

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

October 12, 2017

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, Glenn Irwin and Larry Fykes. Also in attendance were Jennifer Keener, Zoning Administrator; Cathy Zirkle, License Permit Clerk II, Joy Birch, Natural Resource Planner, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The public hearing commenced at 6:30 PM on **Case No. 17-55**, on the application of John Bruning Jr., on the lands of Bruning Properties LLC, requesting a special exception to allow a minor subdivision in the RP Resource Protection District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-215 (c)(3) and ZS 1-311, located at the eastern terminus of Cedartown Road, Tax Map 57, Parcel 35, in the Fourth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Chris McCabe, consultant, David Bruning, property owner, and John Bruning, Jr. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried unanimously to grant the special exception as requested. The hearing ended at 6:33 PM.

The public hearing commenced at 6:35 PM on **Case No. 17-45**, on the application of Steven Rakow, Esquire, on the lands of Travis & Jessie Martin, requesting an Atlantic Coastal Bays Critical Area variance to locate a fence in the 100 foot buffer in the R-1 Rural Residential District and the RP Resource Protection District, pursuant to Zoning Code Sections ZS 1-116(m)(1), ZS 1-205(d)(1) and ZS 1-305, and Natural Resources Article Sections NR 3-104(c)(4) and NR 3-111 located at 10502 Shingle Landing Road approximately 1083 feet east of Cedar Creek Road, Tax Map 15, Parcel 93, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Steve Rakow, Esquire and Jessie Martin, property owner. There were no protestants. The applicants proffered to relocate the fence outside of the non-tidal wetlands and buffer. Following the discussion, it was moved by Mr. Green, seconded by Mr. Irwin and carried unanimously to grant the Atlantic Coastal bays Critical Area variance as amended. The hearing ended at 6:39 PM.

The public hearing commenced at 6:40 PM **Case No. 17-57**, on the application of Michael Reynolds, on the lands of Northern Building Restoration LLC, requesting an after-the-fact variance to the Ordinance prescribed right side yard setback from 20 feet to 19.7 feet (an encroachment of 0.3 feet) and an after-the-fact variance to the Ordinance prescribed front yard setback from 35 feet to 33.8 feet (an encroachment of 1.2 feet) associated with contractor shops in the I-1 Light Industrial District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-212(b)(1) and ZS 1-305, located at 12041 Industrial Park Road, approximately 1,079 feet east of Hammer Road, Tax Map 10, Parcel 200, Lot 11, in the Fifth Tax District of Worcester County, Maryland.

Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Mike Reynolds, and David Guinan, property owner. There were no protestants. Submitted as Applicant's Exhibit No. 1 (collectively) were photographs of the buildings under construction. Following the discussion, it was moved by Mr. Babcock, seconded by Mr. Green and carried 5-1 to grant the variances as requested with Mr. Purcell opposed. The hearing ended at 6:48 PM.

The public hearing commenced at 6:49 PM on **Re-Advertisement of Case No. 17-50**, on the application of Hugh Cropper IV, Esquire, on the lands of Douglas and Tammara Clark, requesting a special exception to allow contractors' shops in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-202(c)(14), ZS 1-305(b), ZS 1-322 and ZS 1-325, located on the easterly side of Handy Lane, approximately 1,076 feet north of Hammond Road, Tax Map 9, Parcel 370, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Hugh Cropper, IV, Esquire, Chris McCabe, consultant, and Douglas Clark, property owner. There were no protestants. Submitted as Applicant's Exhibit No. 1 was a site plan with mark-ups. The request was amended to include a special exception for boat and RV storage yard and/or buildings. Following the discussion, it was moved by Mr. Green, seconded by Mr. Fykes and carried unanimously to grant the special exceptions as requested and amended. The hearing ended at 6:58 PM.

The public hearing commenced at 6:59 PM on **Case No. 17-52**, on the application of Hugh Cropper IV, Esquire, on the lands of All Seasons RV & Boat Storage, requesting a special exception to allow contractors' shops in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-202(c)(14), ZS 1-305(b), ZS 1-322 and ZS 1-325, located at 13222 Handy Lane, approximately 1,432 feet north of Hammond Road, Tax Map 9, Parcel 301, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony were Hugh Cropper, IV, Esquire, Chris McCabe, consultant, and Douglas Clark. There were no protestants. The request was amended to include a special exception for boat and RV storage yard and/or buildings. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Green and carried unanimously to grant the special exceptions as requested and amended. The hearing ended at 7:04 PM.

The public hearing commenced at 7:05 PM on **Case No. 17-53**, on the application of Hugh Cropper IV, Esquire, on the lands of Sun TRS Frontier, LLC, requesting a special exception to increase the maximum height of a structure from 45 feet to 62 feet (an increase of 17 feet) associated with a proposed water slide in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-210(c)(1), ZS 1-305(n)(1) and ZS 1-325, located at 8428 Stephen Decatur Highway (MD Route 611), approximately 705 feet south of Assateague Way, Tax Map 33, Parcel 94, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Chris McCabe of Coastal Compliance Solutions, LLC, Bob Huffnagel, Atwell Company, Michael Manly and Harold Decker, Manager of Frontier Town Campground. There were no protestants. Submitted as Applicant's Exhibit No. 1 was the legal Opinion from BZA Case No. 7398 dated October 11, 1977. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Green and carried unanimously to grant the special exception as requested, and

remove the previous conditions of approval listed under BZA Case No. 7398. The hearing ended at 7:20 PM.

The public hearing commenced at 7:21 PM on **Case No. 17-54**, on the application of Hugh Cropper IV, Esquire, on the lands of Absolute Ventures, LLC, requesting a special exception to operate a dredge spoil disposal site in the I-1 Light Industrial District, pursuant to Zoning Code Sections ZS 1-116(c)(3) and ZS 1-212(c)(7), located at the northeast intersection of Ironshire Station Road and Libertytown Road (MD Route 374), Tax Map 24, Parcel 90, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Bryant Bunting, Mike Gardenia, and Chris McCabe, consultant. 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 7:28 PM.

The public hearing commenced at 7:29 PM on **Case No. 17-56**, on the application of Hugh Cropper, IV, Esquire, on the lands of Kathleen Clark, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 6 feet (an encroachment of 24 feet) and a variance to the Ordinance prescribed front yard setback from 25 feet from the property line to 0 feet (an encroachment of 25 feet) associated with a proposed single-family dwelling and accessory apartment in the R-3 Multi-Family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(2), and ZS 1-305, located at 9747 Golf Course Road approximately 170 feet south of Townsend Road, Tax Map 27, Parcel 307, Lot 27, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Appearing as witness and providing testimony was Hugh Cropper, IV, Esquire, Kathleen Clark, property owner, and Chris McCabe, consultant. There were no protestants. Submitted as Applicant's Exhibit No. 1 was an existing conditions survey from 2001. Submitted as Applicant's Exhibit No. 2 was an aerial photograph of the subject property. Following the discussion, it was moved by Mr. Purcell, seconded by Mr. Irwin and carried unanimously to grant the variances as requested. The hearing ended at 7:48 PM.

Administrative Matters

With no further business before the Board, the meeting was adjourned at 7:48 PM.

Respectfully submitted,

Jennifer K. Keener
Zoning Administrator