

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

**AGENDA**

*THURSDAY, 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.

Please review the attached page following the agenda that provides directions for joining and participating in the meeting.

**6:30 p.m.**

**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.

**6:35 p.m.**

**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.

**6:40 p.m.**

**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.

**6:45 p.m.**

**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.

**6:50 p.m.**

**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.

**6:55 p.m.**

**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.

## **ADMINISTRATIVE MATTERS**

## **Joining and Participating in the May 7, 2020 Board of Zoning Appeals Webinar**

Zoom is a web-based application that offers the ability to join and participate in a meeting in a variety of ways. Below we will provide you with the instructions for joining the meeting by telephone, by computer, or both. You can also download the Zoom Mobile App for iOS or Android, and the Zoom desktop app for Windows and Mac users, however THIS IS NOT REQUIRED.

There will not be any video participation as a part of the meeting. The only visual that may be provided will be a copy of the agenda on the screen. All staff reports, site plans and exhibits will be provided in the meeting “packet” which can be found on the Worcester County website in the Meeting File Archives: <http://www.co.worcester.md.us/departments/commissioners/minutes>  
The full case packet including the application, adjainer notifications and other required documents can be reviewed by contacting the Department.

**NOTE: PRE-REGISTRATION IS REQUIRED FOR ALL PARTICIPANTS.** Please register by Noon the day of the meeting. Pre-registration can be completed with a valid email address by using the below link:

[https://us02web.zoom.us/webinar/register/WN\\_mjMCzNO7TAuvApcGg9zwLw](https://us02web.zoom.us/webinar/register/WN_mjMCzNO7TAuvApcGg9zwLw)

Once registration has been complete, you will receive a follow up email providing instructions on how to join the meeting. You may join the meeting by telephone only, by computer or both. **\*Please do not forward the link received in your confirmation email;** this link is tailored specifically to the registered individual. If another individual would like to join the meeting, they must pre-register as well.

**If you have concerns or would like clarification on the process, please contact our office as soon as possible. We will be unable available to assist you at the time of the meeting.**

### **To Join by Telephone:**

1. Please dial the telephone number provided in the Webinar Confirmation email, received after you have registered.
2. When prompted, please enter this Webinar ID to join the meeting: **841-8279-1774**
3. When prompted, please enter this password: **135467**
4. If you have first joined by computer or mobile device. You will be prompted to enter your unique Participant ID. To skip this step, press #.

### **To Join by Computer:**

Click on the link provided in your Webinar Confirmation email. **\*Please do not forward this individualized link.** If another individual would like to join the meeting, they will need to pre-register as well.

If you have a computer with a microphone and speakers, you can participate directly on your computer. If you do not have these features built in, a pop-up screen should automatically provide you with the information needed to call into the meeting following the same steps above. If it doesn't, please follow the instructions below:

- Click “Join Audio” in the meeting controls at the top of the screen.
- Click “Phone Call” and follow the instructions provided for dialing in: If this is your first time using Zoom, select the country you're calling from in the flag drop-down menu, and call one of the numbers provided.
- Enter the Webinar ID **841-8279-1774** followed by #.
- Enter your unique participant ID followed by #.

## **Participating:**

To prevent background noises during the presentation, everyone is automatically muted upon joining the meeting.

### **Applicants:**

**If you are an applicant or presenter**, when it is your turn to participate your case item will be read aloud. You will be asked to **raise your “virtual” hand by pressing \*9 if you joined the audio by telephone. If you have joined the meeting through the computer, please click the Raise Hand button.** Once your hand has been raised the Host can unmute you.

Once staff has read the case, you will be asked to state your full name and address for the record then be sworn in by the Board Attorney. The Chairman of the Board will ask you if you have any additions or corrections to the case as it was read. You will then be prompted to explain your request. **Please be sure to review and address the list of special exception or variance criteria that is outlined in your staff report.**

Following your testimony, the Chairman will ask if the Board has any questions for you; the Chairman will then ask if anyone from the public would like to speak. Once all comments have been heard, you will be given an opportunity to make closing remarks. The Chairman will then request a member of the Board make a motion on your case. When your case is complete, you will be muted and may leave the meeting.

### **Receiving Public Comment:**

**If you are not a presenter but would like to speak on a particular case**, raise your “virtual” hand when the Chairman asks for public comments. **Raise your “virtual hand by pressing \*9 if you joined the audio by telephone. If you have joined the meeting through the computer, please click the Raise Hand button.** The Host will call on you in the order “virtual” hands are raised. The Host will address you by name (if you entered it on the computer) or by the last four digits of your phone number if your name is not available virtually.

You will be asked to state your full name and address for the record then be sworn in by the Board Attorney. The Chairman of the Board will ask if you are speaking for or against the application and why. **We are requesting that all participants please limit comments to 2 minutes.** Once complete, the Chairman will ask if the Board has any questions for you. When complete, you will be muted.

For any questions regarding this process, please contact Jessica Edwards at [jedwards@co.worcester.md.us](mailto:jedwards@co.worcester.md.us) or (410) 632-1200, extension 1139.



**WORCESTER COUNTY BOARD OF ZONING APPEALS  
STAFF REPORT FOR:  
CASE NO. 20-19**

**HEARING DATE:** May 7, 2020

**LOCATION:** 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.

**APPROVAL REQUESTED:** 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

**CODE REFERENCES:** ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305

**PROPERTY HISTORY:**

11/02/16      Building Permit No. 16-1042 – Issued 11/14/2016 – C/O Issued  
07/26/2017 – Single Family Dwelling

**COMMENTS:** The applicant is requesting a variance to the side yard setback for the proposed construction of an ADA accessible ramp to allow access to the dwelling. The proposed ramp will allow access into the rear door of the home; a ramp oriented to allow access to through the front door would cause a significant encroachment into the front yard setback and would necessitate a reconfiguration of the required parking.

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.

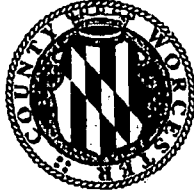
**SUBSEQUENT PROCESSES IF APPROVED:**

1. Obtain a Building Permit;
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:** Noel Arciaga  
88 Cresthaven Drive  
Berlin, MD 21811

**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

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**To:** Jennifer K. Keener, Zoning Administrator

**From:** David Mathers, Natural Resources Planner (DM)

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 23, 2020

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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 #20-19:**

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 project is exempt from the Worcester County Forest Conservation Program.

**6:35 pm – Case #20-20:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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.

**6:40 pm – Case #20-25:**

This property is not subject to the Worcester County Forest Conservation Law. According to NR 1-404 General Requirements, the Forest Conservation Law shall apply to any public or private subdivision plan or site plan approval, or grading or sediment erosion control permit by any person, including a unit of State or Local government on areas forty thousand square feet or greater. According to the provided survey, the property in subject is less than 40,000 square feet.

**Citizens and Government Working Together**

**6:45 pm – Case #20-27:**

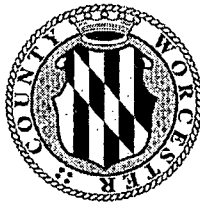
For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order to obtain compliance, the owner/applicant is required to 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.

**6:50 pm – Case #20-26:**

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.

**6:55 pm – Case #20-21:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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. In addition to Forestry requirements, this project may be subject to Stormwater, Sediment Erosion Control, and the possible need for a Notice of Intent (NOI) from Maryland Department of the Environment. A NOI is needed if the proposed site disturbance is equal to or greater than one acre. This Department will reserve further comments until permit submission.



# Worcester County

Department of Environmental Programs  
Environmental Programs Division

## Memorandum

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**To:** Board of Zoning Appeals (BZA) for an April 9, 2020 meeting

**From:** Environmental Programs Staff

**Subject:** Case No. 20-19; TM 16 P 46 S 9 L 555 - requesting a variance to the ordinance prescribed side yard setback from 8 ft. to 5.57 ft. associated with the proposed wheelchair ramp.

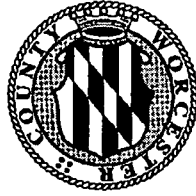
**Date:** March 16, 2020

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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**  
Department of Environmental Programs  
Natural Resources Division

**Memorandum**

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**To:** Jennifer K. Keener, Zoning Administrator  
**From:** Joy S. Birch, Natural Resources Specialist III   
**Subject:** Board of Zoning Appeals Comments – April 9, 2020  
**Date:** March 20, 2020

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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 Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

**6:30 pm – Case #20-19:**

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

**6:35 pm - Case #20-20:**

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

**6:40 pm – Case #20-25:**

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

**6:45 pm – Case #20-27:**

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

**6:50 pm – Case #20-26:**

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated an Intensely Development Area (IDA) and a non-waterfront lot. 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. Therefore, we will reserve any further comments until permit submission.

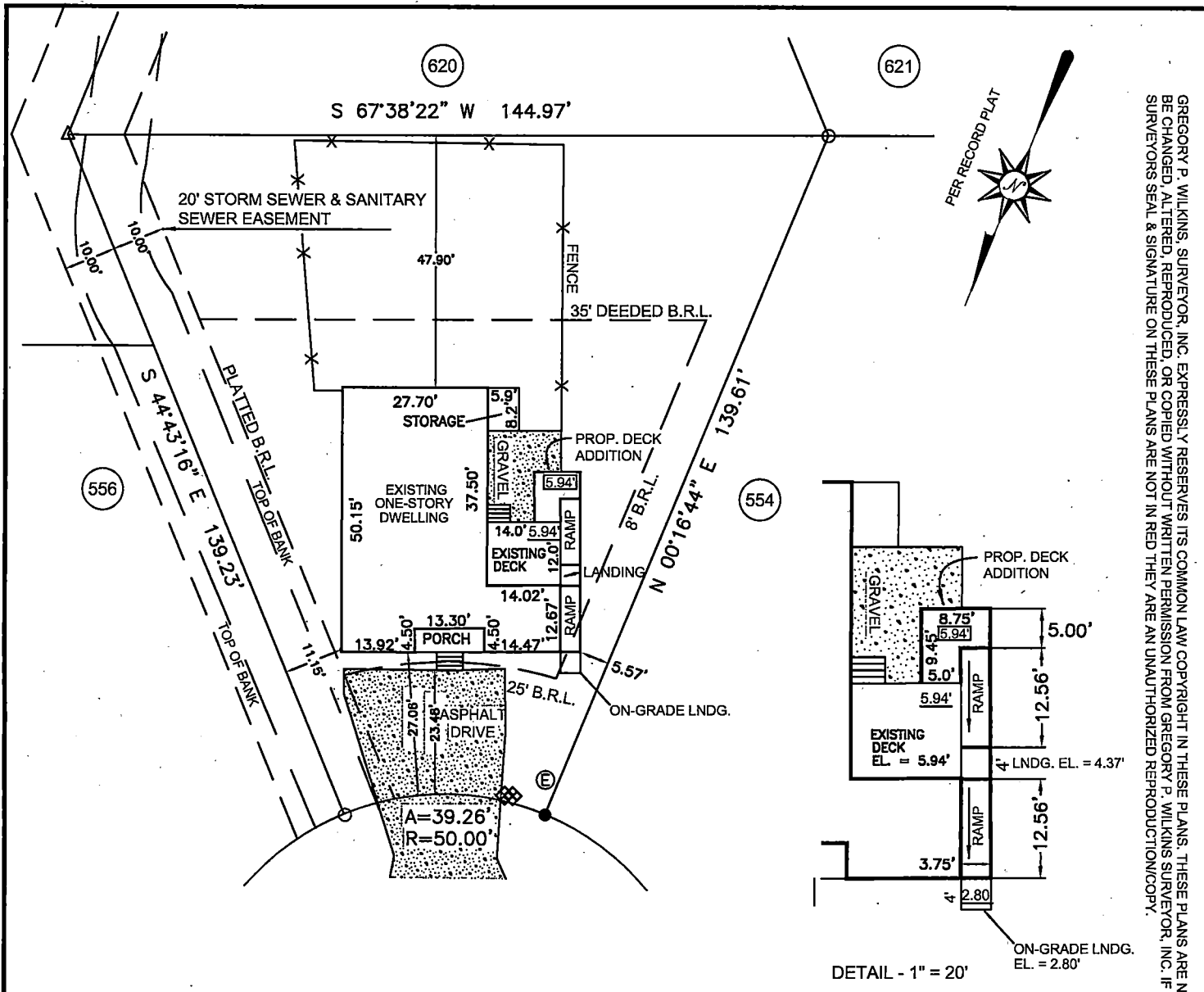
**Citizens and Government Working Together**

**6:55 pm – Case #20-21:**

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



**CREST HAVEN DRIVE**  
 X  
 (50' R.O.W.)

**BOARD OF ZONING APPEALS EXHIBIT  
 PROPOSED SITE PLAN SHOWING  
 DECK AND RAMP ADDITION**

HOUSE NO. 88  
 LOT 555 - SEC. 9 - OCEAN PINES  
 THIRD TAX DISTRICT  
 WORCESTER COUNTY, MARYLAND  
 TAX MAP 16, P/O PARCEL 46  
 LOT AREA = 11,704 SQ. FT.±  
 BUILDABLE AREA = 4,562 SQ. FT.±  
 CURRENTLY ZONED R-2  
 ZONING SETBACKS: FRONT = 25'  
 SIDES = 8' EACH, REAR = 30'  
 FLOOD ZONE X

**LEGEND**

- These standard symbols will be found in the drawing.
- FOUND IRON ROD
  - FOUND IRON PIPE
  - △ UNMARKED POINT
  - ⓔ ELECTRIC VAULT
  - ⊠ UTILITY POST
  - 5.94' PROPOSED ELEV. ASSUMED DATUM
  - 5.94' EXISTING ELEV. ASSUMED DATUM

**NOTE:**  
 THIS LOT DOES NOT LIE IN THE ATLANTIC COASTAL BAYS CRITICAL AREA



THIS PROPOSED SITE PLAN REFLECTS THE DESCRIPTION OF LOT 555 AS SHOWN ON OCEAN PINES, SECTION 9, RECORD PLAT, AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT OF WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH PROVIDED OR STIPULATED.

PROFESSIONAL CERTIFICATION  
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 21523, EXPIRATION DATE 07-13-2021.

**GREGORY P. WILKINS - PRESIDENT**  
 MD PROF. LS #21523 - EXP. DATE 07/13/2021  
 GREGORY P. WILKINS SURVEYOR, INC.

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**GREGORY P. WILKINS  
 SURVEYOR, INC.**  
 12626 OLD BRIDGE ROAD  
 OCEAN CITY, MARYLAND 21842  
 (410)213-0222

SCALE: 1" = 30'	DATE: 03/10/2020
DRAWN BY: GPW9	JOB NO.: 7812

GREGORY P. WILKINS, SURVEYOR, INC. EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT IN THESE PLANS. THESE PLANS ARE NOT TO BE CHANGED, ALTERED, REPRODUCED, OR COPIED WITHOUT WRITTEN PERMISSION FROM GREGORY P. WILKINS SURVEYOR, INC. IF THE SURVEYORS SEAL & SIGNATURE ON THESE PLANS ARE NOT IN RED THEY ARE AN UNAUTHORIZED REPRODUCTION/COPY.

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**Dr. Fausto Q. Aquino, Jr., MD**

8713 HARFORD ROAD  
PARKVILLE MD 21234-4650  
Phone: 410-665-1990  
Fax: 410-665-9980

January 31, 2020

To Whom It May Concern,

This is to certify that Mrs. Nanette Arciaga had a cardiac operation and she also suffered a stroke. Her left side is paralyzed. She is unable care for herself. Due to Mrs. Arciaga's disability, a wheelchair ramp is necessary for her home.

If you have any questions or concerns, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Q. Aquino, Jr.' with a long, sweeping flourish at the end.

Dr. Fausto Q. Aquino, Jr., MD.

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

**HEARING DATE:** May 7, 2020

**LOCATION:** 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.

**APPROVAL REQUESTED:** 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

**CODE REFERENCES:** ZS 1-116(c)(4), ZS 1-202(b)(5), ZS 1-202(d)(2), ZS 1-122 and ZS 1-305

**PROPERTY HISTORY:**

02/28/68      Building Permit No. 1297 – Issued 02/28/1968 – C/O Issued 02/28/1968 – 10’x16’ storage building

**COMMENTS:** The original single-family dwelling was constructed in 1958, prior to zoning regulations, and well prior to the expansion of the US Route 113 highway. This parcel is located off of a service road next to the US Route 113 main highway, but is now subject to the 100’ setback. The front portion of the existing home is located 4.6’ into the 100’ setback; this request would further the encroachment for the front of the home to 84.8’ (an additional encroachment of 10.6’).

Additionally, the existing 27.3’ by 32’ detached garage was constructed without the benefit of a permit and prior to the applicant taking ownership of the property. There is also a fence in the rear of the property that was erected without the benefit of a permit and extends across the property line. Relative to both of these items, the surrounding property is also owned/has been owned in the past by the same person(s). If granted, a building permit application will be required; please discuss the requirements for construction plans for the detached garage with the building division.

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.

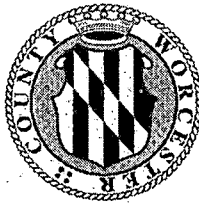
**SUBSEQUENT PROCESSES IF APPROVED:**

1. Obtain a Building Permit for the proposed addition and After-the-Fact detached garage;
2. Obtain a Zoning permit for the After-the-Fact fence;
3. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
4. Submit all applicable fees.

**OWNER:** Ashley Phillips  
7 St. Martins Lane  
Berlin, MD 21811

**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  
Environmental Programs Division

## Memorandum

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**To:** Board of Zoning Appeals (BZA) for an April 9, 2020 meeting

**From:** Environmental Programs Staff

**Subject:** Case No. 20-20; TM <sup>15</sup> 16 P 57 – requesting a variance to the ordinance prescribed front yard setback from 100 ft. from an arterial highway to 84.8 ft. associated with a proposed attached garage and living space additions to an existing single family dwelling; an after-the-fact variance to the ordinance prescribed side yard setback from 15.04 ft. to 1 ft. associated with a detached garage.

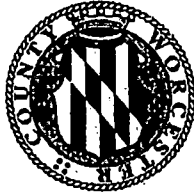
**Date:** March 16, 2020

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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.

The proposed addition does not meet the required 30 ft. setback from the well and the proposed drive addition appears to be right up on the well. The required setback from a driveway to a well is 5 ft. These encroachments will require a variance from Maryland Department of the Environment and Environmental Programs. The existing drainfield needs to be located and shown on the site plan because the required setback from the drainfield to an accessory structure/garage is 8 ft. The current septic system is only designed for 3 bedrooms, so if the expansion of living space includes the addition of a bedroom, an “under-design” letter would need to be signed.

**Citizens and Government Working Together**



## Worcester County

Department of Environmental Programs  
Natural Resources Division

### Memorandum

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**To:** Jennifer K. Keener, Zoning Administrator

**From:** David Mathers, Natural Resources Planner (DM)

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 23, 2020

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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 #20-19:**

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 project is exempt from the Worcester County Forest Conservation Program.

**6:35 pm – Case #20-20:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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.

**6:40 pm – Case #20-25:**

This property is not subject to the Worcester County Forest Conservation Law. According to NR 1-404 General Requirements, the Forest Conservation Law shall apply to any public or private subdivision plan or site plan approval, or grading or sediment erosion control permit by any person, including a unit of State or Local government on areas forty thousand square feet or greater. According to the provided survey, the property in subject is less than 40,000 square feet.

Citizens and Government Working Together

**6:45 pm – Case #20-27:**

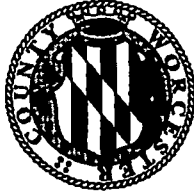
For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order to obtain compliance, the owner/applicant is required to 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.

**6:50 pm – Case #20-26:**

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.

**6:55 pm – Case #20-21:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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. In addition to Forestry requirements, this project may be subject to Stormwater, Sediment Erosion Control, and the possible need for a Notice of Intent (NOI) from Maryland Department of the Environment. A NOI is needed if the proposed site disturbance is equal to or greater than one acre. This Department will reserve further comments until permit submission.



## Worcester County

Department of Environmental Programs  
Natural Resources Division

### Memorandum

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**To:** Jennifer K. Keener, Zoning Administrator

**From:** Joy S. Birch, Natural Resources Specialist III 

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 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 Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

**6:30 pm – Case #20-19:**

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

**6:35 pm - Case #20-20:**

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

**6:40 pm – Case #20-25:**

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

**6:45 pm – Case #20-27:**

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

**6:50 pm – Case #20-26:**

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated an Intensely Development Area (IDA) and a non-waterfront lot. 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. Therefore, we will reserve any further comments until permit submission.

**Citizens and Government Working Together**

**6:55 pm – Case #20-21:**

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

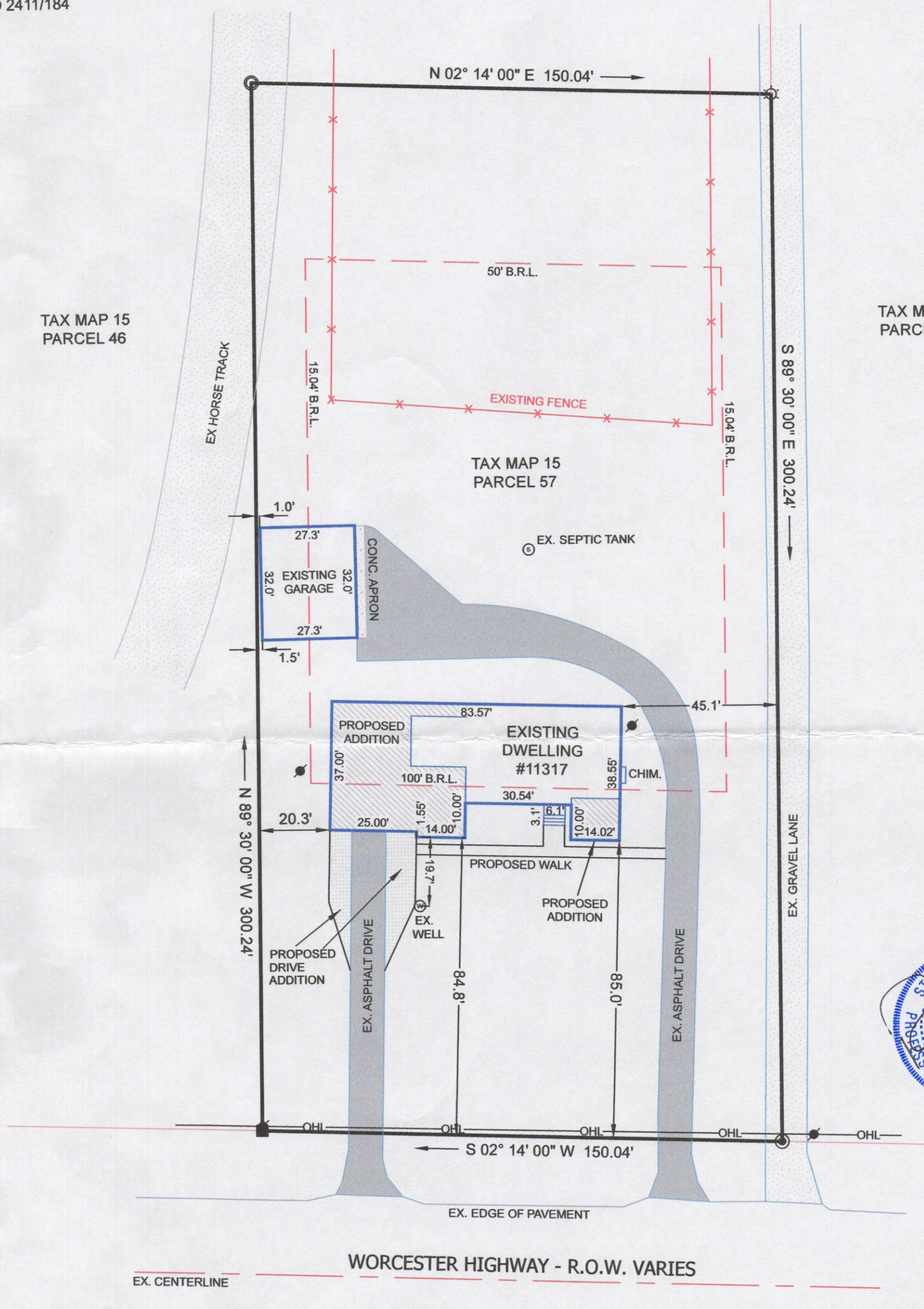
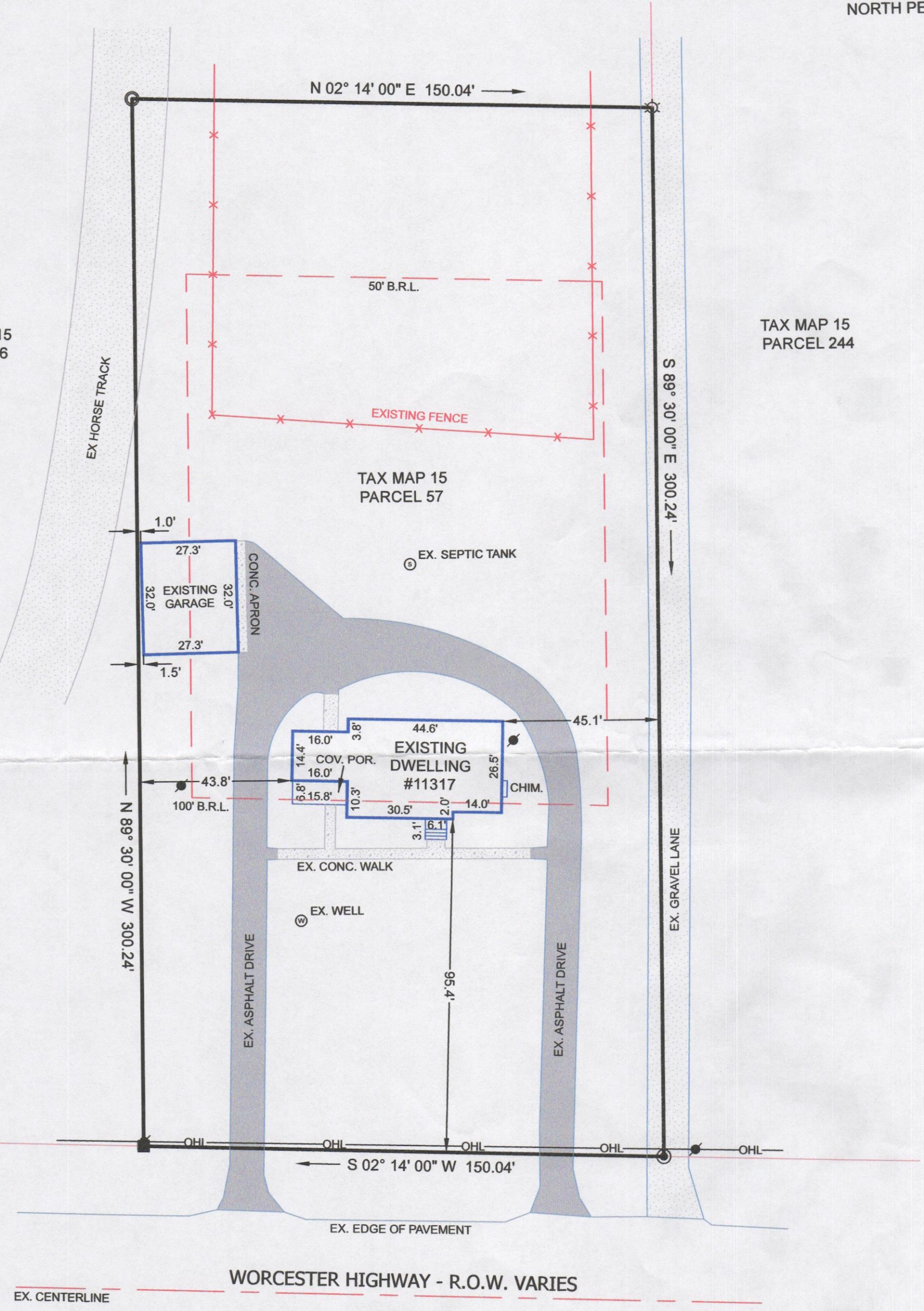
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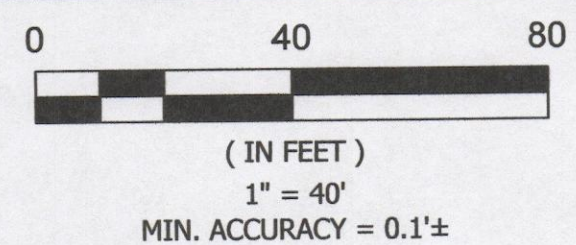
PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 21329, EXPIRATION DATE 10/8/2021.

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.

NORTH PER DEED RHO 2411/184



**GENERAL NOTES:**  
 TAX MAP 15, PARCEL 57  
 ADDRESS: 11317 WORCESTER HIGHWAY  
 DEED REF.: RHO 2411/184  
 LOT AREA: 45,028 S.F. ± OR 1.034 AC. ±  
 EX. ZONING: A-2  
 ZONING SETBACKS:  
 FRONT: 100' (ARTERIAL HIGHWAY)  
 SIDES: 15.04' (10% LOT WIDTH), REAR: 10'  
 FLOOD ZONE: X  
 PER FIRM NO. 240083 0040 H  
 DATED JULY 16, 2015.  
 CRITICAL AREA DESIGNATION: N/A



- LEGEND:**
- DENOTES CONC. MON. FOUND
  - DENOTES IRON PIPE FOUND
  - ⊙ DENOTES IRON AXLE FOUND
  - ⊛ DENOTES IRON ROD SET

**PROPOSED SITE PLAN**  
**LANDS OF LEROY WILSON FISHER**  
**THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND**

**RUSSELL T. HAMMOND**  
*Surveying, LLC*

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

DESIGNED BY:	N/A	SURVEYED BY:	BO/JR	FILE #:	2020-2638
DRAWN BY:	B. OVERHOLT	DATE:	2-19-2020	<b>SHEET 1 OF 1</b>	
CHECKED BY:	R.T.Hammond	SCALE:	1" = 30'		



**Board of Zoning Appeals  
Worcester County, Maryland  
One West Market Street  
Government Center Room 1201  
Snow Hill, MD 21863-1070**

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**March 3, 2020**

**Ashley Phillips**

**11317 Worcester Hwy**

**Berlin, MD 21811**

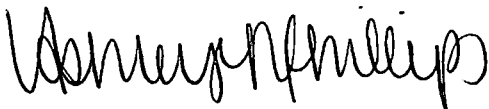
**To whom it may concern:**

**I, Ashley Phillips am requesting permission to extend the living space and an attached garage addition to my existing structure. The home was built in 1958 before Worcester Hwy existed.**

**With the expansion of the Worcester highway circumstantially that the road the home is located on is no longer the active highway.**

**The road was constructed too close to the existing structure making it outside the 100 ft set back restriction determined by the zoning requirements. The highway setback will not encroach on the active Worcester highway. The existing structure and proposed structure will stay within the building restriction line side setbacks.**

**Thank you for your time,**



**Ashley Phillips**

KEE Farm, LLC.  
Kenneth A. Esmark, Senior Partner  
1912 Carrs Creek Road  
Townsend, TN. 37882

March 23, 2019

Department of Development Review & Permitting  
Worcester County Government Center  
One West Market Street - Room 1201  
Snow Hill, Maryland 21863

RE: Ashley Phillips Request I.C.W. 11317 Worcester Hwy, Berlin, MD. 21811

Please be advised that KEE Farm, LLC is supportive of Ashley Phillips request to extend the living space and an attached garage addition to her existing structure at 11317 Worcester Hwy, Berlin, MD. 21811.

KEE Farm, LLC would like the request to be approved.

Respectfully,

KEE Farm, LLC.  
Kenneth A. Esmark, Senior Partner  
Cell: (865) 414-6210

**WORCESTER COUNTY BOARD OF ZONING APPEALS  
STAFF REPORT FOR:  
CASE NO. 20-25**

**HEARING DATE:** May 7, 2020

**LOCATION:** 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

**APPROVAL REQUESTED:** 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

**CODE REFERENCES:** ZS 1-116(c)(4), ZS 1-208(b)(2), ZS 1-305, ZS 1-306(a)(6) and ZS 1-311

**PROPERTY HISTORY:**

03/30/1976 Building Permit No. 6180 – Issued 05/26/1976 – C/O Issued 05/26/1976 – House Trailer  
05/18/1977 Building Permit No. 7104 – Issued 08/12/1977 – CO Issued 08/12/1977 House Trailer as accessory living quarters  
02/09/2017 Building Permit No. 17-0143 – Issued 02/13/2017 – CO Issued 08/17/2017 – Replacement of all windows

**COMMENTS:** The applicant is requesting variances to allow for the creation of a second lot for residential purposes.

For the variance requests, 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:**

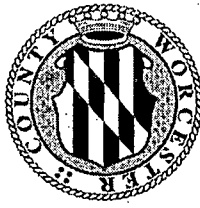
1. Complete the subdivision process
2. Secure building permits for any new dwelling erected
3. Secure all rental licenses necessary
4. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
5. Submit all applicable fees.

**OWNER:** Michael Pawlowski  
9840 Keyser Point Road  
Ocean City, MD 21842

**CONSULTANT:** Frank Lynch Jr.  
10535 Racetrack Road  
Berlin, MD 21811

**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  
Environmental Programs Division

## Memorandum

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**To:** Board of Zoning Appeals (BZA) for an April 9, 2020 meeting

**From:** Environmental Programs Staff

**Subject:** Case No. 20-25; TM 26 P 294 L 1 & 2 – requesting a variance to the ordinance prescribed lot width for proposed lot 1 from 60 ft. to 37 ft., a variance to the ordinance prescribed side yard setback from 8 ft. to 1 ft. for the existing dwelling on proposed lot 1, a variance to the ordinance prescribed minimum width of a flag stem for proposed lot 2 from 35 ft. to 23 ft. associated with a proposed subdivision.

**Date:** March 16, 2020

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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 would require that both of these lots be connected to public water. This property currently has one sewer EDU; an additional sewer EDU would be required. Before a subdivision could occur, all necessary EDUs must be purchased and paid for.

**Citizens and Government Working Together**



## Worcester County

Department of Environmental Programs  
Natural Resources Division

### Memorandum

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**To:** Jennifer K. Keener, Zoning Administrator

**From:** David Mathers, Natural Resources Planner (DM)

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 23, 2020

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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 #20-19:**

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 project is exempt from the Worcester County Forest Conservation Program.

**6:35 pm – Case #20-20:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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.

**6:40 pm – Case #20-25:**

This property is not subject to the Worcester County Forest Conservation Law. According to NR 1-404 General Requirements, the Forest Conservation Law shall apply to any public or private subdivision plan or site plan approval, or grading or sediment erosion control permit by any person, including a unit of State or Local government on areas forty thousand square feet or greater. According to the provided survey, the property in subject is less than 40,000 square feet.

**Citizens and Government Working Together**

**6:45 pm – Case #20-27:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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.

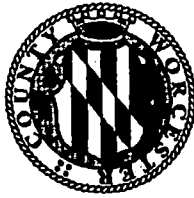
**6:50 pm – Case #20-26:**

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**6:55 pm – Case #20-21:**

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**Worcester County**  
Department of Environmental Programs  
Natural Resources Division

**Memorandum**

---

**To:** Jennifer K. Keener, Zoning Administrator

**From:** Joy S. Birch, Natural Resources Specialist III 

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 20, 2020

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**Citizens and Government Working Together**

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**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



ZONING SETBACKS				
	FRONT AS REQUIRED	FRONT AS PROPOSED	REAR	SIDES
LOT 1	75' FROM CENTER OF ROAD	42.5' FROM CENTER OF ROAD	30'	6'
LOT 2	N/A	6'	30'	6'

NOTE: LOTS 1 AND 2 WILL BE NON CONFORMING AS TO LOT WIDTHS.

**GENERAL NOTES**

1. BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 2404700180H DATED 7-16-2015. THIS SUBDIVISION IS LOCATED IN ZONE X.
2. THERE ARE NO PDA DITCHES ON OR ADJACENT TO THESE PROPERTIES.
3. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE PARCEL 294 INTO TWO BUILDABLE LOTS.
4. THIS SUBDIVISION IS NOT WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA.
5. THIS SITE IS WITHIN WORCESTER COUNTY SUBWATERSHED #2130103- ISLE OF WIGHT BAY DRAINAGE.



**ENVIRONMENTAL PROGRAMS**

THIS SUBDIVISION SHOWN HEREON IS APPROVED AS BEING IN CONFORMANCE WITH THE WORCESTER COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN PROVIDING FOR CENTRAL WATER SUPPLY AND CENTRAL SEWERAGE.

APPROVING AUTHORITY \_\_\_\_\_ Date: \_\_\_\_\_

**OWNER'S CERTIFICATION**

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY, THEREOF, THE REQUIREMENTS OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND (LATEST EDITION) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

THE FOLLOWING STREETS, ROADS, WIDENING STRIPS, AMENITIES AND IMPROVEMENTS: WIDENING STRIP ALONG KEYSER POINT ROAD 25' DUT. FROM CENTER OF ROAD OVER PARCEL 294 IS HEREBY OFFERED FOR DEDICATION TO THE COUNTY COMMISSIONERS FOR WORCESTER COUNTY. ACCEPTANCE OF SUCH OFFER MAY TAKE PLACE AT ANY TIME BY APPROPRIATE ACT OF THE COUNTY COMMISSIONERS. THE COUNTY COMMISSIONERS ARE IN NO WAY REQUIRED TO ACCEPT SUCH OFFER. THE OFFER MAY NOT BE WITHDRAWN WITHOUT THE CONSENT OF THE COUNTY COMMISSIONERS.

OWNER: MICHAL PAWLOWSKI (PARCEL 294) DATE: \_\_\_\_\_  
 12705 WHISPER TRACE DRIVE  
 OCEAN CITY, MD. 21842

OWNER: GRAZYNA PAWLOWSKI (PARCEL 294) DATE: \_\_\_\_\_  
 12705 WHISPER TRACE DRIVE  
 OCEAN CITY, MD. 21842

**SURVEYOR'S CERTIFICATION**

I Herby Certify, To The Best Of My Knowledge And Belief, That The Requirements Of Section 3-108 Of The Real Property Article Of The Annotated Code Of Maryland (latest Edition) Concerning The Making Of This Plat And The Setting Of Markers As Well As All Of The Requirements Of The County Commissioners And Ordinances Of The County Of Worcester, Maryland Regarding The Platting Of Subdivisions Within The County Have Been Complied With.

Frank G. Lynch, Jr. Date: \_\_\_\_\_  
 Reg # 10782

**FOREST CONSERVATION NOTE**

THIS SUBDIVISION IS A NON REGULATED ACTIVITY DUE TO THE TRACT AREA BEING LESS THAN 40,000 SF.

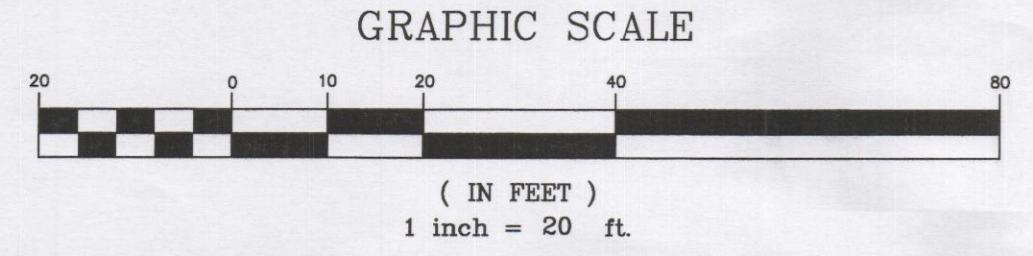
**WORCESTER COUNTY PLANNING COMMISSION**

- THE GRANT OF A PERMIT OR APPROVAL OF THIS SUBDIVISION SHALL NOT CONSTITUTE A REPRESENTATION, GUARANTY OR WARRANTY OF ANY KIND BY WORCESTER COUNTY OR BY ANY OFFICIAL OR EMPLOYEE THEREOF OF THE PRACTICABILITY, BUILDABILITY OR SAFETY OF ANY PROPOSED USE, AND SHALL CREATE NO LIABILITY UPON THE COUNTY, ITS OFFICIALS OR EMPLOYEES.
- ANY APPROVAL BY THE ENVIRONMENTAL PROGRAMS DIVISION OF ANY POTABLE WATER OR WASTEWATER SYSTEM OR SUITABILITY THEREFOR IS BASED UPON STATE AND COUNTY STANDARDS EXISTING AS OF THE DATE OF APPROVAL. SUCH STANDARDS ARE SUBJECT TO CHANGE AND A BUILDING PERMIT MAY BE DENIED IN THE FUTURE. IN THE EVENT CURRENT STANDARDS CANNOT BE MET AS OF THE DATE OF APPLICATION FOR SUCH PERMIT, THE APPROVAL SHOWN HEREON IS NOT SUFFICIENT APPROVAL FOR A PERMIT.

APPROVING AUTHORITY \_\_\_\_\_ DATE: \_\_\_\_\_  
 WORCESTER COUNTY PLANNING COMMISSION

LOT SUMMARY TABLE			
LOT	LOT AREA	BUILDING ENVELOPE	LOT WIDTH
LOT 1	5,303 SF	2,500 SF	37'
LOT 2	17,993 SF	9,969 SF	60'
TOTAL	23,296 SF		

KEYSER POINT ROAD



- DENOTES CONC. MON. FOUND
- DENOTES IRON PIPE FOUND
- ☆ DENOTES IRON ROD TO BE SET

THE INFORMATION CONTAINED ON THESE PLANS, PLATS OR OTHER DOCUMENTS IS PROVIDED FOR THE EXCLUSIVE USE OF THE CLIENT NAMED HEREON AND IS SUBJECT TO THE CLIENT AND HIS WORK PRODUCT PRIVILEGE. ANY AMENDMENTS, COPYING OR DISTRIBUTION, INCLUDING COMPUTER GENERATED AMENDMENTS, COPYING OR DISTRIBUTION IS STRICTLY PROHIBITED UNLESS AUTHORIZED IN WRITING BY FRANK G. LYNCH, JR. AND ASSOCIATES, INC.

#	REVISION	DATE	CHKD	PROJECT

**MINOR SUBDIVISION**  
 THE LANDS OF  
**MICHAL AND GRAZYNA PAWLOWSKI**  
 DEEDS : 6924/473 & 7094/442  
 TAX ID#10-011477  
 PLAT BOOK : 245/20

**SITE DATA**  
 PARCEL 294 - TAX MAP 26  
 TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

PROFESSIONAL SEAL

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

SURVEYING · LAND PLANNING  
 10555 RACETRACK ROAD · BELLEVILLE, MARYLAND 21811  
 (410) 641-6353 · 641-5773

DESIGNED BY	N/A	SURVEYED BY	FGL3/MM	FILE NO.:	11567-17
DRAWN BY	F.G.L. JR.	DATE	3-10-2020	SHEET 1 OF 1	
CHECKED BY	FRANK G. LYNCH	SCALE	1" = 20'		

ST#2/C/JOE FILES 2017/11567-17.DWG



**WORCESTER COUNTY BOARD OF ZONING APPEALS  
STAFF REPORT FOR:  
CASE NO. 20-27**

**HEARING DATE:** May 7, 2020

**LOCATION:** At the intersection with Racetrack Road and Grays Corner Road, Tax Map 21, Parcel 170, in the Third Tax District of Worcester County, Maryland.

**APPROVAL REQUESTED:** 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

**CODE REFERENCES:** ZS 1-116(c)(3), ZS 1-210(b)(2), ZS 1-305 and ZS 1-326

**PROPERTY HISTORY:**

02/03/1970	Building Permit No. 2073 – Issued 02/03/1970 – C/O Issued 07/07/1970 Fruit Stand
03/10/1971	Building Permit No. 2571 – Issued 03/10/1971 – CO Issued 07/08/1971 On premise signage
03/13/1973	Building Permit No. 3805 – Issued 03/13/1973 – CO Issued 09/13/1973 – Garage addition for gift shop
01/21/1977	Building Permit No. 6820 – Issued 01/21/1977 – CO Issued 03/04/77 Free-standing signage
06/14/1977	Building Permit No. 7164 – Issued 04/25/1978 – CO Issued 06/05/1978 Use of land for BBQ Pit
05/07/1982	Building Permit No. 10497 – Issued 05/07/1982 – CO Issued 06/04/1982 Carry-out and addition of two parking spaces
04/18/1990	Building Permit No. 19934 – Issued 04/18/1990 – CO Issued 3/8/1994 Screened cooking area
12/13/1991	BZA Case No. 44049 – Variances associated with the construction of a fuel station canopy - Granted
03/14/1996	Building Permit No. 44967 – Issued 04/03/1996 – CO Issued 01/07/2004 Gas station renovations and signage
11/05/2008	Building Permit No. 114499 – Issued 11/10/2008 – CO Issued 11/14/2000 Demolition of the 16’x24’ building
11/13/2008	Building Permit No. 11457 – Issued 11/24/2008 - CO Issued 3/27/2009 Construction of Crabs to Go
09/20/2011	Building Permit No. 11-0812 – Issued 09/20/2011 – CO Issued 1/29/2016 Free-standing signage

**COMMENTS:** The applicant is requesting variances associated with the expansion of an existing seating area for Crabs to Go. The project was reviewed as a minor site plan by the Technical Review Committee on April 8, 2020 and conditionally approved subject to the Code Requirements and granting of the requested variances and special exception.

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.

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:**

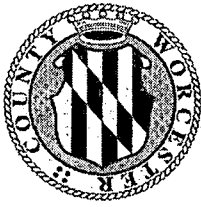
1. Secure final site plan approval;
2. Submit a building permit application;
3. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
4. Submit all applicable fees.

**OWNER:** Cox 122 Raceway, LLC  
11247 Ocean Gateway  
Berlin, MD 21811

**ATTORNEY:** 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  
Environmental Programs Division

## Memorandum

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**To:** Board of Zoning Appeals (BZA) for an April 9, 2020 meeting

**From:** Environmental Programs Staff

**Subject:** Case No. 20-27; TM 21 P 170 – requesting a variance to the ordinance prescribed front yard setback off Ocean Gateway from 100 ft. to 51.2 ft., a variance to the ordinance prescribed front yard setback from Grays Corner Road from 50 ft. to 11.3 ft., and a special exception to increase the height of the fence in the front yard setback to 8 ft., all of which are associated with the proposed expansion of an outdoor seating space associated with an existing restaurant.

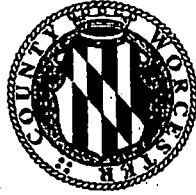
**Date:** March 26, 2020

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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.

Sewer allocations to these commercial properties was done by parcel. Parcel 170 was allocated 6 EDUs. Seating will be limited to area supported by the current allocation or owner may increase available allocation by consolidation of the parcels. This would allow up to ten (10) EDUs to be considered for uses on the property.

**Citizens and Government Working Together**



**Worcester County**  
Department of Environmental Programs  
Natural Resources Division

**Memorandum**

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**To:** Jennifer K. Keener, Zoning Administrator  
**From:** David Mathers, Natural Resources Planner (DM)  
**Subject:** Board of Zoning Appeals Comments – April 9, 2020  
**Date:** March 23, 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 #20-19:**

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 project is exempt from the Worcester County Forest Conservation Program.

**6:35 pm – Case #20-20:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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.

**6:40 pm – Case #20-25:**

This property is not subject to the Worcester County Forest Conservation Law. According to NR 1-404 General Requirements, the Forest Conservation Law shall apply to any public or private subdivision plan or site plan approval, or grading or sediment erosion control permit by any person, including a unit of State or Local government on areas forty thousand square feet or greater. According to the provided survey, the property in subject is less than 40,000 square feet.

**Citizens and Government Working Together**



**6:45 pm – Case #20-27:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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.

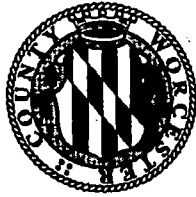
**6:50 pm – Case #20-26:**

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.

**6:55 pm – Case #20-21:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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. In addition to Forestry requirements, this project may be subject to Stormwater, Sediment Erosion Control, and the possible need for a Notice of Intent (NOI) from Maryland Department of the Environment. A NOI is needed if the proposed site disturbance is equal to or greater than one acre. This Department will reserve further comments until permit submission.

**Citizens and Government Working Together**



## Worcester County

Department of Environmental Programs  
Natural Resources Division

### Memorandum

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**To:** Jennifer K. Keener, Zoning Administrator

**From:** Joy S. Birch, Natural Resources Specialist III 

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 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 Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

**6:30 pm – Case #20-19:**

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

**6:35 pm - Case #20-20:**

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

**6:40 pm – Case #20-25:**

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

**6:45 pm – Case #20-27:**

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

**6:50 pm – Case #20-26:**

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated an Intensely Development Area (IDA) and a non-waterfront lot. 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. Therefore, we will reserve any further comments until permit submission.

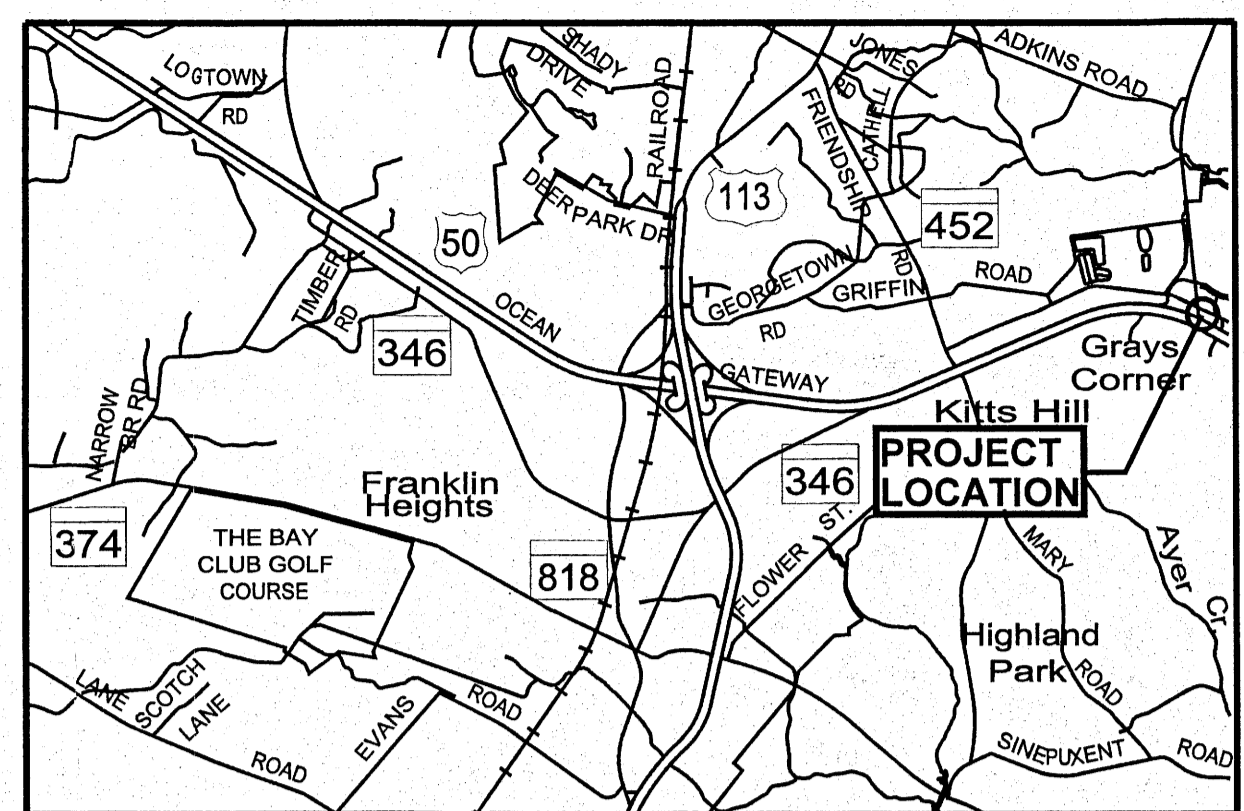
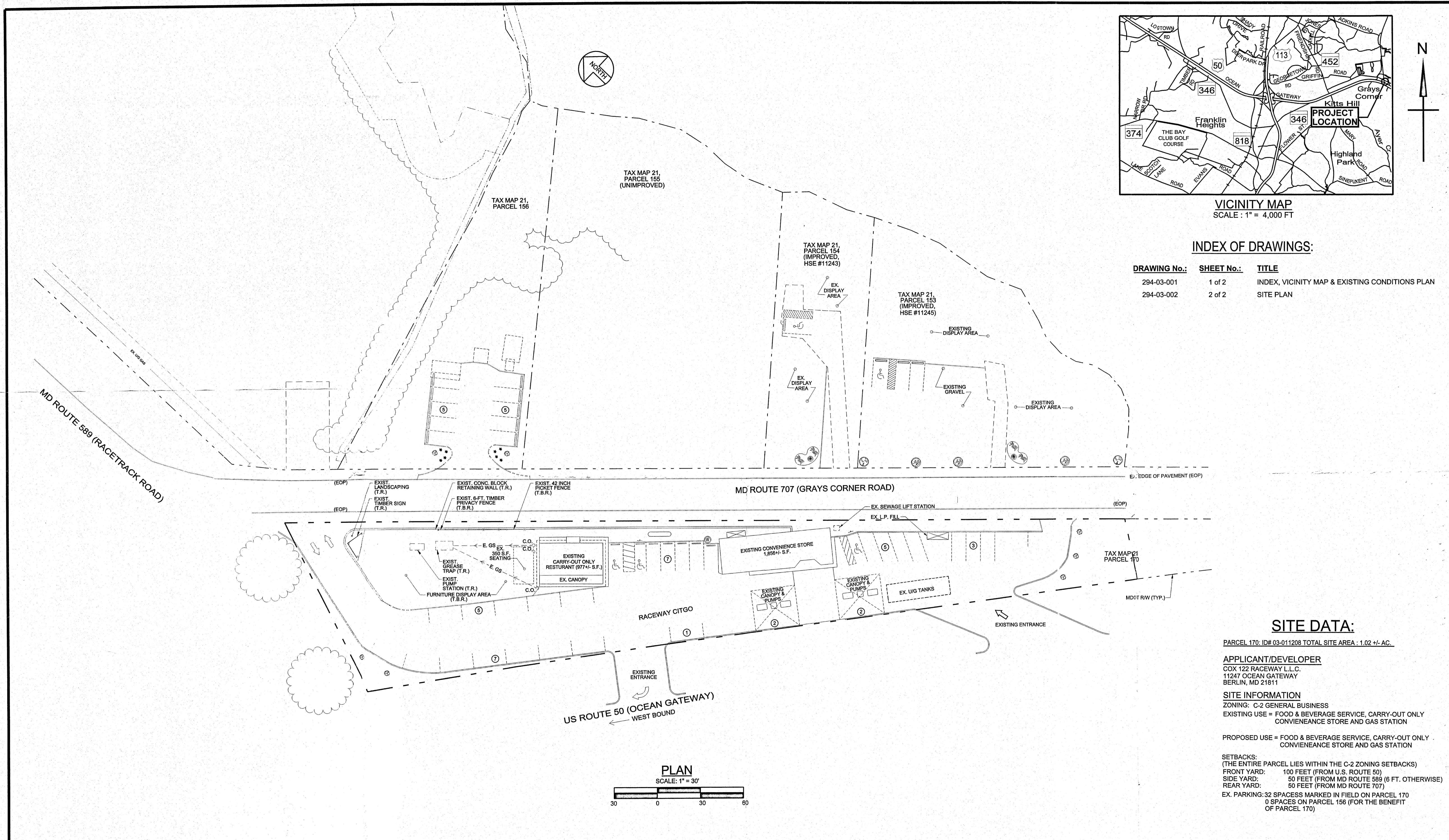
**Citizens and Government Working Together**

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**Citizens and Government Working Together**

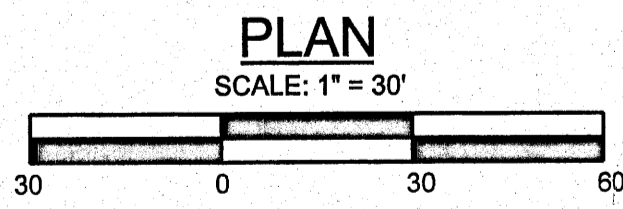
WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863  
TEL: 410-632-1220 FAX: 410-632-2012



VICINITY MAP  
SCALE: 1" = 4,000 FT

INDEX OF DRAWINGS:

DRAWING No.:	SHEET No.:	TITLE
294-03-001	1 of 2	INDEX, VICINITY MAP & EXISTING CONDITIONS PLAN
294-03-002	2 of 2	SITE PLAN



SITE DATA:

PARCEL 170: ID# 03-011208 TOTAL SITE AREA: 1.02 +/- AC.

**APPLICANT/DEVELOPER**  
COX 122 RACEWAY L.L.C.  
11247 OCEAN GATEWAY  
BERLIN, MD 21811

**SITE INFORMATION**  
ZONING: C-2 GENERAL BUSINESS  
EXISTING USE = FOOD & BEVERAGE SERVICE, CARRY-OUT ONLY  
CONVENIENCE STORE AND GAS STATION

PROPOSED USE = FOOD & BEVERAGE SERVICE, CARRY-OUT ONLY  
CONVENIENCE STORE AND GAS STATION

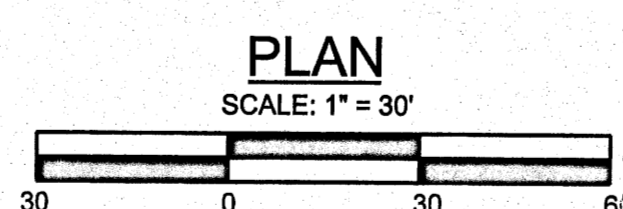
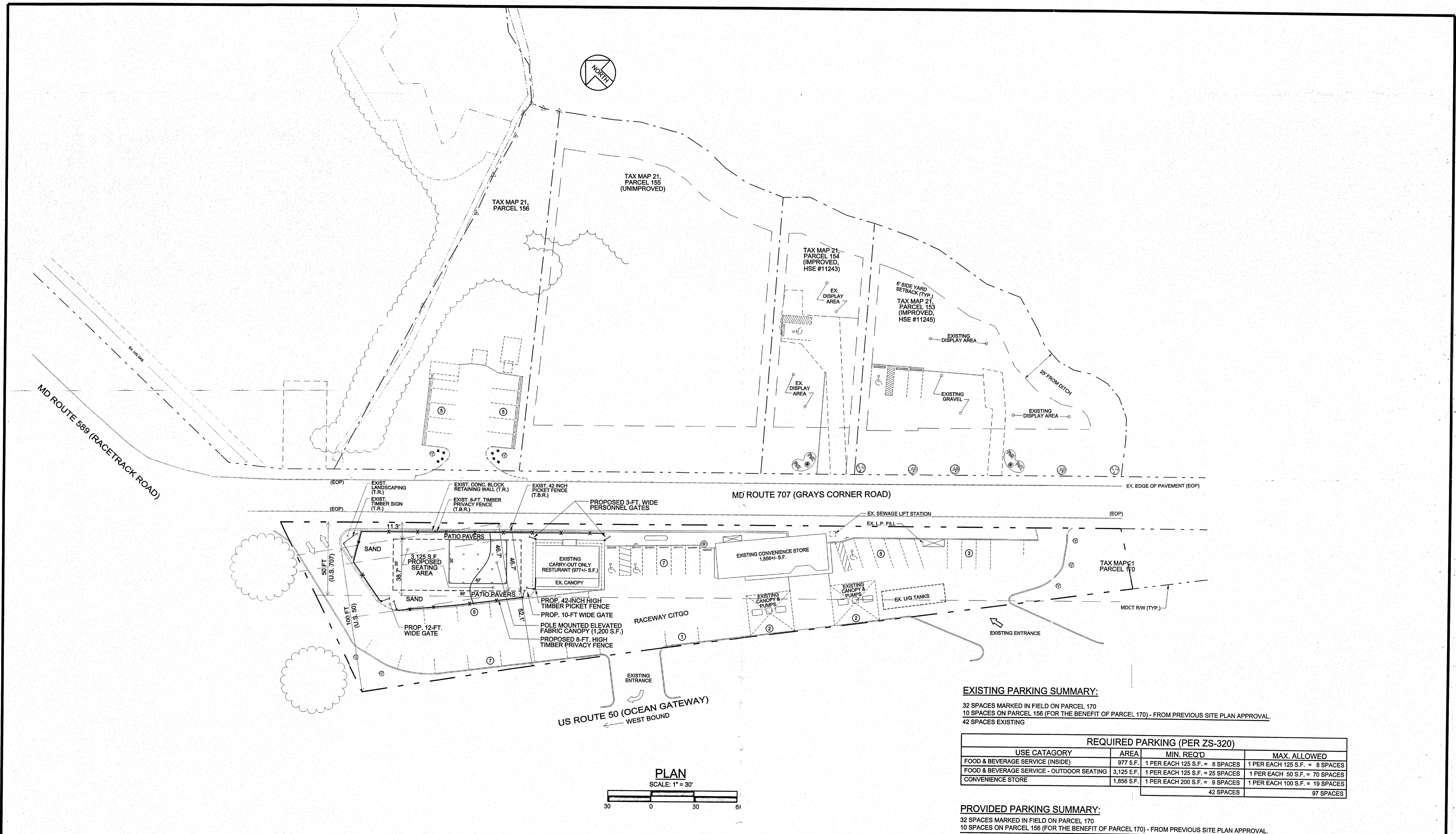
**SETBACKS:**  
(THE ENTIRE PARCEL LIES WITHIN THE C-2 ZONING SETBACKS)  
FRONT YARD: 100 FEET (FROM U.S. ROUTE 50)  
SIDE YARD: 50 FEET (FROM MD ROUTE 589 (6 FT. OTHERWISE)  
REAR YARD: 50 FEET (FROM MD ROUTE 707)

EX. PARKING: 32 SPACES MARKED IN FIELD ON PARCEL 170  
0 SPACES ON PARCEL 156 (FOR THE BENEFIT  
OF PARCEL 170)

<p><b>OWNER/APPLICANT/DEVELOPER:</b> <b>COX 122 RACEWAY L.L.C.</b> 11247 OCEAN GATEWAY BERLIN, MD 21811 PHONE : 410.430.5852</p>	<p><b>ENGINEER:</b> <b>J. W. SALL ENGINEERING, INC.</b> P.O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811 PHONE : 410.641.0126</p>
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EXISTING CONDITIONS PLAN			
COX 122 RACEWAY L.L.C.			
TAX MAP 21, PARCELS 170			
THIRD TAX DISTRICT	BERLIN	WORCESTER COUNTY	MARYLAND
<b>J. W. SALL ENGINEERING, INC.</b>			
P.O. BOX 379, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811			
SCALE:	DATE:	DRAWING No.:	SHEET No.:
1" = 30'	FEB. 2020	294-03-001	1 OF 2





**EXISTING PARKING SUMMARY:**

32 SPACES MARKED IN FIELD ON PARCEL 170  
 10 SPACES ON PARCEL 156 (FOR THE BENEFIT OF PARCEL 170) - FROM PREVIOUS SITE PLAN APPROVAL.  
 42 SPACES EXISTING

REQUIRED PARKING (PER ZS-320)			
USE CATEGORY	AREA	MIN. REQ'D	MAX. ALLOWED
FOOD & BEVERAGE SERVICE (INSIDE)	977 S.F.	1 PER EACH 125 S.F. = 8 SPACES	1 PER EACH 125 S.F. = 8 SPACES
FOOD & BEVERAGE SERVICE - OUTDOOR SEATING	3,125 S.F.	1 PER EACH 125 S.F. = 25 SPACES	1 PER EACH 50 S.F. = 70 SPACES
CONVENIENCE STORE	1,856 S.F.	1 PER EACH 200 S.F. = 9 SPACES	1 PER EACH 100 S.F. = 19 SPACES
		42 SPACES	97 SPACES

**PROVIDED PARKING SUMMARY:**

32 SPACES MARKED IN FIELD ON PARCEL 170  
 10 SPACES ON PARCEL 156 (FOR THE BENEFIT OF PARCEL 170) - FROM PREVIOUS SITE PLAN APPROVAL.  
 42 SPACES PROVIDED

**KEY:**  
 (T.R.) - TO BE REMAIN  
 (T.B.R.) - TO BE REMOVED

**OWNER/APPLICANT/DEVELOPER:**  
**COX 122 RACEWAY L.L.C.**  
 11247 OCEAN GATEWAY  
 BERLIN, MD 21811  
 PHONE : 410.430.5852

**ENGINEER:**  
**J. W. SALK ENGINEERING, INC.**  
 P.O. BOX 397, 9842 MAIN STREET, SUITE 3  
 BERLIN, MD 21811  
 PHONE : 410.641.0126

SITE PLAN			
<b>COX 122 RACEWAY, L.L.C.</b>			
TAX MAP 21, PARCELS 153			
THIRD TAX DISTRICT	BERLIN	WORCESTER COUNTY	MARYLAND
<b>J. W. SALK ENGINEERING, INC.</b>			
P.O. BOX 379, 9842 MAIN STREET, SUITE 3			
BERLIN, MD 21811			
SCALE:	DATE:	DRAWING No.:	SHEET No.:
1" = 30'	FEB. 2020	294-03-002	<b>2 OF 2</b>

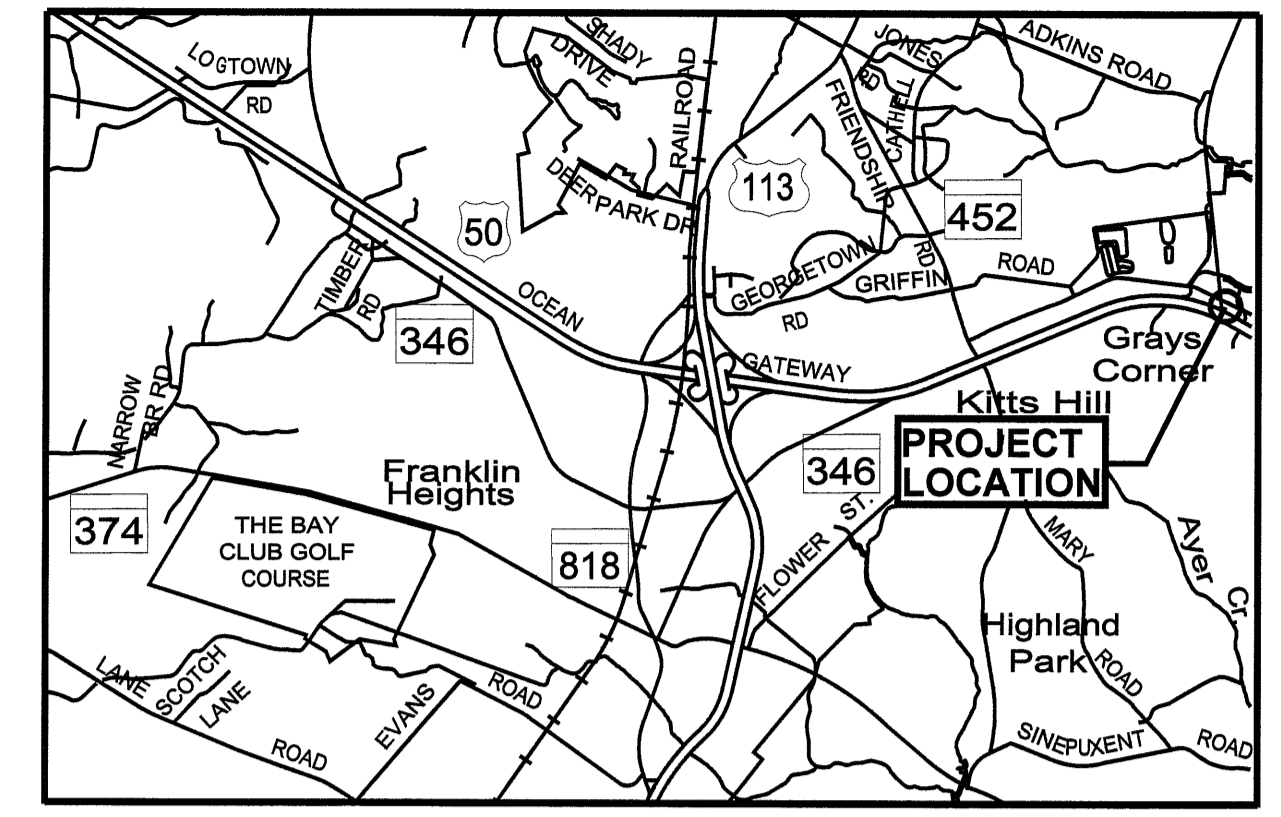
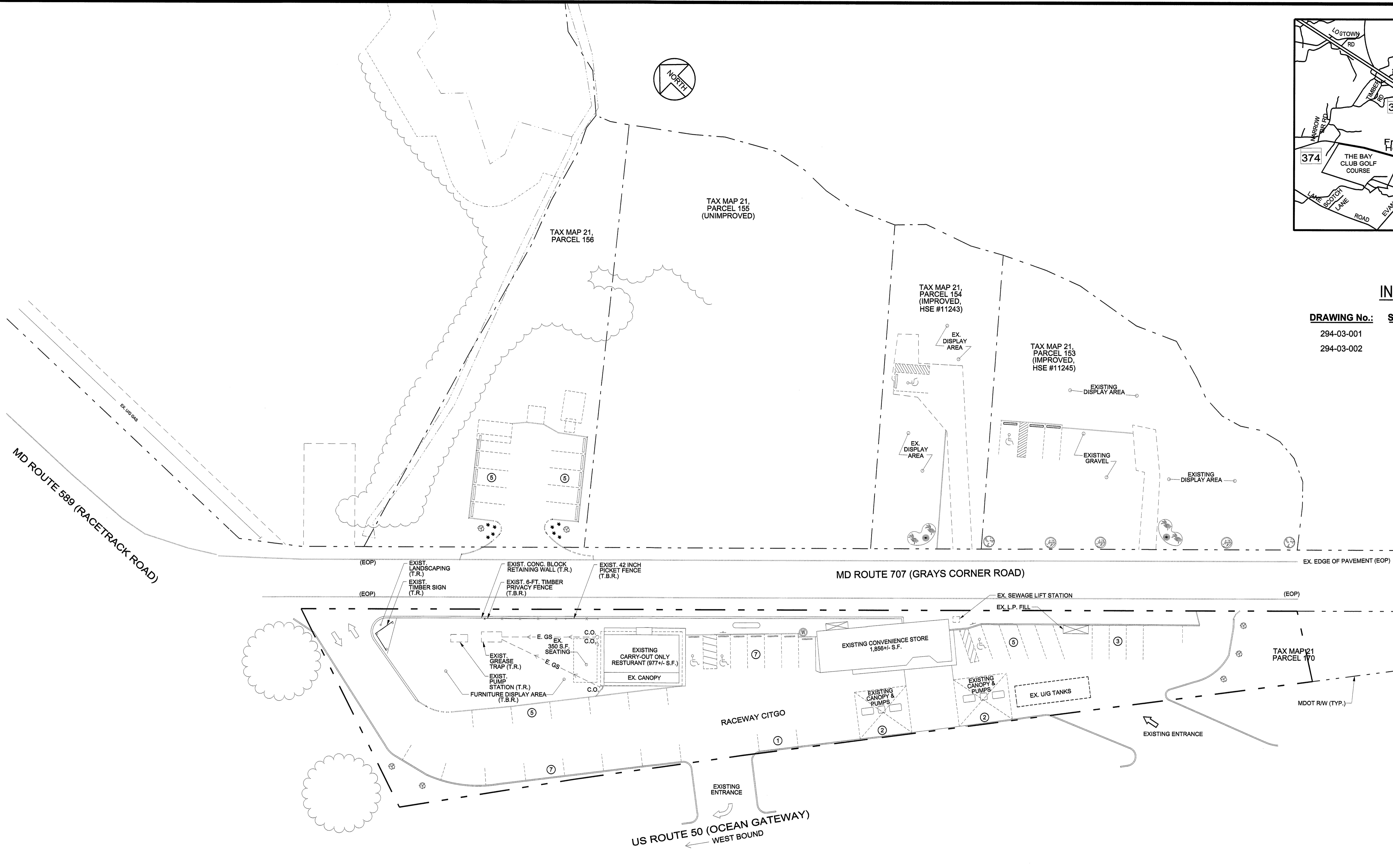




Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 50 ft

CASE 20-27 EXHIBIT 1

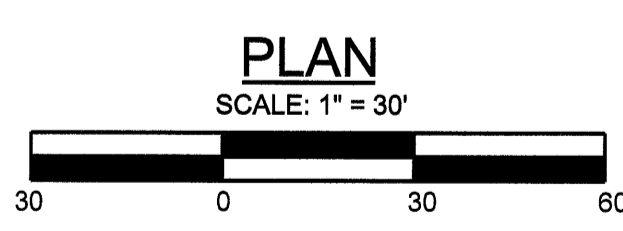




VICINITY MAP  
SCALE: 1" = 4,000 FT

INDEX OF DRAWINGS:

DRAWING No.:	SHEET No.:	TITLE
294-03-001	1 of 2	INDEX, VICINITY MAP & EXISTING CONDITIONS PLAN
294-03-002	2 of 2	SITE PLAN



PLAN  
SCALE: 1" = 30'

SITE DATA:

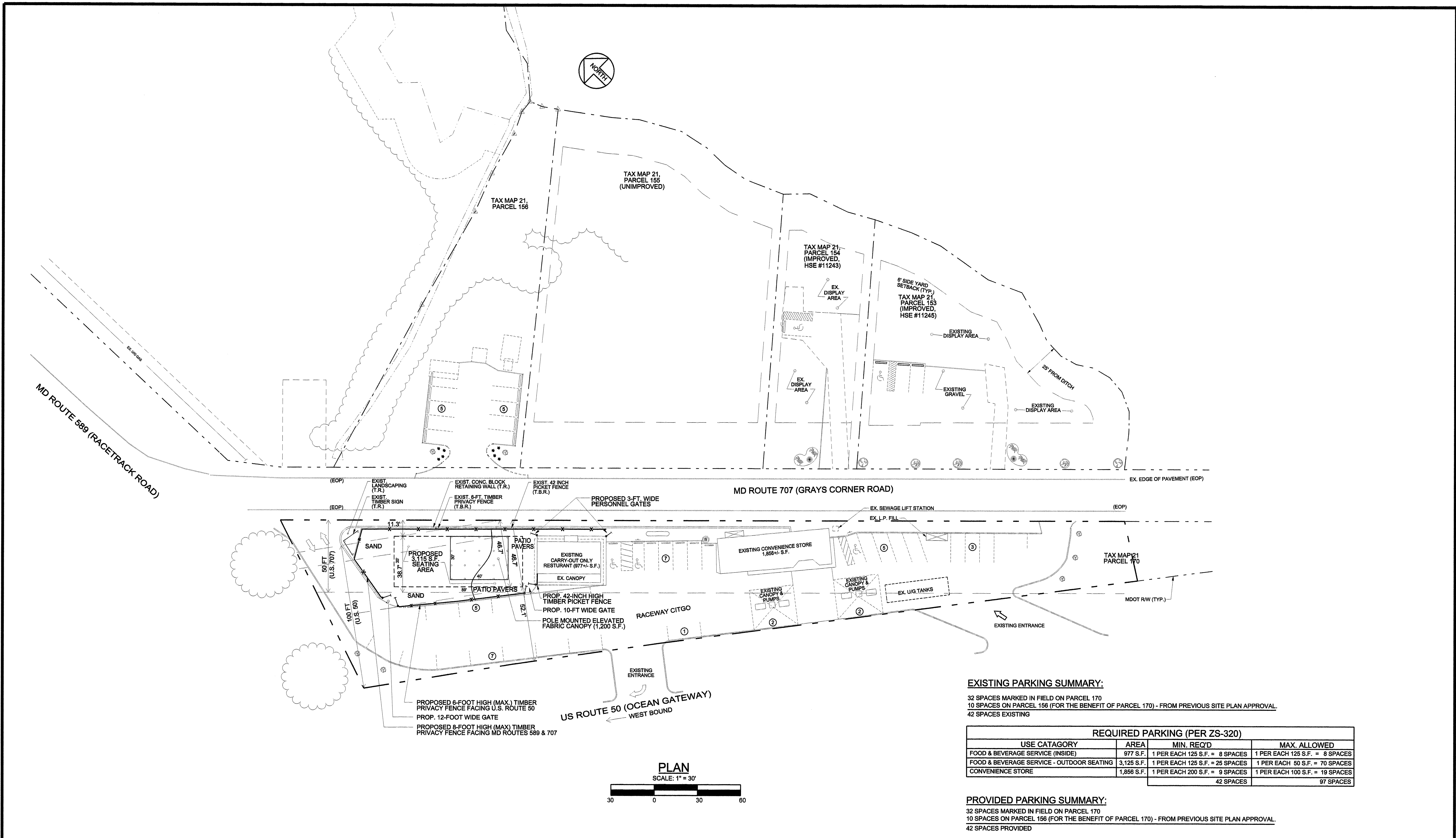
PARCEL 170: ID# 03-011208 TOTAL SITE AREA: 1.02 +/- AC.  
 APPLICANT/DEVELOPER  
 COX 122 RACEWAY L.L.C.  
 11247 OCEAN GATEWAY  
 BERLIN, MD 21811  
 SITE INFORMATION  
 ZONING: C-2 GENERAL BUSINESS  
 EXISTING USE = FOOD & BEVERAGE SERVICE, CARRY-OUT ONLY  
 CONVENIENCE STORE AND GAS STATION  
 PROPOSED USE = FOOD & BEVERAGE SERVICE, CARRY-OUT ONLY  
 CONVENIENCE STORE AND GAS STATION  
 SETBACKS:  
 (THE ENTIRE PARCEL LIES WITHIN THE C-2 ZONING SETBACKS)  
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 EX. PARKING: 32 SPACES MARKED IN FIELD ON PARCEL 170  
 10 SPACES ON PARCEL 156 (FOR THE BENEFIT  
 OF PARCEL 170)

<b>OWNER/APPLICANT/DEVELOPER:</b> <b>COX 122 RACEWAY L.L.C.</b> 11247 OCEAN GATEWAY BERLIN, MD 21811 PHONE : 410.430.5852	<b>ENGINEER:</b> <b>J. W. SALM ENGINEERING, INC.</b> P.O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811 PHONE : 410.641.0126
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CASE 20-27 EXHIBIT 2

<b>OWNER/APPLICANT/DEVELOPER:</b> COX 122 RACEWAY L.L.C. 11247 OCEAN GATEWAY BERLIN, MD 21811 PHONE : 410.430.5852	<b>DESIGNED BY:</b> JWS3	<b>DRAWN BY:</b> DAD	<b>CHECKED BY:</b> JWS3	<b>EXISTING CONDITIONS PLAN</b>
<b>PLAN PREPARED BY:</b> J. W. SALM ENGINEERING, INC. P.O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811 410.641.0126				<b>COX 122 RACEWAY L.L.C.</b> <b>TAX MAP 21, PARCELS 170</b> THIRD TAX DISTRICT BERLIN WORCESTER COUNTY MARYLAND <b>J. W. SALM ENGINEERING, INC.</b> P.O. BOX 379, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811
	<b>REVISIONS</b>	<b>SCALE:</b> 1" = 30'	<b>DATE:</b> FEB. 2020	<b>DRAWING No.:</b> 294-03-001
				<b>SHEET No.:</b> 1 OF 2

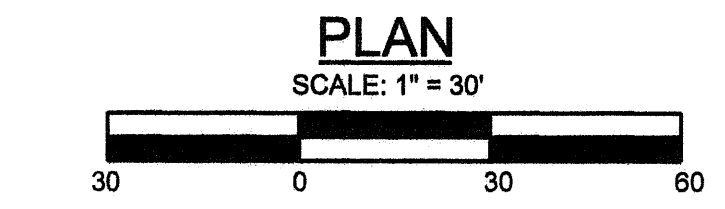




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 42 SPACES EXISTING

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**COX 122 RACEWAY L.L.C.**  
 11247 OCEAN GATEWAY  
 BERLIN, MD 21811  
 PHONE : 410.430.5852

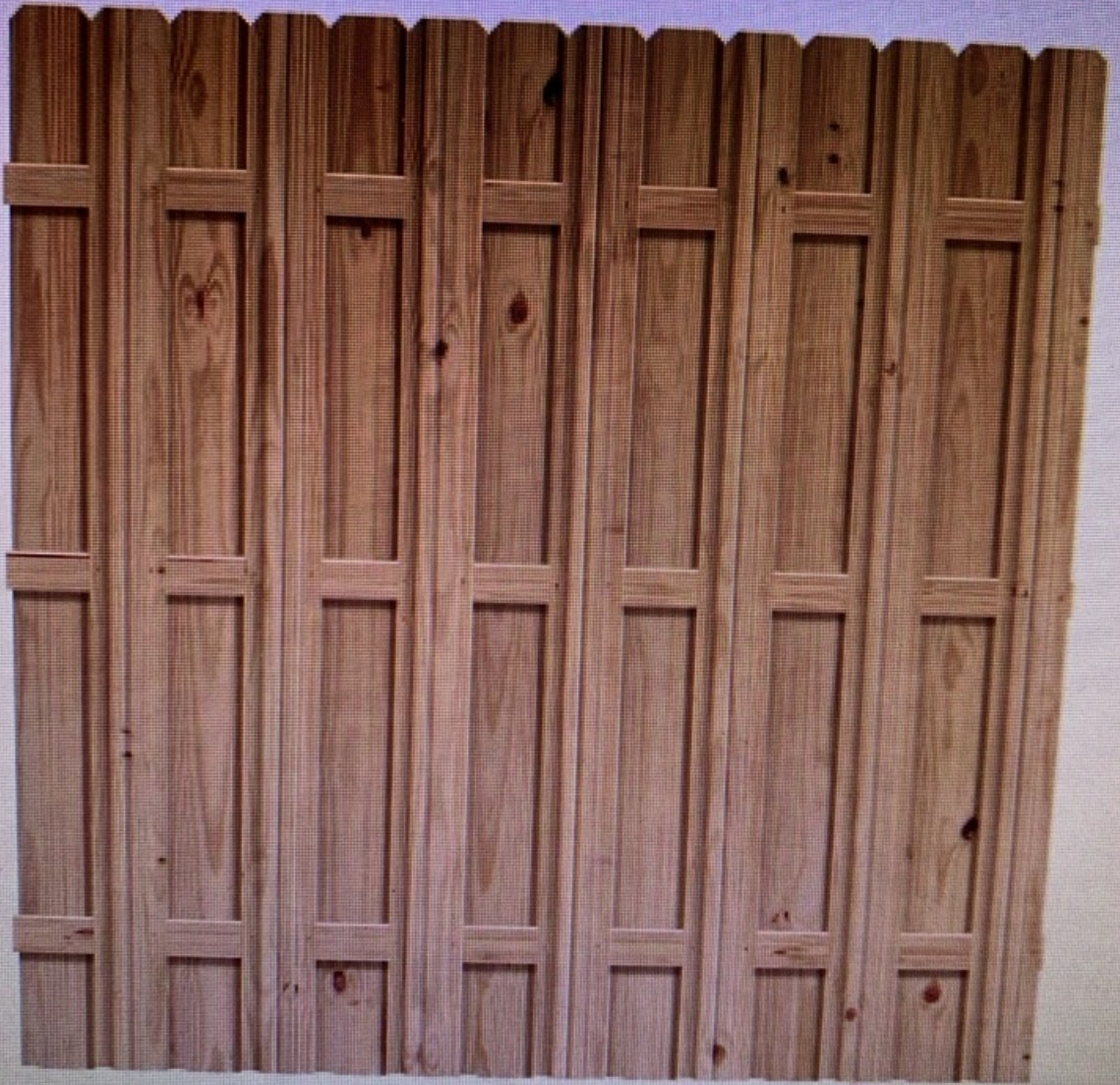
**ENGINEER:**  
**J. W. SALM ENGINEERING, INC.**  
 P.O. BOX 397, 9842 MAIN STREET, SUITE 3  
 BERLIN, MD 21811  
 PHONE : 410.641.0126

CASE 20-27 EXHIBIT 3

**KEY:**  
 (T.R.) - TO BE REMAIN  
 (T.B.R.) - TO BE REMOVED

<b>OWNER/APPLICANT/DEVELOPER:</b> COX 122 RACEWAY L.L.C. 11247 OCEAN GATEWAY BERLIN, MD 21811 PHONE : 410.430.5852 	<b>DESIGNED BY:</b> JWS3 <b>DRAWN BY:</b> DAD <b>CHECKED BY:</b> JWS3 <b>REVISIONS:</b> 4/22/20	<b>SITE PLAN</b> <b>COX 122 RACEWAY, L.L.C.</b> TAX MAP 21, PARCELS 153 THIRD TAX DISTRICT BERLIN WORCESTER COUNTY MARYLAND <b>J. W. SALM ENGINEERING, INC.</b> P.O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811	
		<b>PLAN PREPARED BY:</b> J. W. SALM ENGINEERING, INC. P.O. BOX 397, 9842 MAIN STREET, SUITE 3 BERLIN, MD 21811 410.641.0126	<b>SCALE:</b> 1" = 30' <b>DATE:</b> FEB. 2020 <b>DRAWING No.:</b> 294-03-002 <b>SHEET No.:</b> 2 OF 2





**CASE 20-27 EXHIBIT 4**

**WORCESTER COUNTY BOARD OF ZONING APPEALS  
STAFF REPORT FOR:  
CASE NO. 20-26**

**HEARING DATE:** May 7, 2020

**LOCATION:** 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.

**APPROVAL REQUESTED:** 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

**CODE REFERENCES:** ZS 1-105(c)(5), ZS 1-116(c)(3), ZS 1-116(c)(4), and ZS 1-337

**PROPERTY HISTORY:**

Several permits were issued relative to the previously demolished dwelling  
11/10/2014 Demolition permit No. 14-1123 – Issued 12/12/2014 – CO Issued  
03/20/2020– Demolition of the all structures on the site

**COMMENTS:** The applicant is requesting a variance and special exception for the transient use of establishing an amusement park with stationary heavy equipment, which is consistent with a C-3 Highway Commercial District use. The proposed park would also host training activities and corporate events. The project was reviewed as a minor site plan by the Technical Review Committee on April 8, 2020 and conditionally approved subject to the Code Requirements and granting of the special exception and variance the Board of Zoning Appeals.

If granted, the transient use would allow such activities to continue on the property for up to twelve months. Should the request be approved, the applicant may file another application for one additional year of the transient use as a new hearing. No further activity may occur on this parcel unless the applicant were to pursue and obtain approval for a text amendment to the Zoning Code.

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.

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. Secure final site plan approval;
2. Submit a building permit application;
3. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
4. Submit all applicable fees.

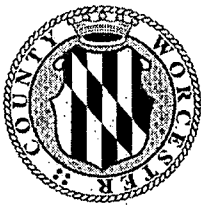
**OWNER:** KCK 7, LLC  
10647 Griffin Road  
Berlin, MD 21811

**APPLICANT:** Mark Stevanus – Heavy Metal Playground  
1800 Tuscarora Court  
Frederick, MD 21702

**SURVEYOR:** Frank Lynch  
10535 Racetrack Road  
Berlin, MD 21811

**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  
Environmental Programs Division

## Memorandum

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**To:** Board of Zoning Appeals (BZA) for an April 9, 2020 meeting

**From:** Environmental Programs Staff

**Subject:** Case No. 20-26; TM 26 P 156 – requesting a special exception to establish an outdoor recreational/amusement use and a variance to the ordinance prescribed front yard setback of 100 ft. from an arterial highway to 50 ft.

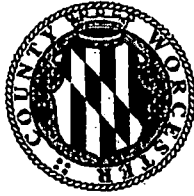
**Date:** March 26, 2020

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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.

Utilities will need to be run to the trailer office structure. There is an existing sewer tap to property that can be used for this. The owner will need to secure a water tap with the county. A sewer main abuts this property. Bathroom should be ADA accessible.

**Citizens and Government Working Together**



## Worcester County

Department of Environmental Programs  
Natural Resources Division

### Memorandum

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**To:** Jennifer K. Keener, Zoning Administrator

**From:** David Mathers, Natural Resources Planner (DM)

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 23, 2020

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Citizens and Government Working Together



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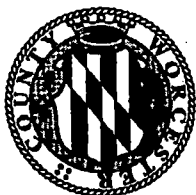
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**6:55 pm – Case #20-21:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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. In addition to Forestry requirements, this project may be subject to Stormwater, Sediment Erosion Control, and the possible need for a Notice of Intent (NOI) from Maryland Department of the Environment. A NOI is needed if the proposed site disturbance is equal to or greater than one acre. This Department will reserve further comments until permit submission.



## Worcester County

Department of Environmental Programs  
Natural Resources Division

### Memorandum

---

**To:** Jennifer K. Keener, Zoning Administrator

**From:** Joy S. Birch, Natural Resources Specialist III 

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 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 Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

**6:30 pm – Case #20-19:**

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

**6:35 pm - Case #20-20:**

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

**6:40 pm – Case #20-25:**

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

**6:45 pm – Case #20-27:**

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

**6:50 pm – Case #20-26:**

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated an Intensely Development Area (IDA) and a non-waterfront lot. 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. Therefore, we will reserve any further comments until permit submission.

**Citizens and Government Working Together**

**6:55 pm – Case #20-21:**

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



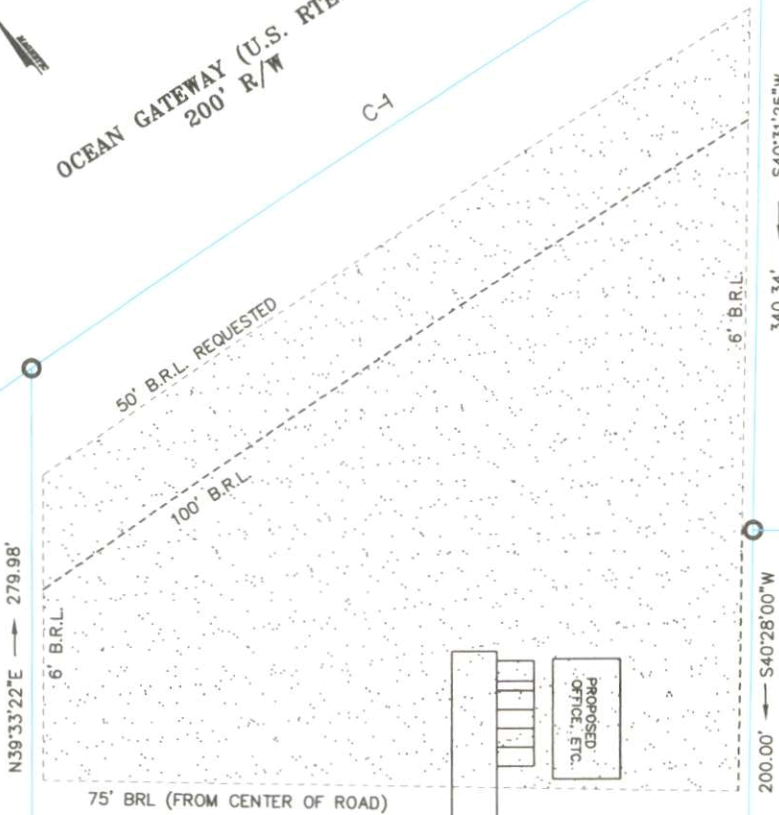
CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD DIRECTION	CHORD
C-1	466.67	8494.46	03°08'52"	233.39	S83°24'05"E	466.61



OCEAN GATEWAY (U.S. RTE. 50)  
200' R/W  
C-1

S.D. HOFFMAN FAMILY LLC  
SVH 4891/160  
PARCEL 252 - TAX MAP 26

OCEAN CITY MARYLAND  
CHAMBER OF COMMERCE  
SVH 3471/564  
PARCEL 392 - TAX MAP 26



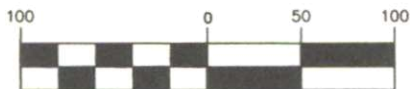
JUDY ANDERSON, ET. AL.  
7241/168  
PARCEL 363 - TAX MAP 26

382.65' ← N49°28'43"W  
MARYLAND ROUTE 707 - 30' R/W

### PROPOSED LAND USE PLAN

PARCEL 156 - TAX MAP 26  
LANDS OF KCK 7 LLC (DEED:5550/225)  
TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

 PROPOSED TRANSIENT USE AREA = 2.5 ACRES



( IN FEET )

1 inch = 100 ft.

○ DENOTES PROPERTY CORNER

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. 0000-00  
DATE 3-11-2020



## Heavy Metal Playground Business Summary

**Mark Stevanus**

**Company Phone: 240-415-8088 Cell: 301-606-7346**

**Mark@HeavyMetalPlayground.com**

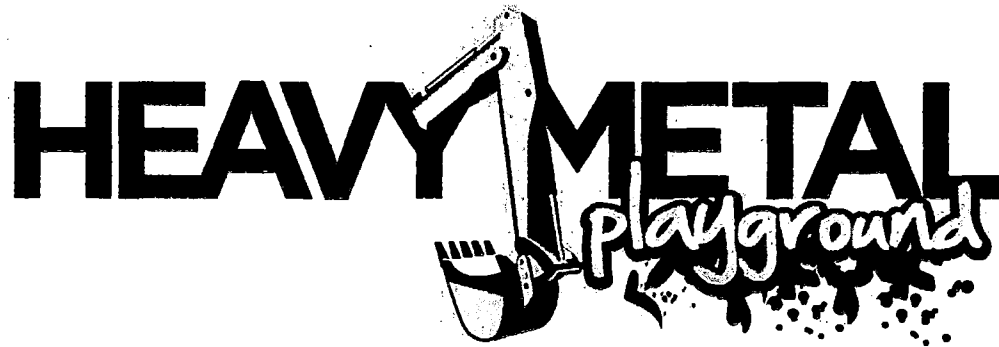
**www.HeavyMetalPlayground.com**

Heavy Metal Playground offers a unique, once in a lifetime, bucket list experience to operate and play on heavy equipment! Heavy Metal Playground offers the opportunity get in the cab of heavy equipment and dig, push, scoop dirt, stack tires, and play the popular and fun Heavy Metal Playground basketball game. This is perfect for individuals, families, birthday parties, bachelor/bachelorette parties, corporate events and corporate team building. Heavy Metal Playground has three sources of revenue. This includes entertainment, certified equipment training and corporate leadership/team building. With only two other companies in the United States similar to Heavy Metal Playground, our goal is to become the #1 tourist attraction on the east coast and the #1 training facility. Plus we have developed a Heavy Metal Playground Community Program designed to work with non-profits and groups to provide discounted equipment certified training to qualifying individuals. This includes veterans, rehabilitated adults and teens to help them become certified and pursue careers in the field of construction and other fields that use heavy equipment.

### **How It Works**

We always stress safety in everything we do. We lay out the area so that everyone is safe while walking to and from the equipment and operating the equipment. We have a safety talk before each session explaining equipment operation. Everyone wears headsets and we are in constant communication with our customers throughout their experience. Machines are heated and air conditioned so that we keep our customers out of the elements to not only provide a great customer experience but to keep them safe. We do not operate during heavy storms with lightning in the area. During the experience, customers learn how to operate the machines and do fun activities like digging in the dirt, stacking tires and play our basketball game where we teach them to pick up a basketball and drop into a tire. All customers then compete with each other for the final activity. Machines are stationary and in no way can they hit each other. Spectators are welcomed to watch and we have safe zones that allow them to see the activities but also provide shade to keep them out of the hot sun.

# HEAVY METAL Playground



Corporate events are a large part of our business and we have had groups from Google, Amazon, Procter & Gamble, Volvo, Cisco and many more. We also have had youth groups and non-profits including Wounded Warriors, American Cancer Society and more come to our facility.

Something we are very proud of is we have created certified heavy equipment training classes. We saw the need for people to gain experience in the trades which leads to jobs in construction, landscaping, electric companies, plumbing companies and more. We work with the community to provide discounted classes to non-profits and have held training classes with homeless groups, underprivileged adults, teens and veterans to help them better their lives with certifications. We have also signed contracts with Washington County Public Schools to provide training to the local high schools and their senior classes. Our goal, along with WCPS, is to provide opportunities to students who are interested in the trades and may not want to or who cannot afford to go to college.

For tourism we draw many people from far and wide. The average time that people drive to our facility is 2 to 3 hours. We have had people drive over 6 hours (from places like Detroit and Boston) just to come to our facility for half hour sessions. Our business has increased tourism with people coming to the area and booking hotels for the weekend. We also collaborate with local businesses by providing coupons and suggestions for people to stay, eat and do other activities (shopping, restaurants, etc.) while in the area.

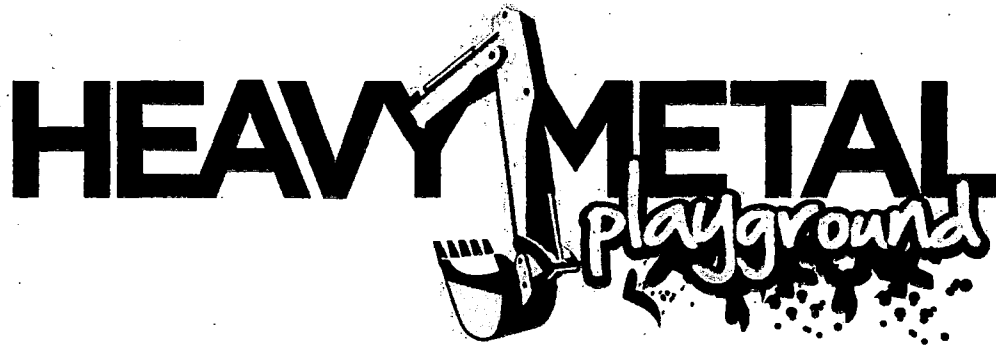
Our business is setup so that we do not have an overflow of people at any given time. In most cases customers book ahead through our website and activities are scheduled in advance. This helps cut down on too many people showing up at one time. In our marketing we stress to book ahead to be guaranteed a time slot. This helps us control the flow of people.

We are proposing to use the land at 12325 Old Bridge Road Ocean City, MD 21842. Our business is a very portable type of business and we do not want to build permanent structures. We are requesting to use a portable office/trailer. The trailer would fit our theme and blend in well with our business. It would also act as an office, check in/registration area, a store and can be converted to a classroom for training. The trailer would also have heat, air condition and bathrooms for our customers to use.

For parking we are proposing to put down gravel or if that is not permitted we will use grates that can easily be set into place and be removed. This will prevent anyone get stuck in the grass or mud.

We know that the erosion of soil is a concern and with our activities there is very little dirt being disturbed. In our activities customers will only dig in a certain area around each machine. We direct

# HEAVY METAL playground



them on where to dig. There is no digging and dirt is not disturbed in our other activities (tire stacking and basketball). Our calculations show that even with 10 machines running we would still be less than 5,000 square feet of disturbed dirt. Even though fewer than 5,000 square feet of dirt will be disturbed, we will setup silt fencing to prevent run off if required.

We are willing to do what is needed to meet the zoning requirements plus work with the community to provide an amazing experience, create tourism and give back to help people in need.

**WORCESTER COUNTY BOARD OF ZONING APPEALS**  
**STAFF REPORT FOR:**  
**CASE NO. 20-21**

**HEARING DATE:** May 7, 2020

**LOCATION:** 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.

**APPROVAL REQUESTED:** A special exception (transient use) to allow compost operations of restaurant food waste in the A-1 Agricultural District

**CODE REFERENCES:** ZS 1-105(c)(5), ZS 1-116(c)(3), and ZS 1-337

**PROPERTY HISTORY:**

This is an unimproved lot currently used for agricultural production.

**COMMENTS:** The applicant has applied for a special exception transient use to allow the composting of restaurant food waste on the farm site. As stated in the written outline, the applicant is proposing a compost site that will be no taller than 8' in height.

Please review the comments provided by the Department of Environmental Programs. Page 2 of their comments lists the setbacks that would be applicable to this particular use. If approved by the Board, this use would still require a permit application to be obtained as well as any applicable state and local approvals before the use could commence on the property.

If granted, the transient use would allow such activities to continue on the property for up to twelve months. Should the request be approved, the applicant may file another application for one additional year of the transient use as a new hearing. No further activity may occur on this parcel unless the applicant were to pursue and obtain approval for a text amendment to the Zoning Code.

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:**

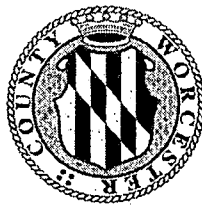
1. Secure necessary permits;
2. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
3. Submit all applicable fees.

**OWNER:** Village Greens Enterprises Limited  
12501 Dixie Drive  
Bishopville, MD 21813

**APPLICANT:** T. Garvey Heiderman  
1134 74<sup>th</sup> Street  
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  
Environmental Programs Division

## Memorandum

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**To:** Board of Zoning Appeals (BZA) for a April 9, 2020 Meeting

**From:** Environmental Programs Staff

**Subject:** Case No. 20-21; TM 10, P 280; Special exception to allow compost operations.

**Date:** 3/26/20

These comments are based upon the case materials received and are subject to change as the plans change.

There are regulatory items that could apply to this proposed use that would involve state approval. Maryland Department of the Environment has special composting regulations, restrictions, and prohibitions that can be found in the Code of Maryland Regulations (COMAR) 26.04.11.04. Code of Maryland Regulations has three different facility tiers, in which might require adequate permitting done so by MDE, or by securing a discharge permit exemption. On the surface, this proposed use appears to be a Tier 2 facility which includes any of the following: yard wastes, food scraps, non-recyclable paper, animal manure or bedding, industrial food processing materials, animals' mortalities, or compostable products.

All composting facilities, even those exempt from a composting facility permit are required to abide by all general restrictions. Composting facilities may not:

- Create a nuisance
- Be conducive to insect and rodent infestation or the harborage of animals
- Cause nuisance odors or other air pollution in violation of air regulations or operate without an air permit
- Cause an unpermitted discharge of pollutants derived from organic materials or solid waste to waters of this State
- Harm the environment
- Create other hazards to public health, safety, or comfort as may be determined by the Department

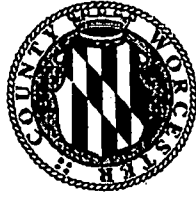
**Citizens and Government Working Together**

Composting facilities must meet all setbacks required except where a greater setback is required by local, state, or federal law or regulations. A composting facility, composting storage area, or active composting may not be located closer than:

- 50 feet to the property line of a property not owned or controlled by the operator of the composting facility
- 300 feet to a dwelling not owned or operated by the operator of the composting facility
- 100 feet to a domestic well
- 100 feet to a stream, lake, or other body of water except an impoundment for use in the composting process

MDE provides a checklist to assist operators of proposed composting facilities in preparing the Composting Facility Operations Plan, which is required under COMAR 26.04.11.09B(1).

In the general restrictions item detailed above, there are legitimate concerns over the potential detrimental conditions as described in ZS 1-116 (c) (3) A.3. We are fairly confident about the ability of the owner to satisfy the state's requirements for utilizing composting for reuse of any food waste processing wastes. Even though we are confident, we would respectfully recommend the Board, should they move to approve this application, condition any approval on the successful mitigation of objectionable conditions under that paragraph by the owner in their daily operation. This would mean that the owner needs to operate the facility in such a way as to be in compliance with state composting regulations and not cause detrimental conditions as described in ZS 1-116 (c) (3) A.3 (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).



## Worcester County

Department of Environmental Programs  
Natural Resources Division

### Memorandum

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**To:** Jennifer K. Keener, Zoning Administrator

**From:** David Mathers, Natural Resources Planner (DM)

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 23, 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 #20-19:**

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 project is exempt from the Worcester County Forest Conservation Program.

**6:35 pm – Case #20-20:**

For land areas located outside the landward limits of the Atlantic Coastal Bays Critical Area, any project requiring disturbance of 5,000 square feet or greater, will require compliance with the Worcester County Forest Conservation Law. In order 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.

**6:40 pm – Case #20-25:**

This property is not subject to the Worcester County Forest Conservation Law. According to NR 1-404 General Requirements, the Forest Conservation Law shall apply to any public or private subdivision plan or site plan approval, or grading or sediment erosion control permit by any person, including a unit of State or Local government on areas forty thousand square feet or greater. According to the provided survey, the property in subject is less than 40,000 square feet.

**Citizens and Government Working Together**

**6:45 pm – Case #20-27:**

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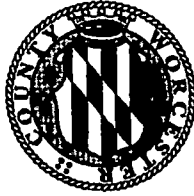
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**Citizens and Government Working Together**



**Worcester County**  
Department of Environmental Programs  
Natural Resources Division

**Memorandum**

---

**To:** Jennifer K. Keener, Zoning Administrator

**From:** Joy S. Birch, Natural Resources Specialist III 

**Subject:** Board of Zoning Appeals Comments – April 9, 2020

**Date:** March 20, 2020

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**Citizens and Government Working Together**



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**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

8

Members of the Worcester County BZA & Neighbors of 11925 St. Martins Neck Rd.,

The following document is a summary of information for a small compost site during the 2020 season.

The property is owned by Village Greens LTD.

If you have any questions regarding anything to do with the compost site feel free to contact me any time on my cell 443-783-4835 or my email: [tgheiderman@gmail.com](mailto:tgheiderman@gmail.com). If you wish to contact the property owner you can call 410-213-7673. Thank you for your time and consideration.

Garvey Heiderman

RHO 126/46 ✓

**WORCESTER COUNTY PLANNING AND ZONING COMMISSION**

The grant of a permit or approval of this subdivision shall not constitute a representation, guarantee or warranty of any kind by Worcester County or by any official or employee thereof as to the practicability or safety of any proposed work, and shall create no liability upon the county, its officials or employees.

Any approval by the Worcester County Approving Authority of any sewer or water system or public utility is based upon plans and reports submitted and is of the date of approval, such standards are subject to change and a building permit may be denied in the future in the event standards are not in effect at the date of application for such permit.

*X. John P. Hill, Sec.* 6/27/90  
 Chairman - Worcester County Planning Commission Date

**SURVEYOR'S CERTIFICATE**

I hereby certify that the requirements of Section 3-100 of the Real Property Article of the Annotated Code of Maryland concerning the making of this plat, the setting of markers and the submission of prior recorded plats have been complied with.

*J. E. Brantley, Jr.* 6/24/90  
 L. E. Bunty, Jr. Date

**OWNER'S CERTIFICATE**

An legal owner of this property, I approve of this subdivision and desire that it be recorded.

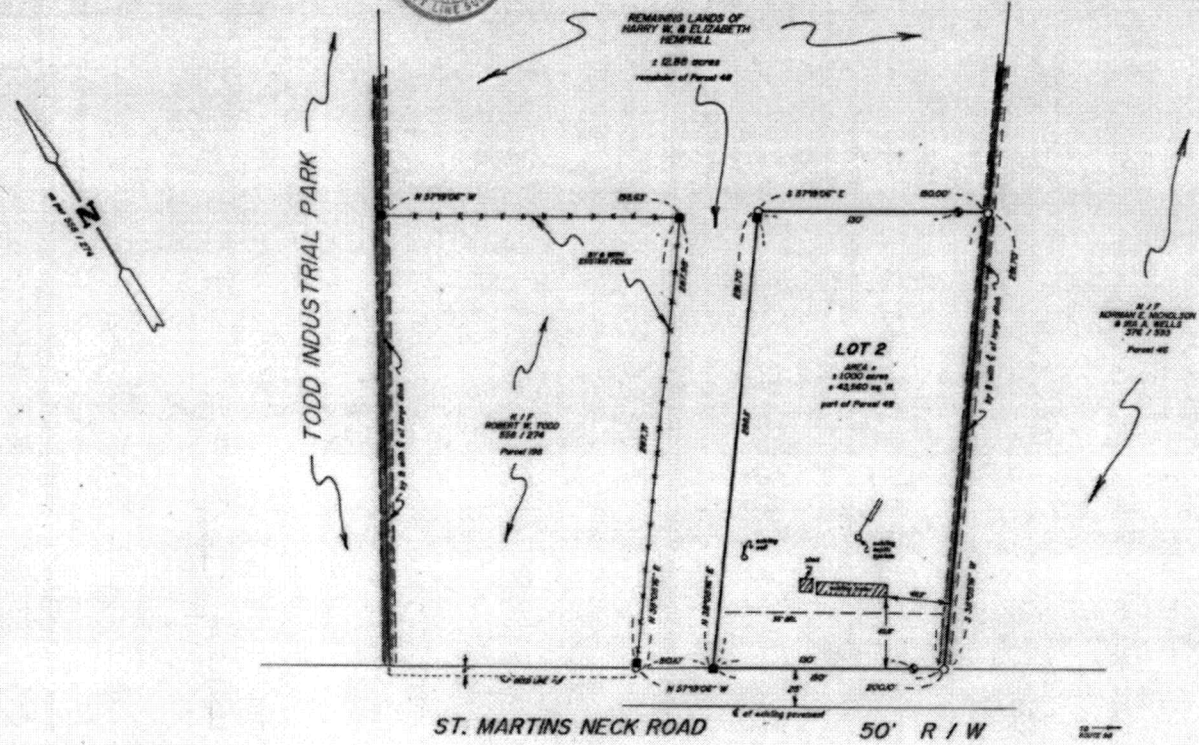
I hereby certify that the requirements of Section 3-100 of the Real Property Article of the Annotated Code of Maryland concerning the making of this plat, the setting of markers and the submission of prior recorded plats have been complied with.

*Harry Walter Hemphill*  
 Owner Date 6/22/90

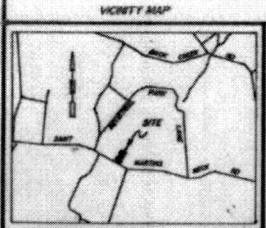
**WORCESTER COUNTY APPROVING AUTHORITY**

Lot 2, as shown, is approved for utility water supply and sewerage systems.

*Richard A. Wells, Jr.* 6/25/90  
 Approving Authority - Worcester County Date



REC. FEE 2.00  
 REC. FEE 3.00  
 TOLL 1.00  
 LUMP SUM 1.00  
 92 8199 7-18 88330



**L. E. Bunty Surveys, Inc.**

140 S. BROAD ST.  
 BALTIMORE, MD 21202  
 TEL: 552-4411

**LEGEND**

- ADJUSTED CONCRETE MONUMENT, FOUND
- UNADJUSTED MON. TO BE SET
- UNADJUSTED MONUMENT
- ADJUSTED STAKE TOP OF BANK TO TOP OF BANK

**DEED REFERENCE**

part of 296 / 61  
 part of Parcel 48  
 Rec. Co. Tax Map 10

**FILED**

JUN 28 1990

**RICHARD H. OUTTEN**  
 CLERK, CT. OF  
 WOR. CO.

**NOTE:**  
 Based upon the Federal Emergency Management Agency Map # 240083 20 A, dated February 15, 1979. Sub. subdivision is located in Zone A-7 (4.67) and Zone B.

**NOTE:**  
 Board of Zoning Appeals Case No. 19700 granted a variance to create a lot with a width of less than the minimum required on April 12, 1990.

**PROPERTY ZONED A-1**

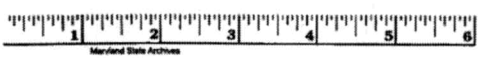
**LOT 2**

**MINOR SUBDIVISION**  
 OF LANDS OF  
**HARRY W. HEMPHILL**

37. MARTINS NECK RD.  
 10TH ELECTION DISTRICT  
 WORCESTER COUNTY, MARYLAND

SCALE 1" = 50'  
 REC. NO. 4026 / 30 DATE 6 / 17 / 90

MSA CS4 2157-2850





# Written with the help of Coker Composting & Consulting

## From the County Comprehensive Plan:

(c)(3) To hear and decide only such special exceptions as the Board is specifically authorized to pass on according to the provisions of this Title and to decide such questions as are involved in determining whether special exceptions should be granted.

A. A special exception may be granted only when the Boards finds, from a preponderance of the evidence of record, that the proposed use of structure:

1. Will be in conformance with the County's Comprehensive Plan.

The County Plan states:

“Goal Statement: This plan’s goal is to maintain and improve the county’s rural and coastal character, protect its natural resources and ecological functions, accommodate a planned amount of growth served by adequate public facilities, improve development’s compatibility and aesthetics, continue the county’s prosperous economy, and provide for residents’ safety and health.”

This proposed project is consistent with the Comprehensive Plan’s goals by “improving development’s compatibility and aesthetics” by providing an important piece of the County’s recycling infrastructure to benefit business, and to “provide for residents’ safety and health” by providing an alternative recycling outlet to landfilling food wastes, which threatens County residents’ health through air and ground pollution emissions.

“Objectives

1. Maintain and enhance the county’s livability

2. Provide adequate public health, safety, social, recreation, and waste disposal services

The proposed facility will enhance adequacy of waste disposal services through the provision of augmented recycling capacity.

3. Protect drinking water supplies

4. Preserve and protect natural resources and their ecological functions

The proposed facility will allow for storm water drainage by the existing drainage ditch adjacent to the composting area. There will be a silt fence installed between the compost area and ditch to prevent any sediment from entering the ditch (See exhibit 1)

5. Facilitate the county’s economic activity

The proposed facility will enhance the hospitality industry’s ability to improve their sustainability profile, which is important for continued industry stability, growth, job creation and economic vitality.

6. Provide for adequate housing opportunities for all income and age groups

7. Maintain and enhance the county’s cultural and historic assets

8. Continue the viability of the agriculture and forestry industries

Agriculture is under threat in Worcester County, in Maryland and in the U.S. Diversifying agricultural enterprises into food scraps recycling is an important growth avenue for Worcester County farmers who serve a critical role in closing the loop between food production and food recycling through composting.

9. Accommodate planned future growth through designated “growth centers” with development standards designed to minimize environmental and habitat disruption

10. Undertake land preservation and other methods to preserve existing and establish new open space and “greenways” to ensure habitat diversity and corridors throughout the county

11. Provide for adequate public services to facilitate the desired amount and pattern of growth
12. Encourage development of traditional communities that reduce reliance on vehicles and are compatible with Eastern Shore vernacular architectural style<sup>1</sup>

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 activity, traffic and parking conditions or the number of similar uses.

The proposed facility will be located on a farm and will only take up a small fraction of the farm's usable area. The facility will be difficult to view for the neighbors or from the road as the height of the pile will not exceed 8 feet and line of sight is blocked by two sections of trees and bushes from the roadway. If it is seen it will appear to simply be a pile of mulch that are already present on the farm. (See exhibit 2)

3. 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 proposed facility will be planned, designed and operated by compost production professionals with numerous years of experience in composting food scraps with no off-site impacts. The pile will be covered with carbon immediately upon material being delivered to reduce any odors or vector being present. The compost recipe provided by our consultant will allow a consistent pathogen free product to be produced which is very beneficial in all agriculture settings. Exhibit 4 shows that we know how big our material footprint will be at the end of the season. (See exhibit 4)

4. Will have no detrimental effect on vehicular or pedestrian traffic.

Food scraps will be collected on site at the restaurant in compostable bags in designated compost receptacles (same size as normal trash receptacles) and disposed of in 50 gallon covered rollout containers on a platform approved by Ocean City zoning administrator Frank Hall and delivered to the farm by a designated pickup truck to handle the organic material. The organic material will be picked up three days a week. This will not have any adverse effect on ocean city traffic as the pickup area for the containers is at the very end of 81<sup>st</sup> street bayside in Ocean City with no through traffic and will be driven directly to the farm where there is no need to stop in any public thoroughfare. Any traffic increase cause by the composting operation will be less than .04% on a daily basis. (see exhibit 3)

5. Will not adversely affect the health, safety, morals, security or general welfare of residents, workers or visitors in the area.

6.

The proposed facility will be operated in a professional manner, so as to minimize any potential off-site adverse impact on neighbors.

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<sup>1</sup> "The Comprehensive Development Plan Worcester County, Maryland", March 14, 2006, p. 7-8

7. 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.

The farm owner will coordinate with Matt Owens (Worcester County Fire Marshall) to ensure they are properly briefed on best ways to mitigate any fire hazards.

8. Will meet the definitions and specific standards set forth elsewhere in this Title for such use.

We are planning to mitigate any other negative impact not covered in the previous guidelines by training the staff on site at the restaurant to properly sort the organic material from the non-organic material in order to prevent any non-organic material from polluting the farmland or surrounding areas.

Additionally, we are set to only work on the compost site Monday through Friday between the hours of 9am-4pm in order to not disrupt any of the neighbors during the weekends, early morning, or late night hours.

Exhibit 1



Shows concrete pad that will be used for unloading food waste before being mixed with carbon and organized into piles. Piles will be in uniform sections on opposite side of pad. (see exhibit 4 for layout of piles)



A silt fence will be installed along treeline/ditch to prevent any sediment from entering ditch.

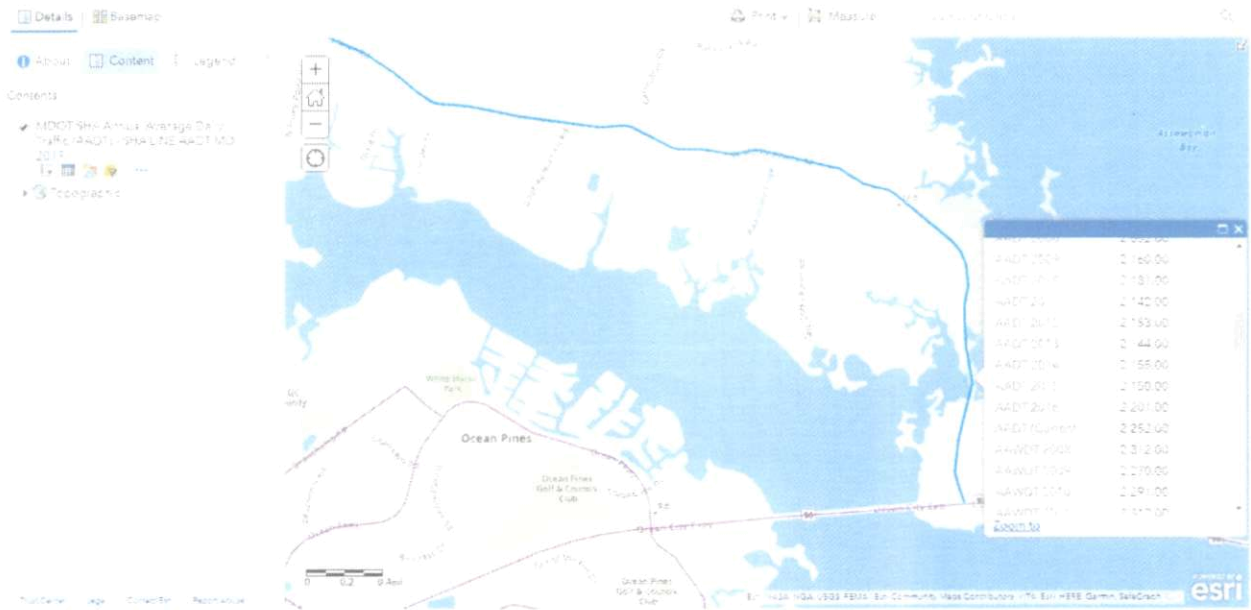


Exhibit 2



Site map shows where compost operations will take place and the entrance to site. Also shows the other farmland & industrial sites that surround the property as well as the lack of residential homes around the property.

Exhibit 3



The above SHA AADT shows that one extra vehicle three days a week will have less than a .04% increase on a daily basis over the 30 weeks that organic materials will be delivered to the site.

# Exhibit 4

## The Hobbitt Restaurant Composting Facility at 11925 St. Martins Neck Rd Bishopville MD 21813

### Footprint Analysis

#### Assumptions:

Hobbitt Restaurant produces about 31,000 lbs of food scraps May-October  
 Bulking agent - ground up Leyland Cypress at J. Harrison farm  
 Facility will use ASP for active composting, turned pile curing (turned manually)

#### Waste Volumes (in cubic yards)

	<u>Annual Volumes</u>	<u>Average Daily Volume</u>
Food scraps	20.7 CY/year	0.1 CY/day
Ground cypress	60	0.4
Wood chips (other)	60	0.4
Totals	140.7 CY/year	0.8 CY/day

#### Composting Materials Flows (average daily conditions)

##### Residence times for ASP composting

	<u>Composting</u>	<u>Curing</u>	<u>Total</u>
ASP	28 days	60 days	88 days
Volume going to composting			
Volume of mixed feedstocks =			0.8 CY/day
Volume of material in Primary Composting			
	<u>Residence</u>	<u>Mixed</u>	
	<u>Days</u>	<u>feedstocks</u>	
ASP	28	23.4 CY	
Volume going to curing (assume 30% volume shrink in composting)			
Volumes of composted feedstocks =			0.6 CY/day
Volume of material in Curing:			
	<u>Residence</u>	<u>Composted</u>	
	<u>Days</u>	<u>Feedstocks</u>	
Turned pile	60	35.2 CY	
Volume going to screening (assume 10% volume shrink in curing):			
Volume of cured feedstocks =			0.5 CY/day
Screening	a. Assume approx. 80% finished compost capture rate and 20% going to mulch		
	b. Finished compost production:		
	Volume of screened compost =		0.4 CY/day
	c. Volume of overs =		0.1 CY/day

#### Feedstocks Receipt

Assume carbon amendment pre-stockpiled on site		
Assume food waste delivered weekly		
Incoming volume	=	0.9 CY/week
Size receipts area for 2.0x average daily volume	=	1.7 CY
to allow equipment to move feedstocks into piles	=	47 CF
Assumed pile height	=	4 ft
Pile + access footprint	=	12 SF
Proposed dimensions	=	6 ft. W
		6 ft. L

#### Carbon Amendment Storage

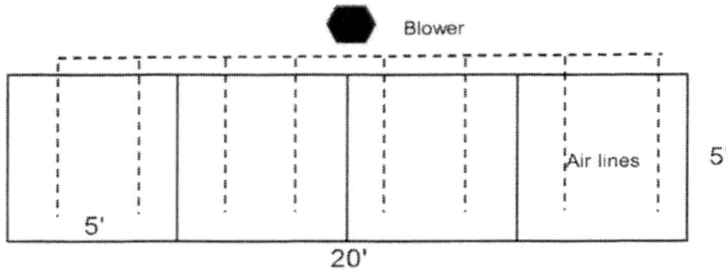
Annual volumes of carbon amendment needed	=	120 CY
	=	3240 CF
Assumed stockpile height	=	6 ft
Stockpile footprint needed	=	540 SF
Proposed dimensions	=	20 ft. W
		27 ft. L

#### Feedstock Mixing

Assume all feedstock mixing done by bucket blending with tractor bucket in access area at ASPs

**Active Composting**

Volume of material to be composted (on average)	=	0.8 CY/day
Volumes of materials to be handled each week	=	5.9 CY/week
	=	158.3 cubic feet
Assume ASP pile height (initially)	=	6 feet
ASP footprint needed	=	26 square feet
Assume use of 5' x 5' aerated micro bins		
Number of bins needed	=	1 per week
	=	4 per 28-day cycle



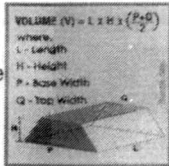
Area needed for composting bins	=	100 SF
Area included for equipment access (20' L x 10' W)	=	200 SF
Total composting area needed	=	300 SF

**Composting Aeration**

Volume of each bin	=	5.5 CY
Volume of all four bins	=	22 CY
Aeration rate	=	5 cfm/CY
Total air flow needed	=	110 cfm
Assume one blower with gate valves controlling air to each bin		
Air provided by Koala KP-280 fan	=	180 cfm

**Curing**

Assume curing in tractor-tumed piles		
Volume in curing during curing phase	=	35 CY
	=	950 CF
Assume maximum storage pile height	=	4 ft
Assume pile base width	=	8 ft
Volume per linear foot (trapezoidal - $V=1/2(B1+B2)*H*L$ )	=	0.59 CY/LF
Total linear footage of curing piles needed	=	60 LF
Assume pile length	=	30 ft.
Number of curing piles needed	=	2
Space allowance between piles for equipment, etc	=	15 ft
Needed curing area footprint	=	525 SF
Area included for equipment access (both piles)	=	200 SF
Total curing area needed	=	725 SF



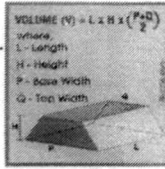
**Screening & Product Storage Sizing**

Assume use of small rented trommel or vibratory screen		
Assume approximately 80%/20% fines/overs split		
Assume one cured compost piled screened at a time		
Plan on four months finished compost storage		
Volume going to screening	=	89 CY/yr
Volume going to product storage	=	71 CY/yr
Volume going to mulch	=	18 CY/yr
Screen size		8 ft L
		6 ft W
Allow 10 ft all sides for equipment movement		
Screening area needed		26 ft. W
		28 ft. L

Exhibit 4



Total Volume in Storage Pile = 71 CY/yr  
 = 1,914 CF  
 Assume maximum storage pile height = 10 ft  
 Assume pile base width = 24 ft  
 Volume per linear foot (trapezoidal -  $V = 1/2(B1+B2) \cdot H \cdot L$ ) = 5.19 CY/LF  
 Total linear footage of storage piles needed = 369 LF  
 Assume pile length = 60 ft.  
 Number of storage piles needed = 6  
 Needed storage area footprint = 8860 SF  
 Assume open storage pile with 30' access in front for equipment/trucks  
 Width (depth) of storage area - including access = 40 ft  
 Length of storage pile = 221 ft  
 Product storage area needed = 70 ft. W  
 = 225 ft. L



Area Summary	Width (ft.)	Length (ft.)	Area (sq. ft.)
Feedstock Receipt	6	6	36
Carbon amendment storage	20	27	540
Composting Pad	15	20	300
Curing Pad	10	75	750
Screening Area	26	28	728
Product Storage Area	70	225	15,750
		Total	18,104