

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

May 11, 2017

Worcester County Board of Zoning Appeals met on the above date in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland. Members present were: David Dypsky, Robert Purcell, Thomas Babcock, Joe Green, Glenn Irwin, Larry Duffy and Larry Fykes. Also in attendance were Jennifer Keener, Zoning Administrator; Cathy Zirkle, License Permit Clerk, Adam Dickerson, Natural Resources Planner, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM **Case No. 17-25**, on the application of Todd Ferrante, on the lands of TJSF, LLC, requesting a special exception to construct a freestanding, non-monument sign in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-210(d)(3) and ZS 1-324(c)(4)B.4, located at 12720 Ocean Gateway, approximately 310 feet west of Elm Street, Tax Map 27, Parcel 146, Lot 3, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Todd Ferrante and John Selby. There were no protestants. Submitted as Applicant's Exhibit No. 1 were photographs of non monument signs in the surrounding area. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Irwin and carried unanimously to grant the special exception as requested. The hearing ended at 6:39 PM.

The public hearing commenced at 6:40 PM on **Case No. 17-22**, on the application of Larry Hill, on the lands of Holy Trinity Cathedral, requesting a special exception to establish a cemetery in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3) and ZS 1-201(c)(20), located at 11021 Worcester Highway, approximately 745 feet north of MD Route 90, Tax Map 15, Parcel 236, Lot 3, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Larry Hill and Paula Rose. There were no protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and carried unanimously to grant the special exception as requested. The hearing ended at 6:43pm.

The public hearing commenced at 6:44 PM on **Case No. 17-23**, on the application of Cellco Partnership, on the lands of Thomas Somerville Co., requesting a special exception to reduce the separation distance between a telecommunication site and an existing or permitted residential structure from 1000 feet to no less than 500 feet in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-210(b)17 and ZS 1-343, located at 11002 Cathell Road, approximately 227 feet south of Five L Drive, Tax Map 21, Parcel 50, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Steve Smethurst, Esquire, Robert Dees, George Rathlev and Michael Fisher. Deborah Carper was present in opposition to the request. Submitted as Applicant's Exhibit No. 1 was an Engineer's Report on the

proposed monopole antenna. Following the discussion, it was moved by Mr. Green, seconded by Mr. Fykes and carried unanimously to grant the special exception as requested. The hearing ended at 7:16 PM.

The public hearing commenced at 7:17 PM on **Case No. 17-28**, on the application of Jamy C. Davy, on the lands of Old Town Ventures II LLC, requesting an after-the-fact variance to the Ordinance prescribed front yard setback off of a minor collector highway from 60 feet (BZA case 16-18) to 56 feet (an encroachment of 4 feet) as measured from the centerline of the road right-of-way associated with an existing landing in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2), ZS 1-305(b)(2)B and ZS 1-326(c)(12), located at 10242 Golf Course Road at the intersection with Center Drive, Tax Map 27, Parcel 570, Block 1, Lot 2A, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Jamy Davy and Donald Littleton. There were no protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Green and carried 6-1 to grant the variance as requested with Mr. Purcell opposed. The hearing ended at 7:27 PM.

The public hearing commenced at 7:28 PM on **Case No. 17-27**, on the lands of Stephen & Kristin Lewis, requesting an after-the-fact variance to the Ordinance prescribed front yard setback on Horn Island Drive from 50 feet to 33.9 feet (an encroachment of 16.1 feet) as measured from the centerline of the road right-of-way associated with an existing deck and a variance to the Ordinance prescribed side yard setback from 6 feet to 3.9 feet (an encroachment of 2.1 feet) associated with a proposed replacement open deck in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 12941 Horn Island Drive, approximately 395 feet southeast of North Avenue, Tax Map 27, Parcel 570, Block 6, Lot 2, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Stephen Lewis, Kristin Lewis and Steve Rakow, Esquire. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a site survey from 2004. Submitted as Applicant's Exhibit No. 2 was a copy of the subdivision plat. Submitted as Applicant's Exhibit No. 3 was an information packet. Following the discussion, the board decided to vote on each variance independently. Regarding the front yard after-the-fact variance, it was moved by Mr. Babcock, seconded by Mr. Green and carried 6-1 to deny the variance with Mr. Irwin opposed. Regarding the side yard variance for the proposed replacement deck, it was moved by Mr. Purcell, seconded by Mr. Babcock and carried unanimously to grant the variance with the condition that the existing fence and shed be properly permitted. The hearing ended at 7:48 PM.

The public hearing commenced at 7:49 PM on **Case No. 17-26**, on the application of Shawn Eisemann, on the lands Irene Neidhardt & Dyan Gush, requesting a special exception to establish a private noncommercial recreational area and center for a sports, recreational fast pitch and fitness complex in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-201(c)(22) and ZS 1-325, located on Worcester Highway, approximately 700 feet north of MD Route 90, Tax Map 15, Parcel 236, Lot 4, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Board Member Thomas Babcock recused himself from this case. Appearing as witness and

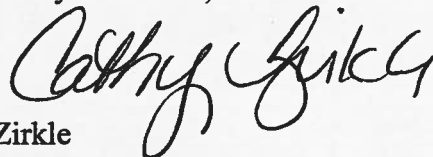
providing testimony were Shawn Eisemann, Rick Tilghman and Aaron Bew. Steve Rakow, Esquire, Steve Babcock, Norman Cathell, Sr. and Larry Hill were present in opposition of the request. Submitted as Protestants Exhibit No. 1 was a letter from neighbor Jeannie Mariner. Following the discussion, it was moved by Mr. Duffy, seconded by Mr. Fykes and carried unanimously to grant the variance with the following conditions: 1. Only one outdoor playing field will be allowed, 2. No field lighting shall be provided, 3. No activities will occur on Sunday, 4. No tournaments will be allowed and 5. A gate must be provided at the end of the driveway. The hearing ended at 8:53 PM.

The public hearing commenced at 8:54 PM on **Case 17-29**, on the application of McGinty Marine Construction, LLC, on the lands of Elias Zacharopoulos, requesting a modification to the limitation on the extension of a waterfront structure into a body of water to the Ordinance prescribed quarter rule by 12 feet, associated with the proposed construction of a walkway, pier, platform, and two boatlifts, pursuant to Zoning Code Section ZS 1-116(n)(3) and Natural Resources Code Section NR 2-102(e)(1), located at 12627 Sheffield Road, approximately 425 feet northeast of Brighton Road, Tax Map 21, Parcel 8, Section A, Block 10, Lot 3, of the Cape Isle of Wight Subdivision, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Matthew Hedger. Sandra Fritz and Janice Dolan were present in opposition to the request. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Fykes and carried unanimously to grant the shoreline modification with the following conditions: there will be a maximum channelward encroachment of 32 feet and an "As Constructed" survey will be required upon completion. The hearing ended at 9:12 PM.

Administrative Matters

With no further business before the Board, the meeting was adjourned at 9:15 PM.

Respectfully submitted,



Cathy Zirkle
License Permit Clerk