquire, on the lands of Gregory Britt and Nancy Britt, requesting a variance to the Atlantic Coastal Bays Critical Area setback from 50 feet to 35.6 feet (an encroachment of 14.4 feet) associated with a proposed pool, patio and fence in the R-2 Suburban Residential District, pursuant to Zoning Code Section ZS 1-116(m)(1) and Natural Resources Sections NR 3-104(c)(4) and NR 3-111. The property is located at 13016 North Shore Road, approximately 324 feet east of Golf Course Road, Tax Map 22, Parcel 367, Lot 26 of the Captain's Hill Subdivision, in the Tenth Tax District of Worcester County, Maryland.

Jennifer Keener, Zoning Administrator, presented the application to the Board.

Property owner Gregory Britt testified before the Board in favor of the application. There were no protestants to the application. The testimony revealed that most, if not all, properties in Captain's Hill subdivision have structures within the 50 foot Buffer Management Area.

After duly considering the application, and the testimony and other evidence offered and presented in connection therewith regarding the requested variance, the Board adopted the March 25, 2019 Staff report as its finding of fact as if set forth fully herein:

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;**

The Board agrees with Staff that without the granting of this variance a potential hardship could exist. The property was platted prior to the adoption of the Atlantic Coastal Bays Critical Area Program and therefore all current development must conform to the current Critical Area regulations, including the 50' buffer management setback.

- 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;**

The Board agrees with the Staff opinion that the applicant's rights would be lessened without the granting of this variance due to the restrictions of the Atlantic Coastal Bays Critical Area Program. There are numerous properties within the Critical Area that have structures that are located within the 50' buffer management area; however most of them were constructed prior to the adoption of the Atlantic Coastal Bays Critical Area.

- 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 previously stated, there are numerous properties throughout the County that have structures located within the 50' buffer, the majority of which were constructed prior to the adoption of the Atlantic Coastal Bays Critical Area. 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 variance request is not based upon conditions or circumstances which are the result of the actions by the applicants. This is a proactive variance request.

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 Area Program;**

The granting of this variance may adversely affect the water quality as it is resulting in an increase in lot coverage within the most sensitive area on the property, the buffer. However, the property owner will be required to mitigate at a 3:1 ratio, which will improve the water quality.

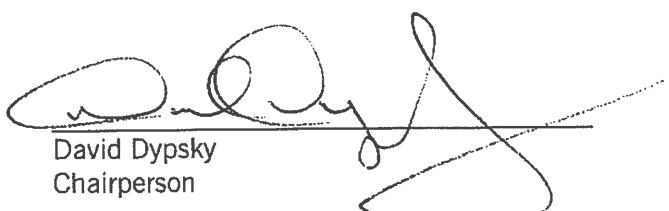
6. **The Board of Zoning Appeals shall not make a decision relative to a request for such a variance without reviewing the comments of the Department and finding that the applicant has satisfied each of the provisions and standards contained herein.**

The Board agrees with the staff that the applicant may have an unwarranted hardship due to the location of the 50' BMA buffer. The Board has considered additional testimony and has determined the applicant has adequately addressed and met all standards required for a variance.

Accordingly, upon a Motion made by Mr. Purcell, which was seconded by Mr. Green, the Board passed the following resolution which was opposed by Mr. Babcock:

BE IT RESOLVED, that the requested variance be GRANTED.

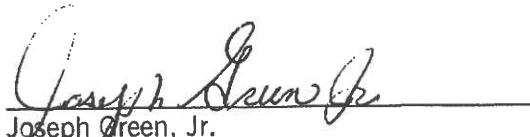
5-9-19
Date


David Dysky
Chairperson

5-9-19
Date


Larry Duffy

5-9-19
Date


Joseph Green, Jr.

Date

5/9/19



Robert Purcell

Date

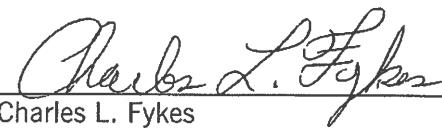
5-9-2019

Thomas Babcock

Date

5-9-2019

Charles L. Fykes



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: 20-32
DATE FILED: 5-1-2020
HEARING DATE: _____

APPLICATION IS BEING MADE FOR:

<input checked="" type="checkbox"/> XXX	SPECIAL EXCEPTION	<input type="checkbox"/> FORESTRY
<input type="checkbox"/> VARIANCE	EXPANSION OF NONCONFORMING USE/STRUCTURE	<input type="checkbox"/> CRITICAL AREA
<input type="checkbox"/> OTHER		<input type="checkbox"/> APPEAL
<input type="checkbox"/> AFTER THE FACT	PROPOSED	<input type="checkbox"/> 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 modify the previously granted variance in BZA Case 19-4, to increase the encroachment into the Critical Area Buffer from 14.4 feet to 16.4 feet, an additional encroachment of 2 feet, and to increase the amount of lot coverage in the Critical Area Buffer, an additional encroachment of 71 feet.

LOCATION OF PROPERTY:

Tax Map: 22 Parcel: Parcel 367 Section: _____ Lot: 26 Block: _____
Located on North Shore Road

PROPERTY OWNER INFORMATION:

Owner: Gregory K. and Nancy J. Britt Telephone: _____
Address: 13016 North Shore Road, Ocean City, MD 21842 E-mail: _____

APPLICANT INFORMATION:

Applicant's Name: Hugh Cropper, IV Telephone: _____
Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD 21842 E-Mail: _____

Has property in question ever been subject of previous appeal? (If yes, give case no. and date) Yes, Case No. 19-4, April 11, 2019

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? _____

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

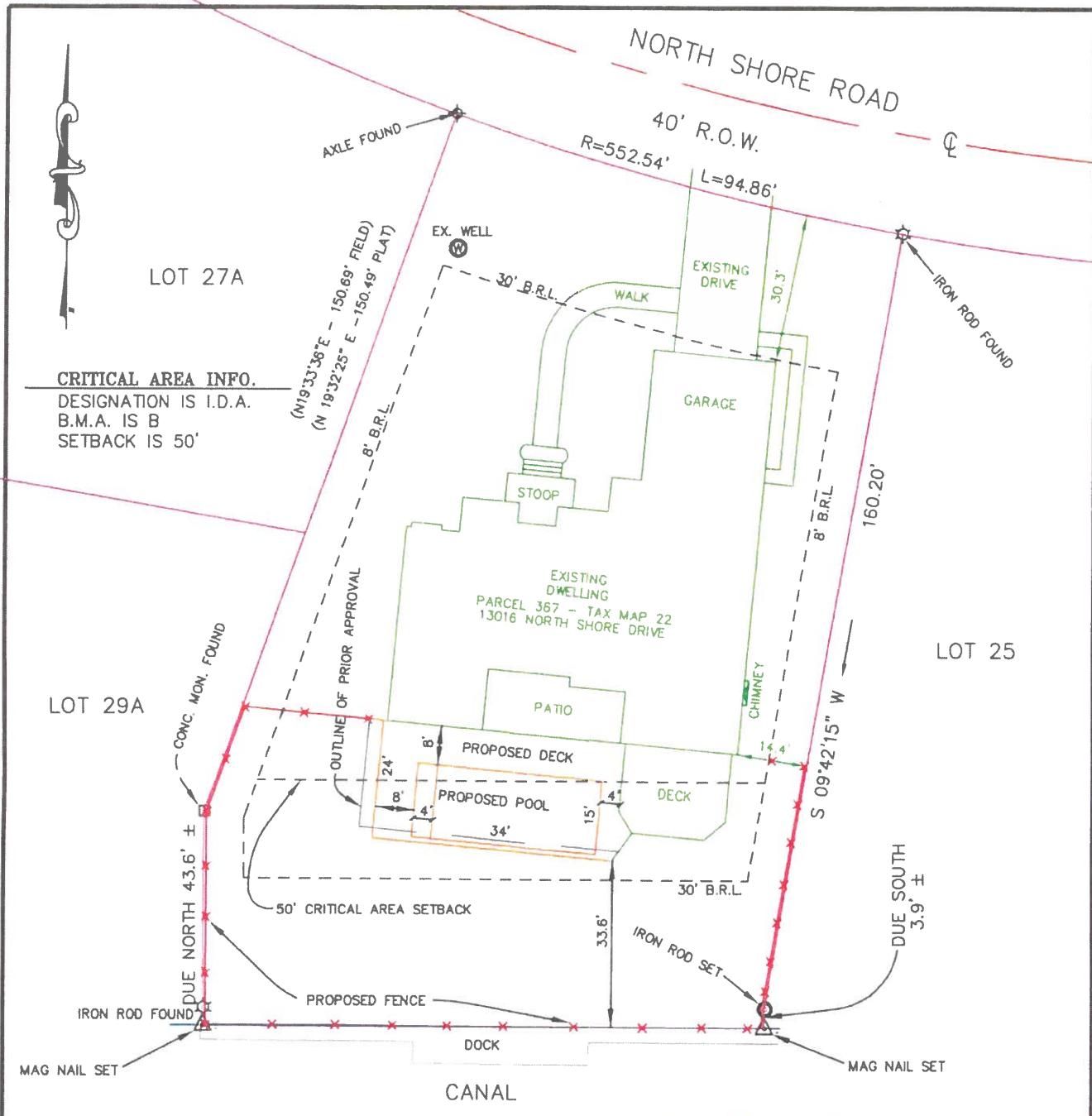
FRONT: _____	FROM CENTERLINE OF ROAD	REAR: _____ FT.
	RIGHT OF WAY STATE ROAD	SIDE: LEFT _____ FT.
	FROM PROPERTY LINE	SIDE: RIGHT _____ FT.

ZONING DISTRICT _____ **TAX DISTRICT** _____

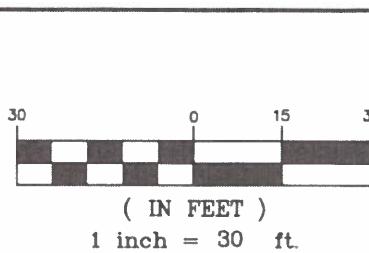
Signature of Owner or Legal Representative

Signature of Applicant

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



REFERENCE
LOT AREA: 19,343 S.F.
EX. ZONING: R-2
REQUIRED SETBACKS:
FRONT: 50' MEAS. FROM C/L RD
SIDES: 8'
REAR: 30'
FLOOD ZONE: AE (BFE=4)
PER COMMUNITY PANEL NO.:
24047C0180H DATED 7-16-2015.
OWNER : GREGORY & NANCY BRITT
DEED : 7172/207



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

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

DRAWN BY FGL JR.
FILE NO. 5450-18
DATE 7-9-2018
rev.2-10-2020

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-32

HEARING DATE: June 11, 2020

LOCATION: Located at 13016 North Shore Road, approximately 324 feet east of Golf Course Road, Tax Map 22, Parcel 367, Lot 26 of the Captain's Hill Subdivision, in the Tenth Tax District of Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the Atlantic Coastal Bays Critical Area setback from 50 feet to 33.6 feet (an encroachment of 16.4 feet) associated with a proposed pool, patio and fence in the R-2 Suburban Residential District

ZONING CODE REFERENCES: ZS 1-116(m)(1), NR 3-104(c)(4) and NR 3-111

PROPERTY HISTORY:

08/31/94	Building Permit No. 34832 – Issued 10/27/94 – C/O issued 06/06/95 - Single Family Dwelling
04/11/20	BZA Case No. 19-4 – Variance to the Critical Area setback from 50 feet to 35.6 feet (an encroachment of 14.4 feet) associated with a proposed pool, patio and fence - Granted

COMMENTS: The proposed improvements meet the 30 foot rear yard setback for zoning, therefore we have no objection to this request.

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 PROCESSES IF APPROVED:

1. Submit a building permit application for the proposed improvements;
2. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable and
3. Submit all applicable fees.

OWNER: Greg and Nancy Britt
10352 Walthan Road
Ocean City, MD 21842

APPLICANT: Mark Cropper, Esq.
6200 Coastal Highway, Ste. 200
Ocean City, MD 21842

PREPARED BY: The Zoning Section 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: Jennifer K. Keener, Zoning Administrator
From: Jenelle Gerthoffer, Natural Resources Administrator **(JG)**
Subject: Board of Zoning Appeals Comments – June 11, 2020
Date: May 27, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, June 11, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #20-31:

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

6:35 pm - Case #20-30:

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. As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided.

6:40 pm – Case #20-29:

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

6:45 pm – Case #20-32:

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 B-50. As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided.

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1308 SNOW HILL, MARYLAND 21863
TEL: 410-632-1220 FAX: 410-632-2012

6:50 pm – Case #20-33:

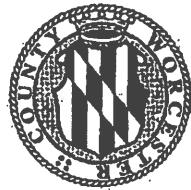
This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area B-50. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area regulations. Any applicable mitigation will be addressed at permitting stage. We reserve any further comments upon permit submittal.

6:55 pm – Case #20-35:

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

Citizens and Government Working Together

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



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer K. Keener, Zoning Administrator

From: Jenelle Gerthoffer, Natural Resources Administrator 

Subject: Critical Area Variance – Gregory & Nancy Britt, 13016 North Shore Road,
Case #20-32

Date: May 27, 2020

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 Gregory and Nancy Britt, Tax Map 22, Parcel 367, Lot 26, 13016 North Shore Road. The property is more specifically located within the Intensely Developed Area (IDA) designation with a Buffer Management area of B-50.

The Applicants are requesting a variance to §NR 3-104(c) (4) of the Worcester County Code of Public Local Laws in order to gain authorization to construct a pool, patio and fence within the 50' BMA buffer.

Under §NR 3-111 “[a]n Atlantic Coastal Bays 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”. Also within §NR 3-111(c) of the County Code, “[A]pplications for a variance shall be made in writing to the Board of Zoning Appeals”.

Citizens and Government Working Together

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

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.

Staffs opinion would be that without the granting of this variance a potential hardship could exist. The property was platted prior to the adoption of the Atlantic Coastal Bays Critical Area Program and therefore all current development must conform to the current Critical Area regulations, including the 50' buffer management setback.

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

Staffs opinion would be that the applicant's rights could be lessened without the granting of this variance due to the restrictions of the Atlantic Coastal Bays Critical Area Program. There are numerous properties within the Critical Area that have structures that are located within the 50' buffer management area; however most of them were constructed prior to the adoption of the Atlantic Coastal Bays Critical Area.

(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 previously stated, there are numerous properties throughout the County that have structures located within the 50' buffer, the majority of which were constructed prior to the adoption of the Atlantic Coastal Bays Critical Area. 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 variance is not based upon conditions or circumstances which are the result of the actions by the applicant. This is a proactive variance request.

(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.

The granting of this variance may adversely affect water quality as it is resulting in an increase in lot coverage within the most sensitive area on the property, the buffer. However, if approved the property owner would be required to mitigate at a 3:1 ratio, which will improve the water quality.

(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 may have an unwarranted hardship due to the location of the 50' BMA buffer. The Board should consider additional testimony before determining that the applicant has adequately addressed and met all 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 Durant, stated in her May 19, 2020 letter:

"We cannot support this variance request as proposed. In order to grant a variance, the applicants need to demonstrate and the Board of Zoning Appeals needs to find that each and every one of the County's variance standards has been met, including the standards of unwarranted hardship and that the variance request is the minimum necessary to provide relief. The Board of Zoning Appeals granted a variance to the applicant in April 2019, which indicates they decided that the variance was for the minimum necessary to provide relief..."

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

STAFF RECOMMENDATION

Staff would like to point out that there are numerous properties located throughout the County that have structures that encroach into the 50' buffer, some which were built prior to the Critical Area law going into effect and some of which have been approved through variances. Due to the fact that this lot was platted prior to the adoption of the Critical Area Program and the single

family dwelling was built prior to the adoption of the Critical Area Program, without the variance the applicant's rights to the property could be lessened.

It also should be noted that the Board approved a previous Critical Area variance for this property for similar proposed improvements, except that those improvements and associated encroachment were less than what is being asked for in this request. At that time, the applicant indicated that they decided an encroachment of 14.4 feet would be enough to provide relief; however, they are now asking for an encroachment of 16.4 feet.

Should the Board of Zoning Appeals grant the variance, the Department will require 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 will 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 1147 or e-mail at: jgerthoffer@co.worcester.md.us.

Citizens and Government Working Together

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

May 19, 2020

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

Re: Gregory & Nancy Britt Variance
13016 North Shore Drive, Ocean City

Dear Ms. Birch:

Thank you for providing information on the above referenced variance request to allow additional development within the Buffer Management Area (BMA) of the Critical Area. The applicant proposes to construct a patio and a pool that will be closer to the water than the current footprint of the house. The site currently contains a single family dwelling with a driveway, sidewalk and two decks. The property is a waterfront lot that is 18,375 sq. ft. located entirely in the Intensely Developed Area (IDA). The applicant was previously granted a variance in April 2019 for a pool, a patio and a fence that would add 1,092 square feet of lot coverage to the site. The applicant is now requesting a variance to the originally granted variance to encroach an additional 2 feet closer to the water and add an additional 71 square feet of lot coverage in the 50-foot Critical Area Buffer.

We cannot support this variance request as proposed. In order to grant a variance, the applicants need to demonstrate and the Board of Zoning Appeals needs to find that each and every one of the County's variance standards has been met, including the standards of unwarranted hardship and that the variance request is the minimum necessary to provide relief. The Board of Zoning Appeals granted a variance to the applicant in April 2019, which indicates they decided that the variance was for the minimum necessary to provide relief.

The Commission does not consider the inability to construct a swimming pool to be an unwarranted hardship and would not consider it one in this case. Additionally, the Commission does not consider a variance to expand a previously granted variance to be an unwarranted hardship. However, if the swimming pool must be built, we would prefer if it did not extend beyond the edge of the existing deck which is already in the 50-foot Critical Area Buffer or the edge of the existing single family dwelling. If the swimming pool must extend beyond the edge of the existing deck, we would prefer if it did not extend beyond the edge of what the Board of Zoning Appeals approved in April 2019.

Please include this letter in the file and submit it as part of the record. In addition, please notify the Commission in writing of the decision made in this case. Thank you for the opportunity to comment. If you have any questions, please contact me at (410)260-3477.

Sincerely,



Kathryn Durant
Natural Resources Planner

File: WC 959-18



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer K. Keener, Zoning Administrator
From: David Mathers, Natural Resources Planner 
Subject: Board of Zoning Appeals Comments – June 11, 2020
Date: May 20, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, April 9, 2020, for their conformance with the Forest Conservation Act.

6:30 pm – Case #20-31:

This property is subject to Forest Conservation Plan #20-05. This property is seeking a special exception to the Forest Conservation Law. See the Forest Conservation Staff Report attached.

6:35 pm – Case #20-30:

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 #20-29:

This property is subject to Forest Conservation Plan #97-15. 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.

6:45 pm – Case #20-32:

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.

Citizens and Government Working Together

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

6:50 pm – Case #20-33:

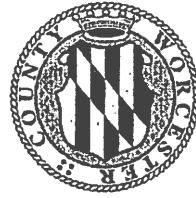
In accordance with Subtitle IV, Section 1-403(b)(15) of the Natural Resources Article of the Worcester County Code of Public Local Laws, this project is exempt from the Worcester County Forest Conservation Program.

6:55 pm – Case #20-35:

This property is subject to Forest Conservation Plan #07-28. This property has met compliance with the Worcester County Forest Conservation Law through the purchase of credits from an approved off-site forest mitigation bank.

Citizens and Government Working Together

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



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Board of Zoning Appeals (BZA) for a June 11, 2020 meeting

From: Environmental Programs Staff

Subject: Case No. 20-32; TM 22 P 367 L 2 – requesting a variance to modify previously granted variance in BZA case 19-4, to increase the encroachment into the Critical Area buffer from 14.4 feet to 16.4 feet, an additional encroachment of 2 feet, and to increase the amount of lot coverage in the Critical Area buffer, an additional encroachment of 71 feet.

Date: May 26, 2020

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.

Environmental Programs has no objection to this request.

Citizens and Government Working Together

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

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-12

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: February 12, 2026

LOCATION: South side of Pond Road, approximately 130 feet west of Golf Course Road, Tax Map 22, Parcel 412, Lot A, Tax District 10, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the Atlantic Coastal Bays Critical Area Buffer Management Area from 50 feet to 3 feet (an encroachment of 47 feet) and a variance to the Ordinance prescribed front yard setback from 30 feet to 20 feet (an encroachment of 10 feet) associated with the proposed construction of a single-family dwelling in the R-2 Suburban Residential District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(4), ZS 1-116(m)(1), ZS 1-206(b)(2) and ZS 1-305 and Natural Resources Code Sections NR 3-104(c)(4) and NR 3-111.

PROPERTY HISTORY: The property has no records on file.

COMMENTS: This application involves both a Critical Area variance and a Zoning variance. This staff report summarizes the zoning variance request; please see the attached comments from Environmental Programs for the Critical Area variance.

This undeveloped parcel totals 4.38 acres and contains approximately 20,400 s.f. of uplands in the area where the residence is proposed, according to the 1995 recorded plat. According to the Applicant, about 7,050 s.f. of the total 20,400 s.f. of uplands are within the parcel's buildable area. To the immediate rear of the proposed residence's location are non-tidal wetlands, with tidal wetlands farther to the south; the residence is proposed to have a 20' setback from the front property line along Pond Road (requiring a 10' variance) in order to limit intrusion into the non-tidal wetlands.

For the zoning 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.

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

SUBSEQUENT PROCESSES IF APPROVED:

1. Submit a Building Permit application;
2. Comply with regulations for the Floodplain Management Ordinance, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
3. Submit all applicable fees.

OWNER: Adam Lockhart Showell Sr. as Custodian
3701 Atlantic Avenue
Ocean City, MD 21842

APPLICANT: Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

PREPARED BY: Zoning Division Staff

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



Worcester County

Department of Environmental Programs
Natural Resources Division

Memorandum

To: Kristin Tremblay, Zoning Administrator

From: Joy S. Birch, Natural Resources Planner III 

Subject: Critical Area Variance – Adam Lockhart Showell Sr, South Pond Road, Case #26-12

Date: January 29, 2026

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 Adam Lockhart Showell Sr., Tax Map 22, Parcel 412, Lot A, South Pond Road, Ocean City, MD 21842. The property is more specifically located within the Intensely Developed Area (IDA) designation with a Buffer Management Area of B-50.

The Applicants are requesting a variance to §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 within the 50' BMA buffer

Under §NR 3-111 “[a]n Atlantic Coastal Bays 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”. Also, within §NR 3-111(c) of the County Code, “[A]pplications for a variance shall be made in writing to the Board of Zoning Appeals”.

Citizens and Government Working Together

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) through (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's opinion would be that without the granting of this variance a potential hardship could exist. The property was platted prior to the adoption of the Atlantic Coastal Bays Critical Area Program and therefore all current development must conform to the current Critical Area regulations, including the 50' buffer management setback.

- 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 agrees 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. There are numerous properties within the Critical Area that have structures that are located within the buffer management areas; however, most of them were constructed prior to the adoption of the Atlantic Coastal Bays Critical Area.

- (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 previously stated, there are numerous properties throughout the County that have structures located within the buffer, the majority of which were constructed prior to the adoption of the Atlantic Coastal Bays Critical Area. Therefore, granting this variance would not present a special right or privilege to the applicant.

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

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

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

The granting of this variance may adversely affect water quality as it is resulting in an increase in lot coverage within the most sensitive area on the property, the buffer. However, if approved the property owner would be required to mitigate at a 3:1 ratio, which will improve the water quality

(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 may have an unwarranted hardship due to the location of the 50' BMA buffer. The Board should consider additional testimony before determining that the applicant has adequately addressed and met all 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 Resource Planner, Kathryn Hayden, stated in her January 16, 2026, letter:

“Provided that the Board of Appeals finds that this variance can be granted, appropriate mitigation is required.”

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

Citizens and Government Working Together

STAFF RECOMMENDATION

Staff supports this variance and feels that a potential hardship exists. There are numerous properties located throughout the County that have structures that encroach into the buffer. Due to the fact that this lot was platted prior to the adoption of the Critical Area Program, without the variance the applicant's rights to the property could be lessened. The applicant will be required to get authorization from Maryland Department of Environment for any wetland impacts.

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 8NR 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@worcestermd.gov.

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Nick Kelly
Executive Director

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

January 16, 2026

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

Re: Showell – BMA Variance – S Pond Rd, Ocean City

Dear Mr. Soper,

Thank you for providing information for the above-referenced variance to the County's Buffer Management Area provisions in order to construct a single family dwelling within the 50-foot setback. The 4.38-acre undeveloped property is located entirely within the Critical Area on lands designated as an Intensely Developed Area (IDA) and Resource Conservation Area (RCA), and portions of the property are mapped as Buffer Management Area (BMA). The proposed dwelling will be entirely located within the IDA and within the 50-foot Buffer Management Area setback, and partially within a non-tidal wetland. Provided that the Board of Appeals finds that this variance can be granted, appropriate mitigation is required.

Our office would like to note that the predicted climate projections for the site may impact the structural integrity of the dwelling. When viewing the property on Maryland Coastal Flood Explorer, it's predicted that areas where the dwelling is proposed may be inundated by 2 ft. of sea level rise by 2060. Additionally, when viewing the property on Maryland Coastal Atlas, it's predicted that by 2100, the remaining uplands on the property could be converted to wetlands.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn Hayden".

Kathryn Hayden
Natural Resources Planner

File: WC 0279-25
CC: Jennifer Esposito, Critical Area Commission

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: 26-9
DATE FILED: 7-13-2026
HEARING DATE: 2-12-2026

APPLICATION IS BEING MADE FOR:

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

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 request for two (2) special exceptions: (1) a special exception pursuant to Section ZS 1-201(c)(8) for a saw mill and the manufacturing or processing of wood products in a 40 x 80 foot agricultural structure; and (2) a special exception pursuant to Section ZS 1-201(c)(42) for the accessory use of that principal agricultural structure for the commercial hosting of non-agricultural functions and events. See Plat for additional details

LOCATION OF PROPERTY:

Tax Map: 26 Parcel: 260 Unit: _____ Lot: _____ Block: _____
Ocean Gateway, Ocean City, MD 21842

PROPERTY OWNER INFORMATION:

Owner: Frederick Henry Eisenbrandt Telephone: _____
Address: 14414 Cuba Road, Cockeysville, MD 21030 E-mail: _____

APPLICANT INFORMATION:

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

Has property in question ever been subject of previous appeal? (If yes, give case no. and date) _____
Is property located in the Chesapeake Bay Critical Area or the Atlantic Coastal Bay Critical Area, or its tributaries? _____
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 STATE ROAD
100' FROM PROPERTY LINE

REAR: 100' FT.
SIDE: LEFT 100' FT.
SIDE: RIGHT 100' FT.

ZONING DISTRICT A-1 TAX DISTRICT 10


Signature of Owner or Legal Representative


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 8th day of January, 20²⁶, 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.

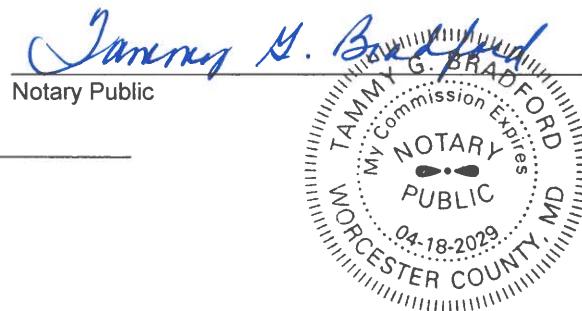
My Commission Expires: 4/18/2029

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

I HEREBY CERTIFY, that on this 8th day of January, 20²⁶, 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.

My Commission Expires: 4/18/2029



DESCRIPTION OF PROJECT

Frederick H. Eisenbrandt, by his attorney, respectfully submits the following description of project:

1. Sawmill and the Manufacturing or Processing of Wood Products in a 40 x 80 Foot structure

Foot structure – The subject property is 72.61 acres, more or less, and as such, far exceeds the minimum lot requirement of five acres for a sawmill. The proposed Site Plan meets all required setbacks.

The property has been used for many, many years as a commercial timber operation, as well as ornamental trees, such as Christmas trees. Harry Kelly, the former Mayor of Ocean City, previously owned the property, and operated a Christmas tree farm there for many, many years. There are still various species of Christmas trees scattered throughout the property.

The existing barn on the property, which is 50 x 100 feet, was constructed out of timber that was cut and milled on of this property. The applicant intends to use lumber milled on this property for the construction of the instant structure.

The applicant continues to work with Registered Professional Foresters with respect to the harvest of additional commercial timber.

The applicant hopes to sell wood and wood products as well as Christmas trees grown on the property, as part of the sawmill operation.

2. Accessory Use of the Sawmill Structure for the Commercial Hosting of Non-Agricultural Functions and Events

Accessory Use of the Sawmill Structure for the Commercial Hosting of Non-Agricultural Functions and Events – The proposed structure will be 40 x 80 feet, constructed on an existing concrete pad, and will contain the sawmill. There will be definitive physical barriers which will prevent customers from touching the sawmill, but the sawmill and select products will be visible during other events.

The applicant intends to host such events as weddings, birthdays, and other special functions. It will be scenic, with a farm theme.

3. Conclusion – The Board of Zoning Appeals previously granted BZA Case No. 24-46, and a copy of the Findings of Fact and Opinion is attached. The previous Opinion authorized the commercial hosting of non-agricultural functions and events; this proposed special exception would expand on that original approval, and create an enhanced experience for the patrons, and promote further the agricultural uses on the property.

Respectfully Submitted



Hugh Cropper IV, Attorney for
Frederick H. Eisenbrandt, Property Owner

EISENBRANDT-DESCRIPTION (1/12/26)

IN THE MATTER OF HUGH CROPPER, IV

*

BEFORE THE BOARD OF ZONING

*

APPEALS FOR WORCESTER COUNTY,
MARYLAND

*

Case No. 24-46

* * * * *

OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, June 13, 2024, upon the application of Hugh Cropper, IV, on the lands of Frederick Eisenbrandt, requesting a special exception to allow the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events in the A-1 Agricultural District, pursuant to Zoning Code Sections §§ ZS 1-116(c)(3), ZS 1-201(c)(32) and ZS 1-325, located at 11930 Ocean Gateway, Tax Map 26, Parcel 260, Tax District 10, Worcester County, Maryland.

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

Property owner Frederick Eisenbrandt testified before the Board along with Frank Lynch, Jr., and Todd Peterson. There were no protestants to the application. The testimony revealed that they own 76 acres plus surrounding land, totaling 98 acres. There are extremely large buffers of woods between the proposed event center and surrounding properties.

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

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

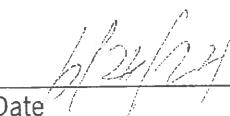
5. The proposed use will not adversely affect the health, safety, morals, security or general welfare of residents, workers or visitors in the area; and
6. The proposed use will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, medical facilities, water, sanitary sewers, public roads, storm sewers, drainage and other public improvements.

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

BE IT RESOLVED, that the requested special exception be GRANTED upon the following condition:

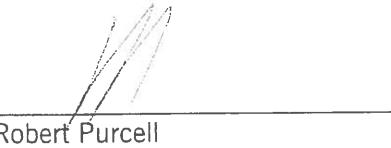
1. All events must end at 10:00pm.

Date



Robert Purcell
Chairperson

Date

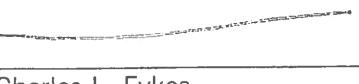

6-28-2024

Jacob Mitrecic

Date


Thomas Babcock

Date


Charles L. Fykes

Date


Lisa Bowen

Date


Beth Gismondi

Date


Don Furbay

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

WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-9

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: February 12, 2026

LOCATION: 11930 Ocean Gateway, Tax Map 26, Parcel 260, Tax District 10, Worcester County, Maryland.

APPROVAL REQUESTED: Two (2) special exceptions to allow (1) a sawmill including the manufacturing and processing of wood products in an agricultural structure, and (2) the accessory use of that principal agricultural structure for the commercial hosting of non-agricultural functions and events in the A-1 Agricultural District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(3), ZS 1-201(c)(8), ZS 1-201(c)(32) and ZS 1-325.

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

- 06/28/2022 Building Permit No. 22-0720 – Issued 9/23/2022 – C/O issued 8/24/2023 – Three-bedroom single-family dwelling on second floor with garage/storage on first floor, a front covered entry, rear steps to the second-floor deck, and a 9' by 11' shed.
- 06/13/2024 BZA Case No. 24-46 – Public Hearing held on 06/13/2024 - BZA Opinion dated 07/03/2024 for Approval – Special Exception to allow the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events.
- 10/09/2024 Technical Review Committee (TRC) Review of a Minor Site Plan for The Farm: Fritz Eisenbrandt Wedding Event Venue – Approval granted 04/29/2025.
- 05/15/2025 Zoning Permit No. 25-0516 – Issued 05/16/2025 – C/O issued 12/02/2025 – After-the-fact Zoning Permit establishing the use of “The Farm” wedding and event venue, to include parking spaces, dumpster enclosure and special events center.

COMMENTS: A Special Exception was approved by the BZA in 2024 to allow, as an accessory use to the agricultural use of the land (timber maintenance), the commercial hosting of non-agricultural functions and events (e.g., weddings, birthday parties, etc.). This special exception, while similar, was applied to the use of the land (to include tents for events). A new special exception is needed for the proposed sawmill structure.

The property totals about 73 acres and contains a structure that is used for residential purposes, and is not considered a “principal agricultural structure” and cannot be used in conjunction with the special events. The applicant proposes to construct a new 40’ x 80’ structure that will contain a sawmill (a use allowed by Special Exception in the A-1 District), and this structure will also be used in conjunction with the special events (this also requires a Special Exception). If approved, Site Plan approval will be required for both the sawmill and the use of this structure for the non-agricultural functions and events as well as subsequent building and zoning permits.

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

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

SUBSEQUENT PROCESSES IF APPROVED:

1. Obtain site plan approval for the sawmill and the accessory use of the sawmill for the hosting of non-agricultural events use.
2. Submit permit and zoning permit applications for the proposed uses and any proposed improvements, in conformance with all applicable codes.

OWNER: Frederick Henry Eisenbrandt
14414 Cuba Road
Cockeysville, MD 21030

APPLICANT: Hugh Cropper, IV, Esq. & Kristina Watkowski
9927 Stephen Decatur Hwy, 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.

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

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



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 – February 12, 2026
Date: January 29, 2026

Below are comments related to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, February 12, 2026, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #26-8:

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

6:35 pm -Case #26-10:

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

6:40 pm – Case #26-12:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Developed Area (IDA) within Buffer Management Area B-50. **As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided**

6:45 pm -- Case #26-9:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as the Resource Conservation Area (RCA) with an associated 100' buffer. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area regulations, as the proposed activity is located outside of the Atlantic Coastal Critical Area limits. No Comment



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 – February 12, 2026 Meeting

Date: January 29, 2026

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, February 12, 2026, for their conformance with the Forest Conservation Act.

6:30 pm – Case # 26-8:

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 will 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.

6:35 pm -Case # 26-10:

In accordance with Subtitle IV, Section 1-403(b)(11) 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 preliminary plat for this subdivision was approved by the Worcester County Planning Commission prior to July 1, 1991. Any future approval of this land for a regulated activity shall be subject to the County's Forest Conservation Law.

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6:40 pm -Case # 26-12:

This subdivision is subject to the Worcester County Forest Conservation Law. This property is subject to Forest Conservation Plan #95-9. This property has met compliance with the Worcester County Forest Conservation Law through the establishment of on-site Forest Conservation easement. 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 easements. Furthermore, all forest protection signs must be in place around conservation easements.

6:45 pm -Case # 26-9:

This subdivision is subject to the Worcester County Forest Conservation Law. This property is subject to Forest Conservation Plan #24-33. This property has met compliance with the Worcester County Forest Conservation Law through the establishment of on-site Forest Conservation easement. 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 easements. Furthermore, all forest protection signs must be in place around conservation easements.



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Board of Zoning Appeals (BZA) for the February 12, 2026 meeting
From: Environmental Programs Staff
Date: February 2, 2026

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. 26-8, on the lands of Amy and Scott Lawrence, requesting a variance to the front yard setback for a flag lot from 228 feet to 150 feet (to encroach 78 feet) for a proposed pole building in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-201(b)(5), ZS 1-201(d)(2), and ZS 1-305, located on the northwest side of Worcester Highway approximately 600 feet northeast of Johnson Neck Road, Tax Map 78, Parcel 81, Tax District 8, Worcester County, Maryland.

No objection to this variance request.

6:35 p.m.

Case No. 26-10, on the lands of Bryan Stefanic, on the application of Spencer Ayres Cropper, requesting an after-the-fact variance to the rear yard setback from 30 feet to 16.1 feet (to encroach 13.9 feet) for an existing open deck with a pool in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 1100 Ocean Parkway, Tax Map 21, Parcel 224, Section 10, Lot 388, Tax District 3, Worcester County, Maryland.

No objection to this variance request.

6:40 p.m.

Case No. 26-12, on the lands of Adam Lockhart Showell, Sr., as Custodian, on the application of Mark Spencer Cropper, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer

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Management Area from 50 feet to 3 feet (an encroachment of 47 feet) and a variance to the Ordinance prescribed front yard setback from 30 feet to 20 feet (an encroachment of 10 feet) associated with the proposed construction of a single-family dwelling in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-116(m)(1), ZS 1-206(b)(2) and ZS 1-305 and Natural Resources Code Sections NR 3-104 (c)(4) and NR 3-111 located on the south side of Pond Road, approximately 130 feet west of Golf Course Road, Tax Map 22, Parcel 412, Lot A, Tax District 10, Worcester County, Maryland.

Property does have a sewer EDU if permitting for a single family home is approved.

6:45 p.m.

Case No. 26-9, on the lands of Frederick Henry Eisenbrandt, on the application of Hugh Cropper IV, requesting two (2) special exceptions to allow (1) a sawmill and the manufacturing and processing of wood products in an agricultural structure, and (2) the accessory use of that principal agricultural structure for the commercial hosting of non-agricultural functions and events in the A-1 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-201(c)(8), ZS 1-201(c)(32) and ZS 1-325, located at 11930 Ocean Gateway, Tax Map 26, Parcel 260, Tax District 10, Worcester County, Maryland.

The owner would need to operate the facility in such a way as to be in compliance with state septic regulations and not cause detrimental conditions as described in ZS 1-116 (c) (3) A.3 (cause no objectional noise, vibration, fumes, odors, dust, glare or physical activity; and will not have a detrimental effect on ground or surface water quality). This would entail utilizing portable toilet facilities for each event and there should be no use of sanitary facilities within the house for events, nor can the first floor/garage area of the house be used to host events.

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OPINIONS FROM THE PREVIOUS MONTH FOR REVIEW

**(Opinion for each case will be provided at the regular
meeting for signature by all members)**

IN THE MATTER OF MILESTONE TOWERS

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BEFORE THE BOARD OF ZONING

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APPEALS FOR WORCESTER COUNTY,

*

MARYLAND

Case No. 26-1

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OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, January 8, 2026, upon the application of Milestone Towers, on the lands of the Ocean Pines Association, Inc., requesting a special exception to allow a 150 foot tall camouflaged monopole in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-206(c)(15) and ZS 1-343, located at 98 Clubhouse Drive west of the Ocean Pines golf course maintenance building, Tax Map 16, Parcel 56, Tax District 3, Worcester County, Maryland.

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

Engineer Camille Shabshab, who prepared the site plan, testified before the Board along with Ocean Pines Police Chief Tim Robinson, radio frequency engineer Andrew Petersohn, Matthew Forkas, and Sean Hughes. The testimony reveals that the project is intended to improve wireless coverage in ocean Pines. The tower will have a 12 foot fence, and will be disguised as a pine tree. The closest residential lot will be 300 feet from the base of the monopole. The pole will not be lighted. The site will be unmanned and will be visited only several times per quarter. The property is 174 acres and the monopole will be placed next to the maintenance building between the gravel road and mature tree line surrounding the site. The pole will be 150 feet and all antennas will be below that height.

Mr. Shabshab stated that the setbacks are greater than what is required. The tower will meet all windload requirements. The existing tree cover will sufficiently screen and buffer the ground compound. Matthew Fortas, the Project Manager also testified in favor, stating that the site is compliant with §1-116(c)(3) requirements. All FCC standards are met for radiation emission limits. Property values will not be adversely affected. Andrew Petersohn, a radio frequency engineer, testified favorably, that there is a coverage deficiency in the area and a capacity deficiency in the summer. This monopole will address those deficiencies. Radiation exposure levels are less than FCC limits. Chief Robinson also testified in favor of the

application, stating that the safety of the public requires better coverage because coverage is not what it should be. Charles Choate testified in favor, stating that he worked for C&P Telephone, Bell Atlantic, and then Verizon. He was a network engineer to ensure capacity was there to ensure calls got through. He testified that the evidence presented by the Applicant is accurate.

Cindy Hoffman questioned the project, stating that she lives on the 3rd hole of the golf course. She stated concern about her view and the exposure of radiation analysis. Mr. Petersohn responded to her question that FCC guidelines if met, prevent local government from addressing radiation issues, and that radiation meets FCC standards.

Russ Wheeler appeared and opined that Xfinity implanted fiber optic cable in Ocean Pines a few years ago. His question was answered.

Carolyn Pierce protested the application. She claims her home is 640 feet from the tower. The tower will interfere with their view, and their peaceful enjoyment. She is concerned with EMF exposure as causing health issues. She didn't get adequate notice of the project. Her property value will be adversely affected.

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

1. The proposed use will be consistent with County's Comprehensive Plan; in that the Plan contemplates that infrastructure will be upgraded to meet the needs of citizens;
2. The proposed use will be in harmony with the general character of the neighborhood considering population density, the design, scale and bulk of any proposed new structures, the intensity and character of activity, traffic and parking conditions or the number of similar uses. The monopole will be camouflaged and will not affect the general neighborhood;
3. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or surrounding neighborhoods; will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity; and will not have a detrimental effect on ground or surface water quality. The evidence showed that property values would not be adversely affected, there will be no noises, odors, etc., and water quality will not be affected.
4. The proposed use will have no detrimental effect on vehicular or pedestrian traffic;
5. The proposed use will not adversely affect the health, safety, morals, security or general welfare of residents, workers or visitors in the area;

6. The proposed use will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, medical facilities, water, sanitary sewers, public roads, storm sewers, drainage and other public improvements.

Accordingly, upon a Motion to deny made by Ms. Gismondi, which was seconded by Mr. Mitrecic, the Board unanimously passed the following resolution:

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

Date

Robert Purcell
Chairperson

Date

Jacob Mitrecic

Date

Thomas Babcock

Date

Charles L. Fykes

Date

Lisa Bowen

Date

Beth Gismondi

Date

Steven Katsanos

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

IN THE MATTER OF KATRINA DURSKY

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BEFORE THE BOARD OF ZONING

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APPEALS FOR WORCESTER COUNTY,

*

MARYLAND

Case No. 26-2

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OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, January 8, 2026, upon the application of the Katrina Dursky, on the lands of the Janice E. Kosko Living Trust, requesting an after-the-fact variance to the rear yard setback from 30 feet to 28.6 feet (to encroach 1.4 feet) for an existing deck in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 6 Decatur Court, Tax Map 16, Parcel 42, Section 5, Lot 238, Tax District 3, Worcester County, Maryland.

Melissa Lentz testified before Board in favor of the Application. There were no protestants to the Application. The testimony revealed that the permit for the deck was issued in 2000. The property lines are curved and angled which made it difficult to remain within the setback. The Property is adjacent to the golf course so no other properties will be affected. This owner did not own the property when the deck was built.

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

1. Special conditions and circumstances exist which are peculiar to the land and proposed building involved;
2. The literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by others in the Zone;
3. The special conditions did not result from actions of the applicant; and

4. The conditions are not one that could be reasonably provided for under legislation of general applicability within the Zone;.

Accordingly, upon a Motion made by Mr. Fykes to approve, which was seconded by Mr. Mitrecic, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested variance be APPROVED.

Date

Robert Purcell
Chairperson

Date

Jacob Mitrecic

Date

Thomas Babcock

Date

Charles L. Fykes

Date

Lisa Bowen

Date

Beth Gismondi

Date

Steven Katsanos

IN THE MATTER OF GREG WILKINS *
*
BEFORE THE BOARD OF ZONING *
*
APPEALS FOR WORCESTER COUNTY, *
MARYLAND * Case No. 26-3

* * * * *

OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, January 8, 2026, upon the application of the Greg Wilkins, on the lands of JeanMarie Richardson and Steven Katz, requesting a variance to the front yard setback from 25 feet to 17.93 feet (to encroach 7.07 feet) for a proposed porch with steps in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 10356 New Quay Road, Tax Map 21, Parcel 8, Section A, Block 8, Lot 8, Tax District 10, Worcester County, Maryland.

The Applicant Gregory P. Wilkins testified before Board in favor of the Application. There were no protestants to the Application.

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

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

Accordingly, upon a Motion made by Mr. Katsanos to approve, which was seconded by Mr. Fykes, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested variance be APPROVED.

Date

Robert Purcell
Chairperson

Date

Jacob Mitrecic

Date

Thomas Babcock

Date

Charles L. Fykes

Date

Lisa Bowen

Date

Beth Gismondi

Date

Steven Katsanos