

**WORCESTER COUNTY
BOARD OF ZONING APPEALS
MINUTES**

May 7, 2020

Pursuant to the provisions of the Worcester County Zoning Ordinance and due to the current COVID-19 pandemic, and in lieu of public appearance, notice is hereby given that the public hearing will be held remotely by conference call with the Board of Zoning Appeals for Worcester County. Members who participated were: David Dypsky, Robert Purcell, Thomas Babcock, Joe Green, Glenn Irwin and Larry Fykes. Additional participants were Jennifer Keener, Zoning Administrator, Cathy Zirkle, DRP Specialist II, Jessica Edwards, Customer Service Representative, Valerie Dawson, Court Reporter and David Gaskill, Board Attorney.

The Board members voted unanimously to temporarily amend the rules of procedure to allow remote meetings.

The Board members voted unanimously to allow this duly advertised hearing to be held on the first Thursday of the month.

The public hearing commenced at 6:32 PM on **Case No. 20-19**, on the lands of Noel Arciaga, requesting a variance to the Ordinance prescribed side yard setback from 8 feet to 5.57 feet (an encroachment of 2.43 feet) associated with a proposed wheelchair ramp 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 88 Cresthaven Drive, approximately 1,068 feet west of Marview Drive, Tax Map 16, Parcel 46, Section 9, Lot 555 of the Ocean Pines Subdivision, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining in the conference call and providing testimony was Noel Arciaga and William Brown, contractor. There were no protestants. Following the discussion, it was moved by Mr. Fykes, seconded by Mr. Dypsky, and carried unanimously to grant the variance as requested. The hearing ended at 6:44 PM.

The public hearing commenced at 6:44 PM on **Case No. 20-20**, on the lands of Ashley Phillips, requesting a variance to the Ordinance prescribed front yard setback from 100 feet from an arterial highway to 84.8 feet (an encroachment of 15.2 feet) associated with a proposed attached garage and living space additions to an existing single-family dwelling and an after-the-fact variance to the Ordinance prescribed side yard setback from 15.04 feet to 1 foot (an encroachment of 14.04 feet) associated with a detached garage in the A-2 Agricultural District pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-202(b)(5), ZS 1-202(d)(2), ZS 1-122 and ZS 1-305, located at 11317 Worcester Highway (US Route 113), approximately 280 feet south of Racetrack Road (MD Route 589), Tax Map 15, Parcel 57, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining the conference call and providing testimony was Ashley Phillips. There were no protestants. Following the discussion, it was moved by Mr. Irwin, seconded by Mr. Dypsky, and the carried 5-

1 to approve the two variances as requested, with Mr. Babcock opposed. The hearing ended at 6:52 PM.

The public hearing commenced at 6:52 PM on **Case No. 20-25**, on the lands of Michal Pawlowski, requesting a variance to the Ordinance prescribed lot width for proposed Lot 1 from 60 feet to 37 feet (a reduction of 23 feet); a variance to the Ordinance prescribed side yard setback from 8 feet to 1 foot (an encroachment of 7 feet) for the existing dwelling on proposed Lot 1; and a variance to the Ordinance prescribed minimum width of a flag stem for proposed Lot 2 from 35 feet to 23 feet (a reduction of 12 feet) associated a proposed subdivision in the R-4 General Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-208(b)(2), ZS 1-305, ZS 1-306(a)(6) and ZS 1-311, located at 9840 Keyser Point Road, approximately 500 feet south of Ocean Gateway (US Route 50), Tax Map 26, Parcel 294, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining the conference call and providing testimony was Hugh Cropper, IV, Esquire, Michal Pawlowski and Frank Lynch, Jr., surveyor. There were no protestants. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes, and carried unanimously to grant the three variances as requested. The hearing ended at 7:06 PM.

The public hearing commenced at 7:06 PM on **Case No. 20-27**, on the application of Mark S. Cropper, Esquire, on the lands of Cox 122 Raceway, LLC, requesting a variance to the Ordinance prescribed front yard setback off Ocean Gateway (MD Route 50) from 100 feet to 51.2 feet (an encroachment of 46.7 feet), and a variance to the Ordinance prescribed front yard setback from Grays Corner Road (MD Route 707) from 50 feet to 11.3 feet (an encroachment of 38.7 feet), and a special exception to increase the height of the fence in the front yard setback to 8 feet, all of which are associated with the proposed expansion of an outdoor seating space associated with an existing restaurant in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-210(b)(2), ZS 1-305 and ZS 1-326, located at 11247 Ocean Gateway, at the intersection with Racetrack Road and Grays Corner Road, Tax Map 21, Parcel 170, in the Third Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining the conference call and providing testimony was Mark Cropper, Esquire, Mark Whitmeyer, owner and John Salm, engineer. There were no protestants. Submitted as Applicant's Exhibit No. 1 was an aerial image of the subject property. Submitted as Applicant's Exhibit No. 2 was an existing conditions survey. Submitted as Applicant's Exhibit No. 3 was a proposed site plan. Submitted as Applicant's Exhibit No. 4 was an image of the proposed fence. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Irwin, and carried unanimously to grant the two variances as requested and to grant the special exception as modified to allow the eight (8) foot tall fence along MD Route 707 and a six (6) foot tall fence along MD Route 50 and MD Route 589. The hearing ended at 7:21 PM.

The public hearing commenced at 7:21 PM on **Case No. 20-26**, on the application of Mark Stevanus, on the lands of KCK 7 LLC, requesting a special exception (transient use) to establish an outdoor recreational/amusement use (Heavy Metal Playground) and a variance to the Ordinance prescribed front yard setback of 100 feet from an arterial highway to 50 feet (an encroachment of 50 feet) in the C-2 General Commercial District

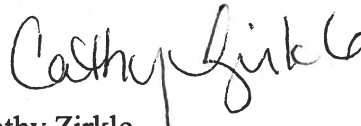
pursuant to Zoning Code Sections ZS 1-105(c)(5), ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-305 and ZS 1-337, located at 12325 Old Bridge Road approximately 390 feet east of the intersection with Ocean Gateway (US Route 50), Tax Map 26, Parcel 156, in the Tenth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining the conference call and providing testimony was Mark Stevanus. Mr. Stevanus requested a postponement to allow time to address comments received from neighboring property owners. It was moved by Mr. Fykes, seconded by Mr. Green and carried 5-1 in favor of the postponement with Mr. Dypsky opposed. The hearing ended at 7:27 PM.

The public hearing commenced at 7:27 PM on **Case No. 20-21**, on the application of T. Garvey Heiderman, on the lands of Village Greens Enterprises Limited, requesting a special exception (transient use) to allow compost operations of restaurant food waste in the A-1 Agricultural District pursuant to Zoning Code Sections ZS 1-105(c)(5), ZS 1-116(c)(3) and ZS 1-337, located on the north side of St. Martins Neck Road approximately 430 feet west of Industrial Park Road, Tax Map 10, Parcel 280, in the Fifth Tax District of Worcester County, Maryland. Jennifer Keener read the application. Joining in the conference call and providing testimony was T. Garvey Heiderman, Brian Roberts and Craig Coker. There were no protestants. Mr. Heiderman testified that the site plan had to be modified due to the inability of an MDE representative to conduct a site visit. He stated the new plan has only a 2,740 square foot footprint and is a minimum of 25 feet from a ditch on the property. Following the discussion, it was moved by Mr. Dypsky, seconded by Mr. Fykes, and carried unanimously to grant the special exception as amended. The hearing ended at 7:43 PM.

Administrative Matters

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

Respectfully submitted,



Cathy Zirkle
DRP Specialist II