

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

December 10, 2020

The Worcester County Board of Zoning Appeals met on the above date in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland. Members present were: David Dypsky, Robert Purcell, Thomas Babcock, Joe Green, James Purnell, Glenn Irwin and Larry Fykes. Also in attendance were Kristen Tremblay, Zoning Administrator, Cathy Zirkle, DRP Specialist II, Joy Birch, Natural Resources Specialist II, Debbie Dickerson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 20-53**, on the application of McLean Contracting, on the lands of IA Construction Corporation, requesting a special exception (transient use) to allow 2 temporary construction trailers associated with off-site road work in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), 1-201(c)(34) and ZS 1-337, located at 223 Ocean Highway, the entrance being approximately 1526 feet north of Sparrow Road, Tax Map 100, Parcel 14, in the First Tax District of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Jay Lipscomb, Jr. and Joshua Schmitz. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a written response addressing the Special Exception criteria. Following the discussion, it was moved by Mr. Purnell, seconded by Mr. Fykes and carried unanimously to grant the special exception as requested. The hearing ended at 6:40 PM.

The public hearing commenced at 6:41 PM on **Case No. 20-54**, on the lands of Ellen and Harold Davis, requesting a special exception to store and sell products which are not produced on the premises (furniture) for a proposed home occupation in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), 1-201(d)(3) and ZS 1-339(a)(3), located at 11250 Campbelltown Road, Berlin, MD, approximately 1,020 feet north of Pitts Road, Tax Map 14, Parcel 228, in the Third Tax District of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Ellen Gale Ashley-Davis. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Babcock and carried unanimously to grant the special exception as requested. The hearing ended at 6:46 pm.

Mr. Cropper requested that case 20-49 be the last of the hearing. The Board agreed.

The public hearing commenced at 6:47 PM on **Case No. 20-44**, on the application of Mark S. Cropper, Esquire, on the lands of Kenneth Hash, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer Management Area (BMA) from 100 feet to 66.02 feet (an encroachment of 33.98 feet) associated with a proposed fence in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(m)(1) and Natural Resources Sections 3-104(c)(4) and NR 3-111, located at 12816 Heathland Drive, approximately 778 feet south of Savanna Court, Tax Map 17, Parcel 1, Lot 65 of the Lighthouse Sound Subdivision, in the Fifth Tax District of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony

were Mark Cropper, Esq. and Toni Richardson. There were no protestants. Submitted as Applicant's Exhibit No. 1 was an email from Ruppert fence explaining no heavy equipment would be used in the fence installation. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Dypsky and carried unanimously to grant the Critical Area variance, with the condition that a survey would not be required. The hearing ended at 7:00 PM.

The public hearing commenced at 7:01 PM on **Case No. 20-51**, on the application of Mark Cropper, Esq., on the lands of Barry & Amy Krisko, requesting a variance to the Atlantic Coastal Bays Critical Area Ordinance to exceed the allowable 100 feet tidal wetland crossing by 95 feet for a proposed 3 foot by 195 foot walkway over tidal wetlands that will connect to a pier over tidal waters measuring 6 feet by 30 feet, in the R-3 Multi Family District, pursuant to Zoning Code Sections ZS 1-116(n)(2), ZS 1-207(d)(6) and Natural Resources Section NR 3-125(b)(1), located at 13019 Old Bridge Road, on the North side of the intersection with Martha's Landing Road, Tax Map 27, Parcel 239, Lot 12, in the Tenth Tax District of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Mark Cropper, Esq. and J. Stacy Hart. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Purnell and carried unanimously to grant the Critical Area variance as requested. The hearing ended at 7:09 PM.

The public hearing commenced at 7:10 PM on **Re-advertisement of Case No. 20-49**, on the application of Mark S. Cropper, Esquire, on the lands of Darryl & Patricia Greer, requesting an after the fact variance to the Ordinance prescribed side yard setback from 10 feet to 7.6 feet (an encroachment of 2.4 feet) associated with an existing landing and stairs in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305, located at 10714 Admirals Lassie Lane, approximately 740 feet southeast of Man O War Lane, Tax Map 26, Parcel 1, Lot 236, of the Riddle Farm Subdivision, in the Tenth Tax District of Worcester County, Maryland. Kristen Tremblay read the application. Appearing as witness and providing testimony was Mark Cropper, Esq. and Darryl Greer. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a packet of site plans and construction plans. Submitted as Applicant's Exhibit No. 2 was a copy of the building permit. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Irwin and carried 5-2 to grant the variance as requested with Mr. Purcell and Mr. Babcock opposed. The hearing ended at 7:30 PM.

With no further business before the Board, the meeting was adjourned at 7:32 PM.

Respectfully submitted,

Cathy Zirkle
DRP Specialist II

