

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

AGENDA

WEDNESDAY, MAY 14, 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. 20-18, on the application of Phillips Signs, Inc., on the lands of Singerman Real Estate (dba Outlets Ocean City), requesting a special exception to reconstruct and relocate a legally existing non-conforming pylon sign associated with Outlets Ocean City in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-122(d)(1), ZS 1-210(b)(2), ZS 1-305 and ZS 1-324, located at 12741 Ocean Gateway (US Route 50), on the northwest corner of the intersection with Golf Course Road, Tax Map 27, Parcel 642, in the Tenth Tax District of Worcester County, Maryland.

6:35 p.m.

Case No. 20-24, on the lands of Valeri Tcheremissine, requesting a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 32.5 feet (an encroachment of 17.5 feet) associated with a proposed second story addition to an existing dwelling 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 12904 Lake Avenue, on the southeast corner of the intersection with Golf Course Road, Tax Map 22, Parcel 397, Block 14, Lot 5 of the Bayshore Acres Subdivision, in the Tenth Tax District of Worcester County, Maryland.

6:40 p.m.

Case No. 20-23, on the application of Annette Cathell, on the lands of Michael Riordan, requesting a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 37 feet (an encroachment of 13 feet) associated with a proposed single-family dwelling in the V-1 Village District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-204(b)(2), and ZS 1-305, located on the southeast corner of the intersection of Langmaid Road and Newark Road, Tax Map 40, Parcel 144, in the Fourth Tax District of Worcester County, Maryland.

6:45 p.m.

Case No. 20-22, on the application of Snow Hill Volunteer Fire Company, Inc., on the lands of State of Maryland, requesting a special exception to allow a firehouse in the R-1 Rural Residential District, a variance to the Ordinance prescribed side yard setback from 30 feet to 20.9 feet (an encroachment of 9.1 feet) and a variance to the Ordinance prescribed rear yard setback from 30 feet to 0.1 feet (an encroachment of 29.9 feet) associated with the proposed construction of a new firehouse pursuant to Zoning Code Sections ZS 1-116(c)(3), 1-116(c)(4), ZS 1-205(c)(6) and ZS 1-305, located at 6572 Snow Hill Road approximately 835 feet east of Village Trail, Tax Map 46, Parcel 15, in the Second Tax District of Worcester County, Maryland.

6:50 p.m.

Case No. 20-17, on the application of Hugh Cropper, IV, Esquire, on the lands of Elwood & Mary Hokanson, requesting an after-the-fact modification to a previously granted variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 40.1 feet (an encroachment of 9.9 feet) associated with a single-family dwelling 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 12351 Meadow Drive approximately 0.36 miles southeast of the intersection with Snug Harbor Road, Tax Map 33, Parcel 346, Lot 33 of the Snug Harbor Subdivision, in the Tenth Tax District of Worcester County, Maryland.

6:55 p.m.

Case No. 20-4, on the application of Hugh Cropper, IV, Esquire, on the lands of Lawrence and Jacqueline Lieske, requesting a variance to the Ordinance prescribed side yard setback from 6 feet to 3.9 feet (an encroachment of 2.1 feet) associated with a proposed second story deck and stairs and requesting a variance to the Atlantic Coastal Bays Critical Area Buffer Management Area (BMA) from 15 feet to 0 feet (an encroachment of 15 feet) associated with an After-the-Fact concrete walkway and patio in the R-2 Suburban Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-116(m), ZS 1-205(b)(2), ZS 1-305, NR 3-104(c)(4), and NR 3-111 located at 10411 Brighton Road, approximately 465 feet south of Rumgate Road, Tax Map 21, Parcel 8, Section A, Block 9, Lot 28 of the Cape Isle of Wight Subdivision, in the Tenth Tax District of Worcester County, Maryland.

7:00 p.m.

Case No. 20-28, on the application of Hugh Cropper, IV., on the lands of West O Madfish, LLC, requesting a variance to the ordinance prescribed side yard setback from 6' to 0' (an encroachment of 6'), and a special exception to allow a 6 foot tall fence in the Ordinance prescribed front yard setback, associated with the proposed re-construction of a restaurant in the CM Commercial Marine District, pursuant to Zoning Code Sections ZS 1-116(c)(3), ZS 1-214(c)(2) and ZS 1-305, located at 12817 Harbor Road, on the northerly side of Harbor Road, approximately 436 feet west of Golf Course Road, Tax Map 27, Parcel 376, Lot 44 in the Tenth Tax District of Worcester County, Maryland.

ADMINISTRATIVE MATTERS

Joining and Participating in the May 14, 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, adjoiner 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_hymJjaEToef955IwypITA

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. No one will be available to assist 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: **851-0171-7442**
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 **851-0171-7442** 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 or (410) 632-1200, extension 1139.

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-18**

HEARING DATE: May 14, 2020

LOCATION: Located at 12741 Ocean Gateway (US Route 50), on the northwest corner of the intersection with Golf Course Road, Tax Map 27, Parcel 642, in the Tenth Tax District of Worcester County, Maryland.

APPROVAL REQUESTED: A special exception to reconstruct and relocate a legally existing non-conforming pylon sign associated with Outlets Ocean City in the C-2 General Commercial District

CODE REFERENCES: Zoning Code Sections ZS 1-116(c)(3), ZS 1-122(d)(1), ZS 1-210(b)(2), ZS 1-305 and ZS 1-324

PROPERTY HISTORY: The County records are quite extensive for the subject property, therefore only the history relative to the request has been provided.

03/10/94	BZA Case No. 34055 – Special exception permitting an increase in the number and area of freestanding signs and also permitting an increase in the maximum permitted height - GRANTED
06/21/95	Zoning Permit No. 41408 – Issued 6/21/95 – C/O issued 12/8/95 – Additional free-standing on premise sign and relocate existing sign
03/07/96	Planning Commission for Worcester County granted site plan approval for a 30,500 sq. ft expansion of White Marlin Mall-O.C. Factory Outlets
02/05/04	Planning Commission for Worcester County granted site plan approval for a 12,600 sq. ft expansion of Ocean City Factory Outlets
06/14/12	BZA Case No. 12-19 – Special exception to reconstruct and relocate a legally existing non-conforming pylon sign – GRANTED
06/28/12	Building Permit No. 12-016 – Issued 7/6/12 – C/O Issued 6/5/13 – Relocate pylon sign per BZA case 12-19

COMMENTS: The owner is requesting the aforementioned special exception to relocate the existing pylon sign. This is the same pylon sign that was relocated in 2012.

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:

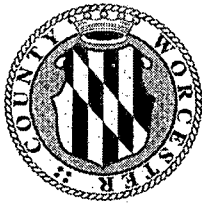
1. Submit a zoning permit application;
2. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
3. Submit all applicable fees.

OWNER: Singerman Real Estate
12741 Ocean Gateway Ste. 685
Ocean City, MD 21842

APPLICANT: Phillips Signs
20874 Sussex Hwy
Seaford, DE 19973

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 owner



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Board of Zoning Appeals (BZA) for an April 15, 2020 meeting

From: Environmental Programs Staff

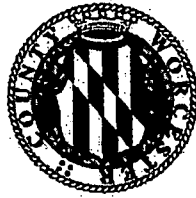
Subject: Case No. 20-18; TM 27 P 642 – requesting a special exception to reconstruct and relocate a legally existing non-conforming pylon sign associated with Outlets Ocean City.

Date: March 20, 2020

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

To: Jennifer K. Keener, Zoning Administrator
From: David Mathers, Natural Resources Planner *(DM)*
Subject: Board of Zoning Appeals Comments – April 15, 2020
Date: March 23, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Forest Conservation Act.

6:30 pm – Case #20-18:

This property is subject to Forest Conservation Plan #95-6. A Worcester County Forest Conservation Fund, in lieu of required afforestation/reforestation has been received.

6:35 pm – Case #20-24:

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.

6:40 pm – Case #20-23:

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.

6:45 pm – Case #20-17:

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.

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6:50 pm – Case #20-4:

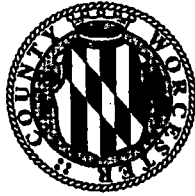
This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and therefore exempt from the Forest Conservation Act. No comment.

6:55 pm – Case #20-22:

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.

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



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 15, 2020

Date: March 20, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #20-18:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as 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.

6:35 pm - Case #20-24:

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.

6:40 pm – Case #20-23:

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

6:45 pm – Case #20-17:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area

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regulations, as there is an existing Planting Agreement and Bond on file for the proposed construction. Therefore, we will reserve any further comments until permit submission.

6:50 pm – Case #20-4:

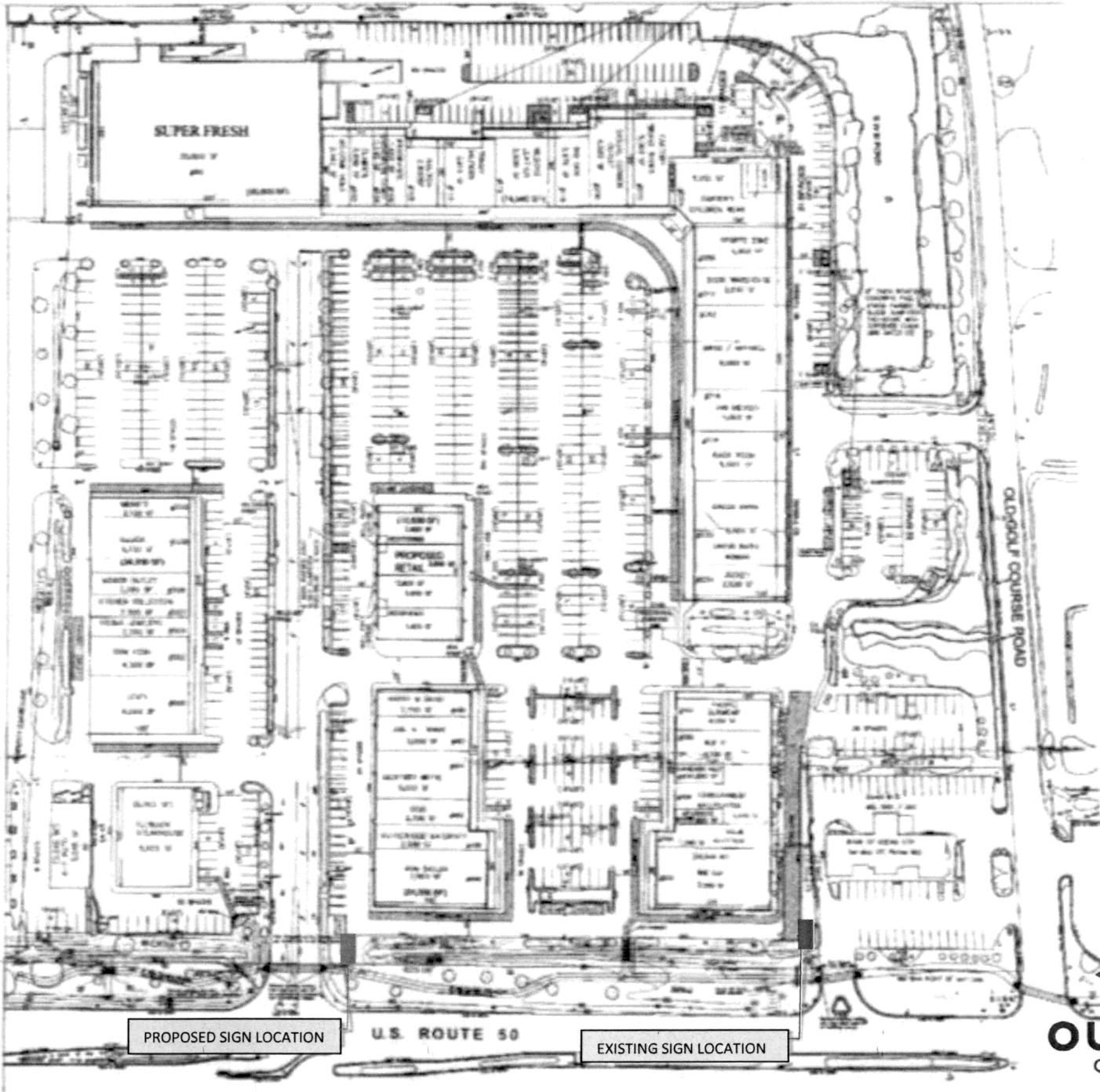
This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided.

6:55 pm – Case #20-22:

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

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



PROPOSED SIGN LOCATION

EXISTING SIGN LOCATION


OUTLETS
OCEAN CITY

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-24**

HEARING DATE: May 14, 2020

LOCATION: At 12904 Lake Avenue, on the southeast corner of the intersection with Golf Course Road, Tax Map 22, Parcel 397, Block 14, Lot 5 of the Bayshore Acres Subdivision, in the Tenth Tax District of Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 32.5 feet (an encroachment of 17.5 feet) associated with a proposed second story addition to an existing dwelling 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:

12/16/1982	Building Permit No. 10985 – Issued 12/16/1982 – C/O Issued 08/31/2007 - Garage Addition
02/08/1983	Board of Zoning Appeals Case No. 11026 – Variance to the front yard setback for an addition to 13.5’ from the front property line - Granted
10/04/1986	Building Permit No. 14980 – Issued 08/07/1989 – No C/O on file - 24’ by 28’ addition to dwelling for bedrooms (easterly end of the dwelling)
12/17/1986	Board of Zoning Appeals Case No. 14980 – Variance to the front yard setback (Lake Avenue) for an addition to 12.5’ from the front property line - Granted
08/07/2007	Building Permit No. 110685 – Issued 09/13/2007 – C/O Issued 07/11/2011 - Fence

COMMENTS: Per the state assessment records, the existing dwelling was constructed in 1975, with Lake Ave having a 40’ right of way. Several variances have been granted for additions on each end of the dwelling. If approved, this request would be a lesser encroachment than the existing dwelling.

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.

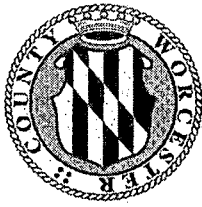
SUBSEQUENT PROCESSES IF APPROVED:

1. Submit a building permit application;
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: Valeri Tcheremissine
12904 Lake Ave.
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

To: Board of Zoning Appeals (BZA) for an April 15, 2020 meeting

From: Environmental Programs Staff

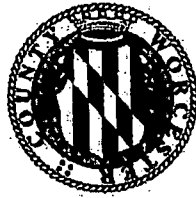
Subject: Case No. 20-24; TM 22 P 397 B 14 L 5 – requesting a variance to the ordinance prescribed front yard setback from 50 ft. from the center of the road right-of-way to 32.5 ft. associated with a proposed second story addition to an existing dwelling.

Date: March 20, 2020

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

To: Jennifer K. Keener, Zoning Administrator
From: David Mathers, Natural Resources Planner (DM)
Subject: Board of Zoning Appeals Comments – April 15, 2020
Date: March 23, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Forest Conservation Act.

6:30 pm – Case #20-18:

This property is subject to Forest Conservation Plan #95-6. A Worcester County Forest Conservation Fund, in lieu of required afforestation/reforestation has been received.

6:35 pm – Case #20-24:

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.

6:40 pm – Case #20-23:

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.

6:45 pm – Case #20-17:

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.

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6:50 pm – Case #20-4:

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.

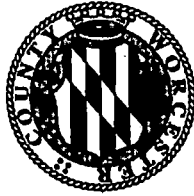
6:55 pm – Case #20-22:

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.

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TEL: 410-632-1220 FAX: 410-632-2012

5



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 15, 2020

Date: March 20, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #20-18:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as 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.

6:35 pm - Case #20-24:

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.

6:40 pm – Case #20-23:

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

6:45 pm – Case #20-17:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area

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regulations, as there is an existing Planting Agreement and Bond on file for the proposed construction. Therefore, we will reserve any further comments until permit submission.

6:50 pm – Case #20-4:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided.

6:55 pm – Case #20-22:

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

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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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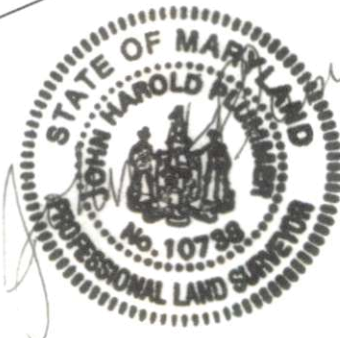
4

5

Concrete Driveway

Existing Well

AREA of LOT 5 = 9,942.0 SQ. FT. ±



BSL BUILDING SETBACK LINE
 CPF CONCRETE POST FOUND
 IRF IRON ROD FOUND

SURVEY NO. 6369

TAX MAP NO.	22 P. 397
DISTRICT	TENTH
SUBD.	ADDITION TO BAY SHORE ACRES
SECT NO.	-
BLOCK NO.	14
LOT NO.	5
DEED REF.	SVH 4303/251
PLAT REF.	JEB 1/4
FLOOD ZONE	AE EL 4

SITE PLAN
 FOR
 VALERI TCHEREMISSINE
 AND
 OXANA S NAPOLOVA

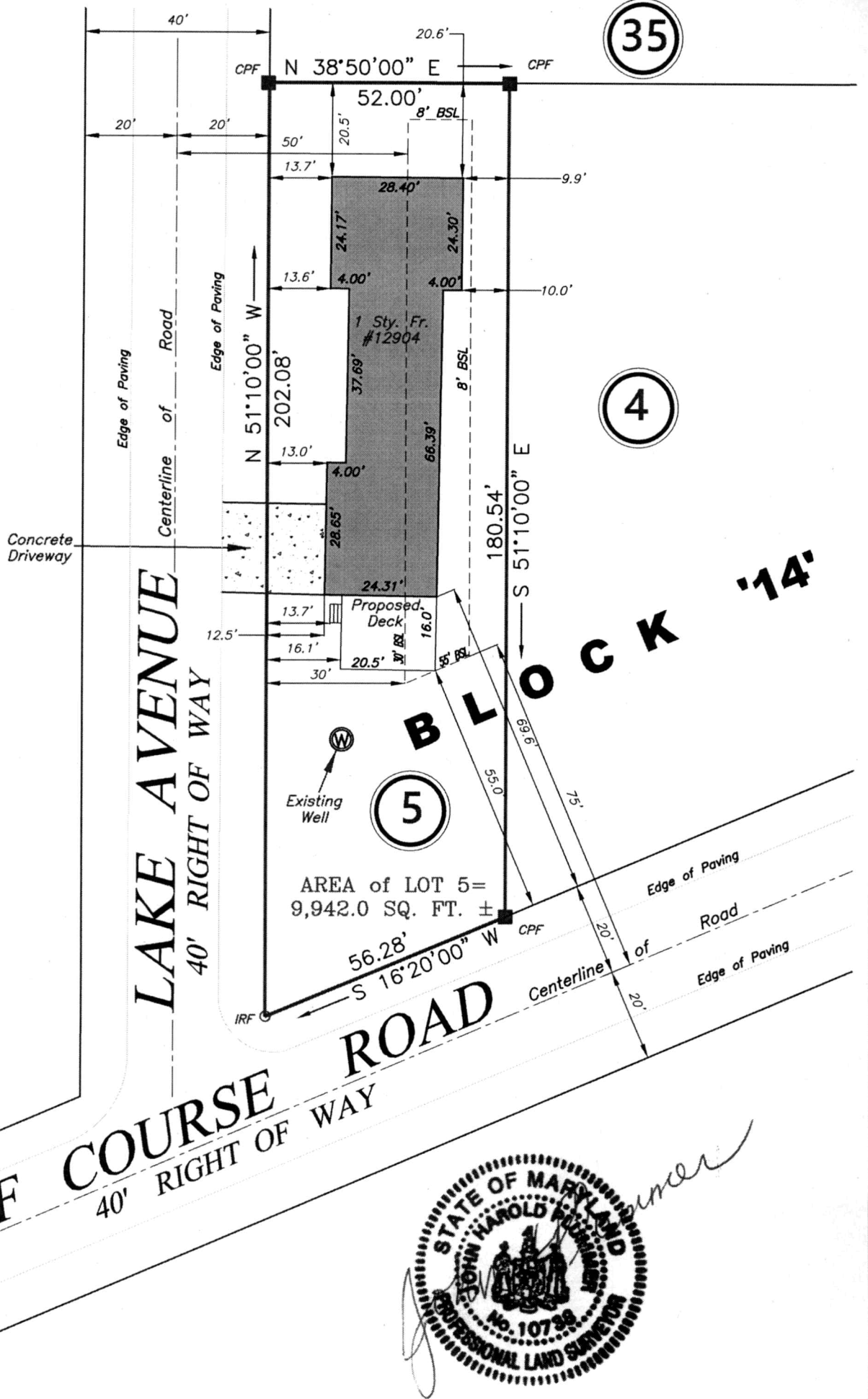
JOHN H. PLUMMER and ASSOC. INC.	
615 EASTERN SHORE DRIVE SALISBURY, MD. 21804 (410)-546-4215 FAX (410)-546-0401	
DRAWN BY	DJI and JRD
DATE	3/9/20
SCALE	1" = 30'
BOOK	- ; PAGE -



35

4

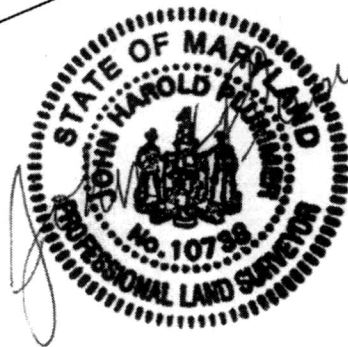
5



LAKE AVENUE
40' RIGHT OF WAY

GOLF COURSE ROAD
40' RIGHT OF WAY

BLOCK '14'



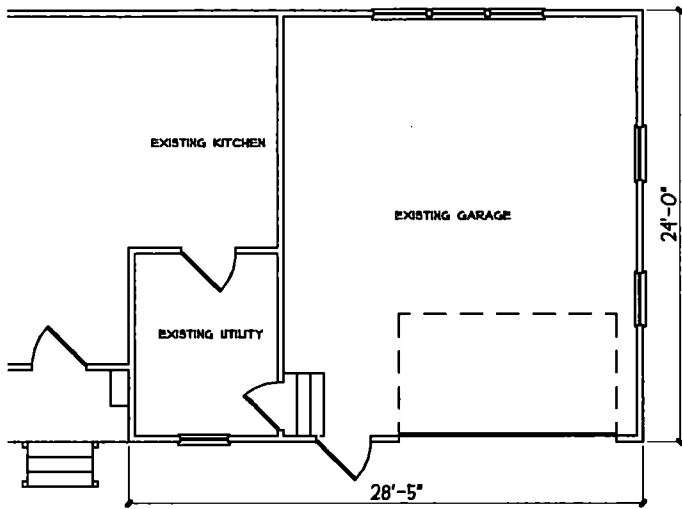
BSL BUILDING SETBACK LINE
CPF CONCRETE POST FOUND
IRF IRON ROD FOUND

SURVEY NO. 6369

TAX MAP NO.	22	P.	397
DISTRICT	TENTH		
SUBD.	ADDITION TO BAY SHORE ACRES		
SECT NO.	-		
BLOCK NO.	14		
LOT NO.	5		
DEED REF.	SVH 4303/251		
PLAT REF.	JEB 1/4		
FLOOD ZONE	AE EL 4		

SITE PLAN
FOR
VALERI TCHEREMISSINE
AND
OXANA S NAPOLOVA

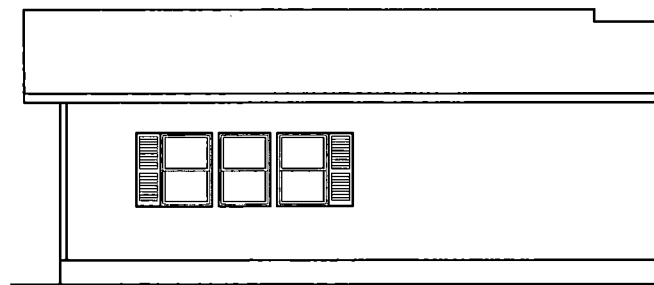
JOHN H. PLUMMER and ASSOC. INC.	
615 EASTERN SHORE DRIVE SALISBURY, MD. 21804 (410)-546-4215 FAX (410)-546-0401	
DRAWN BY	DJI and JRD
DATE	4/13/20
SCALE	1" = 30'
BOOK	- ; PAGE -



RIGHT



FRONT



BACK

1
A-1 EXISTING CONDITIONS
3/32" = 1'

STEPHEN J. KANSAK Inc.
stephenkansak.com
P.O. BOX 620
OCEAN CITY, MD.
410.213.8314
stevesplans@aol.com

TCHEREMISSIME ADDITION
12904 LAKE AVE.
OCEAN CITY, MD. 21842

DATE
03/10/20

A-1
SHEET 1 OF 6



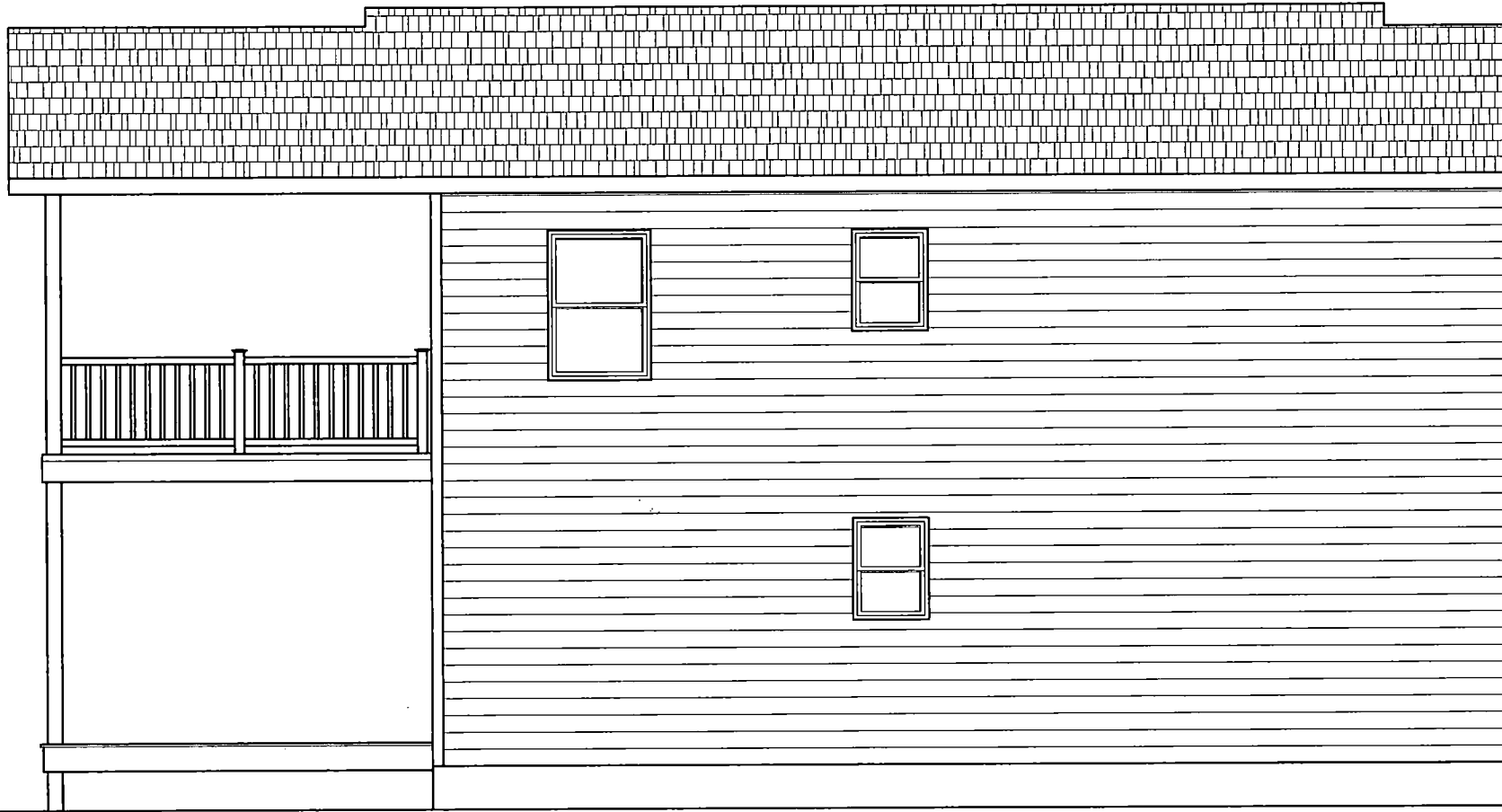
1
A-2 NEW FRONT ELEVATION
3/16" = 1'

STEPHEN J. KANSAK Inc.
stephenkansak.com
P.O. BOX 620
OCEAN CITY, MD.
410.213.8314
stevesplans@aol.com

TCHEREMISSIME ADDITION
12904 LAKE AVE.
OCEAN CITY, MD. 21842

DATE
03/10/20

A-2
SHEET 2 OF 6



1 NEW BACK ELEVATION
A-3 3/16" = 1'

STEPHEN J. KANSAK Inc.
stephenkansak.com
P.O. BOX 620
OCEAN CITY, MD.
410.213.8314
stevesplans@aol.com

TCHEREMISSIME ADDITION
12904 LAKE AVE.
OCEAN CITY, MD. 21842

DATE
03/10/20

A-3
SHEET 3 OF 6



1
A-4 NEW FRONT ELEVATION
3/16" = 1'

STEPHEN J. KANSAK Inc.
stephenkansak.com
P.O. BOX 620
OCEAN CITY, MD.
410.213.8314
stevesplans@aol.com

TCHEREMISSIME ADDITION
12904 LAKE AVE.
OCEAN CITY, MD. 21842

DATE
03/10/20

A-4

SHEET 4 OF 6

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-23**

HEARING DATE: May 14, 2020

LOCATION: On the southeast corner of the intersection of Langmaid Road and Newark Road, Tax Map 40, Parcel 144, in the Fourth Tax District of Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 37 feet (an encroachment of 13 feet) associated with a proposed single-family dwelling

CODE REFERENCES: ZS 1-116(c)(4), ZS 1-204(b)(2), and ZS 1-305

PROPERTY HISTORY:

This is an unimproved vacant lot.

COMMENTS: The property in question is a corner lot causing the property to have two front yard setbacks measuring 50 feet from the center of the road right-of-way, as illustrated on the survey.

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:

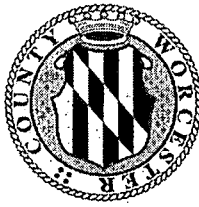
1. Submit a building permit application;
2. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
3. Submit all applicable fees.

OWNER: Michael Riordan
8313 Langmaid Road
Newark, MD 21841

APPLICANT: Annette Cathell
11185 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

To: Board of Zoning Appeals (BZA) for an April 15, 2020 meeting

From: Environmental Programs Staff

Subject: Case No. 20-23; TM 40 P 144 – requesting a variance to the ordinance prescribed front yard setback from 50 ft. from the center of the road right-of-way to 37 ft. associated with a proposed single family dwelling.

Date: March 20, 2020

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

To: Jennifer K. Keener, Zoning Administrator
From: David Mathers, Natural Resources Planner (DM)
Subject: Board of Zoning Appeals Comments – April 15, 2020
Date: March 23, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Forest Conservation Act.

6:30 pm – Case #20-18:

This property is subject to Forest Conservation Plan #95-6. A Worcester County Forest Conservation Fund, in lieu of required afforestation/reforestation has been received.

6:35 pm – Case #20-24:

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.

6:40 pm – Case #20-23:

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.

6:45 pm – Case #20-17:

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.

Citizens and Government Working Together

6:50 pm – Case #20-4:

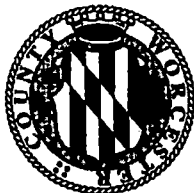
This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and therefore exempt from the Forest Conservation Act. No comment.

6:55 pm – Case #20-22:

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.

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



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 15, 2020

Date: March 20, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #20-18:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as 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.

6:35 pm - Case #20-24:

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.

6:40 pm – Case #20-23:

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

6:45 pm – Case #20-17:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area

Citizens and Government Working Together

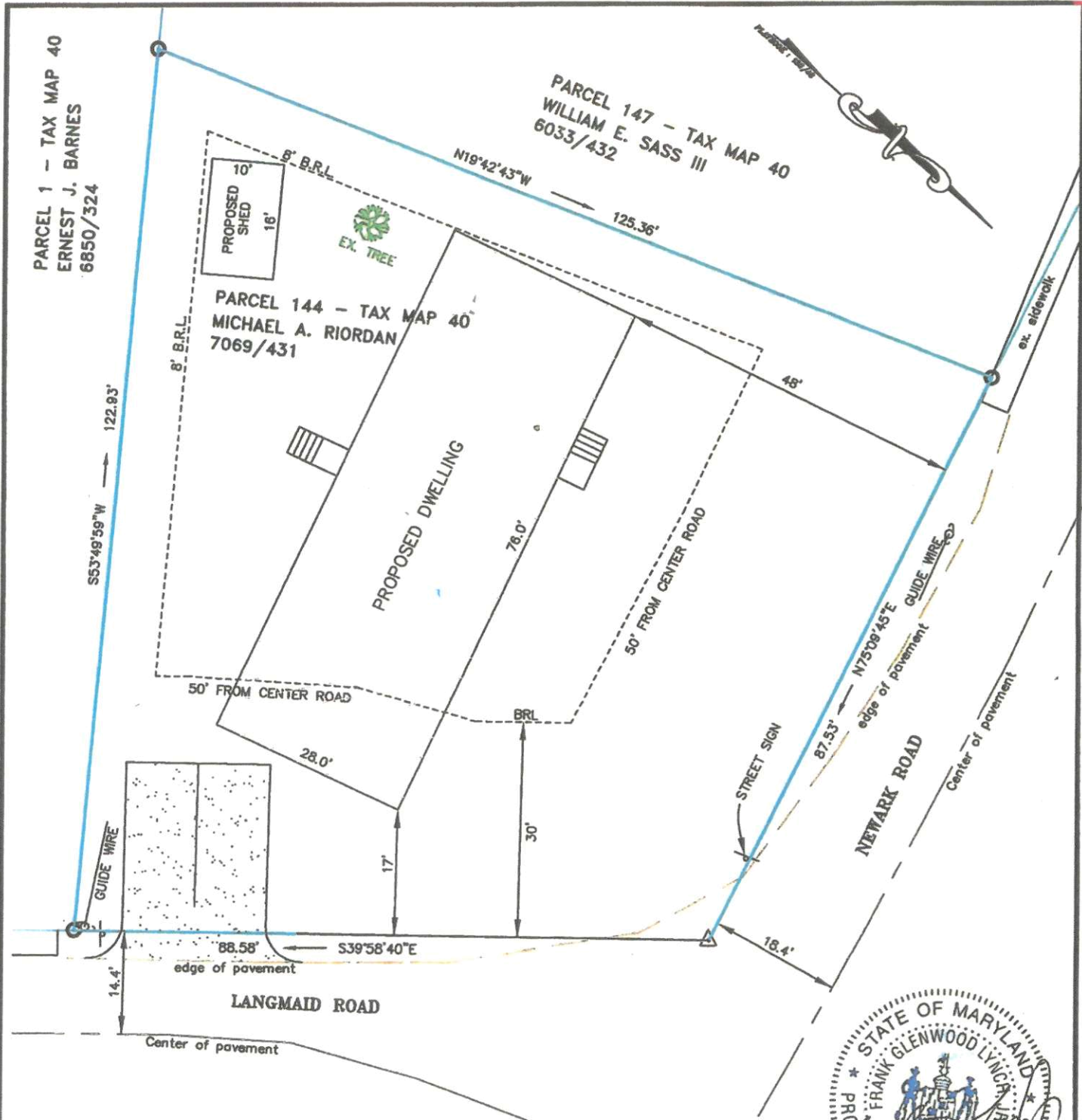
regulations, as there is an existing Planting Agreement and Bond on file for the proposed construction. Therefore, we will reserve any further comments until permit submission.

6:50 pm – Case #20-4:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided.

6:55 pm – Case #20-22:

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



PROPOSED SITE PLAN

PARCEL 144 - TAX MAP 40
 FOURTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

REFERENCE
 LOT AREA: 10,899 S.F. ±
 EX. ZONING: V-1
 ZONING SETBACKS:
 FRONT: 25' OR 50' FROM CENTER
 CENTER OF ROAD, SIDES: 8' EA.
 REAR: N/A
 FLOOD ZONE: X PER FIRM
 NO. 24047C0145H
 DATED 7-16-2015.



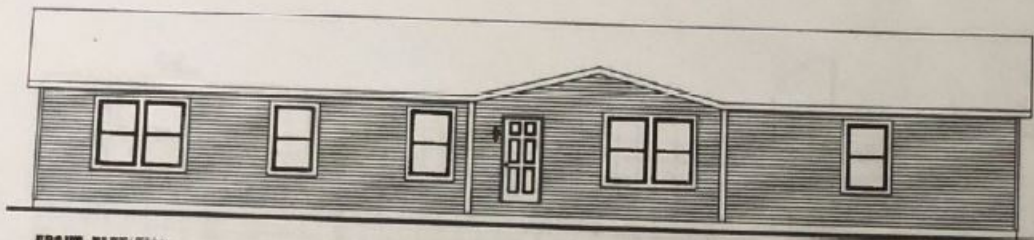
(IN FEET)
 1 inch = 20 ft.

- DENOTES IRON PIPE FOUND
- △ DENOTES UNMARKED POINT



Frank G. Lynch, Jr.
& Associates, Inc.
 SURVEYING · LAND PLANNING
 10535 RACETRACK ROAD · BERLIN MARYLAND 21811
 (410) 641-5363 · 641-5778

DRAWN BY: F.G.L. JR.
 FILE NO.: 11641-17
 DATE: 2-10-2020

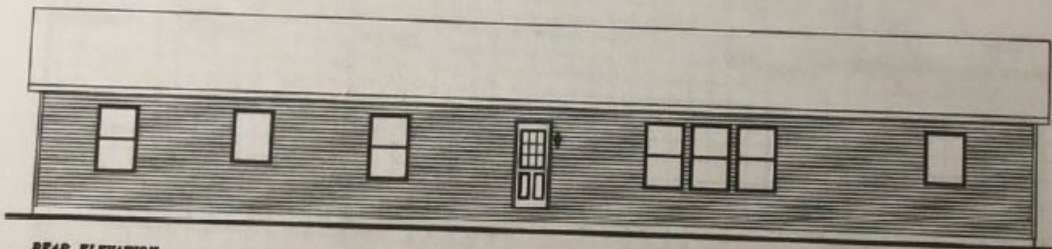


FRONT ELEVATION

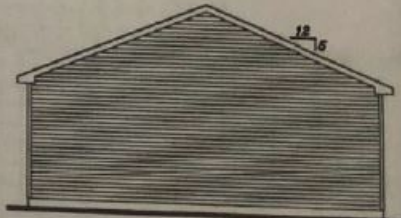


RIGHT ELEVATION

5/12 ROOF PITCH
 96" SIDEWALL HEIGHT



REAR ELEVATION



LEFT ELEVATION

DEALER: Oakwood Homes - Millsboro

Customer: .

QUOTE: 36150

MODEL: 11M025B

THESE PLANS HAVE BEEN EXTRACTED FROM APPROVED BUILDING SYSTEM DOCUMENTATION ON FILE WITH THE STATE.

THE MANUFACTURER OF THIS STRUCTURE CERTIFIES THAT THIS STRUCTURE IS NOT A MOBILE HOME SUBJECT TO THE PROVISIONS OF THE NATIONAL MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974.

"THIS STRUCTURE IS DESIGNED ONLY FOR INSTALLATION ON A PERMANENT FOUNDATION"

"THIS STRUCTURE IS NOT DESIGNED TO BE MOVED (OCC. ERECTED OR DISMANTLED)"

"THIS STRUCTURE IS DESIGNED AND MANUFACTURED TO COMPLY WITH THE CODES AND STANDARDS NOTED ON THE VNA CODE REFERENCE SHEET"

"TO THE MANUFACTURER'S KNOWLEDGE, THIS STRUCTURE IS NOT INTENDED TO BE USED OTHER THAN ON A SITE BUILT PERMANENT"

FOUNDATION, VENEER/FINISHES, FOUNDATION WINDOWS, DOORS, EXTERIOR STEPS, RAILINGS AND ACCESSES TO GRADE ARE FURNISHED AND INSTALLED BY THE BUILDER. ELEVATIONS ARE TYPICAL. REFER TO FLOOR PLAN FOR EXACT WINDOW AND DOOR PLACEMENT.

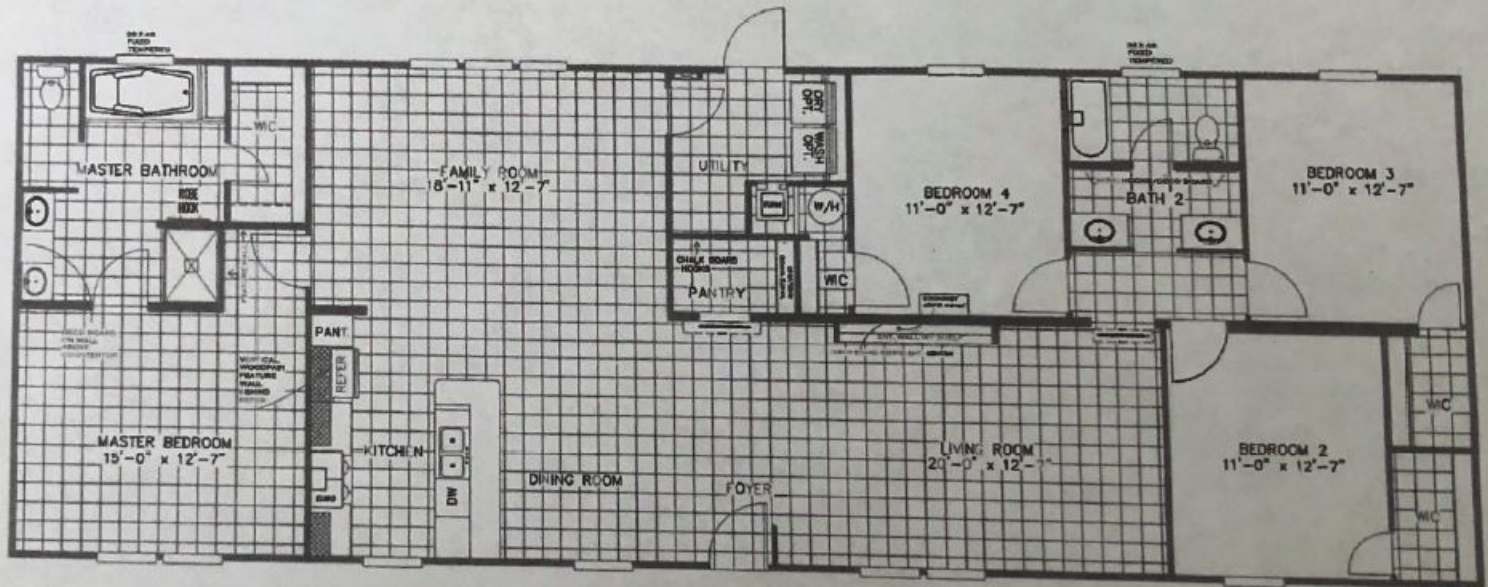
Marlette

REV	DESCRIPTION	DATE	BY	
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MARLETTE			
0010	FLOOR PLAN		
0050			
SCALE	3/16"=12"	DRB	ALR
DATE	08/05/19		FORM PG
FILE NAME			
REV NO			

CRSE # 20-23

EXHIBIT # 1



NEW FLOOR PLAN
THE BREEZE II

RV DESCRIPTION	DATE	BY	CMH
			FLOOR PLAN
			SCALE: 1/8" = 1'-0" DATE: 08/11/25
			FILE NAME: 956H-BREEZE II

CASE # 20-23
EXHIBIT # 2

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-22**

HEARING DATE: May 14, 2020

LOCATION: At 6572 Snow Hill Road approximately 835 feet east of Village Trail, Tax Map 46, Parcel 15, in the Second Tax District of Worcester County, Maryland.

APPROVAL REQUESTED: A special exception to allow a firehouse in the R-1 Rural Residential District, a variance to the Ordinance prescribed side yard setback from 30 feet to 20.9 feet (an encroachment of 9.1 feet) and a variance to the Ordinance prescribed rear yard setback from 30 feet to 0.1 feet (an encroachment of 29.9 feet) associated with the proposed construction of a new firehouse

CODE REFERENCES: ZS 1-116(c)(3), 1-116(c)(4), ZS 1-205(c)(6) and ZS 1-305

PROPERTY HISTORY:

This property is owned and has been used by the State of Maryland for state operations. Such uses and structures are exempt from the local Zoning Code.

COMMENTS: As mentioned above, permits were not required for the existing structures on the property since the existing uses are associated with a state operation. However, the Snow Hill Volunteer Fire Company has requested to establish a sub-station on the subject property. This use requires a special exception and all ordinance prescribed setbacks apply. They are looking to replace an existing building with a new building in generally the same location that will house the sub-station, and provide additional storage for the state operations.

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.

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:

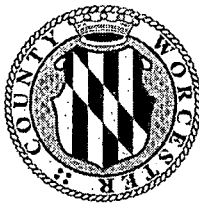
1. Obtain site plan approval;
2. Submit a building permit application;
3. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
4. Submit all applicable fees.

OWNER: State of Maryland
201 Baptist Street, Ste. 22
Salisbury, MD 21801

APPLICANT: Snow Hill Volunteer Fire Company, Inc.
PO Box 83
4718 Snow Hill Road
Snow Hill, MD 21863

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

To: Board of Zoning Appeals (BZA) for an April 15, 2020 meeting

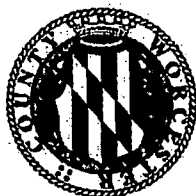
From: Environmental Programs Staff

Subject: Case No. 20-22; TM 46 P 15 – requesting a special exception to allow a firehouse in the R-1 rural residential district, a variance to the ordinance prescribed side yard setback from 30 ft. to 20.9 ft., and a variance to the ordinance prescribed rear yard setback from 30 ft. 0.1 ft. associated with the proposed construction of a new firehouse.

Date: March 26, 2020

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.

It should be noted that septic flow here is very limited. We would request that no overnight bunking or special events be held here.



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer K. Keener, Zoning Administrator
From: David Mathers, Natural Resources Planner (DM)
Subject: Board of Zoning Appeals Comments – April 15, 2020
Date: March 23, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Forest Conservation Act.

6:30 pm – Case #20-18:

This property is subject to Forest Conservation Plan #95-6. A Worcester County Forest Conservation Fund, in lieu of required afforestation/reforestation has been received.

6:35 pm – Case #20-24:

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.

6:40 pm – Case #20-23:

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.

6:45 pm – Case #20-17:

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.

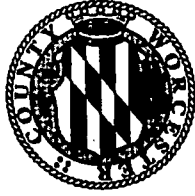
Citizens and Government Working Together

6:50 pm – Case #20-4:

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 #20-22:

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.



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 15, 2020

Date: March 20, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #20-18:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as 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.

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6:40 pm – Case #20-23:

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

6:45 pm – Case #20-17:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area

Citizens and Government Working Together

regulations, as there is an existing Planting Agreement and Bond on file for the proposed construction. Therefore, we will reserve any further comments until permit submission.

6:50 pm – Case #20-4:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided.

6:55 pm – Case #20-22:

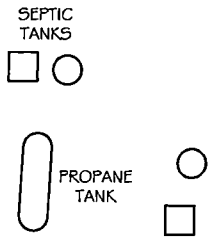
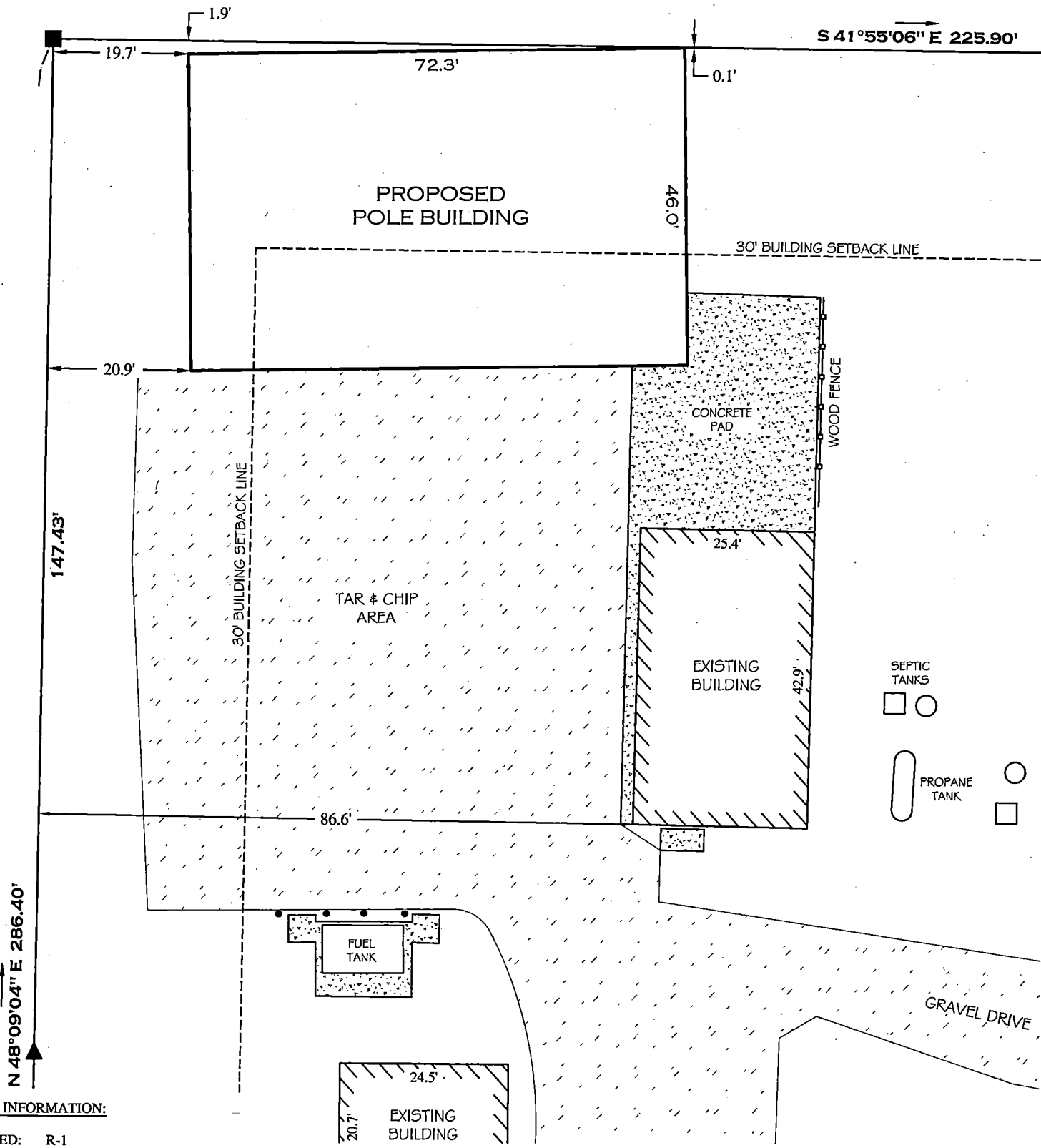
This request is located outside of the Atlantic Coastal and Chesapeake Bay Critical Area programs. No Comment.

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

7

N / F
 DAVID & ANNE EVANS
 T.M. 46 - PARCEL 14
 DEED 849 / 10
 PLAT 7 / 19



SITE INFORMATION:

ZONED: R-1
 SETBACKS:
 FRONT: 35'
 SIDE: 30'
 REAR: 30'

GENERAL NOTES:

NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTION, EASEMENTS, AND / OR RIGHTS OF WAY THAT MAY BE REVEALED BY A THOROUGH TITLE SEARCH.

A LICENSEE EITHER PERSONALLY PREPARED A BOUNDARY SURVEY OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION .12 OF CHAPTER 06 IN TITLE 09, DEPT. OF LABOR, LICENSING, & REGULATION, SUBTITLE 13, BOARD OF PROFESSIONAL LAND SURVEYORS.



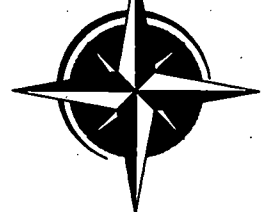
TAX MAP	46
PARCEL	15
DISTRICT	02
STATE	MARYLAND
COUNTY	WORCESTER
AREA	1.86 ± ACRES
DEED REF.	CWN 1 / 558
PLAT REF.	-
DRAWN BY	CJP
DATE	03 / 10 / 20
SCALE	1" = 20'
SURVEY #	MD - 00182

**SITE PLAN
 PROPOSED CONDITIONS**

LANDS OF
STATE OF MARYLAND

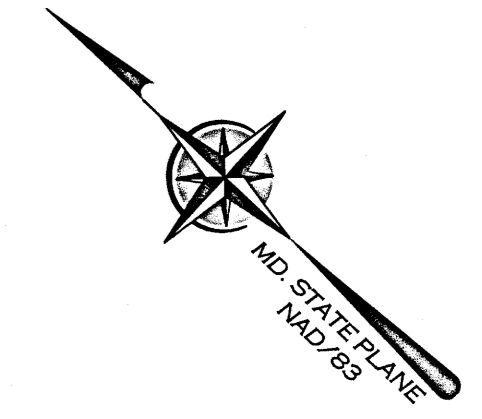
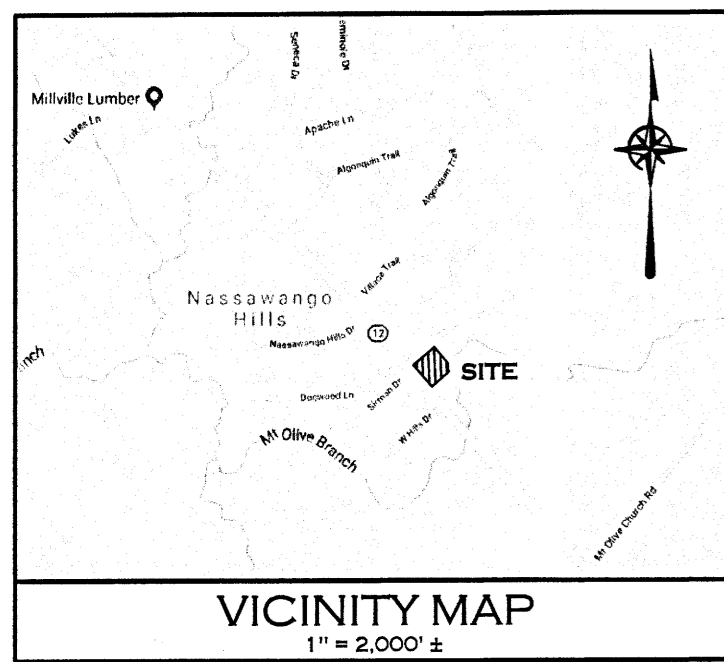
6572 SNOW HILL ROAD, SNOW HILL, MD. 21863

TRUE NORTH

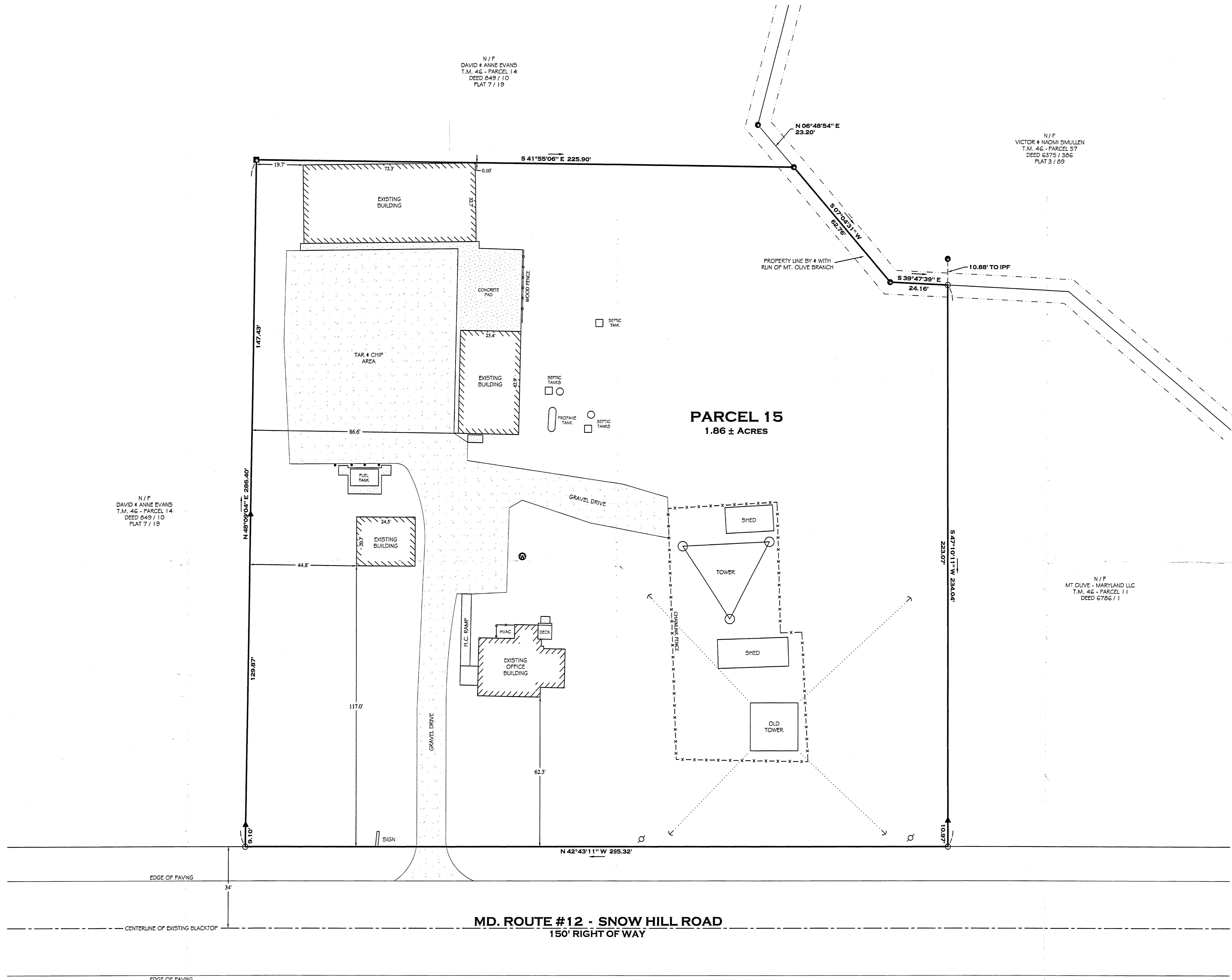


LAND SURVEYING

118 ATLANTIC AVENUE, SUITE 202
 OCEAN VIEW, DE 19970
 DE: 302-539-2488
 MD: 410-430-2092



GENERAL NOTES:
 NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND / OR RIGHTS OF WAY THAT MAY BE REVEALED BY A THOROUGH TITLE SEARCH.
 A LICENSEE EITHER PERSONALLY PREPARED A BOUNDARY SURVEY OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION 2 OF CHAPTER 06 IN TITLE 09, DEPT. OF LABOR, LICENSING, & REGULATION, SUBTITLE 13, BOARD OF PROFESSIONAL LAND SURVEYORS.



LEGEND	
■	CONCRETE POST FOUND
▲	IRON AXLE FOUND
●	IRON PIPE FOUND
○	POINT
⊙	UTILITY POLE
⊕	EXISTING WELL
⊞	ELECTRIC TRANSFORMER
↓	SUPPORT ANCHOR

0' 20' 40' 60'

TAX MAP #	46
PARCEL	15
DISTRICT	02
COUNTY	WORCESTER
STATE	MARYLAND
DEED REF.	CWV 1 / 550
PLAT REF.	- - -
DRAWN BY	CJP
DATE	01 / 29 / 20
REVISED	
SCALE	1" = 20'
SURVEY #	MD - 00182
SHEET #	1 OF 1

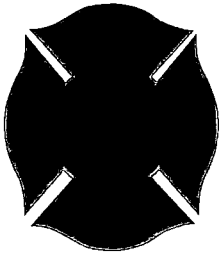
BOUNDARY & LOCATION SURVEY PLAN

LANDS OF
STATE OF MARYLAND

6572 SNOW HILL ROAD, SNOW HILL, MD. 21863

TRUE NORTH

LAND SURVEYING
 118 ATLANTIC AVENUE, SUITE 202
 OCEAN VIEW, DE 19970
 DE 302-538-2468
 MD 410-450-2092
 WEB: TRUENORTHLS.COM



SNOW HILL VOLUNTEER FIRE COMPANY, INC.

4718 Snow Hill Road • P.O. Box 83 • Snow Hill, Maryland 21863
410-632-2110 • Fax 410-632-3911

Chief Trey Heiser
Snow Hill Volunteer Fire Company
4718 Snow Hill Rd
Snow Hill, MD 21863

This letter is for notification of the intent to pursue building a second fire house for the Snow Hill Volunteer Fire Company. The property on which the firehouse is to be built is 6572 Snow Hill Rd, Snow Hill, Maryland. After much discussion, this is the best proposed location to enhance the Fire Departments' response goals and strategies.

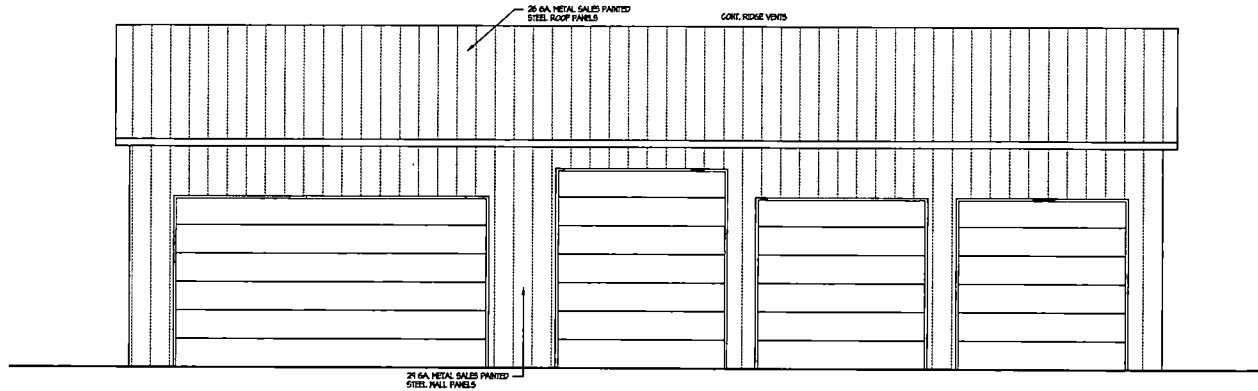
With the building of a second fire house, the Snow Hill Volunteer Fire Company will be able to reduce the response times to citizens and visitors to the Snow Hill response district. On a preliminary basis, it is anticipated that the reduction in response times to the furthest points of our North Western response area will be about half. This station also serves the citizens of the Town, as additional members will respond into the town from this location and be able to reduce the time it takes to provide more equipment to initial responding companies.

Another reason for this plan is due to natural disasters. The Pocomoke River has flooded over onto Snow Hill Road a couple times a year. In 2016, part of Snow Hill Road was washed away with causes major problems. During this time when flooded, by having to go around the flooded and destroyed roadways, the response times for the fire company had grown exponentially. This placed the community at risk for not having adequate fire & EMS protection. By building a second firehouse on the other side of the river, when the flooding happens again, citizens would be able to still be provided exceptional service and protection..

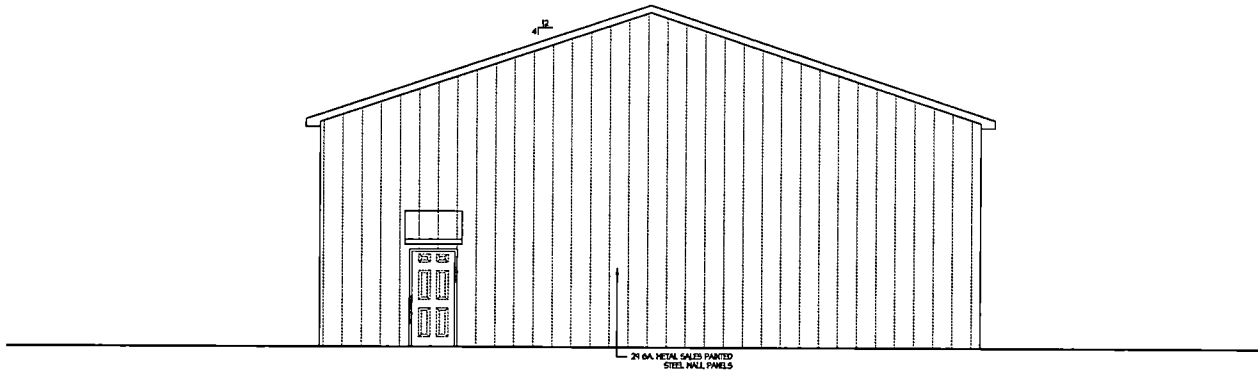
The Fire Company will be placing one (1) Fire Engine, and one additional vehicle at the firehouse for members to respond with. Members operating out of this firehouse will continue to respond district-wide, and will be held accountable to all of the Fire Company's Rules and Regulations. At no time will they be operating as their own independent Fire Company.

As always, the Fire Company is willing to answer any and all questions you may have on this matter, and we look forward to hearing from you.

Sincerely,
Trey Heiser
Chief, SHVFC



1 FRONT ELEVATION
1/4" = 1'-0"



2 RIGHT SIDE ELEVATION
1/4" = 1'-0"

PROFESSIONAL CERTIFICATION

I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DAILY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 12319.
EXPIRATION DATE 1/6/2022.

THE PROFESSIONAL SERVICES OF THE ARCHITECT ARE UNDERTAKEN FOR AND ARE PERFORMED IN THE INTEREST OF SNOW HILL FIRE CO., NO CONTRACTUAL OBLIGATION IS ASSUMED BY THE ARCHITECT FOR THE BENEFIT OF ANY OTHER PERSON INVOLVED IN THE PROJECT.

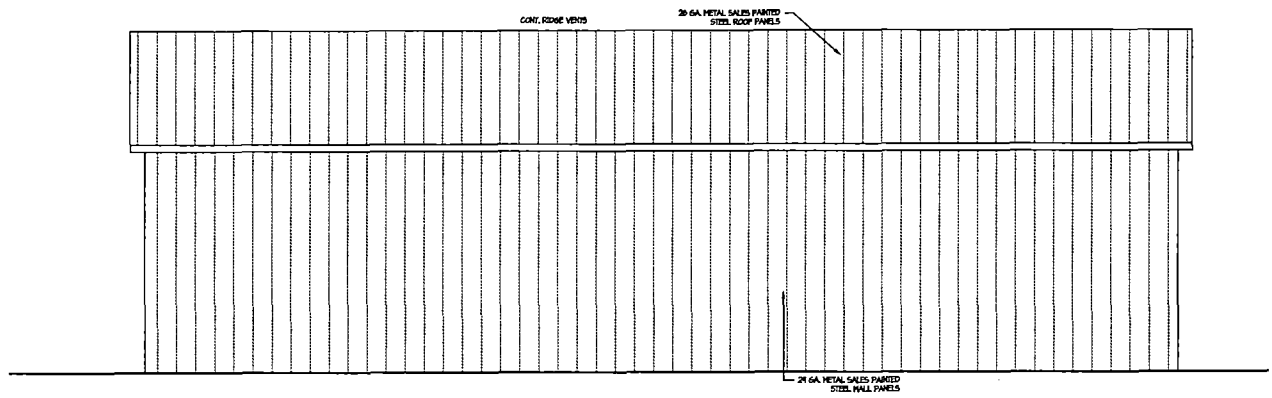


NEW BUILDING FOR:
SNOW HILL FIRE CO.
6572 SNOW HILL ROAD
SNOW HILL, MARYLAND

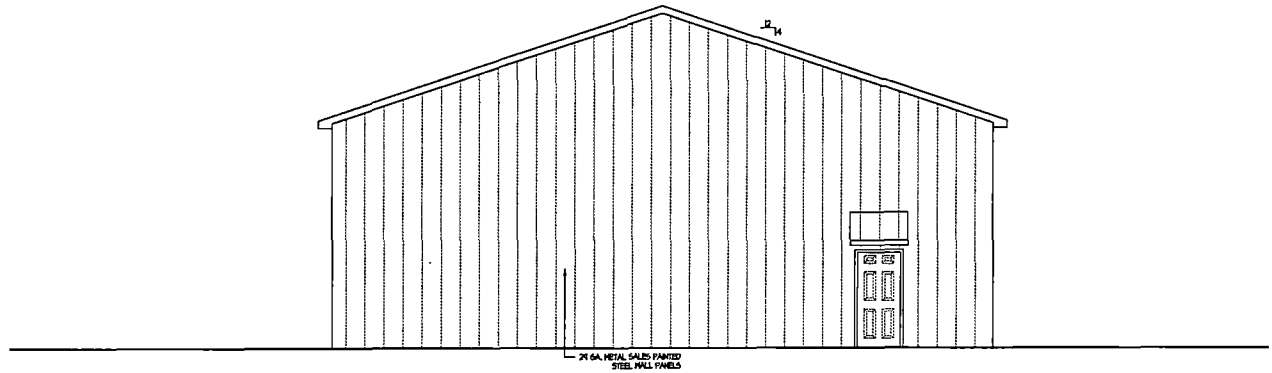
ELEVATIONS

DESIGNED WITH
DRAWN BY
CHECKED BY
PROJ. NO. 2014
SCALE AS NOTED
SHEET NUMBER
A2.1

PRINTED 03/04/20 -- FOR REVIEW



3 REAR ELEVATION
1/4" = 1'-0"



4 LEFT SIDE ELEVATION
1/4" = 1'-0"

PROFESSIONAL CERTIFICATION
 I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
 APPROVED BY ME, AND THAT I AM A DULY LICENSED
 ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND,
 LICENSE NUMBER 12319,
 EXPIRATION DATE 1/9/2022.
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 UNDERTAKEN FOR AND ARE PERFORMED IN THE
 INTEREST OF SNOW HILL FIRE CO., NO CONTRACTUAL
 OBLIGATION IS ASSUMED BY THE ARCHITECT FOR THE
 SHEET OF ANY OTHER PERSON INVOLVED IN THE
 PROJECT.

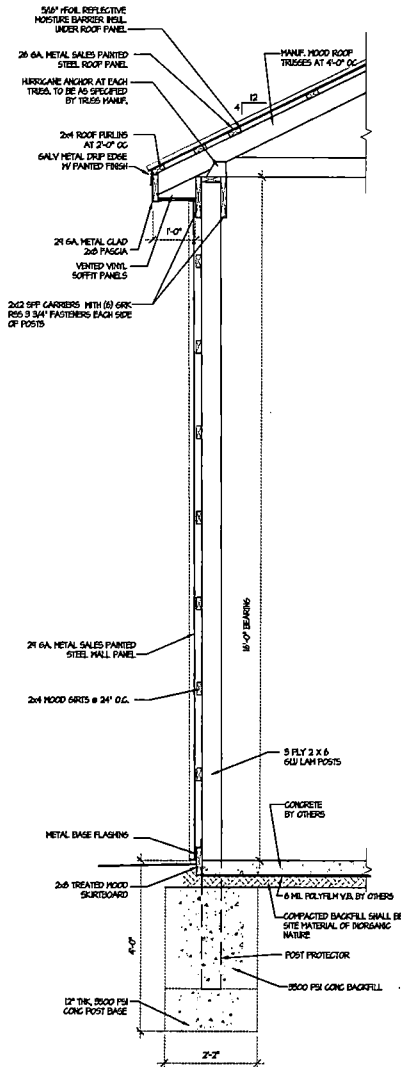
317 N. LAYTON AVE.
 WYOMING, DELAWARE
 302-896-8638
DEL MARVA
 THE ARCHITECTS

W.F. HORN
 ARCHITECT, INC.
 3008 E. WYOMING AVE.
 WYOMING, DE 307-231-2170
 PHONE: 302-874-1820

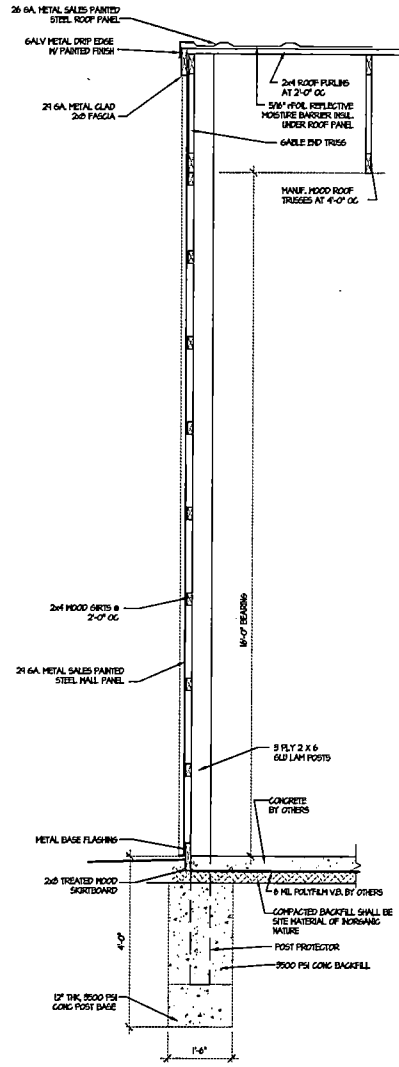
NEW BUILDING FOR:
SNOW HILL FIRE CO.
 6572 SNOW HILL ROAD
 SNOW HILL, MARYLAND

03/04/20 - FOR REVIEW
 ELEVATIONS

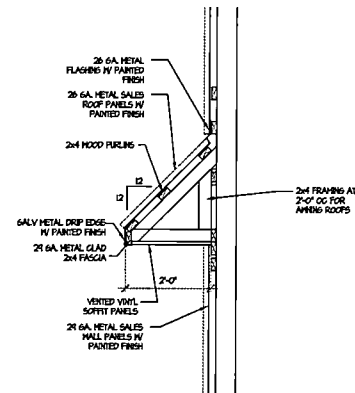
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 PROJ. NO. 22014
 SCALE AS NOTED
 SHEET NUMBER
A2.2



4 EAVE WALL SECTION
3/4" = 1'-0"



5 GABLE WALL SECTION
3/4" = 1'-0"



6 PENT EAVE SECTION
3/4" = 1'-0"

PROFESSIONAL CERTIFICATION
 I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 12319, EXPIRATION DATE 1/8/2022.
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PRINTED 03/04/20 - FOR REVIEW

SECTIONS

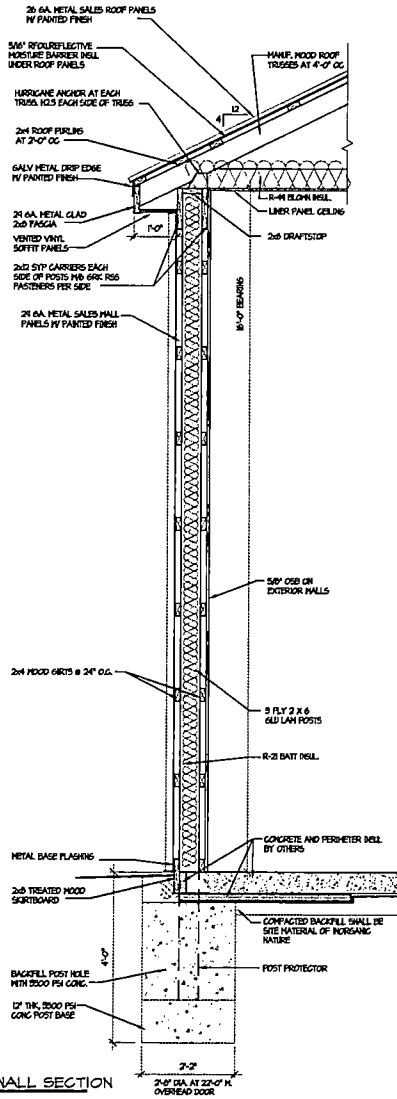
NEW BUILDING FOR:
SNOW HILL FIRE CO.
 8872 SNOW HILL ROAD
 SNOW HILL, MARYLAND

W.F. HORN
 ARCHITECT, INC.
 MILTON, DELAWARE
 3008 E. SALLIE ROSS BEND
 PHONE: 302-874-1199 302-271-2179

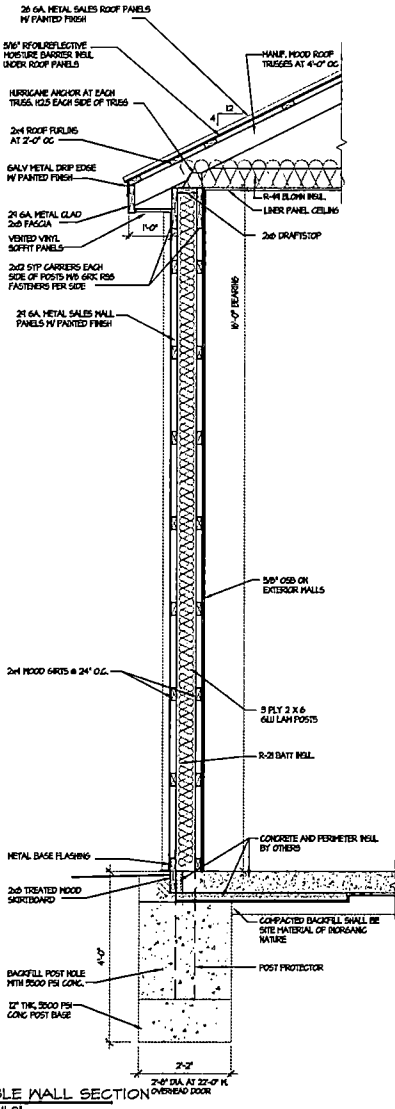
DELTA
 Delta Building Systems
 317 N. LAYTON AVE.
 WYOMING, DELAWARE
 302-696-8888

DESIGNED WITH
 DRAWN BY
 CHECKED BY
 PROJ. NO. 32014
 SCALE AS NOTED
 SHEET NUMBER

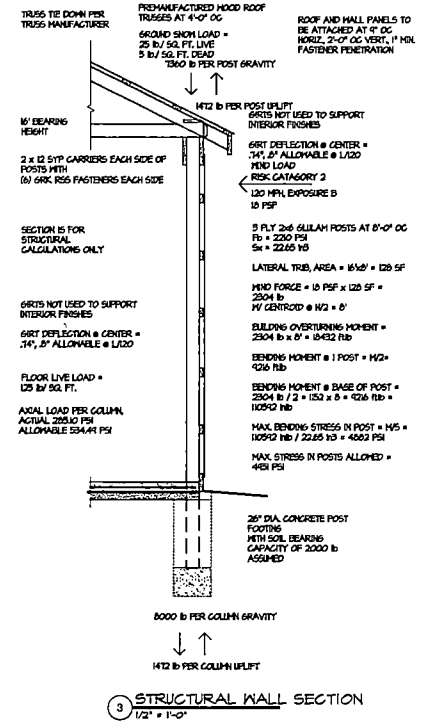
A3.2



1 EAVE WALL SECTION
3/4" = 1'-0"



2 GABLE WALL SECTION
3/4" = 1'-0"



3 STRUCTURAL WALL SECTION
1/2" = 1'-0"

PROFESSIONAL CERTIFICATION
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317 N. LAYTON AVE.
WYOMING, DELAWARE
302.699.8668
DELMARVA
ARCHITECTS

W.F.HORN
ARCHITECT, INC.
MILTON, DELAWARE
302.271.2178
2000 E. SALLEE CROSS ROAD
PHONE: 302.674.1400

NEW BUILDING FOR:
SNOW HILL FIRE CO.
6572 SNOW HILL ROAD
SNOW HILL, MARYLAND

DESIGNED WITH
DRAWN PAH
CHECKED WITH
PROJ. NO. 20214
SCALE AS NOTED
SHEET NUMBER

PRINTED 03/04/20 - FOR REVIEW
SECTIONS
A3.1

Exhibit No. 1

Snow Hill Volunteer Fire Company


Sub-Station Initial Planning Committee

Community Meeting

Snow Hill Volunteer Fire Company

The Snow Hill Volunteer Fire Company provides emergency response for fire and emergency medical service needs 24 hours a day, seven days a week. Our personnel have various levels of training to provide response to medical emergencies, fires, vehicle rescues, hazardous material incidents, water and flood emergencies, technical rescues, and more. The SHVFC responds to an average of 1500 calls for service per year.

EXHIBIT 1



Community Meeting Objectives

- * Demonstrate the need for a second fire station west of the Pocomoke River
- * Present initial concepts
- * Discuss benefits to the Community
- * Overview of the next steps in the process
- * Questions, comments, and/or concerns

Background Information Response Area

- * One of the largest response areas in Maryland
- * 138 square miles
- * Total Population = Approximately 5500 (2010 Census Data)
- * Station 400 to Wicomico County line is 12 miles
- * Distances to nearest fire stations west of the Pocomoke River to Station 400
 - * Fruitland Fire Co. = 18.4 miles
 - * Salisbury Fire Department, Station 1 = 18.2 miles
 - * Powellville Fire Co. = 12.9 miles
 - * Princess Anne Fire Co. = 21 miles (Route 12 to Old Furnace Rd)

Background Information Response Area

* See maps

Background Information Response Area

- * Approximate distance from proposed area of a new fire station to other area fire stations
 - * Station 400 = 7 miles
 - * Fruitland Fire Co. = 12 miles
 - * Salisbury Fire Department, Station 1 = 12 miles
 - * Powellville Fire Co. = 13 miles
 - * Newark Fire Co. = 14 miles
 - * Princess Anne Fire Co. = 17 miles

Background Information

NFPA 1720

- * Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments
 - * **Urban Zones** with >1000 people/sq. mi. calls for 15 firefighters to assemble an attack in 9 minutes, 90% of the time.
 - * **Suburban Zones** with 500-1000 people/sq. mi. call for 10 firefighters to assemble an attack in 10 minutes, 80% of the time.
 - * **Rural Zones** with <500 people/sq. mi. call for 6 firefighters to assemble an attack in 14 minutes, 80% of the time.
 - * **Remote Zones** with a travel distance >8 mi. call for 4 firefighters, once on scene, to assemble an attack in 2 minutes, 90% of the time.

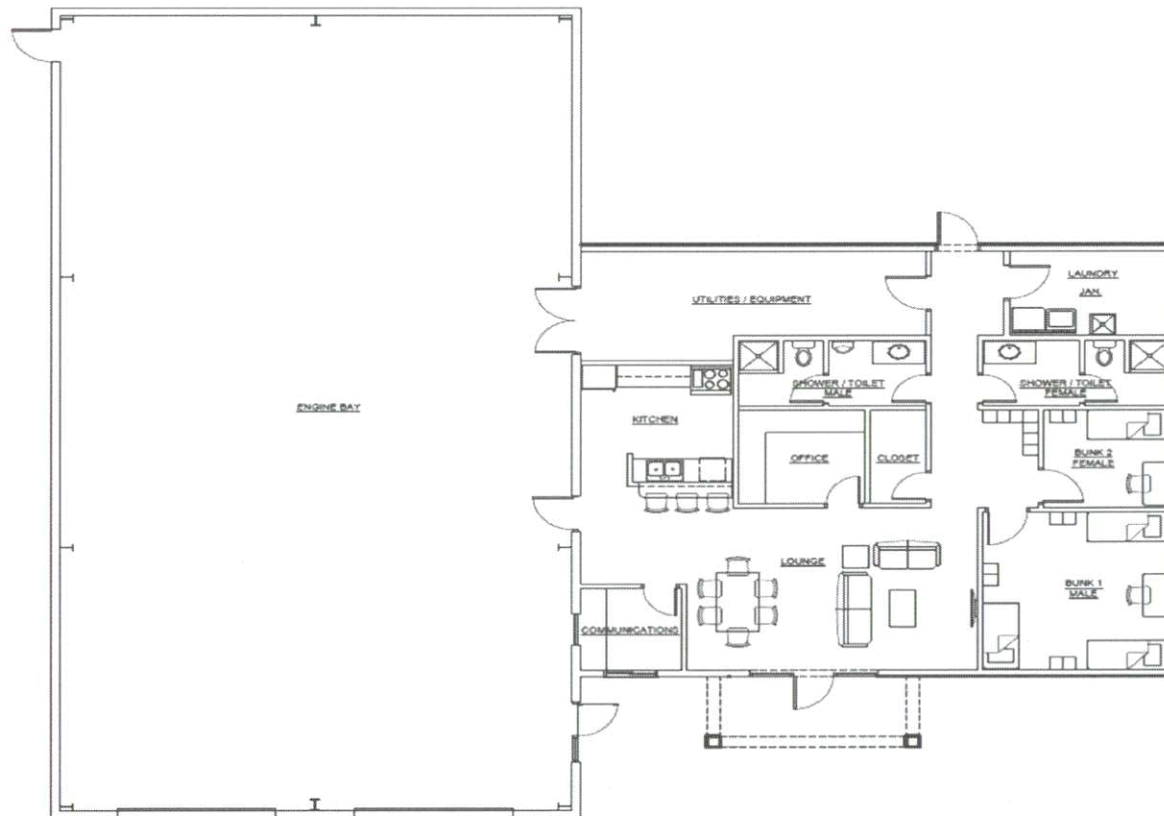
Background Information Weather Events

- * Pocomoke River Flooding
- * Nassawango Creek
- * Snow or other severe weather affecting response times

Initial Concept

- * Target area - between Old Furnace Rd and Millville Rd
 - * Population west of the Pocomoke River = Approximately 1800
 - * Population within 2 mile radius of target area = Approximately 750
 - * Proximity to current personnel
 - * Approximately mid-way between end of response area and the current fire station
 - * Potential for future growth in the area
- * Two acre lot
- * Two bay fire station with living quarters
 - * Approximately 4800 Sq. Ft.
- * One fire engine initially – Equipped for Fire, Rescue, & BLS
 - * Future EMS unit
- * Water Supply

Initial Concept



Benefits to the Community

- * Improved response times to the furthest areas of our response area
- * Reduced response time for a second Fire Engine to in town calls due to personnel living in the area of a new station being able to respond on apparatus versus having to respond to current station first
- * Fire/EMS on west side of the Pocomoke during weather events
- * Possible homeowner's insurance benefits

Next Steps

- * With community support, obtain permission from SHVFC to proceed
- * Obtain 2 acres of land
 - * Looking to buy or long term lease
- * Preliminary Designs and Cost
 - * Rough estimate for the building would be \$335,000 plus land, site work and fees
- * Funding
 - * Donations
 - * Loans
- * Construction process

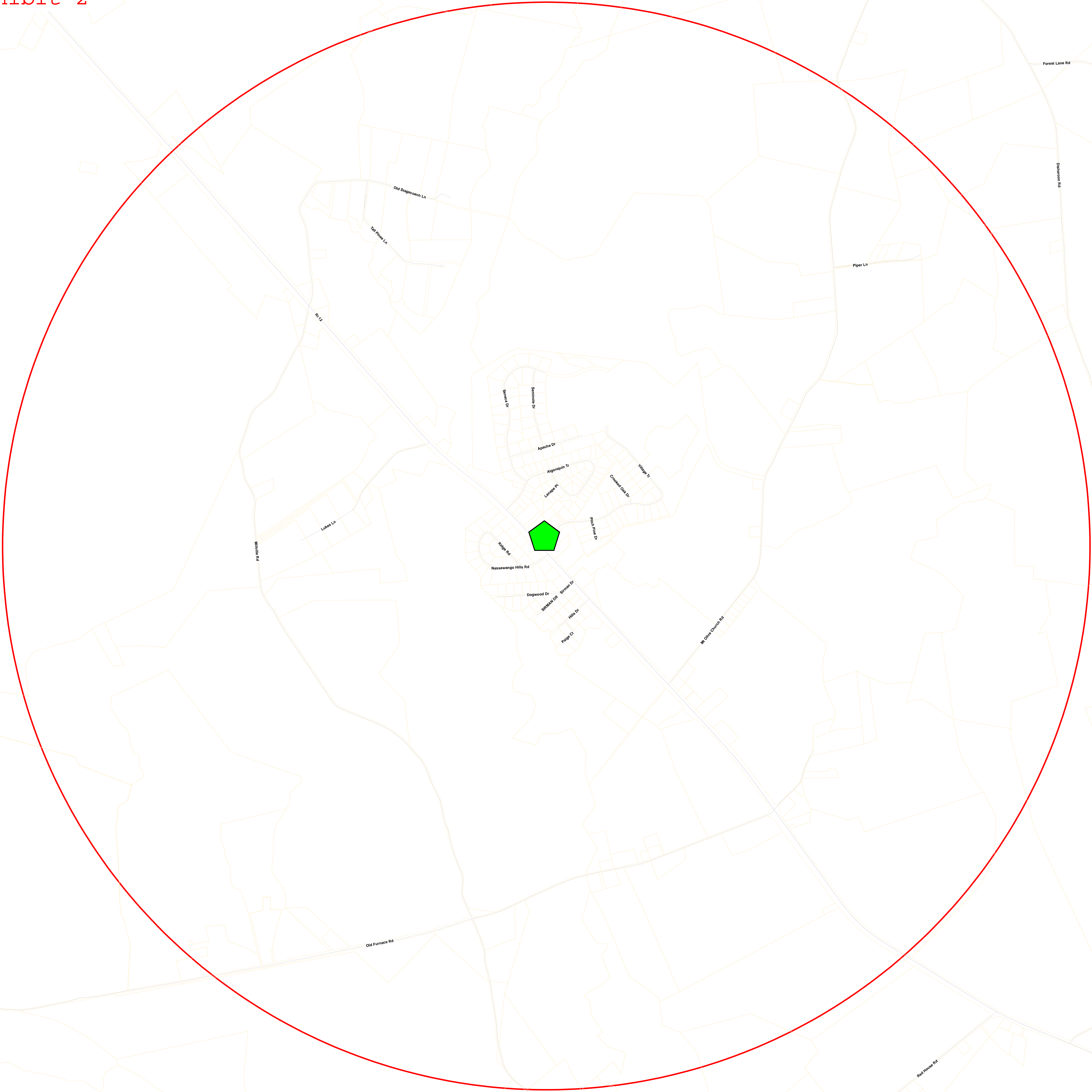
Questions?

* Questions, Concerns, and/or Comments?

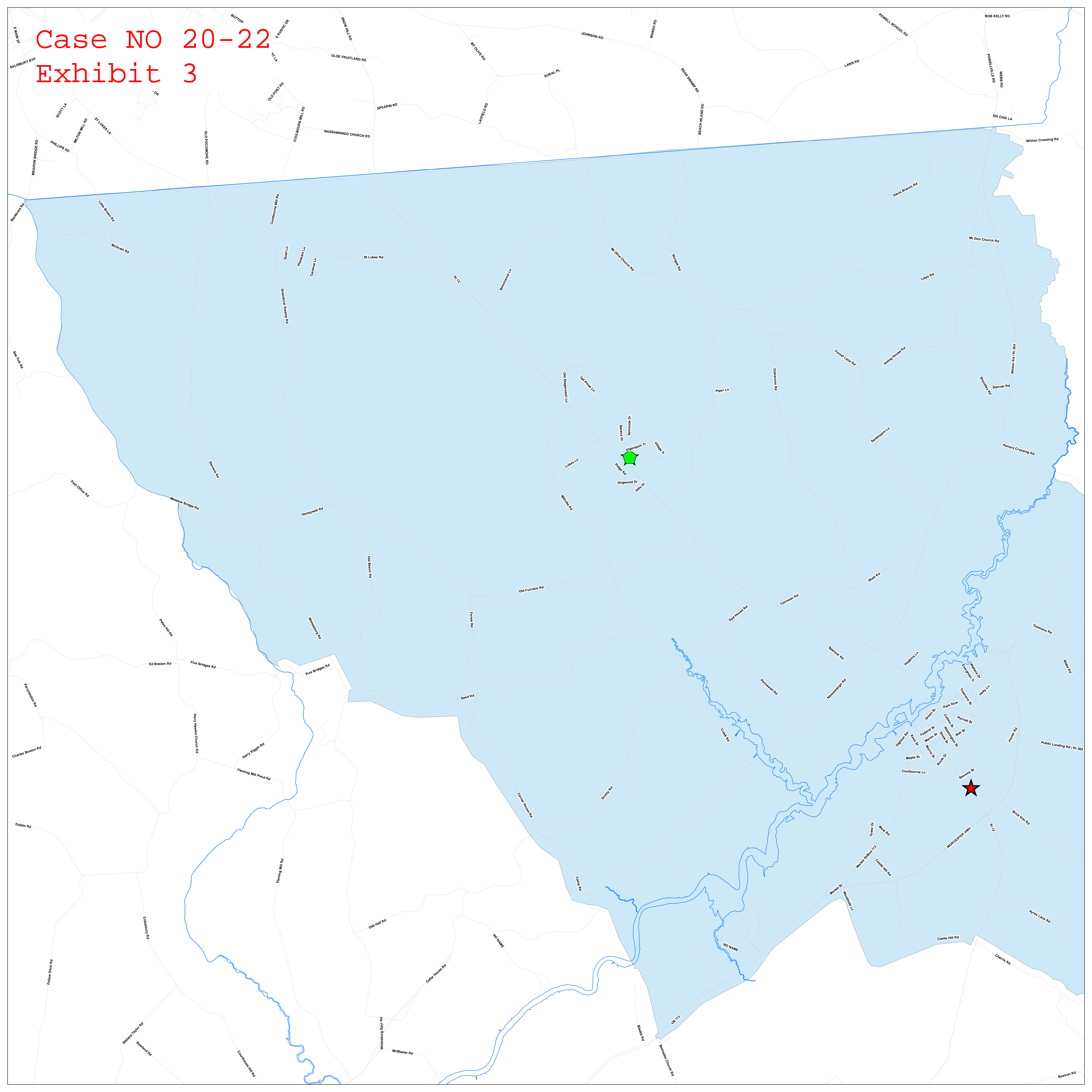
Thanks for your continued support!



Case 20-22
Exhibit 2

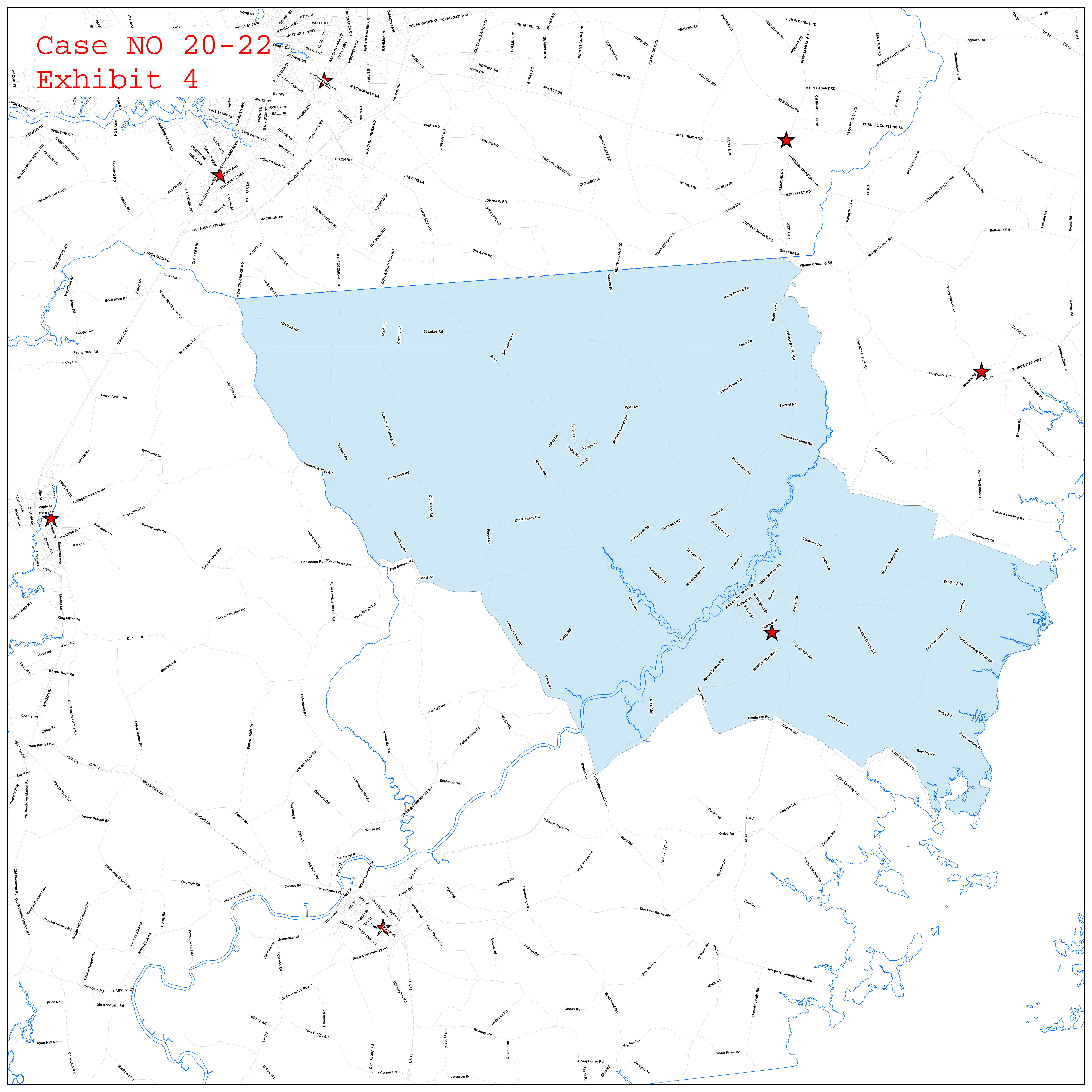


Case NO 20-22
Exhibit 3



Case NO 20-22

Exhibit 4



4/24/2020

Gmail - Substation



Case 20-22
Exhibit 5

Mark Deao <mdeao89@gmail.com>

Substation

Pidge <spidgeonschmidt@aol.com>
To: Mdeao89@gmail.com

Thu, Apr 23, 2020 at 8:29 PM

Mr. Deao
I live on Seneca Dr. off Algonquin Trail. I would love to see a substation in our area. When the bridge went out a couple years ago and we were cut off from Snow Hill it was a problem and a fear. There are a lot of elderly in this entire area. I have a scanner and I hear calls on the elderly a lot. I'm a widow and living alone at my age I want to know the EMS would respond quickly. I'm all for a substation. Please Please Please. Thank you so much.

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

4/24/2020

Case 20-22
Exhibit 6

Gmail - Nassawango Hills Substation



Mark Deao <mdeao89@gmail.com>

Nassawango Hills Substation

Amanda Bowen <abowen@anec.com>
To: "Mdeao89@gmail.com" <Mdeao89@gmail.com>

Fri, Apr 24, 2020 at 7:51 AM

Good morning,

I am a resident of Algonquin Trail. My Husband, Seth Bowen, and I purchased our home in 2017 and the distance to a fire house has been a concern. We are in support of adding a substation at the Forestry Office located at 6572 Snow Hill Road Snow Hill, as this will offer enhanced protection to our community.

Nothing is more important than the element of time in an emergency. Mere minutes could mean the difference between life and death and greatly affect the amount of damage a home sustains in a fire. Having supplies close at hand would benefit our neighborhood and many Snow Hill residents who live outside of town limits.

Thank you for your consideration of this important initiative.

Amanda Bowen

4/24/2020

CASE 20-22

Gmail - Letter of Support



Exhibit 7

Mark Deao <mdeao89@gmail.com>

Letter of Support

1 message

Kerri Craigie <kerri.craigie0608@gmail.com>
To: "mdeao89@gmail.com" <mdeao89@gmail.com>

Fri, Apr 24, 2020 at 1:24 PM

April 24, 2020

To Whom It May Concern,

As a lifetime resident of Snow Hill, MD, I write this letter in support of SHVFD adding a substation in the area of Nassawango Hills.

Thank you for your consideration.

Respectfully,
Kerri Craigie

4/24/2020

Case 20-22

Gmail - fire house



Exhibit 8

Mark Deao <mdeao89@gmail.com>

fire house

2 messages

B Savage <babs.4444@yahoo.com>
To: "Mdeao89@gmail.com" <Mdeao89@gmail.com>

Fri, Apr 24, 2020 at 1:52 PM

HI, MY NAME IS BARBARA SAVAGE. I LIVE IN THE NASSAWANGO HILLS AREA, 7 HOUSES FROM THE FIRE TOWER. I WOULD WELCOME A MINI FIRE SUB-STATION OUT THIS WAY. THERE IS 4 SUB-DIVISIONS OUT HERE: VILLAGE OF NASSAWANGO, NASSAWANGO HILLS, TYNDALL ESTS AND ROLLING HILLS. MOST OF THE CITIZENS ARE RETIREES AND SENIORS. SO YOU CAN SEE HOW A FIRE/AMBULANCE COMPANY IS MUCH NEEDED. THIS HAS BEEN IN THE MAKING FOR SEVERAL YEARS AND IT'S ABOUT TIME SOMEONE TAKES THE REIGNS AND GET IT DONE.

☺ START A MOVEMENT , EAT A PRUNE.....

Mark Deao <mdeao89@gmail.com>
To: B Savage <babs.4444@yahoo.com>

Fri, Apr 24, 2020 at 2:01 PM

Thank you!
(Quoted text hidden)

simply southern®

To Whom it Concerns: 4/24/20

We are in strong support in the request of a "Substation" to be put out in our area of Massawonga development, on Rt 12. I feel like our area would benefit, greatly.

Thank you for your kind support to this matter.

Rod & Jimmy Mattei
3846 Stearn Dr

J. Mattei

Case 20-22
Exhibit 9

Greetings,

Both my wife Ashley, and I, Steven Schmidt agree with the proposed substation of the Snow Hill Volunteer Fire Company (SHVFC) at the Ranger Station on Snow Hill Road.

It is our opinion that the strategic placement of emergency services is essential not only for public safety in general, but in many other aspects as well. Having this location operational will render an expedited response time for citizens who reside in that geographical region of the county. For structure fires, this would render a much lower probability of complete losses to property. With regard to motor vehicle collisions, an expedited response time is absolutely critical to reduce the loss of life.

Having this location equipped would also provide more equipment available for the SHVFC professionals to utilize. This location splits the nature sanctuary, and having a brush truck at this location would safeguard in light of the steeping droughts we have been seeing in the past few years. A forest fire would be absolutely catastrophic to many communities in the area to include ours.

In past experience, I have found that having locations such as this one provides an opportunity for community gatherings. In anticipation of the end of this COVID-19 trash, this location would also assist in facilitating pleasant social gatherings for the many communities in the area. Not too long ago the road washed out hindering emergency response to these same communities. Having this substation would provide services to said communities.

Both Ashley and I would have peace of mind having said services at this location, and we would support a substation at this location as much as our schedules would allow. Overall we both support the notion, and hope to see this substation come to fruition in the near future.

Respectfully,



Steven Schmidt



Ashley Schmidt

Case 20-22
Exhibit 10

Jessica Edwards

From: Mark Deao <mdeao89@gmail.com>
Sent: Friday, April 24, 2020 3:47 PM
To: Jessica Edwards
Subject: Fwd: Sub station

Hey Jessica Case number 20 - 22 exhibit 11

----- Forwarded message -----

From: **Kim Demar** <kandwdemar@gmail.com>
Date: Fri, Apr 24, 2020, 3:02 PM
Subject: Sub station
To: <mdeao89@gmail.com>

We would definitely support a sub station built at the fire tower (DNR office). All the people in the nearby developments would benefit from it, we would think. Thanks, Bill and Kim DeMar

Sent from my iPhone K DeMar

Greetings,

Both my wife Ashley, and I, Steven Schmidt agree with the proposed substation of the Snow Hill Volunteer Fire Company (SHVFC) at the Ranger Station on Snow Hill Road.

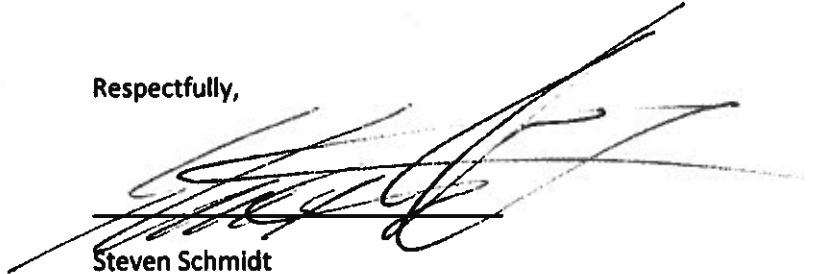
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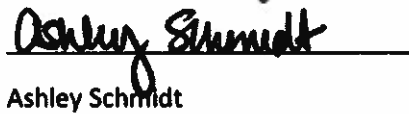
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Respectfully,



Steven Schmidt



Ashley Schmidt

Case 20-22

Exhibit 12

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-17**

HEARING DATE: May 14, 2020

LOCATION: At 12351 Meadow Drive approximately 0.36 miles southeast of the intersection with Snug Harbor Road, Tax Map 33, Parcel 346, Lot 33 of the Snug Harbor Subdivision, in the Tenth Tax District of Worcester County, Maryland.

APPROVAL REQUESTED: An after-the-fact modification to a previously granted variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 40.1 feet (an encroachment of 9.9 feet) associated with a single-family dwelling 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:

06/28/1993 Building Permit No. 31843 – Issued 06/28/1993 – C/O Issued 09/23/1993
Bulkhead
11/18/2015 Building Permit No. 15-1039 – Issued 11/23/2015 – C/O Issued
04/21/2016 – Fence
09/14/2017 BZA Case No. 17-48 – Variances associated with the construction of the
single-family dwelling - Granted
09/11/2018 Building Permit No. 18-0839 – Issued 12/07/2019 – Temporary C/O
Issued 03/13/2020 – Single family dwelling

COMMENTS: In 2017, the Board granted a front yard variance from 50 feet from the center of the road right-of-way off Meadow Drive to 42 feet (an encroachment of 8 feet). The proposed site plan indicated the second floor front deck would be 8' by 16'. Upon receipt of the As-Constructed survey, it was determined the aforementioned deck was 10.1' by 10.2' causing an increased encroachment. A temporary C/O was issued for the dwelling pending the outcome of this hearing.

NOTE: If the Board were to deny the requested variance, staff would require that the deck encroachment be removed within 30 days of the hearing. A revised as-constructed survey would be required to be provided before the issuance of a final Certificate of Use and Occupancy.

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:

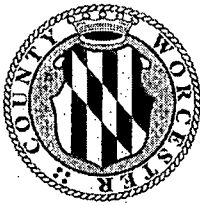
1. Obtain a Final Certificate of Use and Occupancy.

OWNER: Elmwood and Mary Hokanson
1904 S Main Street
Mt. Airy, MD 21771

APPLICANT: Hugh Cropper IV, Esquire
9923 Stephen Decatur Hwy. D-2
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

To: Board of Zoning Appeals (BZA) for an April 15, 2020 meeting

From: Environmental Programs Staff

Subject: Case No. 20-17; TM 33 P 346 L 33 – requesting an after the fact modification to a previously granted variance to the ordinance prescribed front yard setback from 50 ft. from the center of the right of way to 40.1 ft. associated with a single family dwelling.

Date: March 26, 2020

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.

A well variance was previously issued for this single family dwelling. The proposed dwelling should not go any closer to the well than was approved on the variance.

Citizens and Government Working Together



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer K. Keener, Zoning Administrator

From: David Mathers, Natural Resources Planner (DM)

Subject: Board of Zoning Appeals Comments – April 15, 2020

Date: March 23, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Forest Conservation Act.

6:30 pm – Case #20-18:

This property is subject to Forest Conservation Plan #95-6. A Worcester County Forest Conservation Fund, in lieu of required afforestation/reforestation has been received.

6:35 pm – Case #20-24:

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.

6:40 pm – Case #20-23:

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.

6:45 pm – Case #20-17:

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.

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6:50 pm – Case #20-4:

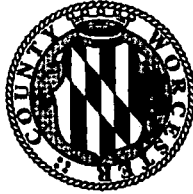
This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and therefore exempt from the Forest Conservation Act. No comment.

6:55 pm – Case #20-22:

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.

Citizens and Government Working Together

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TEL: 410-632-1220 FAX: 410-632-2012



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 15, 2020

Date: March 20, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #20-18:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as 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.

6:35 pm - Case #20-24:

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.

6:40 pm – Case #20-23:

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

6:45 pm – Case #20-17:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area

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regulations, as there is an existing Planting Agreement and Bond on file for the proposed construction. Therefore, we will reserve any further comments until permit submission.

6:50 pm – Case #20-4:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided.

6:55 pm – Case #20-22:

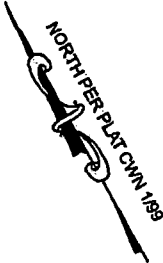
This request is located outside of the Atlantic Coastal and Chesapeake Bay Critical Area programs. No Comment.

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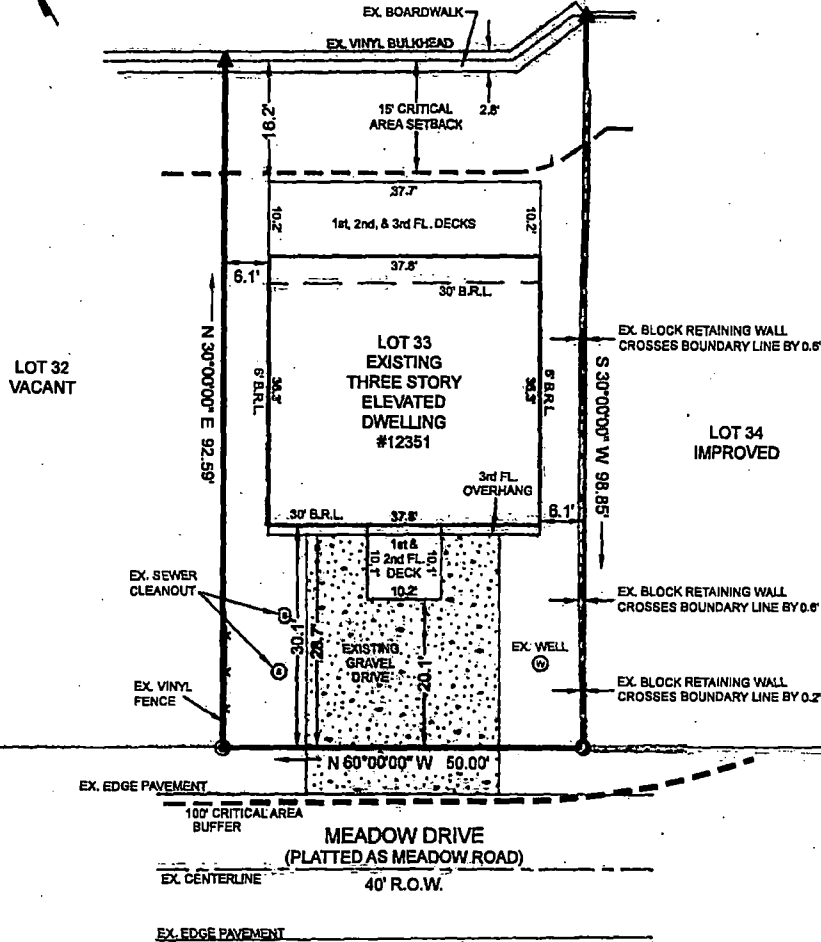
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TEL: 410-632-1220 FAX: 410-632-2012

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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 OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.



TOMKINS CANAL

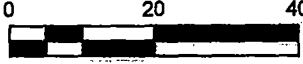


NOTE: A VARIANCE WAS GRANTED BY THE WORCESTER COUNTY BOARD OF ZONING APPEALS ON APRIL 14, 2017 FOR THE CONSTRUCTION OF THIS DWELLING.



AS-CONSTRUCTED SURVEY
LOT 33 - SNUG HARBOR
TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

GENERAL NOTES:
 TAX MAP 33, PARCEL 346
 ADDRESS: MEADOW DRIVE
 DEED REF.: SVH 6962/367
 PLAT REF.: CWN 1/99
 LOT AREA: 4,673 S.F. ±
 EX. ZONING: R-2
 ZONING SETBACKS:
 FRONT: 25', SIDES: 8', REAR: 30'
 FLOOD ZONE: AE (EL 5) PER
 FIRM NO. 240083 0170 H
 DATED JULY 16, 2015.
 CRITICAL AREA DESIGNATION: IDA
 BUFFER MANAGEMENT AREA: A (15')



- LEGEND:**
- DENOTES PUNCH HOLE FOUND
 - ⊙ DENOTES IRON ROD FOUND
 - ▲ DENOTES MAG NAIL SET

RUSSELL T. HAMMOND
Surveying, L.L.C.
 SURVEYING - LAND PLANNING
 10310 Hotel Road Bishopville, MD 21813
 (410) 352-5674 - (410) 726-8076

DRAWN BY B. OVERHOLT
 FILE NO. 2017-1680
 DATE 2-18-2020

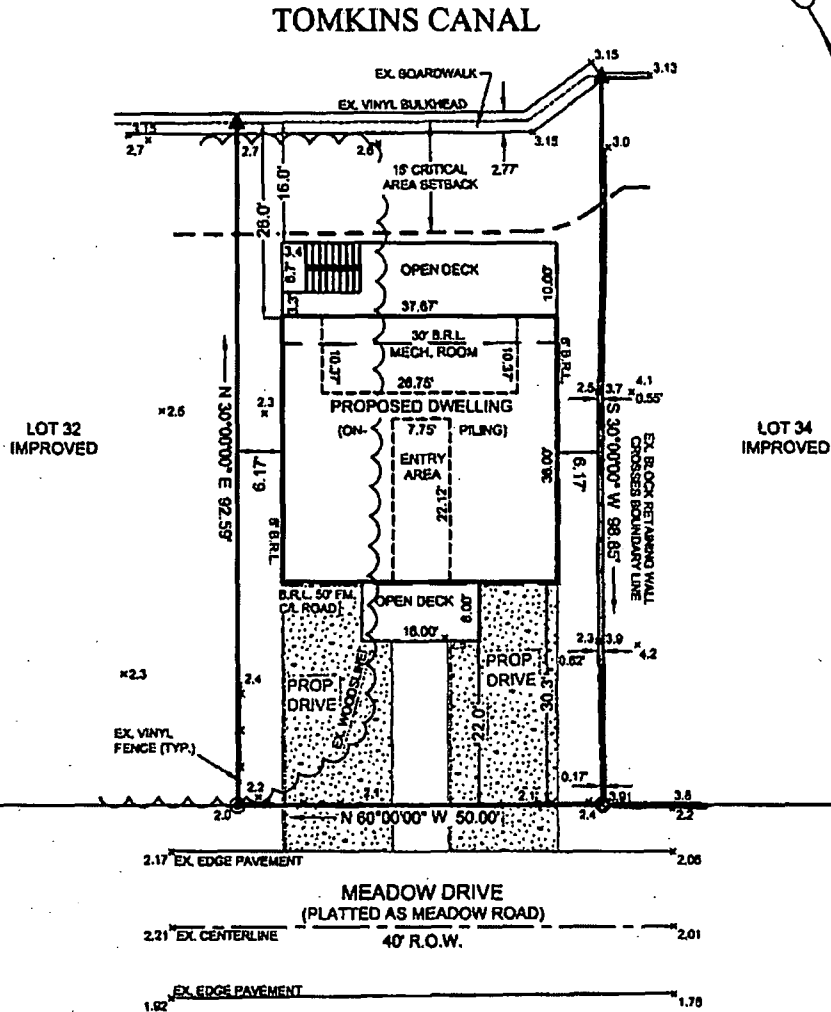
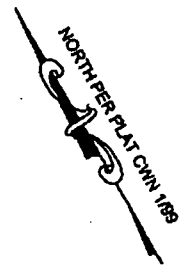
PROFESSIONAL CERTIFICATE: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 21828. EXPIRATION DATE 10/8/2020.

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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 OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.

PROPOSED LOT COVERAGE

PROP. DWELLING = 1,359 SQ. FT. ±
 PROP. FRONT DECK = 128 SQ. FT. ±
 PROP. REAR DECK & STEPS = 377 SQ. FT. ±
 PROP. DRIVE = 840 SQ. FT. ±
TOTAL PROP. LOT COVERAGE = 2,704 SQ. FT. ±

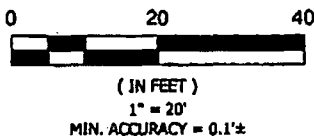


SITE PLAN FOR
BOARD OF ZONING APPEALS - Case No. 17-48

LOT 33 - SNUG HARBOR
TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

GENERAL NOTES:

TAX MAP 33, PARCEL 346
 ADDRESS: MEADOW DRIVE
 DEED REF.: SVM 6962/367
 PLAT REF.: CWN 1/99
 LOT AREA: 4,673 S.F. ±
 BLDG ENVELOPE: 1,283 S.F. ±
 EX. ZONING: R-2
 ZONING SETBACKS:
 FRONT: 25', SIDES: 8', REAR: 30'
 FLOOD ZONE: AE (EL 5) PER
 FIRM NO. 240083 0170 H
 DATED JULY 16, 2015.
 CRITICAL AREA DESIGNATION: IDA
 BUFFER MANAGEMENT AREA: A (15')



- LEGEND:**
- DENOTES PUNCH HOLE FOUND
 - ⊙ DENOTES IRON ROD FOUND
 - ▲ DENOTES MAG NAIL SET
 - *2.01 DENOTES EX. SPOT ELEVATION (NAVD 1988)

RUSSELL T. HAMMOND
Surveying, L.L.C.
 SURVEYING - LAND PLANNING
 10310 Hotel Road Bishopville, MD 21813
 (410) 352-5674 - (410) 726-8076

DRAWN BY B. OVERHOLT/RTH
 FILE NO. 2017-1680
 DATE 08-20-2017

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 10/30/2019.

IN THE MATTER OF HUGH CROPPER IV, ESQ. *
*
BEFORE THE BOARD OF ZONING *
*
APPEALS FOR WORCESTER COUNTY, *
*
MARYLAND *

Case No. 17-48

* * * * *

OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, September 14, 2017, upon the application of Hugh Cropper, IV, Esquire, on the lands of Elwood Hokanson and Mary Hokanson, requesting a variance to the Ordinance prescribed rear yard setback from 30 feet to 16 feet (an encroachment of 14 feet) and a variance to the Ordinance prescribed front yard setback from 50 feet from the center of the road right-of-way to 42 feet (an encroachment of 8 feet) associated with a proposed single-family dwelling 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. The property is located on Meadow Drive approximately 0.36 miles southeast of the intersection with Snug Harbor Road, Tax Map 33, Parcel 346, Lot 33 of the Snug Harbor Subdivision, in the Tenth Tax District of Worcester County, Maryland.

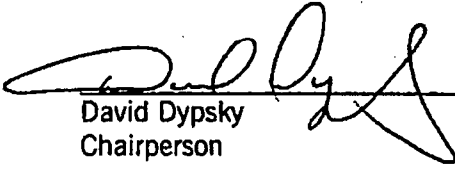
Jennifer Keener, Zoning Administrator, presented the application to the Board.

Surveyor Russell Hammond testified before the Board along with property owner Elwood Hokanson, and Ronnie Carpenter. There were no protestants to the application.

After duly considering the application and the testimony and other evidence offered and presented in connection therewith, the Board concluded that the applicant had met the burden of proof imposed upon him by Section ZS 1-116(c)(4). Accordingly, upon a Motion made by Mr. Green, which was seconded by Mr. Fykes, the Board unanimously passed the following resolution.

BE IT RESOLVED, that the requested variances be GRANTED.

10-12-17
Date



David Dypsky
Chairperson

20-11 Hokanson Exhibit 1





20-17 Hokanson Exhibit 2

12351

Flow Rite
Painting Inc
361-629-6556
Interior & Exterior
Painting
Cabinet Refinishing
Deck Staining
Drywall Repair

#20-11

Hokanson Exhibit 3



Flowrite
Call us today

#20-17

Hokanson

Exhibit 4



**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-4**

HEARING DATE: May 14, 2020

LOCATION: At 10411 Brighton Road, approximately 465 feet south of Rungate Road, Tax Map 21, Parcel 8, Section A, Block 9, Lot 28 of the Cape Isle of Wight Subdivision, in the Tenth Tax District of Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the Ordinance prescribed side yard setback from 6 feet to 3.9 feet (an encroachment of 2.1 feet) associated with a proposed second story deck and stairs and requesting a variance to the Atlantic Coastal Bays Critical Area Buffer Management Area (BMA) from 15 feet to 0 feet (an encroachment of 15 feet) associated with an After-the-Fact concrete walkway and patio in the R-2 Suburban Residential District

CODE REFERENCES: ZS 1-116(c)(4), ZS 1-116(m), ZS 1-205(b)(2), ZS 1-305, NR 3-104(c)(4), and NR 3-111

PROPERTY HISTORY:

08/31/2000 Building Permit No. 66393 – Issued 09/19/2000 – C/O Issued on 03/16/2001 - Single Family Dwelling

COMMENTS: This request consists of a zoning variance, as well as a Critical Area variance. The comments provided in the zoning staff report apply only to the requested zoning variance as the walkway and patio are ground level and are not subject to a zoning setback. The current dwelling has an existing small second floor deck. The property owner is requesting that it be replaced with a larger deck that will also provide access to the ground level. Those stairs would encroach into the side yard setback. As this is not a necessary means of egress, the property owner will need to further explain the purpose and need for this encroachment.

Upon receipt of the BZA application for the requested zoning variance, it was determined an After-the-Fact variance to the Critical Area buffer was necessary. Please see the enclosed comments from the Natural Resources Division of the Department of Environmental Programs for information on this portion of the request.

For the zoning 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:

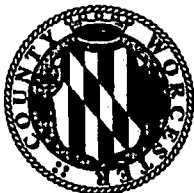
1. Submit a building permit application;
2. Comply with regulations for Floodplain Management Ordinance, Forestry, Environmental Programs and the Atlantic Coastal Bays / Chesapeake Bay Critical Area, as applicable; and
3. Submit all applicable fees.

OWNER: Lawrence Lieske
53 Meadow Drive
Middletown DE 19709

ATTORNEY: Hugh Cropper IV, Esquire
9923 Stephen Decatur Hwy. D-2
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
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 15, 2020

Date: March 20, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #20-18:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as 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.

6:35 pm - Case #20-24:

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.

6:40 pm – Case #20-23:

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

6:45 pm – Case #20-17:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. The proposed activity does not appear to have any issues with the Atlantic Coastal Bay Critical Area

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regulations, as there is an existing Planting Agreement and Bond on file for the proposed construction. Therefore, we will reserve any further comments until permit submission.

6:50 pm – Case #20-4:

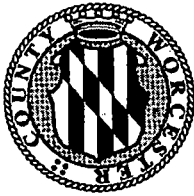
This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area A-15. As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided.

6:55 pm – Case #20-22:

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

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TEL: 410-632-1220 FAX: 410-632-2012



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: Critical Area Variance – Lawrence & Jacqueline Leiske, 10411 Brighton Road,
Case # 20-4

Date: March 26, 2020

The following comments are provided for the above referenced case as related to the Atlantic Coastal Bays Critical Area Law:

This variance request before the Board of Zoning Appeals (BZA) is for a property located within the Atlantic Coastal Bays Critical Area. The property is identified as the lands of Lawrence and Jacqueline Lieske, Tax Map 21, Parcel 8, Section A, Block 9, Lot 28, 10411 Brighton Road. The property is more specifically located within the Intensely Developed Area (IDA) designation with a Buffer Management area of A-15.

The Applicants are requesting a variance to δ NR 3-104(c) (4) of the Worcester County Code of Public Local Laws in order to gain authorization for the After the Fact construction of a concrete walkway and concrete patio within the 15' BMA buffer.

Under δ NR 3-111 “[a]n Atlantic Coastal Bays Critical Area Program variance may be granted . . . where, owing to special features of a site or other circumstances, implementation of this Program or a literal enforcement of provisions within the Program would result in unwarranted hardship to an applicant”. Also within δ NR 3-111(c) of the County Code, “[A]pplications for a variance shall be made in writing to the Board of Zoning Appeals”.

Under the Code of Maryland (COMAR) 27.01.12.06, Worcester County may not accept an application for a variance to legalize a violation of this subtitle, including an unpermitted structure or other development activity, until the County issues a notice of violation and assesses an administrative or civil penalty for the violation. Both these items have been completed and the fine has been paid.

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As the Board is aware from previous variances to the Critical Area Law, all applicants must address six standards. The Critical Area Law requires that each of the six standards for a variance be met before the Board renders a decision.

STAFF ANALYSIS

The six standards for Variance, as listed in §NR 3-111(b) (1) thru (6) of the County Code, will be addressed below.

- 1) **Special conditions or circumstances exist that are peculiar to the applicant's land or structure and a literal enforcement of provisions and requirements of the County's Atlantic Coastal Bays Critical Area Program would result in unwarranted hardship.**

Staffs opinion would be that special conditions or circumstances and a literal enforcement of provisions and requirements does not result in an unwarranted hardship. An unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire lot. This property was platted prior to the adoption of the Atlantic Coastal Bays Critical Area program and was included within a Buffer Management Area (BMA). A variance is being requested for this case due to an After-the-Fact encroachment into an already reduced (from 100 foot to 15 foot) Buffer. The current owner purchased this property with the unpermitted structures in the BMA.

- 2) **A literal interpretation of the provisions of the County's Atlantic Coastal Bays Critical Area Program and related laws will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Atlantic Coastal Bays Critical Area.**

Staffs opinion would be that the applicant's rights may not be lessened without the granting of this variance due to the restrictions of the Atlantic Coastal Bays Critical Area Program. There are numerous properties within the Critical Area that have structures that are located within the 15' buffer management area, the majority of which were completed prior to the enforcement of the Atlantic Coastal Bays Critical Area program. While the Board has provided variance approvals for encroachments into the Buffer/BMA, this is an After-the Fact variance, which means the improvements were completed without the benefit of a permit. As mentioned previously, these improvements were not completed by the current property owner.

- 3) **The granting of a variance will not confer upon an applicant any special privilege that would be denied by the County's Atlantic Coastal Bays Critical Area Program to other lands or structures within the Atlantic Coastal Bays Critical Area.**

As previously mentioned, this is an After-the Fact request, While there are numerous properties throughout the County that have structures located within the 15' buffer, the majority of which were constructed prior to the adoption of the Atlantic Coastal Bays

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Critical Area. Therefore, granting this variance would present a special right or privilege to the applicant.

- 4) **The variance request is not based upon conditions or circumstances which are the result of actions by the applicant nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property.**

This request an After-the-Fact variance. While this property was platted prior to the adoption of the Atlantic Coastal Bays Critical Area program, the variance request is based on conditions which are the result of actions made by the previous property owner, but not the current property owner/applicant.

- 5) **The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Atlantic Coastal Bays Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the County's Atlantic Coastal Bays Critical Program.**

The granting of this variance may adversely affect water quality as it is resulting in an increase in lot coverage within the most sensitive area on the property, the Buffer. However, if approved the property owner would be required to mitigate at a 7:1 ratio, which will improve the water quality.

- 6) **The Board of Zoning Appeals shall not make a decision relative to a request for such a variance without reviewing the comments of the Department and finding that the applicant has satisfied each of the provisions and standards contained herein.**

Staff opinion is that the applicant may not have an unwarranted hardship due to for this After-the-Fact variance. It should be reiterated that the applicant bought the property with these After-the-Fact improvements placed within 15' BMA buffer. The Board should consider additional testimony before determining that the applicant has adequately addressed and met all standards required for a variance.

ADDITIONAL STAFF COMMENTS

State Critical Area Commission staff has also reviewed this request and have provided comments. Critical Area Commission Natural Resources Planner, Kathryn Durant, stated in her February 25, 2020 letter:

"In order for the Board to grant this variance, the applicant must address and the Board must find that the proposal meets all of the required Critical Area variance standards as described in NR 3-111 of the Worcester County Code, including unwarranted hardship."

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The Commission also requests that they be informed by writing of the decision rendered by the Board for this case.

STAFF RECOMMENDATION

Staff cannot support this variance due to the issue that a potential hardship does not exist. If the previous property owner had applied for a permit for the improvements, this Department would not have been able to approve or issue a permit without BZA approval. In addition, there is additional open lawn, not located within the BMA, at the rear of the Single Family Dwelling; therefore, there is an area where the property owner could place a concrete patio and not need a variance.

Should the Board of Zoning Appeals grant the After-the-Fact variance, current regulations require a 7:1 mitigation requirement. This mitigation will be based upon a 4:1 ratio for unpermitted lot coverage and a 3:1 ratio for lot coverage if the variance is approved. It should also be subject to the condition that the Applicant agrees to and enters upon a Critical Area Planting Agreement. The Applicant will also be required to submit a Buffer Management Plan/planting plan which must show plantings within the the buffer first, then any remaining point requirements may be planted elsewhere on the lot. If total amount of mitigation cannot be planted onsite, as verified by a Natural Resources inspector, provisions exist to allow for offsite planting and/or fee-in-lieu.

Should you have any questions or need additional information please contact me at 410-632-1220, ext 1161 or e-mail at: jbirch@co.worcester.md.us.

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

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

February 25, 2020

Ms. Joy Birch
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Variance 20-4: Lawrence & Jacqueline Lieske
10411 Brighton Road (Tax Map 21, Parcel 81, Section A, Block 9, Lot 28)

Dear Ms. Birch:

Thank you for providing information on the above referenced after-the-fact variance request to perfect the development of a concrete patio and walkway in the Modified Buffer Area. The property is a waterfront lot that is 7,306 square feet located entirely in the Intensely Developed Area (IDA). The applicants discovered that the concrete patio and walkway were installed illegally after they purchased the property. The footprint of the concrete patio and walkway is approximately 429 square feet.

In order for the Board to grant this variance, the applicant must address and the Board must find that the proposal meets all of the required Critical Area variance standards as described in §NR 3-111 of the Worcester County Code, including unwarranted hardship. Unwarranted hardship is defined as such "that without a variance, an applicant would be denied reasonable and significant use of the *entire* parcel or lot for which the variance is requested." Additionally, as the Worcester County Code does not have provisions for after-the-fact variances, the procedures outlined in COMAR 27.01.12.06 should be followed. I have listed the pertinent components of this section below:

1. COMAR 27.01.12.06 states that "a local jurisdiction may not accept an application for a variance to legalize a violation of this subtitle, including an unpermitted structure or other development activity, until the local jurisdiction: (1) issues a notice of violation; and (2) assesses an administrative or civil penalty for the violation."
 - Worcester County issued a notice of violation on January 2, 2020 that assessed a \$100 fine, therefore, this requirement has been met.
2. COMAR 27.01.12.06 also states that "a local jurisdiction may not issue a permit, approval, variance, or special exception to legalize a violation of this subtitle unless an applicant has: (1) fully paid all administrative, civil, and criminal penalties imposed under Natural Resources Article §8-1808(c)(1)(iii)14-15 and (2)(i), Annotated Code of Maryland; (2) prepared a restoration or mitigation plan, approved by the local

jurisdiction, to abate impacts to water quality or natural resources as a result of the violation; and (3) performed the abatement measures in the approved plan in accordance with the local Critical Area program.”

- The applicant has paid the penalties and submitted a variance request as outlined in the Notice of Violation, dated January 2, 2020. However, our office did not receive a copy of the mitigation plan; therefore, it is unclear if this requirement has been met. Please forward to this office a copy of the mitigation plan that addresses the required mitigation for the violation. Without this plan, a variance cannot be issued.
3. COMAR 27.01.12.06 finally states that “if a local jurisdiction denies the requested after-the-fact variance, then the local jurisdiction shall: (1) order removal or relocation of any structure; and (2) order restoration of the affected resources.”
- Mitigation for the violation must be provided at a rate of 4:1 per COMAR 27.01.09.01-2(H), regardless of whether the variance is granted or denied.
 - Should the variance be granted, additional mitigation must be provided at a rate of 3:1 for the variance, for a total mitigation rate of 7:1 per COMAR 27.01.09.01-2(H) for both the violation and the variance. The total mitigation would equal 3,003 square feet of plantings.
 - Worcester County may collect a fee in lieu of the required mitigation plantings per COMAR 27.01.09.01-5.
 - A Buffer Management Plan for the mitigation must be provided in accordance with COMAR 27.01.09.01-3.

Please include this letter in the file and submit it as part of the record. In addition, please notify the Commission in writing of the decision made in this case. Thank you for the opportunity to comment. If you have any questions, please contact me at (410)260-3477.

Sincerely,



Kathryn Durant
Natural Resources Planner

File: WC 71-20



Worcester County

Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer K. Keener, Zoning Administrator

From: David Mathers, Natural Resources Planner 

Subject: Board of Zoning Appeals Comments – April 15, 2020

Date: March 23, 2020

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Forest Conservation Act.

6:30 pm – Case #20-18:

This property is subject to Forest Conservation Plan #95-6. A Worcester County Forest Conservation Fund, in lieu of required afforestation/reforestation has been received.

6:35 pm – Case #20-24:

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.

6:40 pm – Case #20-23:

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.

6:45 pm – Case #20-17:

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.

Citizens and Government Working Together

6:50 pm – Case #20-4:

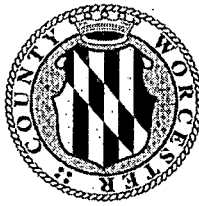
This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and therefore exempt from the Forest Conservation Act. No comment.

6:55 pm – Case #20-22:

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.

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



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Board of Zoning Appeals (BZA) for an April 15, 2020 meeting

From: Environmental Programs Staff

Subject: Case No. 20-4 TM 21 P 8 S A B 9 L 28; requesting a variance to the ordinance prescribed side yard setback from 6 ft. to 3.9 ft. associated with a proposed second story deck and stairs.

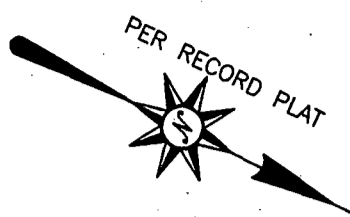
Date: January 23, 2020

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 variance request.

Citizens and Government Working Together

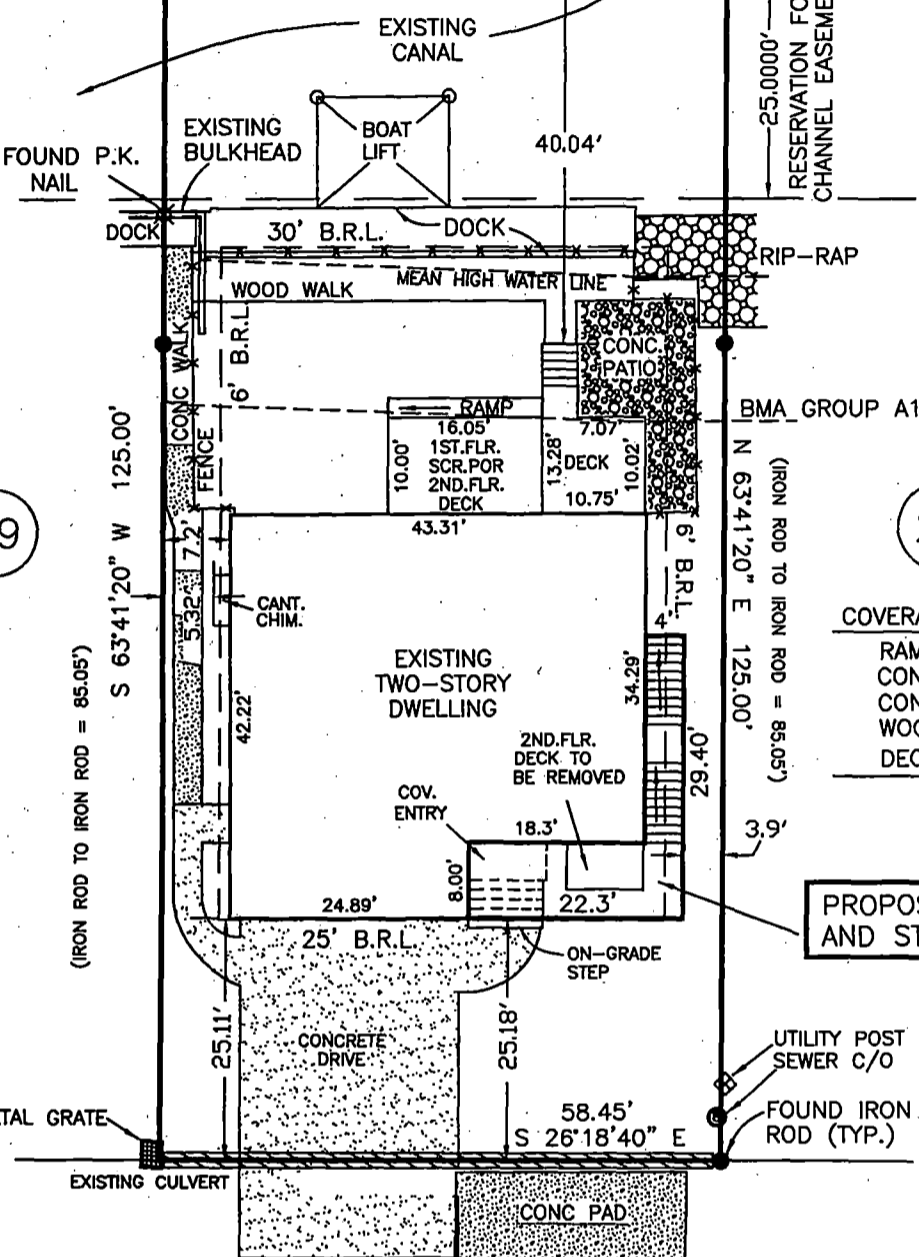
10



UNMARKED POINT (TYP.)

N 26°18'40" W 58.45'

RESERVATION FOR CHANNEL EASEMENT
25.0000'



29

27

COVERAGE AREA INSIDE BMA A15 SETBACK

RAMP	= 28.4 Sq. Feet
CONC. WALK	= 46.0 Sq. Feet
CONC. PATIO	= 150.9 Sq. Feet
WOOD WALK	= 173.0 Sq. Feet
DECK & STEPS	= 30.7 Sq. Feet
TOTAL	= 429 SQ. FT.

PROPOSED 2ND. FLR. DECK AND STEPS ADDITION

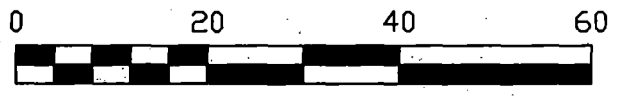
BRIGHTON ROAD (40' R.O.W.)

PROPOSED SITE PLAN SHOWING 2ND. FLR. DECK AND STEPS ADDITION

HOUSE NO. 10411
LOT 28 - BLOCK 9 - SECTION A
CAPE ISLE OF WIGHT

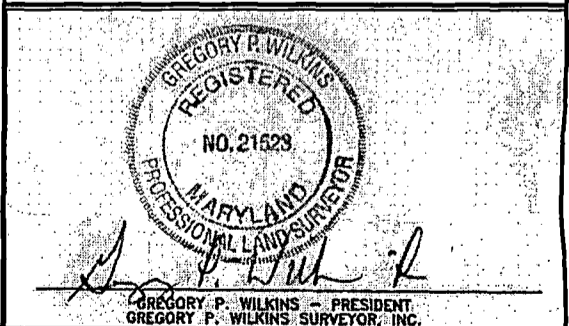
TENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND
TAX MAP 21, P/O PARCEL 8
LOT AREA = 7,306 SQ. FT.±
CURRENTLY ZONED R-2
ZONING SETBACKS: FRONT = 25'
SIDES = 8' EACH (SEE NOTE), REAR = 30'
FLOOD ZONE AE5

- NOTES:**
1. PER SECTION ZS 1-122(C)(1) OF THE WORCESTER COUNTY ZONING ARTICLE A REDUCTION OF THE 8' SIDE YARD TO 6' IS PERMITTED.
 2. THIS LOT LIES IN THE ATLANTIC COASTAL BAYS CRITICAL AREA AND IS CLASSIFIED AS AN INTENSELY DEVELOPED AREA (IDA), AND IS IN BUFFER MANAGEMENT AREA GROUP A15.
 3. THIS SITE PLAN REPRESENTS A 156 SQ.FT. ± INCREASE IN CRITICAL AREA COVERAGE.



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.

REVISED 12/13/19 - BMA GROUP A15 SETBACK

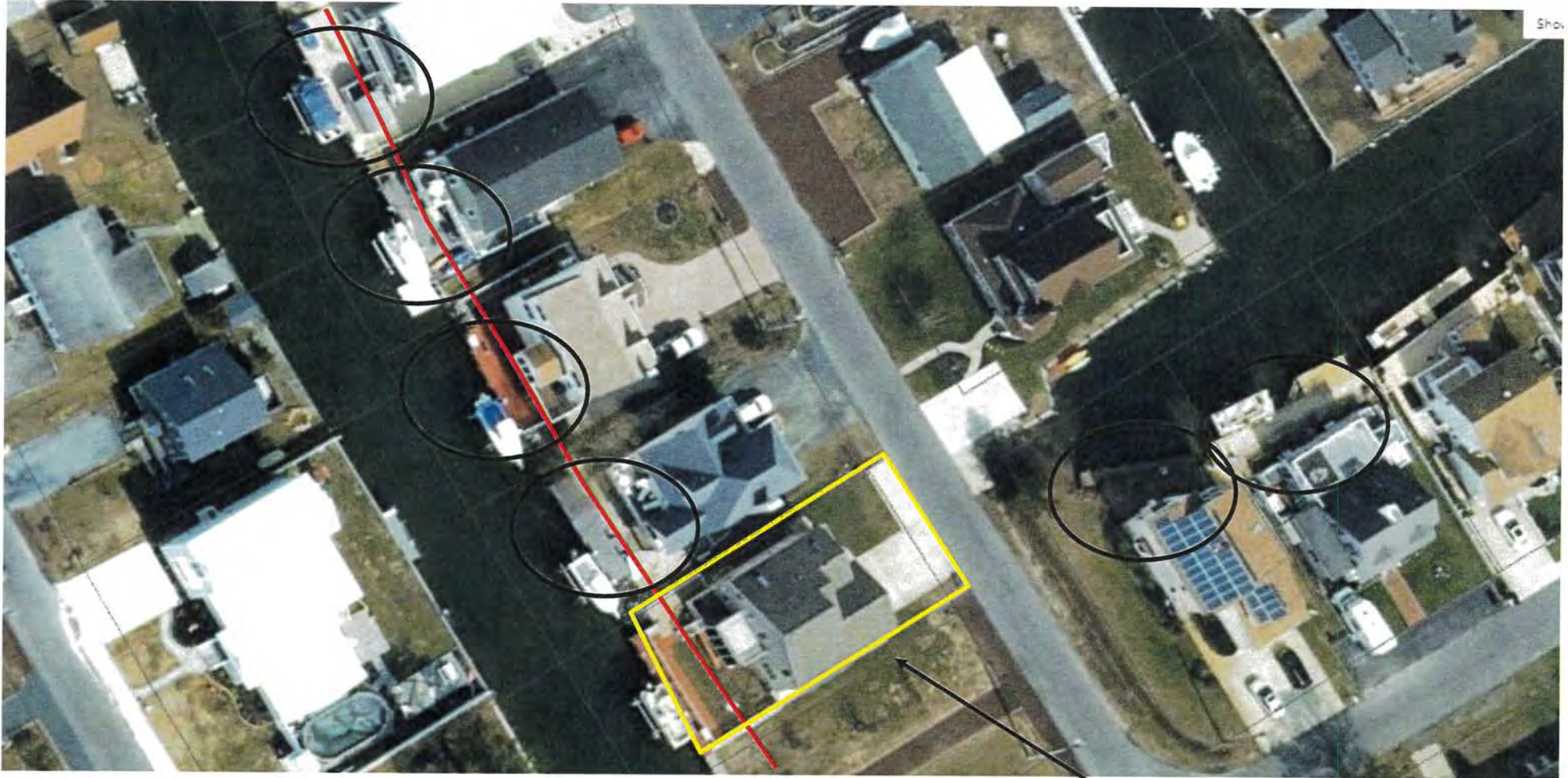


GREGORY P. WILKINS
SURVEYOR, INC.
12626 OLD BRIDGE ROAD
OCEAN CITY, MARYLAND 21842
(410)213-0222

SCALE:	1" = 20'	DATE:	12/11/2019
DRAWN BY:	GPW9	JOB NO.:	4287

#20-9


Lieske Exhibit I




Subject Property

Lieske BZA Exhibit -- Worcester County Case 20-04

10411 Brighton Road, Ocean City MD

 = Approximate Buffer Management Area Demarcation

 = Encroachments observed



20-4



Lieske

Exhibit 2



Lieske BZA Exhibit = Worcester County Case 20-04

10411 Brighton Road, Ocean City MD

-  = Approximate Buffer Management Area Demarcation
-  = Encroachments observed



20-4

Lieske

Exhibit 3



NOTICE TO BUYER AND SELLER OF BUYER'S RIGHTS AND SELLER'S OBLIGATIONS UNDER MARYLAND'S SINGLE FAMILY RESIDENTIAL PROPERTY CONDITION DISCLOSURE LAW

ADDENDUM dated _____ to the Contract of Sale between Buyer Lawrence & Jacqueline Lieske and Seller Ronald A Moore, Donna M Moore for Property known as 10411 Brighton Rd, Ocean City, MD 21842-9123

NOTE: This notice does not apply to: (1) the initial sale of single family residential property which has never been occupied, or for which a certificate of occupancy has been issued within one year prior to the date of the Contract; (2) a transfer that is exempt from the transfer tax under Subsection 13-207 of the Tax-Property Article, except land installments contracts of sale under Subsection 13-207(a)(11) of the Tax-Property Article and options to purchase real property under Subsection 13-207(a)(12) of the Tax-Property Article; (3) a sale by a lender or an affiliate or subsidiary of a lender that acquired the real property by foreclosure or deed in lieu of foreclosure; (4) a sheriff's sale, tax sale, or sale by foreclosure, partition or by court appointed trustee; (5) a transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust; (6) a transfer of single family residential real property to be converted by the buyer into a use other than residential use or to be demolished; or (7) a sale of unimproved real property.

Section 10-702 of the Real Property Article of the Annotated Code of Maryland ("Section 10-702") requires that a seller of a single family residential property ("the property") deliver to each buyer, on or before entering into a contract of sale, on a form published and prepared by the Maryland Real Estate Commission, **EITHER:**

- (A) A written property condition disclosure statement listing all defects including latent defects, or information of which the seller has actual knowledge in relation to the following:
 - (i) Water and sewer systems, including the source of household water, water treatment systems, and sprinkler systems;
 - (ii) Insulation;
 - (iii) Structural systems, including the roof, walls, floors, foundation and any basement;
 - (iv) Plumbing, electrical, heating, and air conditioning systems;
 - (v) Infestation of wood-destroying insects;
 - (vi) Land use matters;
 - (vii) Hazardous or regulated materials, including asbestos, lead-based paint, radon, underground storage tanks, and licensed landfills;
 - (viii) Any other material defects, including latent defects, of which the seller has actual knowledge;
 - (ix) Whether the required permits were obtained for any improvements made to the property;
 - (x) Whether the smoke alarms:
 - 1. will provide an alarm in the event of a power outage;
 - 2. are over 10 years old; and
 - 3. if battery operated, are sealed, tamper resistant units incorporating a silence/hush button and use long-life batteries as required in all Maryland homes by 2018; and
 - (xi) If the property relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation, whether a carbon monoxide alarm is installed on the property.

"Latent defects" under Section 10-702 means material defects in real property or an improvement to real property that:

- (i) A buyer would not reasonably be expected to ascertain or observe by a careful visual inspection, and
- (ii) Would pose a threat to the health or safety of the buyer or an occupant of the property, including a tenant or invitee of the buyer;

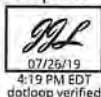
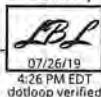
OR

(B) A written disclaimer statement providing that:

- (i) Except for latent defects of which the seller has actual knowledge, the seller makes no representations or warranties as to the condition of the real property or any improvements on the real property; and
- (ii) The buyer will be receiving the real property "as is," with all defects, including latent defects, that may exist, except as otherwise provided in the contract of sale of the property.



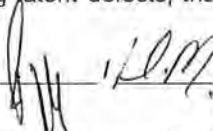
Buyer



07/26/19
4:26 PM EDT
dotloop verified

07/26/19
4:19 PM EDT
dotloop verified

Seller



At the time the disclosure or disclaimer statement is delivered to you ("the buyer"), you are required to date and sign a written acknowledgement of receipt on the disclosure or disclaimer statement which shall be included in or attached to the contract of sale.

Section 10-702 further provides that a buyer who receives the disclosure or disclaimer statement on or before entering into a contract of sale does not have the right to rescind the contract based upon the information contained in the disclosure or disclaimer statement.

You are hereby notified that, in certain circumstances, you have the right to rescind your contract with the seller if the seller fails to deliver to you the written property condition disclosure or disclaimer statement. Section 10-702 provides that a buyer who does not receive the disclosure or disclaimer statement on or before entering into the contract has the unconditional right, upon written notice to the seller or seller's agent.

- (i) To rescind the contract at any time before the receipt of the disclosure or disclaimer statement or within 5 days following receipt of the disclosure or disclaimer statement; and
- (ii) To the immediate return of any deposits made on account of the contract.

Your right to rescind the contract under Section 10-702 terminates if not exercised before making a written application to a lender for a mortgage loan, if the lender discloses in writing at or before the time application is made that the right to rescind terminates on submission of the application or within 5 days following receipt of a written disclosure from a lender who has received your application for a mortgage loan, if the lender's disclosure states that your right to rescind terminates at the end of that 5 day period.

Your rights as a buyer under Section 10-702 may not be waived in the contract and any attempted waiver is void. Your rights as the buyer to terminate the contract under Section 10-702 are waived conclusively if not exercised before:

- (i) Closing or occupancy by you, whichever occurs first, in the event of a sale; or
- (ii) Occupancy, in the event of a lease with option to purchase.

The information contained in the property condition disclosure statement is the representation of the seller and not the representation of the real estate broker or sales person, if any. A disclosure by the seller is not a substitute for an inspection by an independent professional home inspection company. You should consider obtaining such an inspection. The information contained in a disclosure statement by the seller is not a warranty by the seller as to the condition of the property of which condition the seller has no actual knowledge or other condition, including latent defects, of which the seller has no actual knowledge. The seller is not required to undertake or provide an independent investigation or inspection of the property in order to make the disclosures required by Section 10-702. The seller is not liable for an error, inaccuracy or omission in the disclosure statement if the error, inaccuracy or omission was based upon information that was not within the actual knowledge of the seller or was provided to the seller by a third party as specified in Section 10-702(i) or (j).

You may wish to obtain professional advice about the property or obtain an inspection of the property.

The undersigned buyer(s) and seller(s) acknowledge receipt of this notice on the date indicated below and acknowledge that the real estate licensee(s) named below have informed the buyer(s) and the seller(s) of the buyer(s)' rights and the seller(s)' obligations under Section 10-702.

Lawrence Benjamin Lieske dotloop verified
07/26/19 4:25 PM EDT
ZUT9-PESH-N11F-Z27Z

Buyer's Signature Date

Ronald A Moore 6-9-19

Seller's Signature Date
Ronald A Moore

Jacqueline Joan Lieske dotloop verified
07/26/19 4:19 PM EDT
MDQQ-HZ3Q-WXQS-EK67

Buyer's Signature Date

Donna M Moore 6-9-19

Seller's Signature Date
Donna M Moore

Melanie Shoff dotloop verified
07/26/19 3:44 PM EDT
H6LS-WZJS-QD0R-BLAF

Agent's Signature Date

Nanette Pavier

Agent's Signature Date
Nanette Pavier

MARYLAND RESIDENTIAL PROPERTY DISCLOSURE AND DISCLAIMER STATEMENT

Property Address: 10411 Brighton Rd, Ocean City, MD 21842-9123

Legal Description: LOT 28 BLK 9 SEC A BRIGHTON RD PL CAPE ISLE OF WIGHT

NOTICE TO SELLER AND PURCHASER

Section 10-702 of the Real Property Article, Annotated Code of Maryland, requires the owner of certain residential real property to furnish to the purchaser either (a) a RESIDENTIAL PROPERTY DISCLAIMER STATEMENT stating that the owner is selling the property "as is" and makes no representations or warranties as to the condition of the property or any improvements on the real property, except as otherwise provided in the contract of sale, or in a listing of latent defects; or (b) a RESIDENTIAL PROPERTY DISCLOSURE STATEMENT disclosing defects or other information about the condition of the real property actually known by the seller. Certain transfers of residential property are excluded from this requirement (see the exemptions listed below).

10-702. EXEMPTIONS. The following are specifically excluded from the provisions of §10-702:

- 1. The initial sale of single family residential real property:
A. that has never been occupied; or
B. for which a certificate of occupancy has been issued within 1 year before the seller and buyer enter into a contract of sale;
2. A transfer that is exempt from the transfer tax under §13-207 of the Tax-Property Article, except land installment contracts of sales under §13-207(a) (11) of the Tax-Property Article and options to purchase real property under §13-207(a)(12) of the Tax-Property Article;
3. A sale by a lender or an affiliate or subsidiary of a lender that acquired the real property by foreclosure or deed in lieu of foreclosure;
4. A sheriff's sale, tax sale, or sale by foreclosure, partition, or by court appointed trustee;
5. A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6. A transfer of single family residential real property to be converted by the buyer into use other than residential use or to be demolished; or
7. A sale of unimproved real property.

Section 10-702 also requires the owner to disclose information about latent defects in the property that the owner has actual knowledge of. The owner must provide this information even if selling the property "as is." "Latent defects" are defined as: Material defects in real property or an improvement to real property that:

- (1) A purchaser would not reasonably be expected to ascertain or observe by a careful visual inspection of the real property; and
(2) Would pose a direct threat to the health or safety of:
(i) the purchaser; or
(ii) an occupant of the real property, including a tenant or invitee of the purchaser.

MARYLAND RESIDENTIAL PROPERTY DISCLOSURE STATEMENT

NOTICE TO SELLERS: Complete and sign this statement only if you elect to disclose defects, including latent defects, or other information about the condition of the property actually known by you; otherwise, sign the Residential Property Disclaimer Statement. You may wish to obtain professional advice or inspections of the property; however, you are not required to undertake or provide any independent investigation or inspection of the property in order to make the disclosure set forth below. The disclosure is based on your personal knowledge of the condition of the property at the time of the signing of this statement.

NOTICE TO PURCHASERS: The information provided is the representation of the Sellers and is based upon the actual knowledge of Sellers as of the date noted. Disclosure by the Sellers is not a substitute for an inspection by an independent home inspection company, and you may wish to obtain such an inspection. The information contained in this statement is not a warranty by the Sellers as to the condition of the property of which the Sellers have no knowledge or other conditions of which the Sellers have no actual knowledge.

How long have you owned the property? 9 years

Property System: Water, Sewage, Heating & Air Conditioning (Answer all that apply)

Water Supply [] Public [X] Well [] Other
Sewage Disposal [X] Public [] Septic System approved for (# of bedrooms) Other Type

Garbage Disposal [] Yes [X] No

Dishwasher [X] Yes [] No

Heating [] Oil [X] Natural Gas [] Electric [] Heat Pump Age [X] Other Propane

Air Conditioning [] Oil [] Natural Gas [X] Electric [] Heat Pump Age [] Other

Hot Water [] Oil [] Natural Gas [X] Electric Capacity 50 gal. Age 2 yrs. [] Other

Please indicate your actual knowledge with respect to the following:

1. Foundation: Any settlement or other problems? Yes No Unknown
Comments: _____

2. Basement: Any leaks or evidence of moisture? Yes No Unknown Does Not Apply
Comments: _____

3. Roof: Any leaks or evidence of moisture? Yes No Unknown
Type of Roof: Asphalt Shingle Age 17 yrs!
Comments: _____
Is there any existing fire retardant treated plywood? Yes No Unknown
Comments: _____

4. Other Structural Systems, including exterior walls and floors:
Comments: _____
Any defects (structural or otherwise)? Yes No Unknown
Comments: _____

5. Plumbing system: Is the system in operating condition? Yes No Unknown
Comments: _____

6. Heating Systems: Is heat supplied to all finished rooms? Yes No Unknown
Comments: except Sun Porch
Is the system in operating condition? Yes No Unknown
Comments: _____

7. Air Conditioning System: Is cooling supplied to all finished rooms? Yes No Unknown Does Not Apply
Comments: except Sun Porch
Is the system in operating condition? Yes No Unknown Does Not Apply
Comments: _____

8. Electric Systems: Are there any problems with electrical fuses, circuit breakers, outlets or wiring?
 Yes No Unknown
Comments: _____

8A. Will the smoke alarms provide an alarm in the event of a power outage? Yes No
Are the smoke alarms over 10 years old? Yes No
If the smoke alarms are battery operated, are they sealed, tamper resistant units incorporating a silence/hush button, which use long-life batteries as required in all Maryland Homes by 2018? Yes No
Comments: Sellers intend to replace alarms

9. Septic Systems: Is the septic system functioning properly? Yes No Unknown Does Not Apply
When was the system last pumped? Date _____ Unknown
Comments: _____

10. Water Supply: Any problem with water supply? Yes No Unknown
Comments: _____

Home water treatment system: Yes No Unknown
Comments: _____
Fire sprinkler system: Yes No Unknown Does Not Apply
Comments: _____
Are the systems in operating condition? Yes No Unknown
Comments: _____

11. Insulation:
In exterior walls? Yes No Unknown
In ceiling/attic? Yes No Unknown
In any other areas? Yes No Where? _____
Comments: _____

12. Exterior Drainage: Does water stand on the property for more than 24 hours after a heavy rain?
 Yes No Unknown
Comments: _____
Are gutters and downspouts in good repair? Yes No Unknown
Comments: _____

13. Wood-destroying insects: Any infestation and/or prior damage? Yes No Unknown

Comments: _____

Any treatments or repairs? Yes No Unknown

Any warranties? Yes No Unknown

Comments: _____

14. Are there any hazardous or regulated materials (including, but not limited to, licensed landfills, asbestos, radon gas, lead-based paint, underground storage tanks, or other contamination) on the property? Yes No Unknown

If yes, specify below

Comments: _____

15. If the property relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation, is a carbon monoxide alarm installed in the property?

Yes No Unknown

Comments: _____

16. Are there any zoning violations, nonconforming uses, violation of building restrictions or setback requirements or any recorded or unrecorded easement, except for utilities, on or affecting the property? Yes No Unknown

If yes, specify below

Comments: _____

16A. If you or a contractor have made improvements to the property, were the required permits pulled from the county or local permitting office? Yes No Does Not Apply Unknown

Comments: _____

17. Is the property located in a flood zone, conservation area, wetland area, Chesapeake Bay critical area or Designated Historic District? Yes No Unknown If yes, specify below

Comments: flood zone

18. Is the property subject to any restriction imposed by a Home Owners Association or any other type of community association?

Yes No Unknown If yes, specify below

Comments: _____

19. Are there any other material defects, including latent defects, affecting the physical condition of the property?

Yes No Unknown

Comments: _____

NOTE: Owner(s) may wish to disclose the condition of other buildings on the property on a separate RESIDENTIAL PROPERTY DISCLOSURE STATEMENT.

The owner(s) acknowledge having carefully examined this statement, including any comments, and verify that it is complete and accurate as of the date signed. The seller(s) further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

[Signature]
Seller(s) Ronald A Moore Date 6-9-19

[Signature]
Seller(s) Donna M Moore Date 6/9/19

The purchaser(s) acknowledge receipt of a copy of this disclosure statement and further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

Purchaser Lawrence Benjamin Lieske dotloop verified 07/26/19 4:26 PM EDT Z5ZP-XJDC-BB7N-EKEV Date _____

Purchaser Jacqueline Joan Lieske dotloop verified 07/26/19 4:19 PM EDT LENG-83YR-DJ8V-E2ZV Date _____

MARYLAND RESIDENTIAL PROPERTY DISCLAIMER STATEMENT

NOTICE TO SELLER(S): Sign this statement only if you elect to sell the property without representations and warranties as to its condition, except as otherwise provided in the contract of sale and in the listing of latent defects set forth below; otherwise, complete and sign the RESIDENTIAL PROPERTY DISCLOSURE STATEMENT.

Except for the latent defects listed below, the undersigned owner(s) of the real property make no representations or warranties as to the condition of the real property or any improvements thereon, and the purchaser will be receiving the real property "as is" with all defects, including latent defects, which may exist, except as otherwise provided in the real estate contract of sale. The seller(s) acknowledge having carefully examined this statement and further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

Section 10-702 also requires the seller to disclose information about latent defects in the property that the seller has actual knowledge of. The seller must provide this information even if selling the property "as is." "Latent defects" are defined as: Material defects in real property or an improvement to real property that:

- (1) A purchaser would not reasonably be expected to ascertain or observe by a careful visual inspection of the real property; and
- (2) Would pose a direct threat to the health or safety of:
 - (i) the purchaser; or
 - (ii) an occupant of the real property, including a tenant or invitee of the purchaser.

Does the seller(s) have actual knowledge of any latent defects? Yes No If yes, specify:

Seller _____ Date _____

Ronald A Moore

Seller _____ Date _____

Donna M Moore

The purchaser(s) acknowledge receipt of a copy of this disclaimer statement and further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

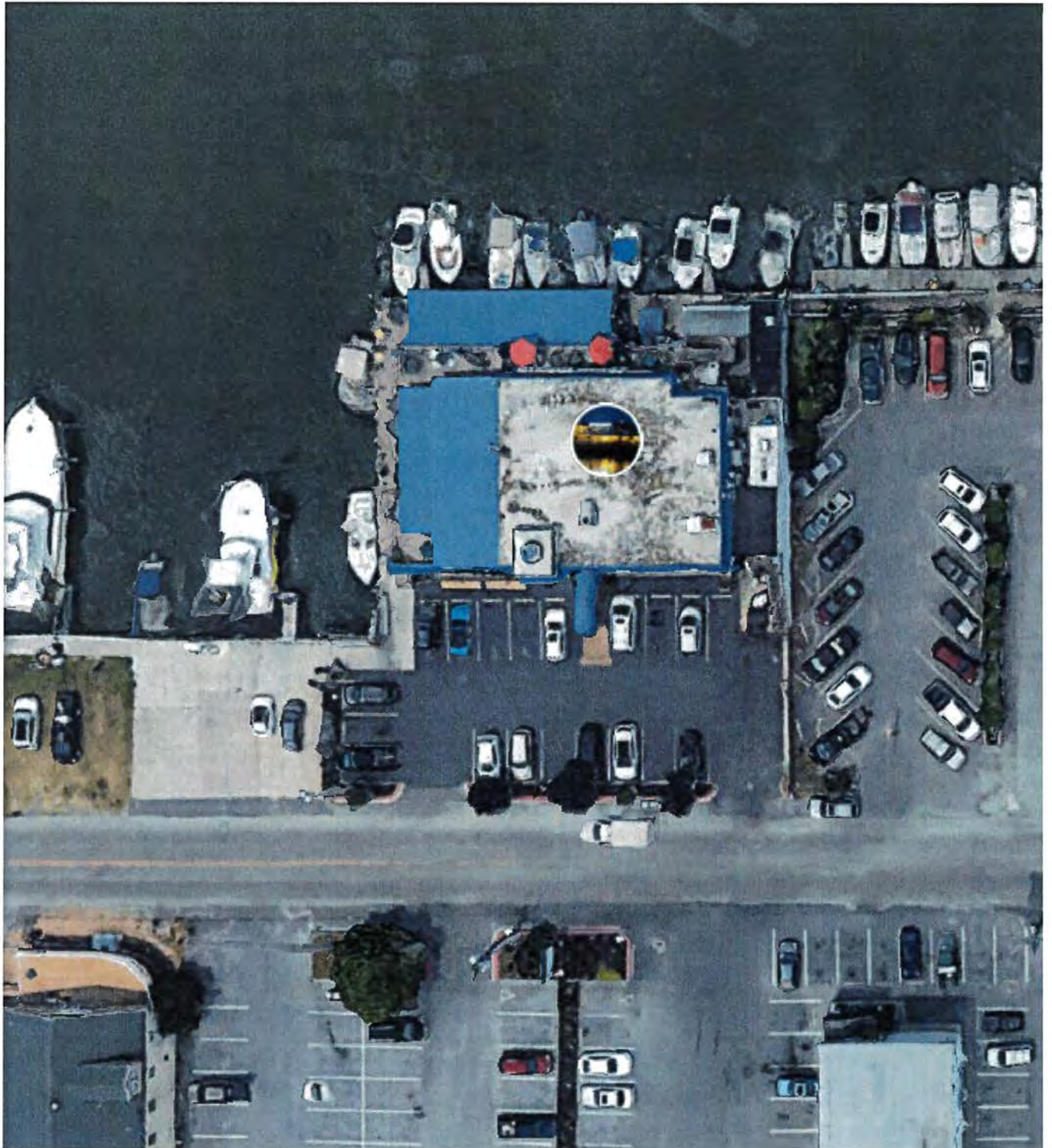
Purchaser _____ Date _____

Purchaser _____ Date _____

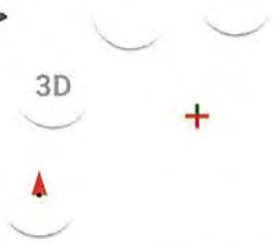
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#20-28 West O Madfish, LLC
 Exhibit 1

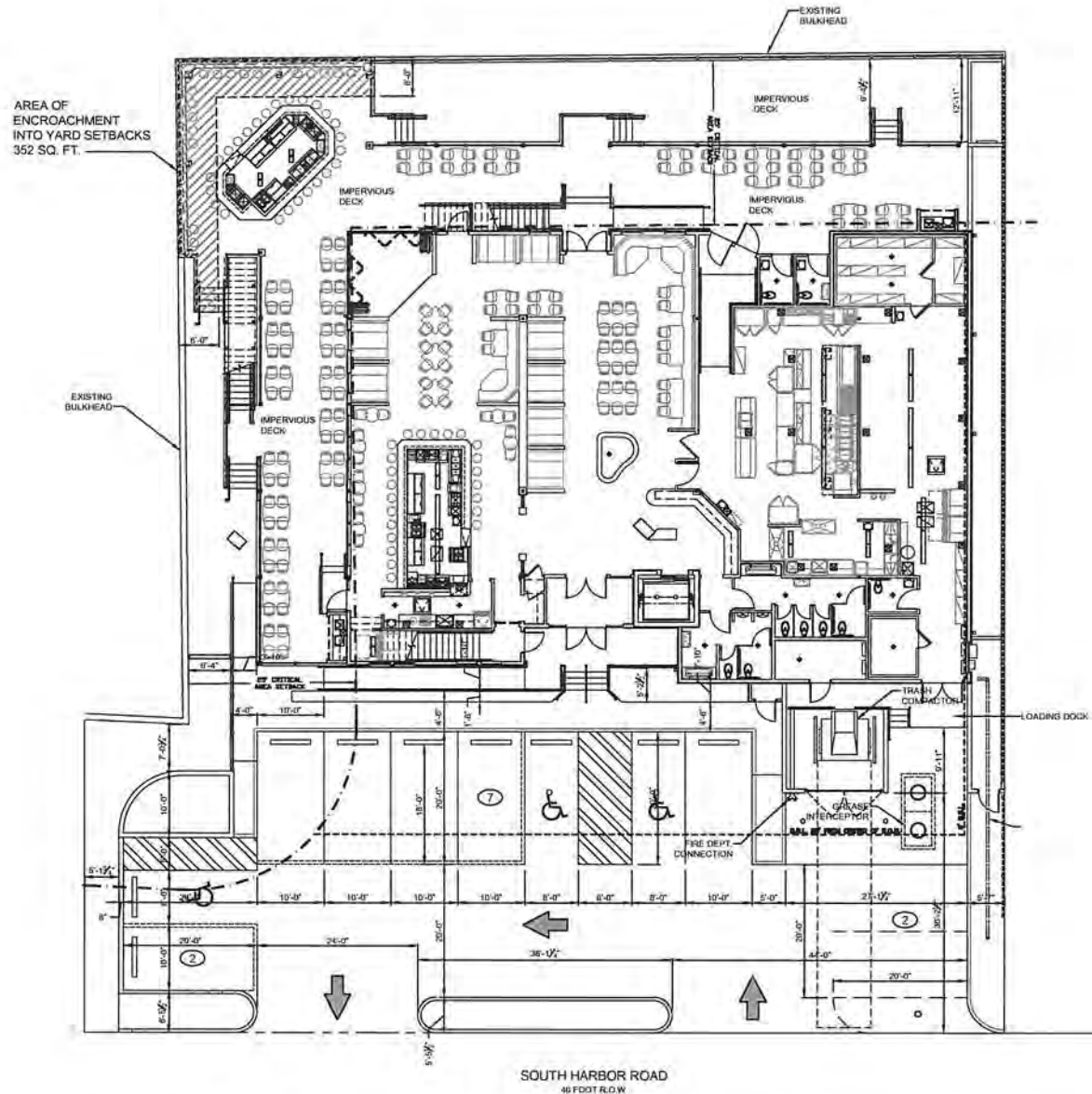


100%

Camera: 173 m 38°19'35"N 75°06'20"W 11 cm



#20-28 West O Madfish, LLC Exhibit 2



SITE DEVELOPMENT PLAN

SCALE: 1"=10'

#20-28 West O Madfish, LLC Exhibit 3

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 20-28**

HEARING DATE: May 14, 2020

LOCATION: At 12817 Harbor Road, on the northerly side of Harbor Road, approximately 436 feet west of Golf Course Road, Tax Map 27, Parcel 376, Lot 44 in the Tenth Tax District of Worcester County, Maryland

APPROVAL REQUESTED: A variance to the ordinance prescribed side yard setback from 6' to 0' (an encroachment of 6'), and a special exception to allow a 6 foot tall fence in the Ordinance prescribed front yard setback, associated with the proposed re-construction of a restaurant in the CM Commercial Marine District

CODE REFERENCES: ZS 1-116(c)(3), ZS 1-214(c)(2) and ZS 1-305

PROPERTY HISTORY: There have been numerous permits issued for the recently demolished restaurant

- 01/20/1988 BZA Case No. 16281 – Variance to the rear yard setback from 20' to 11' (an encroachment of 9') associated with an addition to the existing restaurant – Granted
- 04/14/2011 BZA Case No. 11-25 – Variance to further reduce the rear yard setback from 11' to 0' (an additional reduction of 11') associated with an addition to the existing restaurant – Granted
- 03/03/2020 Demo Permit No. 20-0223 – Issued 03/09/2020 – C/O not yet Issued
Demolition of the existing restaurant

COMMENTS: The applicant is requesting the variance and special exception associated with the reconstruction of the previously existing restaurant, Madfish. The project was reviewed as a major site plan by the Technical Review Committee on April 8, 2020, and will require final site plan approval by the Planning Commission.

While there have been several variances granted over the years for encroachments into certain setbacks, the restaurant has always complied with the 6' left side yard setback, which is the subject of the request before you now.

In addition, the applicant is requesting a special exception to increase the height of a fence within the front yard setback to 6' in height. The fence is proposed along the easterly property line that buffers the Harborside restaurant parking and the subject property. Zoning Code Section 1-305 limits the height of the fence in the front yard to 4' in height.

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.

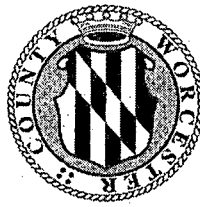
OWNER: West O Madfish, LLC

12817 Harbor Road
Ocean City, MD 21842

ATTORNEY: Hugh Cropper
9923 Stephen Decatur Hwy., D-2
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

To: Board of Zoning Appeals (BZA) for a May 14, 2020 meeting

From: Environmental Programs Staff

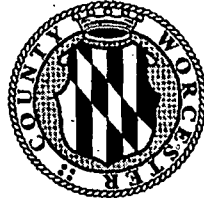
Subject: Case No. 20-28; TM 27 P 376 L 44, 45, & 101- requesting a variance to the ordinance prescribed side yard setback from 6 ft. to 0 ft. and a special exception to allow a 6 ft. tall fence in the ordinance prescribed front yard setback with the proposed re-construction of a restaurant.

Date: April 20, 2020

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

To: Jennifer K. Keener, Zoning Administrator

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

Subject: Board of Zoning Appeals Comments – April 15, 2020 / May 14, 2020

Date: March 20, 2020

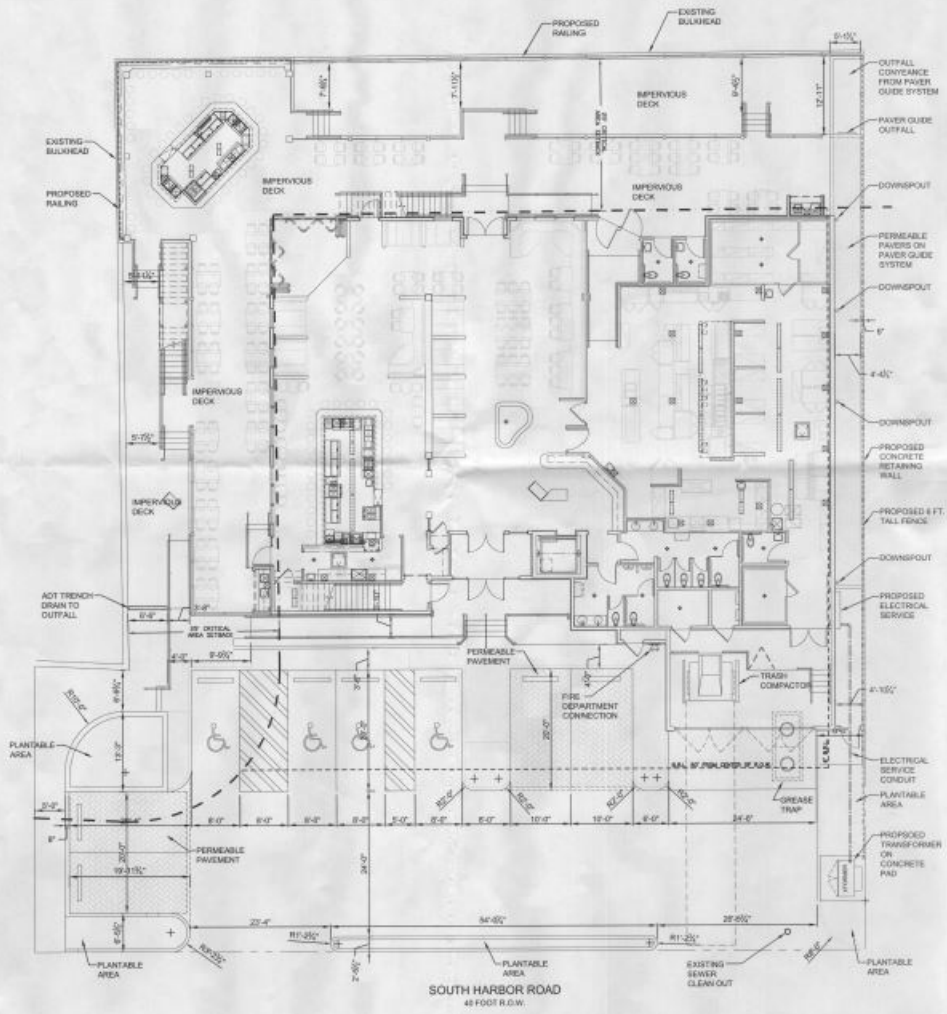
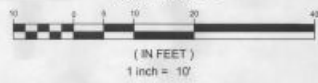
Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Wednesday, April 15, 2020, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

7:00 pm – Case #20-28:

The request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Development Area (IDA) within Buffer Management Area D-25. 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 the permitting stage. Therefore, we will reserve any further comments until permit submission.

Citizens and Government Working Together

PARKING ANALYSIS	
PARKING PROVIDED	
MAIN LOT	8 SPACES
REMOTE LOT	124 SPACES
TOTAL PARKING PROVIDED	132 SPACES
PARKING REQUIRED	
MAD FISH BAR & GRILL	111 SPACES
13,847 SF USE AREA @ 1/25 SF	15 SPACES
EXISTING APARTMENT / HOTEL	5 SPACES
TOTAL	131 SPACES



SITE DEVELOPMENT PLAN
SCALE: 1"=10'

NO.	DATE	REVISIONS	REMARKS

DESIGN: IOTT ARCHITECTURE
 ILLUSTRATION: IOTT ARCHITECTURE
 CONTRACTOR: [blank]
 CONTRACT NO.: [blank]
 CONTRACT DATE: [blank]

PROJECT LOCATION: [blank]
 PROJECT NUMBER: [blank]

IOTT
 ARCHITECTURE
 ENGINEERING
 INCORPORATED

30 SHAMONS ST. • SUITE 100 • GAITHERSBURG, MARYLAND
 (410) 781-1220 • FAX (410) 780-0001

BUILDING RECONSTRUCTION
MAD FISH BAR and GRILL
 12817 HARBOR ROAD
 OCEAN CITY, MARYLAND

SITE DEVELOPMENT PLAN

DATE: 3-5-2020
IOTT PROJ. NO.: 19-003
DESIGN BY: NG
DRAWN BY: BE
SCALE AS NOTED
STAGE: CONCEPT
DRAWN FILE: 19-003 CD000

C

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