

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

THURSDAY JULY 9, 2026

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held in-person before the Board of Zoning Appeals for Worcester County, in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland. Audio and video recording will take place during this public hearing.

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>

6:30 p.m.

Case No. 26-37, on the lands of Bali Hi Park, Inc, on the application of John and Fran Polubjak, requesting after-the-fact variances to the front yard setback from 10 feet to 8.96 feet (encroaches 1.04 feet) and to the rear yard setback from 5 feet to 4.88 feet (encroaches 0.12 feet) for an existing RV in a Cooperative Campground, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-318(e) and ZS 1-305, located at 12342 St. Martins Neck Road, Tax Map 10, Parcel 32, Lot 100, Tax District 5, Worcester County, Maryland.

6:35 p.m.

Case No. 26-40, on the lands of Scott and Lori Dunlop, requesting a variance to the front yard setback from 40 feet to 24.2 feet (encroaches 15.8 feet) for a proposed residence in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305, located at 11202 Charlie Drive, Tax Map 10, Parcel 216, Lot 105, Tax District 5, Worcester County, Maryland.

6:40 p.m.

Case No. 26-39, on the lands of Snow Hill Property LLC, requesting a variance to the side yard setback from 20 feet to 10.5 feet (to encroach 9.5 feet) for the conversion of an existing structure to a proposed mosque in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-210(b)(8) and ZS 1-305 located at 12008 Ocean Gateway, Tax Map 26, Parcel 130, Tax District 10, Worcester County, Maryland.

6:45 p.m.

Case No. 26-44, on the lands of Louis and Shirley Lazzaro, requesting an after-the-fact modification to the side lot line from 6 feet to 1 foot (encroaches 5 feet) for an existing boat lift in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(n)(3), ZS 1-207(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2), located at 1 Sandpiper Lane, Tax Map 16, Parcel 38, Section 1, Lot 650, Tax District 3, Worcester County, Maryland.

6:50 p.m.

Case No. 26-45, on the lands of Clara and Jeremy Ziman, on the application of J. Stacey Hart & Associates, Inc., requesting two modifications to the side lot line from 6 feet to 0 feet (encroaches 6 feet) for two proposed boat lifts in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(n)(3),

ZS 1-206(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2), located at 13013 North Shore Road, Tax Map 22, Parcel 367, Lot 10, Tax District 10, Worcester County, Maryland.

6:55 p.m.

Case No. 26-38, on the lands of John Scott Hagerty Revocable Trust and Teresa Lynn Hagerty Revocable Trust, on the application of Mark Spencer Cropper, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 25 feet (an encroachment of 75 feet) and a special exception for the replacement of an existing residence in the RP Resource Protection District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(m), ZS 1-122(f), ZS 1-215(c)(1) and ZS 1-305 and Natural Resources Code §§ NR 3-104(d)(4) and NR 3-111, located at 11923 Salt Grass Point Road, Tax Map 16, Parcel 37, Tax District 5, Worcester County, Maryland.

7:00 p.m.

Case No. 26-42, on the lands of Andrew Urban IV, on the application of Mark Spencer Cropper, requesting a modification to extend a pier with pilings and associated structures an additional 50 feet for a total distance of 200 feet channelward, pursuant to Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(2), located at 10525 Sussex Road, Tax Map 21, Parcel 196, Section D, Tax District 10, Worcester County, Maryland.

Administrative Matters

IMPORTANT NOTICE

Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

APPLICATION TO :
BOARD OF ZONING APPEALS
WORCESTER COUNTY, MARYLAND
ONE WEST MARKET STREET
GOVERNMENT CENTER ROOM 1201
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 26-37
DATE FILED: 5/26/2026
HEARING DATE: 7-9-2026

APPLICATION BEING MADE FOR:

☒ SPECIAL EXCEPTION
☒ VARIANCE
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE
☐ OTHER

☐ FORESTRY
☐ CRITICAL AREA
☐ APPEAL

☒ AFTER THE FACT ☐ PROPOSED

☐ ADMINISTRATIVE
ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for:

rear 5' to 4.88'
front 10' to 8.96' > Setback variances in the Bali Hi Park

LOCATION OF PROPERTY:

TAX MAP: 10 PARCEL: 32 SECTION: LOT/ BLOCK: 100

On the N/S/E/W of:

(Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Bali Hi Park

Telephone: [REDACTED]

Address: 12342 St. Martins Neck Rd, Bishopville, MD
21813

E-Mail: [REDACTED]

APPLICANT INFORMATION:

Applicant's Name: JOHN + FRAN POLUBJEK

Telephone: [REDACTED]

Address: 12342 ST MARTINS NECK RD
BISHOPVILLE MD 21813

E-Mail: [REDACTED]

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? Yes If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? Yes (IDA)

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: ☐ FROM CENTERLINE OF ROAD
☐ RIGHT OF WAY OF A STATE ROAD
10' FROM PROPERTY LINE

REAR : 5'
LEFT SIDE: 7'
RIGHT SIDE: 3'

ZONING DISTRICT: A-2

TAX DISTRICT: 5

Gelley L. Silvers
Signature of Owner or Legal Representative

John Polubjek
Signature of Applicant

SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

JILL KLINE
Notary Public - State of Maryland
St Mary's County
My Commission Expires Apr 21, 2029

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 26 day of May
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Kelly Silver, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

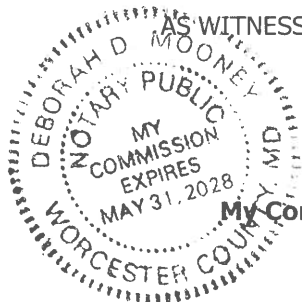
J Kline
Notary Public

My Commission Expires: April 21, 2029

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 22nd day of May
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared John Polubjak, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.



Deborah Mooney
Notary Public

My Commission Expires: 5-31-2028

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this _____ day of _____
20 _____ before me, a Notary Public in and for the State and County aforesaid,
personally appeared _____, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

Notary Public

My Commission Expires: _____

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 22nd day of May
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared John Polubjak, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

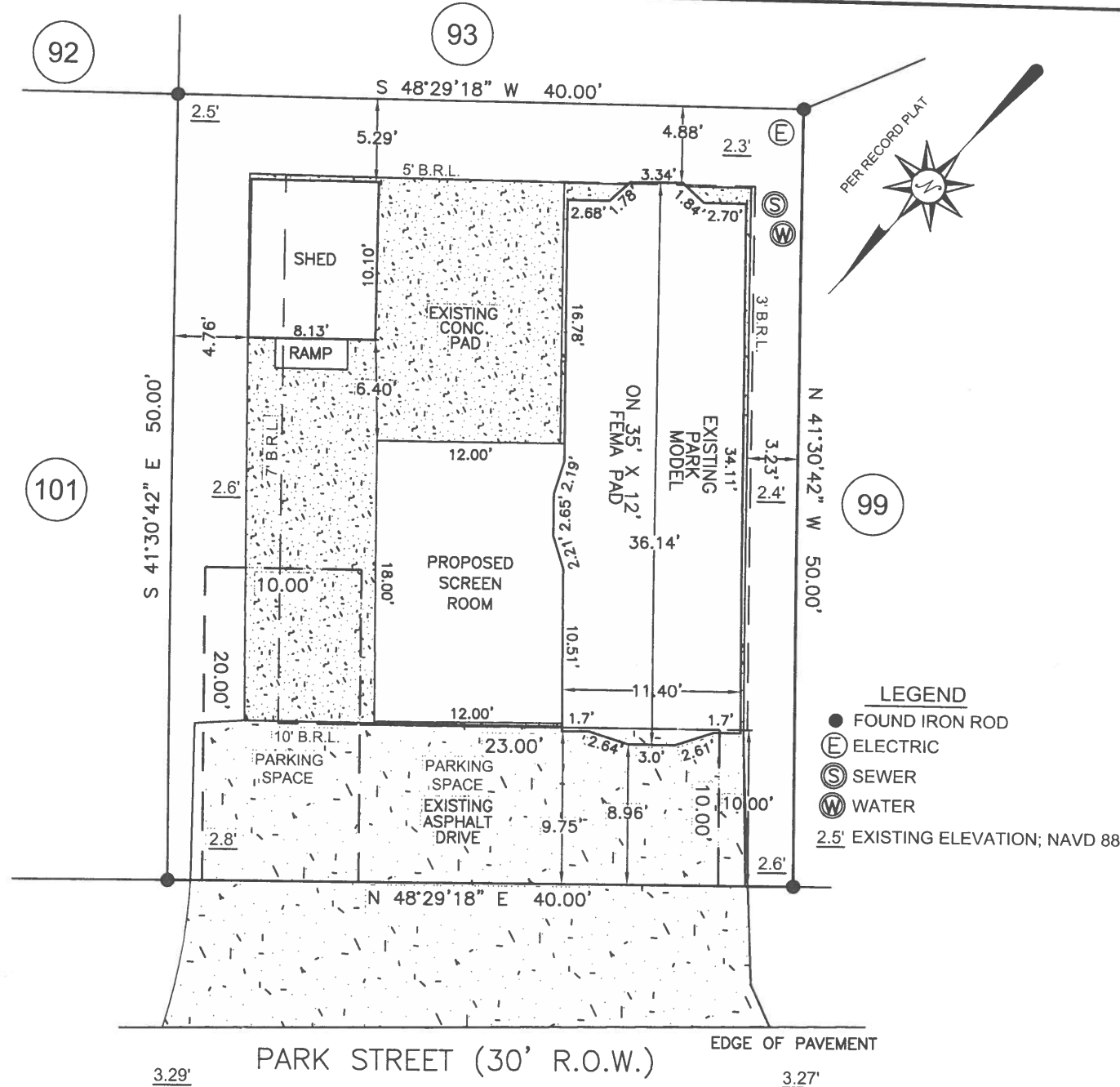
AS WITNESS my hand and official seal.



Deborah Mooney
Notary Public

My Commission Expires: 5-31-2028

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



**PROPOSED SITE PLAN
SHOWING NEW SCREENED ROOM
LOT 100 - BALI HI PARK, INC.
A COOPERATIVE CAMPGROUND SUBDIVISION**

FIFTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND
TAX MAP 10, P/O PARCEL 32
LOT AREA = 2000.0 SQ. FT.±
CURRENTLY ZONED A-2, COOPERATIVE CAMPGROUND SUBDIVISION
REQUIRED SETBACKS: FRONT = 10'
SIDES = 7' LEFT SIDE - 3' RIGHT SIDE, REAR = 5'
FLOOD ZONE AE, B.F.E. = 4.00' NAVD 1988

NOTE: FLOOD VENTS REQUIRED IN SHED IF BELOW B.F.E. 4.0' NAVD88.

GENERAL NOTES:

1. THIS LOT LIES WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA AND IS CLASSIFIED AS AN (IDA) INTENSELY DEVELOPED AREA.
2. IMPERVIOUS AREAS:

PARK MODEL = 402.6 SQ.FT. ±
SCREEN ROOM = 212.9 SQ.FT. ±
SHED/RAMP = 90.9 SQ.FT. ±
EXCESS FEMA PAD = 20.0 SQ.FT.±
EXCESS CONC. PAD = 325.0 SQ.FT.±
EXCESS ASHALT DRIVE = 23.2 SQ.FT.±
PARKING SPACES = 430.0 SQ.FT.±

TOTAL = 1,504.6 SQ.FT. ±

*10% RULE TO BE ADDRESSED THROUGH PLANTINGS.

3. THE DIMENSIONS OF THE PROPOSED IMPROVEMENTS AS SHOWN HEREON ARE AS PROVIDED BY OTHERS AND GREGORY P. WILKINS SURVEYOR, INC ASSUMES NO RESPONSIBILITY FOR SAME.

THE PLACEMENT OF THE PROPOSED IMPROVEMENTS AS SHOWN HEREON IS AS DIRECTED BY - JOHN POLUBIAK - AND IS SUBJECT TO APPROVAL BY THE APPROPRIATE GOVERNMENTAL AGENCIES AND/OR HOMEOWNERS ASSOCIATION.

THIS SURVEY REPRESENTS A 102.7 SQ. FT. INCREASE IN COVERAGE FROM A SITE PLAN DATED 6/29/2022.



THIS PROPOSED SITE PLAN REFLECTS THE DESCRIPTION OF LOT 100 AS SHOWN ON BALI HI PARK, INC., RECORD PLAT, AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT OF WAYS OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH PROVIDED OR STIPULATED.

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 21523, EXPIRATION DATE 07-13-2025.

GREGORY P. WILKINS - PRESIDENT
MD PROF. LS #21523 - EXP. DATE 07/13/2025
GREGORY P. WILKINS SURVEYOR, INC.

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

SCALE: 1" = 10'
DATE: 10/04/2024
DRAWN BY: GPW9
JOB NO.: 7796

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-37**

IMPORTANT NOTICE

Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

HEARING DATE: July 9, 2026

LOCATION: 12342 St. Martins Neck Road, Tax Map 10, Parcel 32, Lot 100, Tax District 5, Worcester County, Maryland.

APPROVAL REQUESTED: Two (2) after-the-fact variances to the front yard setback from 10 feet to 8.96 feet (encroaches 1.04 feet) and to the rear yard setback from 5 feet to 4.88 feet (encroaches 0.12 feet) for an existing RV in a Cooperative Campground in the A-2 Agricultural District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(4), ZS 1-318(e) and ZS 1-305.

PROPERTY HISTORY: The property is improved with a park model RV, and has the following records on file:

05/06/2019	Permit No. 19-0413 – Issued 05/21/2019 – C/O issued 07/12/2022 - Permit for a 12’ x 35’ FEMA foundation and 26’ x 12’ concrete patio.
06/30/2022	Permit No. 22-0719 – Issued 07/13/2022 – C/O issued 06/14/2024 - Permit for a proposed concrete patio and 8’ x 10’ shed.

COMMENTS: The applicants propose to construct a 12’ x 18’ screen room attached to the existing park model on this lot in Bali Hi, and a location survey indicated two bay windows on each end of the park model encroach into the front and rear yard setbacks, requiring variances. No permits had been obtained for the park model. Staff would also caution the owner that they need to provide two compliant parking spaces, either 10’ by 20’ or if parallel, 10’ by 23’. The unit and bay window cannot encroach into the clear area of the parking space.

For the variance request, the Board must make findings that the applicant has demonstrated the following:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.

2. Literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
3. The special conditions or circumstances did not result from actions of the applicant.
4. The condition or circumstance is not one that could be reasonably provided for under legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.

SUBSEQUENT PROCESSES IF APPROVED:

1. Obtain a building permit for the proposed screen room and after-the-fact park model. Must provide two code compliant parking spaces.

OWNER: Bali Hi Park, Inc.
c/o Marlene Dranzo
12342 St. Martins Neck Rd.
Bishopville, MD 21813

APPLICANT : John and Fran Polubjak
12342 St. Martins Neck Rd.
Bishopville, MD 21813

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.

APPLICATION TO :
BOARD OF ZONING APPEALS
WORCESTER COUNTY, MARYLAND
ONE WEST MARKET STREET
GOVERNMENT CENTER ROOM 1201
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 26-40
DATE FILED: 6-8-2026
HEARING DATE: 7-9-2026

APPLICATION BEING MADE FOR:

☐ SPECIAL EXCEPTION
☒ VARIANCE
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE
☐ OTHER
☐ AFTER THE FACT ☒ PROPOSED
☐ FORESTRY
☐ CRITICAL AREA
☐ APPEAL
☐ ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: a Variance to the front yard set back for a proposed single family dwelling with a garage and back porch from 40 feet to 24.5 feet (to encroach 15.5 feet)

LOCATION OF PROPERTY:

TAX MAP: 10 PARCEL: 216 SECTION: LOT/ BLOCK: 105
On the N/S/E/W of:
(Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Scott and Lori Dunlap Telephone: [REDACTED]
Address: 11202 Charlie Dr. Bishopville, MD 21813 E-Mail: [REDACTED]

APPLICANT INFORMATION:

Applicant's Name: Lori Dunlap Telephone: [REDACTED]
Address: 11202 Charlie Dr. Bishopville, MD 21813 E-Mail: [REDACTED]

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)
No

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? yes If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? yes, being submitted with this package. proposed project is not near shoreline or critical set back area.

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: 60' FROM CENTERLINE OF ROAD REAR: 50'
40' RIGHT OF WAY OF A STATE ROAD LEFT SIDE: 15'
40' FROM PROPERTY LINE RIGHT SIDE: 15'
ZONING DISTRICT: R-1 TAX DISTRICT: 5

Lori Dunlap
Signature of Owner or Legal Representative

Lori Dunlap
Signature of Applicant

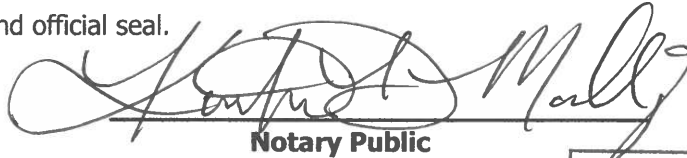
SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

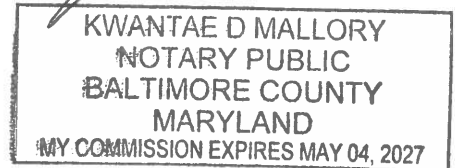
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 5th day of June
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Lori Dunlop, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.


Notary Public

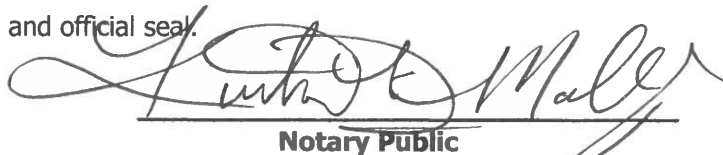
My Commission Expires: May 4, 2027



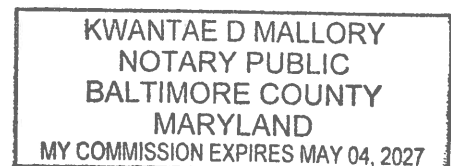
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 5th day of June
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Lori Dunlop, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.


Notary Public

My Commission Expires: May 4, 2027



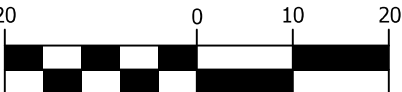
PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 21329, EXPIRATION DATE 1/08/2027.

NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY, WETLANDS, UTILITIES OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.

PROPOSED LOT COVERAGE

PROP. DWELLING = 2,840 S.F.±
PROP. FRONT POR. & STEPS = 190 S.F.±
PROP. REAR POR. = 704 S.F.±
PROP. REAR DECK & STEPS = 61 S.F.±
PROP. FRONT WALKWAY = 175 S.F.±
PROP. DRIVEWAY = 1,445 S.F.±

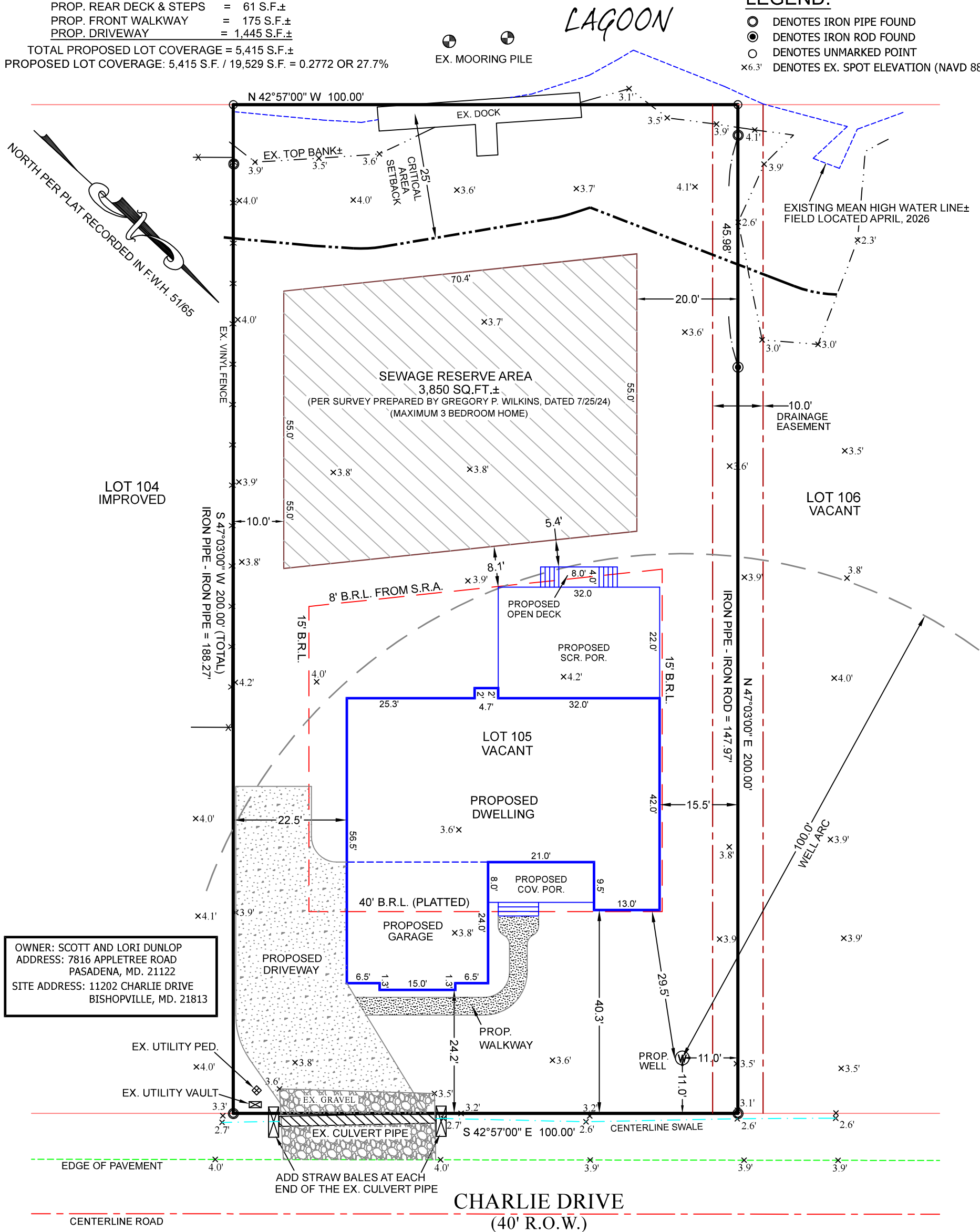
TOTAL PROPOSED LOT COVERAGE = 5,415 S.F.±
PROPOSED LOT COVERAGE: 5,415 S.F. / 19,529 S.F. = 0.2772 OR 27.7%



(IN FEET)
1" = 20'
MIN. ACCURACY = 0.1'±

LEGEND:

- DENOTES IRON PIPE FOUND
- DENOTES IRON ROD FOUND
- DENOTES UNMARKED POINT
- ×6.3' DENOTES EX. SPOT ELEVATION (NAVD 88)



OWNER: SCOTT AND LORI DUNLOP
ADDRESS: 7816 APPLETREE ROAD
PASADENA, MD. 21122
SITE ADDRESS: 11202 CHARLIE DRIVE
BISHOPVILLE, MD. 21813

GENERAL NOTES:

ADDRESS: 11202 CHARLIE DRIVE
TAX MAP 10, PARCEL 216
DEED REF.: SRB 8804/207
PLAT REF.: FWH 51/65
LOT AREA: 20,000 S.F. ±
LAND AREA: 19,529 S.F. ±
BLDG ENVELOPE: 4,495 S.F. ±
EX. ZONING: R-1
ZONING SETBACKS:
FRONT: 35' OR 60' FROM C/L ROAD
SIDES: 20', REAR 50'
REQUIRED SETBACKS AS SHOWN
FLOOD ZONE: AE (5.0')
PER FIRM NO. 240083 0045 H
DATED JULY 16, 2015.

SITE PLAN FOR B.Z.A.

LOT 105 - HOLIDAY HARBOR - PLAT NO. 4
FIFTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

THIS PROPERTY LIES WITHIN THE LIMITS OF THE WORCESTER COUNTY ATLANTIC COASTAL BAYS CRITICAL AREA PROGRAM.
CRITICAL AREA DESIGNATION: L.D.A. (LIMITED DEVELOPMENT AREA)
BUFFER MANAGEMENT AREA "A"
ALLOWABLE IMPERVIOUS SURFACE LIMIT = 19,529 SQ. FT.± x 31.25%
TOTAL ALLOWABLE IMPERVIOUS SURFACE LIMIT = 6,103 SQ. FT.±

RUSSELL T. HAMMOND
Surveying, L.L.C.

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

DRAWN BY RT HAMMOND
FILE NO. 2026-3922
DATE 06/04/2026

RUSSELL T. HAMMOND SURVEYING L.L.C. RESERVES ITS COMMON LAW COPYRIGHT IN THESE PLANS, PLATS, OR OTHER DOCUMENTS. ANY AMENDMENTS, INCLUDING COMPUTER GENERATED AMENDMENTS, IS PROHIBITED UNLESS PERMITTED IN WRITING BY RUSSELL T. HAMMOND SURVEYING L.L.C.

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-40**

IMPORTANT NOTICE

Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

HEARING DATE: July 9, 2026

LOCATION: 11202 Charlie Drive, Tax Map 10, Parcel 216, Lot 105, Tax District 5, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the front yard setback from 40 feet to 24.2 feet (encroaches 15.8 feet) for a proposed residence in the R-1 Rural Residential District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305.

PROPERTY HISTORY: The property is vacant and has no records on file.

COMMENTS: The applicants propose to construct a new single-family home on this lot in Holiday Harbor and are requesting a 15.8' front yard setback variance. A large portion of the rear yard is restricted from development by the sewage reserve area (SRA), and any improvements must be at least 8' from the SRA. In order to comply with the SRA setback, the proposed house has been moved forward, requiring a 15.8' front yard setback variance request.

For the variance request, the Board must make findings that the applicant has demonstrated the following:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.
2. Literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
3. The special conditions or circumstances did not result from actions of the applicant.
4. The condition or circumstance is not one that could be reasonably provided for under legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.

SUBSEQUENT PROCESSES IF APPROVED:

1. Obtain a building permit. A foundation location survey will be required at the foundation inspection stage; an as-constructed survey will be required prior to the issuance of a Certificate of Use and Occupancy.

OWNER: Lori and Scott Dunlop
7816 Appletree Road
Pasadena, MD 21122

APPLICANT : Same

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.

APPLICATION TO :
BOARD OF ZONING APPEALS
WORCESTER COUNTY, MARYLAND
ONE WEST MARKET STREET
GOVERNMENT CENTER ROOM 1201
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 26-39
DATE FILED: 6-2-2026
HEARING DATE: 7-9-2026

APPLICATION BEING MADE FOR:

☒ SPECIAL EXCEPTION
☒ VARIANCE
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE
☐ OTHER

☐ FORESTRY
☐ CRITICAL AREA
☐ APPEAL

☐ AFTER THE FACT ☒ PROPOSED

☐ ADMINISTRATIVE
ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: REDUCE THE SIDE YARD SETBACK FROM 20' to 10.5' to ALLOW AN EXISTING BUILDING TO BE USED AS A MOSQUE.

LOCATION OF PROPERTY:

TAX MAP: 26 PARCEL: 130 SECTION: _____ LOT/ BLOCK: _____
On the N/S/E/W of: SOUTH SIDE OF U.S. RTE. 50
(Feet/Miles), N/S/E/W of _____

PROPERTY OWNER INFORMATION:

Owner's Name: SNOW HILL PROPERTIES LLC Telephone: [REDACTED]
Address: 12006 OCEAN GATEWAY, OCEAN CITY, MD, 21842 E-Mail: [REDACTED]

APPLICANT INFORMATION:

Applicant's Name: _____ Telephone: _____
Address: _____ E-Mail: _____

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)
YES

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? NO If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? _____

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: _____ FROM CENTERLINE OF ROAD REAR: 20'
100' RIGHT OF WAY OF A STATE ROAD LEFT SIDE: 20'
FROM PROPERTY LINE RIGHT SIDE: 20'

ZONING DISTRICT: C-2 TAX DISTRICT: 10

[Signature]
Signature of Owner or Legal Representative

[Signature]
Signature of Applicant

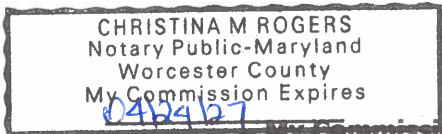
SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 2nd day of June
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Maytham Issa, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.



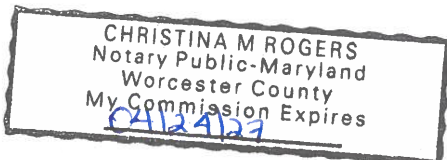
Christina M Rogers
Notary Public

My Commission Expires: 04/24/27

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 2nd day of June
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Maytham Issa, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.



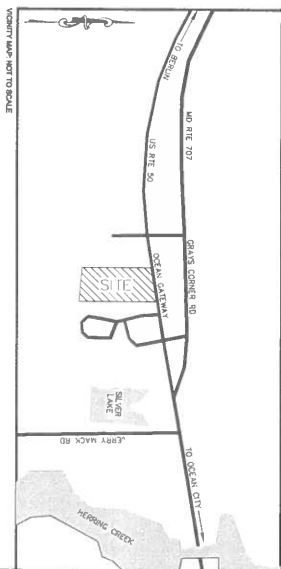
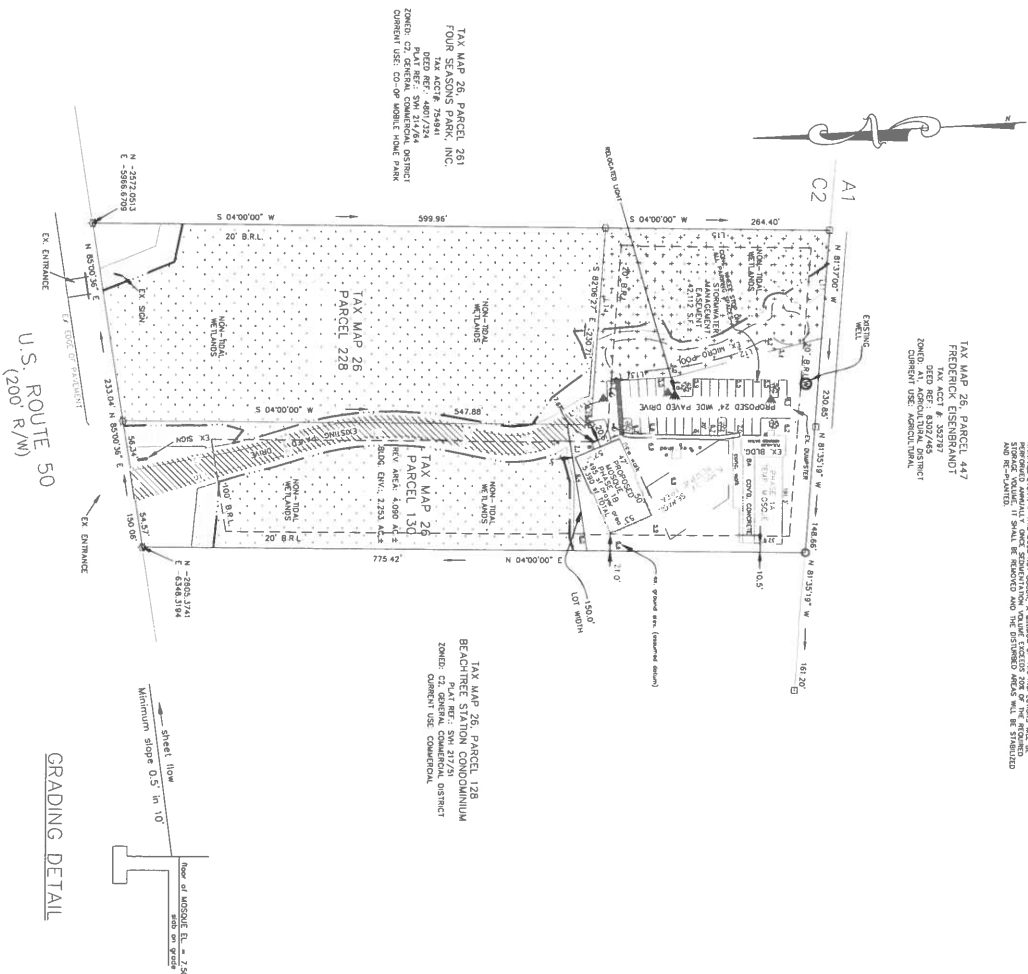
Christina M Rogers
Notary Public

My Commission Expires: 04/24/27

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

MICRO-POOL MAINTENANCE OPERATION

INSPECTION OF THE MICRO-POOL WILL BE PERFORMED IMMEDIATELY AFTER ANY TWO YEAR RAINFALL EVENT, IF THIS DOES NOT OCCUR, A MINIMUM OF TWO INSPECTIONS WILL BE PERFORMED ANNUALLY ONCE SEDIMENTATION VOLUME EXCEEDS 20% OF THE REQUIRED STORAGE VOLUME. IT SHALL BE REMOVED AND THE DISTURBED AREAS WILL BE STABILIZED AND RE-PLANTED.



PHASE 1A - EXISTING USE CONVERSION PLAN

SINGLE FAMILY DWELLING & EXISTING KENNEL
EXISTING KENNEL TO BE CONVERTED TO TEMPORARY MOSQUE
& DWELLING USED AS OFFICE & STORAGE

PHASE 1B ; CONSTRUCTION OF A NEW MOSQUE

PHASE 1A WILL THEREAFTER BE USED SOLELY FOR THE MEETING ROOM AND PHASE 1A WILL THEREAFTER BE USED SOLELY FOR THE MEETING ROOM AND OFFICE SPACE FOR THE PARISHIONERS AFTER SERVICES IN THE NEW MOSQUE

PROPOSED PARKING

NON SEATING PRAYER AREA = 1,495 SF

2 - 11'x16' H/C SPACES

EXISTING SINGLE FAMILY DWELLING = 2 SPACES

TOTAL PROPOSED = 32 SPACES

REQUIRED PARKING

NON SEATING PRAYER AREA = 1,500 SF

1.500 SF / 50 SF PER SPACE = 30 REQUIRED

TOTAL REQUIRED = 32 SPACES

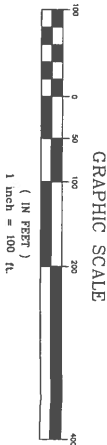
NOTE : PAVING TO BE TO COUNTY ROADS STANDARDS.

EXTERIOR LIGHTING

[illegible]

ENVIRONMENTAL PROGRAMS

PARTICLE 130 IS APPROVED WITH EXISTING WATER AND SEWER FACILITIES AS SHOWN. THIS DOES NOT INDICATE THAT THE QUALITY OF THESE SYSTEMS HAS BEEN EVALUATED. THE 6,000 SQ. FT. SEWAGE RESERVE AREA MUST REMAIN FREE OF BUILDINGS, EASEMENTS, RIGHT-OF-WAYS, AND ANY OTHER PERMANENT OR PHYSICAL OBJECTS AND BE RESERVED FOR FUTURE SEWAGE DISPOSAL. IN ADDITION, ANY FUTURE CHANGES TO THESE SYSTEMS FIRST REQUIRE AN EVALUATION AND PERMIT FROM ENVIRONMENTAL PROGRAMS.



LEGEND

DENOTES CONCRETE MONUMENT

O DENOTES IRON PIPE FOUND

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 85.00° 36' E	39.15
L2	S 08.00° 42' E	155.04
L3	S 13.32° 43' E	56.04
L4	S 15.10° 59' W	58.18
L5	S 28.03° 51' E	51.39
L6	N 82.06° 27' W	32.72
L7	N 28.03° 51' W	32.53
L8	N 15.10° 59' E	58.18
L9	N 13.32° 43' W	56.04
L10	N 12.39° 39' W	165.56
L11	N 81.37° 00' W	126.29
L12	N 11° 26° 33' N	102.42
L13	N 00° 01° 55' E	91.44
L14	S 82° 06° 27' E	181.23
L15	S 04° 00° 00' W	264.40

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	163.46	326.00	83.49	28.54347°	N00.49.08"E	161.75
C2	75.48	100.00	39.64	4.374.50°	S08.26.26"E	73.80
C3	95.11	125.00	49.95	4.374.50°	S06.48.26"E	92.86
C4	150.42	300.00	76.83	28.54347°	N00.49.08"E	148.85

#	REVISION	DATE	CHKD
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PROJECT

LANDS OF

SNOW HILL PROPERTY

TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND
12006 OCEAN GATEWAY

PHASING PLAN

PROFESSIONAL SEAL

Frank G. Lynch, Jr.

DESIGNED BY

EXP. 2-21-2028

CHECKED BY

PANK G. LYNCH

 $100\% = 1$

ST#2/C/JOB FILES 2026/12515TEMP.DWC

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-39**

IMPORTANT NOTICE

Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

HEARING DATE: July 9, 2026

LOCATION: 12006 Ocean Gateway, Tax Map 26, Parcel 130, Tax District 10, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the side yard setback from 20 feet to 10.5 feet (to encroach 9.5 feet) for the conversion of an existing structure to a proposed mosque in the C-2 General Commercial District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(4), ZS 1-210(b)(8) and ZS 1-305.

PROPERTY HISTORY: Formerly the site of the Dogtel Hotel, this property was purchased by the current owners in 11/2024 and they plan to construct a mosque with associated improvements. The following records are on file:

08/25/2000	Permit No. 67167 – Issued 09/28/2000 – Zoning Certificate issued 11/02/2000 - Permit for a construction trailer associated with site work for the Dogtel Hotel.
11/15/2000	Permit No. 67876 – Issued 02/26/2001 – C/O issued 10/30/2001 - Permit for boarding kennel, office and residence trailers.
10/24/2001	Permit No. 74101 – Issued 10/29/2001 – Zoning Certificate issued 06/10/2002 - Permit for 6’ tall chain link and wood fencing.
12/10/2001	Permit No. 74197 – Issued 12/10/2001 – C/O issued 06/10/2002 – Permit for a freestanding monument sign.
10/09/2003	BZA Case No. 84422 – Variance to relocate an existing billboard and an expansion of the billboard – Approved.
06/16/2004	Permit No. 89137 – Issued 11/05/2004 – C/O issued 02/18/2011 - Permit for a 14’ x 10’ billboard.
09/09/2004	BZA Case No. 89909 – Variance to reduce the front yard setback associated with the relocation of a nonconforming billboard – Approved.
11/21/2024	Permit No. 24-1565 – Issued 03/20/2025 – Permit to demolish portion of Dogtel Hotel building formerly used as an office.
04/10/2025	BZA Case #25-24 – Variance approved for a 50’ reduction to the minimum lot width requirement from 200’ to 150’ for a proposed mosque.
06/11/2025	Technical Review Committee (TRC) approval of a Minor Site Plan for a proposed mosque and parking spaces.

10/27/2025 Permit No. 25-1189 – Issued 02/25/2026 – C/O pending – Permit for a new 5,390 s.f. mosque and parking spaces.
03/30/2026 Permit No. 26-0350 – Issued 04/06/2026 – Special events permit for weekly Friday religious services with 35-45 attendees utilizing portable restrooms.

COMMENTS: The owner/applicant plans to construct a mosque on this property. A structure formerly used as a kennel for the Dogtel Hotel is proposed to be used on a temporary basis for religious services until the mosque can be built. In the C-2 District, a side yard setback of 20’ is required for “churches, temples and mosques”; the existing structure has a 10.5’ setback, requiring a 9.5’ setback variance.

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 all required permits.

OWNER: Snow Hill Property LLC
12832 Whisper Trace Drive
Ocean City, MD 21842

APPLICANT : Same

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.

APPLICATION TO :
BOARD OF ZONING APPEALS
WORCESTER COUNTY, MARYLAND
ONE WEST MARKET STREET
GOVERNMENT CENTER ROOM 1201
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 26-44
DATE FILED: 5-20-2026
HEARING DATE: 7-9-2026

APPLICATION BEING MADE FOR:

☒ SPECIAL EXCEPTION
☒ VARIANCE
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE
☐ OTHER
☐ FORESTRY
☐ CRITICAL AREA
☐ APPEAL
☒ AFTER THE FACT ☐ PROPOSED ☐ ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section 25 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: An After-The-Fact setback variance for an existing boat lift, from 6' to 1' (5' variance requested)

LOCATION OF PROPERTY:

TAX MAP: 16 PARCEL: 38 SECTION: 1 LOT/BLOCK: 650
On the N/S/E/W of: 1 Sandpiper Ln., Ocean Pines
(Feet/Miles), N/S/E/W of

PROPERTY OWNER INFORMATION:

Owner's Name: Louis Lazzaro Telephone: [REDACTED]
Address: 1 Sandpiper Ln E-Mail: [REDACTED]

APPLICANT INFORMATION:

Applicant's Name: Same Telephone: [REDACTED]
Address: [REDACTED] E-Mail: [REDACTED]

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)
No

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? Yes If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? Yes

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: N/A FROM CENTERLINE OF ROAD REAR: N/A
RIGHT OF WAY OF A STATE ROAD LEFT SIDE: 6'
FROM PROPERTY LINE RIGHT SIDE: 6'

ZONING DISTRICT: R-3 TAX DISTRICT: 3

Louis Lazzaro
Signature of Owner or Legal Representative

[Signature]
Signature of Applicant

SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 20th day of May
20 21 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Louis Lazzard (Francis), known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.



Notary Public



My Commission Expires: August 19, 2028

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this _____ day of _____
20 _____ before me, a Notary Public in and for the State and County aforesaid,
personally appeared _____, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.

Notary Public

My Commission Expires: _____

Dear sir or madam,

on the 8th day of July 1965 I received a honorable discharge from the US. Navy.

Since then I have worked two (2) jobs with the hopes of having a house on the water.

We bought our house @ 1 sandpiper ln, Berlin Md. 21811. In ocean pines.

It was advertized as having 60' foot of waterfront, after the sale we found out it was 33' feet.

There was a pier that went under water at high tide. The pier was nailed together not bolted. It was in very bad condition.

I went to department of environment programs Worchester county to ask how can I put in a elevator lift on my property?

They handed me papers to fill out and told me fill these out and return them with \$300.00.

There where questions about the channel so I went to the coastguard station in Ocean City. They said they did not know the answer to the question.

Back to the department of environment programs, they said you can turn it in as is and we will fail it.

Then you can resubmit it with another \$300.00 and try again.

I then contacted Bayshore Marine Construction, they said Ron Freund of Hidden Oak Farms, LLC 410-726-6658. He does most of the permits for marine contractors in the area.

I paid Mr. Freud \$1,830.00 to do the needed paperwork.

I then paid \$2,000.00 to Jamie Montgomery to remove the old pier and instal two (2) pilings as indicate on the permit.

I then paid \$17,597.56 to John of Tidewater Lifts to instal the lift.

Finely I paid David J. Wallace Electric LLC 1,572.00 to wire the lift.

We are asking you to pleas grant us a variance for the property.

Louis And Shirley Lazzaro

1 Sandpiper ln Berlin Maryland, Ocean Pines 410-409-1363

OCEAN PINES ARCHITECTURAL REVIEW COMMITTEE

**ADDITIONS CONSTRUCTION
APPROVAL**

PERMIT#: 6117

DATE: 7/14/2023

FOR: BOATLIFT

AT THE FOLLOWING LOCATION:

1 SANDPIPER LANE

01 0650

FOR PROPERTY OWNER:

LOUIS & SHIRLEY LAZZARO

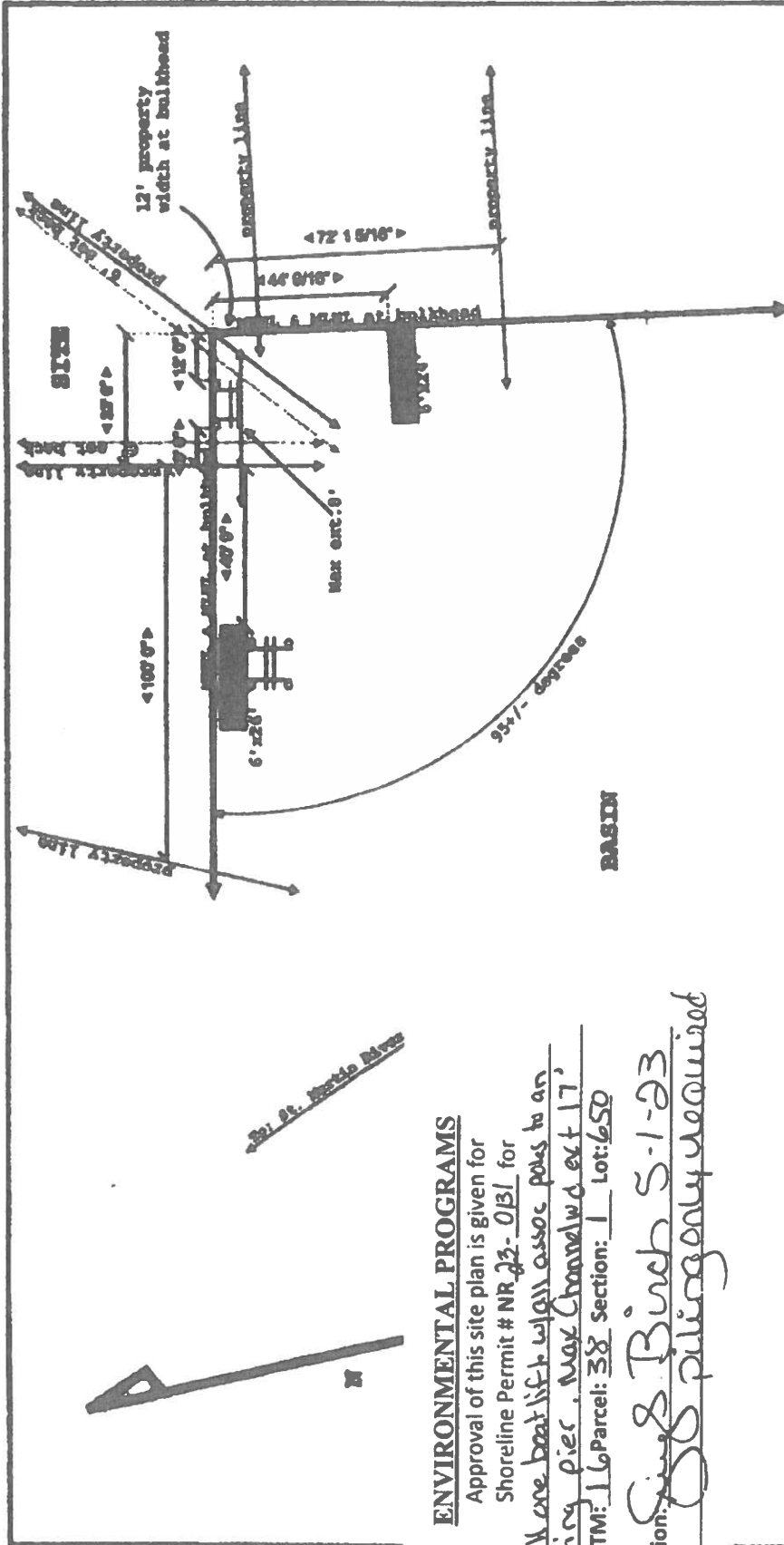
1 SANDPIPER LANE

OCEAN PINES MD 21811

The Architectural Review Committee has approved your application for a permit as stated below:

BOATLIFT

**THIS APPROVAL MUST BE POSTED ON THE BUILDING SITE WITH YOUR
WORCESTER COUNTY BUILDING PERMIT**



ENVIRONMENTAL PROGRAMS

Approval of this site plan is given for
Shoreline Permit # NR 23-031 for

install one boat lift w/ all assoc poles to an
existing pier, max channelwd ext 17'

TN: 16 Parcel: 38 Section: 1 Lot: 650

NR Division: Eng & Birch S-1-23
SS piling only required

NOTES

1. There are no known SAV beds in the area.
2. The soundings were taken on 03/1/2023.
3. The maximum channelward extension is 8'.

SCOPE

Demo pier. Install one (1) elevator type boat lift with all associated poles.
Maximum channel ward extension of 8'.

WORCESTER COUNTY SHORELINE CONSTRUCTION APPROVAL

APPROVED BY: [Signature]

DATE: 4/23/23 APPROVAL: 2023-33

EXPIRATION: 2 yrs

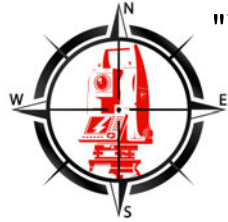
COMMENTS: piling only survey

Site: 1 Sandpiper Lane, Berlin MD	Project: Lansano	Drawn: None	Notes:	Hidden Oak Farms, LLC
Title: PROPOSED CONDITIONS	Scale: 1/4"=10'0"	Date: 03/01/2023	Rev: A	









R. Lee Gilliss, PLS
"Land Surveyors & Consultants"
Maryland and Delaware
8826 Old Ocean City Road
Berlin, Maryland 21811
Phone: 410.251.0638
Email: rleegil@verizon.net

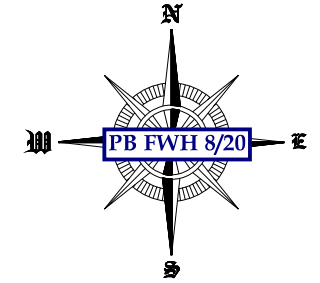
DATE: June 9, 2026 SCALE: 1" = 20 feet JOB NO. 26-057

LEGEND

- Property Corner (Unmarked)
- ⊙ Iron Pipe
- ⊗ Iron Rod w/ Cap Set
- Concrete Monument Fd
- ⊗ Wood Piling
- ⊙ Metal Piling for Elevator Boat Lift
- Area of Carriage Arm (Up and Down) for Angled Elevator Lift

NOTE: Property is Improved with a House, Driveway, and other improvements. The improvements are not shown at this time for the purpose of this survey. The Purpose of this survey was to identify and stake the Property Corners and Lines to establish the side setback lines and show the location of the dock and Angled Elevator Boat Lift as requested by Worcester County

Curve Table				
CURVE	BEARING	DISTANCE	RADIUS	ARC LENGTH
C1	S 34° 01' 14" E	19.14'	25.00'	19.64'



BUCK ISLAND POND

Private Ingress/Egress Navigation and Flowage Easement (per plat)

Surveyor's Note:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS; RIGHT OF WAYS; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTION; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. NO TITLE SEARCH WAS PROVIDED FOR THIS SURVEY. NO TITLE GUARANTEE IS INTENDED OR IMPLIED BY THIS SURVEY.

Atlantic Coastal Bays Critical Area Note

This property is within the Atlantic Coastal Bays Critical Area.

Property Zoning: R-3

Multi-Family Residential District

Minimum Yard Setbacks:

Front Yard - 25 feet (county & platted)

Side Yards - 6 feet (Primary Structure)

Rear Yard - 30 feet

It is the owner's /contractors responsibility to verify all setbacks shown on this plan with the county prior to any construction being commenced on the property.

NOT TO BE RECORDED

As-Built Survey for Boat Lift only

Louis F. & Shirley J. Lazzaro

1 Sandpiper Lane

Ocean Pines, Maryland 21811

Lot W-01-650

"Ocean Pines-Section One"

Plat Reference: Plat Book FWH 8, Folio 20 et seq.

Account ID No. 03-076512

Tax Map 16, Parcel 38

Deed Reference: Liber SRB 8183, Folio 56

Third Election District
Worcester County, Maryland

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-44**

IMPORTANT NOTICE

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HEARING DATE: July 9, 2026

LOCATION: 1 Sandpiper Lane, Tax Map 16, Parcel 38, Section 1, Lot 650, Tax District 3, Worcester County, Maryland.

APPROVAL REQUESTED: An after-fact modification to the side lot line from 6 feet to 1 foot (encroaches 5 feet) for an existing boat lift in the R-3 Multi-family Residential District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(n)(3), ZS 1-207(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2).

PROPERTY HISTORY: The property is improved with a residence constructed in 1987 with the following records on file:

04/07/1985	Permit No. 13466 – Issued 04/07/1985 – Permit for a SF dwelling with a garage expired after one year due to Ocean Pines moratorium.
04/07/1986	Permit No. 15338 – Issued 04/07/1986 – Zoning Certificate issued 06/09/1988 - Permit for a SF residence with a garage, deck and stoop.
07/24/2002	Permit No. 77097 – Issued 07/24/2002 – Zoning Certificate issued 10/17/2002 - Permit for an after-the-fact 5’ x 15’ perpendicular pier.
05/01/2014	Permit No. 14-0464 – Issued 05/14/2014 – C/O issued 06/12/2014 – Permit for a home occupation for massage therapy.

COMMENTS: The request is for a modification to the minimum separation requirement of waterfront structures to adjoining property lines and does not require a zoning variance or permit. Please refer to comments from Environmental Programs.

ENCLOSED PLEASE FIND THE STAFF REPORT FROM THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS, NATURAL RESOURCES DIVISION

SUBSEQUENT PROCESSES IF APPROVED:

1. Obtain a shoreline permit.

OWNER: Louis & Shirley Lazzaro
1 Sandpiper Lane
Ocean Pines, MD 21811-1574

APPLICANT : Same

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 Dept. of Environmental Programs - Natural Resources Division
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863
Tel: (410) 632-1220 | Fax: (410) 632-2012

MEMORANDUM

DATE: June 18, 2026
TO: Jennifer Keener – DRP Director
FROM: David M. Bradford – DEP Deputy Director *DMB*
SUBJECT: BZA Case # 26-44 – Lazzaro – 1 Sandpiper Lane. Ocean Pines. Tax Map 16, Parcel 38, Section 1, Lot 650.

As the designated Approval Authority for shoreline construction activities occurring within the County, I felt it appropriate to provide comments to the Board for the above referenced case which is specifically pertaining to proposed waterfront structures.

This request proposes authorizing an after-the-fact waterfront structure that encroaches into the 6-foot setback. Specifically, this is a side mount elevator style boatlift with associated pilings that is located 1 foot from the side yard setback, encroaching 5 feet into the 6 foot setback. All marine structures within the County shall not be constructed closer than 6 feet to any side lot line, except for a shared dock, and as otherwise approved by the Board of Zoning Appeals.

NR 2-102(e)(2):

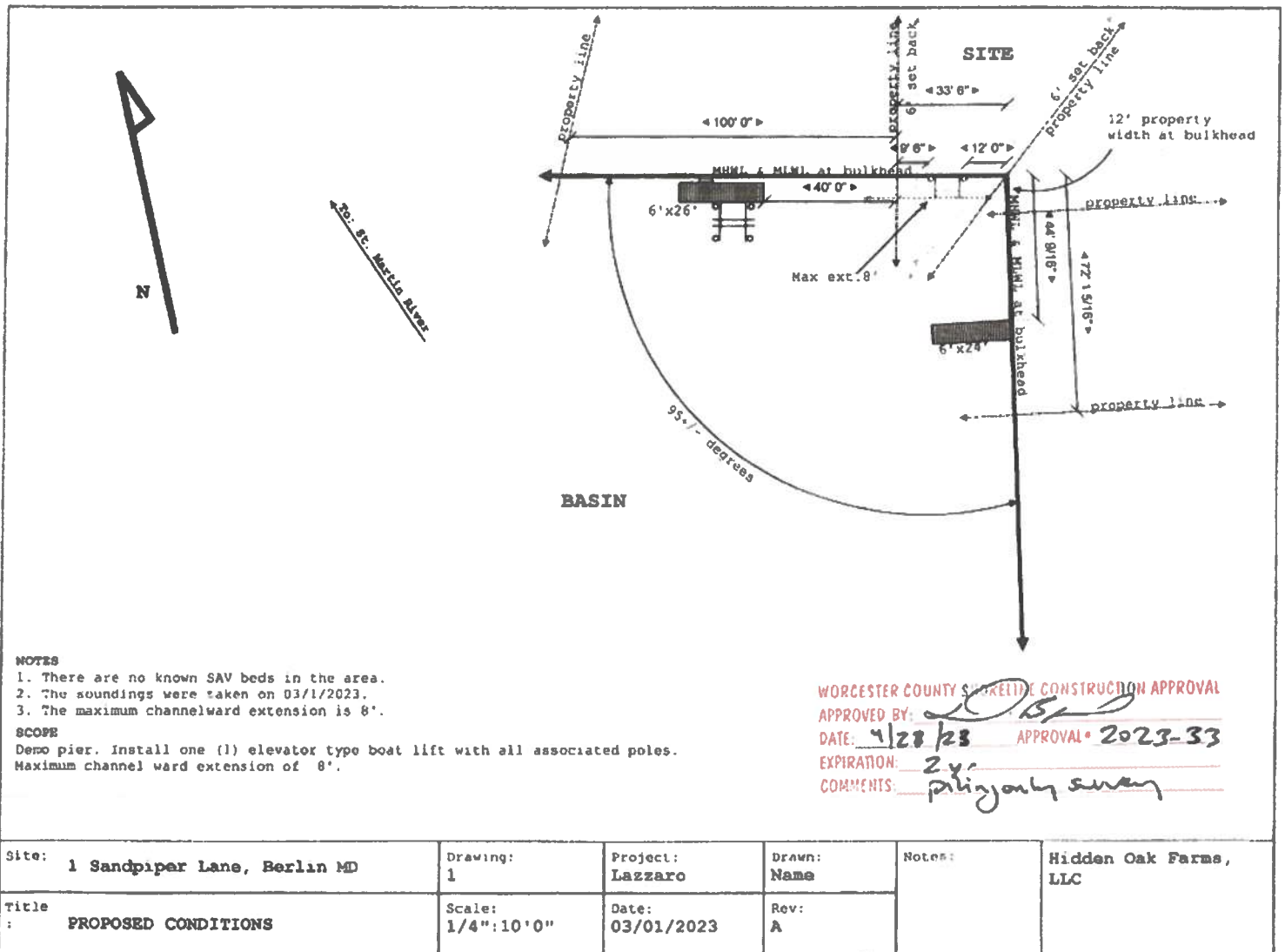
Shared docks, piers or boathouses. No private dock, pier, piling or boathouse shall be constructed closer than six feet to any side lot line, except that it shall be permissible for two adjacent waterfront owners to build a single shared dock, pier or boathouse, by agreement, beginning at their joint property line instead of individual private docks, piers or boathouses. The rights of access and maintenance responsibilities of such shared dock, pier or boathouse shall be spelled out in properly witnessed and recorded covenants. The Board of Zoning Appeals may modify the required six-foot separation to a side lot line in individual cases where the Board determines that the modification will not adversely affect navigation or the peaceful enjoyment of the adjacent properties.

This original request was approved by the Department on April 21, 2023, which illustrated a proposed side mount boatlift with associated pilings. The site plan included within the request illustrated the proposed boatlift meeting the applicable 6-foot side yard setbacks. The plans specifically showed the boatlift would be located 9.5' from the right-side property line and 12' from the left-side property line. The approved site plan is attached to this memo.

Our inspector visited the site after the boatlift was installed and discovered that the boatlift was not installed in the approved location and severely encroached into the left side yard setback. The as-constructed survey also confirmed his findings. It is our opinion that his incorrect placement was a result of the carelessness of the contractor during the install.

Based upon the original approved site plan clearly illustrating the proposed boatlift meeting all applicable setbacks, it is difficult for staff to support this request. However, should the Board find it suitable to approve this request, would recommend a condition be placed on the request that would require trimming of the support beams to 8 foot in length. This is a common practice with this style of boatlift and would reduce the impact of this encroachment without the entire lift being relocated. Our inspector would verify this in the field. An as-constructed survey would be recommended to verify final encroachment distance.

Approved Site Plan 4/21/23



Cc: Robert Mitchell, DEP Director;
Brian Soper; NR Administrator;
Joy Birch, NR Planner;

APPLICATION TO :
BOARD OF ZONING APPEALS
WORCESTER COUNTY, MARYLAND
ONE WEST MARKET STREET
GOVERNMENT CENTER ROOM 1201
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: 26-45
DATE FILED: 6-10-2026
HEARING DATE: 7-9-2026

APPLICATION BEING MADE FOR:

☒ SPECIAL EXCEPTION
☒ VARIANCE - Shoreline
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE
☐ OTHER

☐ FORESTRY
☐ CRITICAL AREA
☐ APPEAL

☐ AFTER THE FACT ☒ PROPOSED ☐ ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for:

2 side yard setback variances for 2 proposed boat lifts - from 6' to 0'

LOCATION OF PROPERTY:

TAX MAP: 22 PARCEL: 367 SECTION: LOT/ BLOCK: 10
On the N/S/E/W of: N. Shore Road 13013 North Shore Rd.
325 (Feet/Miles), N/S/E/W of Golf Course Road

PROPERTY OWNER INFORMATION:

Owner's Name: Jeremy & Clara Ziman Telephone: [REDACTED]
Address: 13007 North Shore Road, West Ocean City, MD 21842 E-Mail: [REDACTED]

APPLICANT INFORMATION:

Applicant's Name: J. Stacey Hart & Associates, Inc. Telephone: [REDACTED]
Address: PO Box 6, Snow Hill, MD 21863 E-Mail: [REDACTED]

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)

No

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? Yes If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? Yes

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: N/A FROM CENTERLINE OF ROAD REAR: N/A
N/A RIGHT OF WAY OF A STATE ROAD LEFT SIDE: 6'
FROM PROPERTY LINE RIGHT SIDE: 6'

ZONING DISTRICT: R-2 TAX DISTRICT: 10

[Signature]
Signature of Owner or Legal Representative

[Signature]
Signature of Applicant

SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 9 day of June
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Clara and Jeremy Ziman, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.



Notary Public

My Commission Expires: APR 07 2029

JOSEPH RUSSELL SCHANNO
Notary Public - State of Maryland
Worcester County
My Commission Expires Apr 7, 2029

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 9th day of June
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared Joyce S. Hart, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.



Notary Public

My Commission Expires: 3/20/29

VALERIE L. KELM
NOTARY PUBLIC
WORCESTER COUNTY
STATE OF MARYLAND
My commission expires 03-20-2029

Real Property Data Search ()
Search Result for WORCESTER COUNTY

cdif79@aol.com
443-783-1312

[View Map](#)

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: None

Account Number:

District - 10 Account Identifier - 008344

Owner Information

Owner Name:

ZIMAN JEREMY L &
ZIMAN CLARA D

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address:

13007 NORTH SHORE RD
OCEAN CITY MD 21842

Deed Reference:

/06154/ 00228

Location & Structure Information

Premises Address:

13013 NORTH SHORE RD
W OCEAN CITY 21842-0000

Legal Description:

LOT 10 22815 SQ FT
N/S NORTH SHORE ROAD
PL 1 SEC 1 CAPTAINS HILL

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0022	0020	0367	10010030.24	71D3			10	2026	

Town: None

Primary Structure Built
1962

Above Grade Living Area
3,758 SF

Finished Basement Area

Property Land Area
22,815 SF

County Use

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	BRICK/	4	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2026	07/01/2025	07/01/2026
Land:	417,100	459,800		
Improvements	398,700	378,800		
Total:	815,800	838,600	815,800	823,400
Preferential Land:	0	0		

Transfer Information

Seller: KELLY WILLIAM E & ELEANOR P KELLY
Type: NON-ARMS LENGTH OTHER

Date: 05/21/2013
Deed1: /06154/ 00228

Price: \$387,600
Deed2:

Seller: THE FARMS COMPANY
Type: NON-ARMS LENGTH OTHER

Date: 11/16/1961
Deed1: FWH /00150/ 00435

Price: \$0
Deed2:

Seller:
Type:

Date:
Deed1:

Price:
Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2025	07/01/2026
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

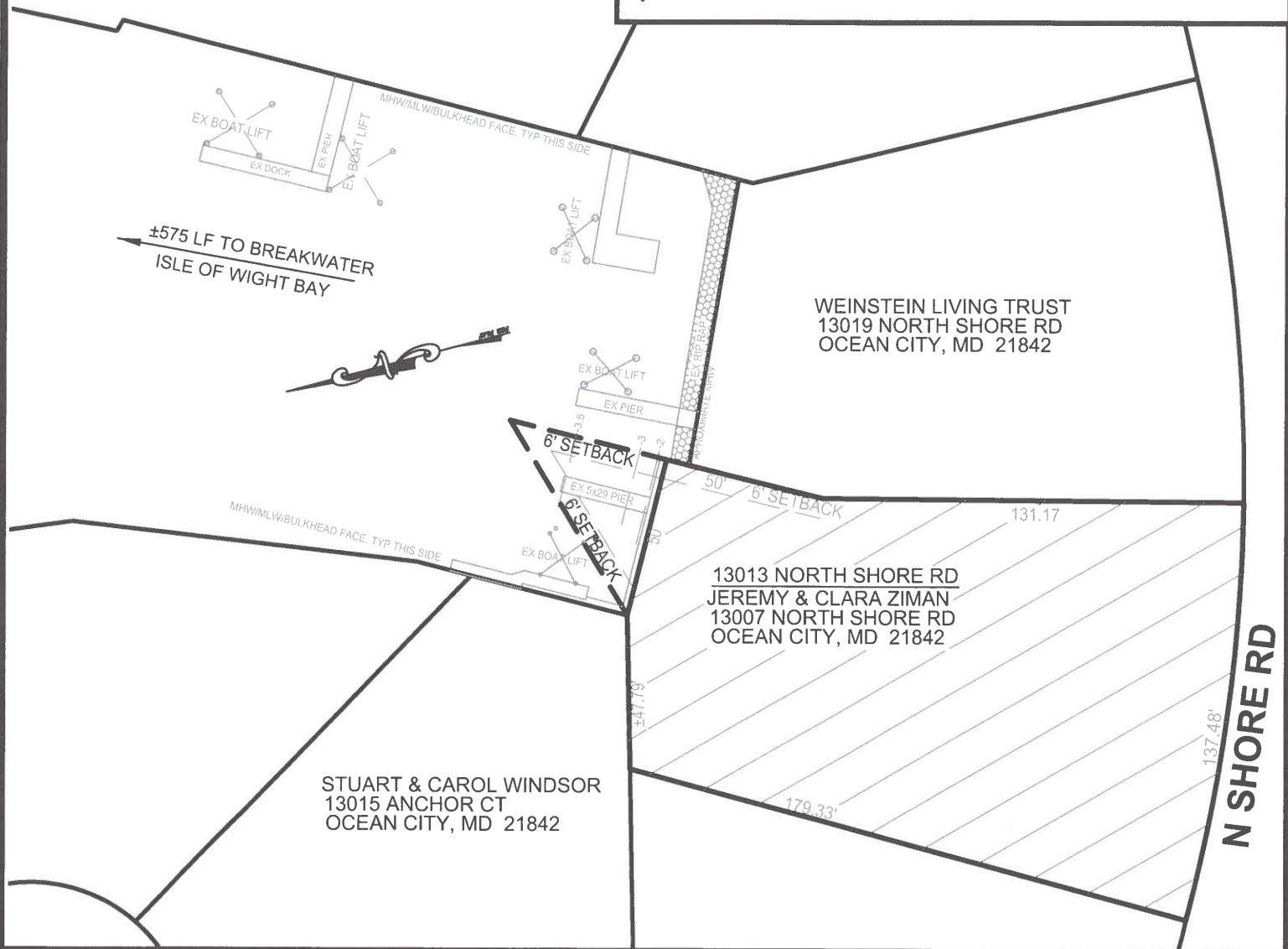
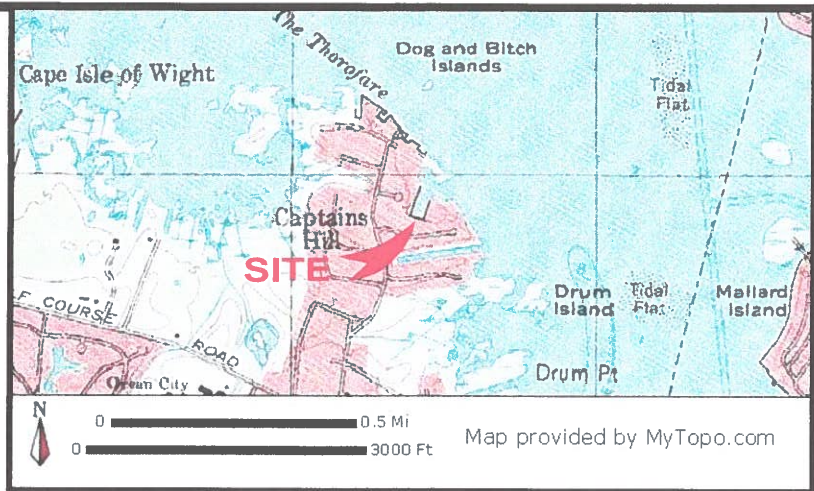
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

PROJECT DESCRIPTION:

Install two (2) boat lifts with associated pilings a maximum of 30' channelward of existing bulkhead/MHW/MLW.



**ZIMAN PROPERTY
PROPOSED BOAT LIFTS
13013 NORTH SHORE
WEST OCEAN CITY**

APPLICANT: JEREMY & CLARA ZIMAN
13007 NORTH SHORE ROAD
OCEAN CITY, MD 21842
PHONE: 443-783-1312
EMAIL: cdif79@aol.com

LOCATION: CAPTAIN'S HILL
WATERWAY: UNNAMED CANAL, ISLE OF WIGHT BAY
WATER DEPTH MEASUREMENTS: 5/8/2015
REFERENCED TO MLW 3:30 P.M.

NO SAV'S

TAX MAP: 22
PARCEL: 367
LOT: 10

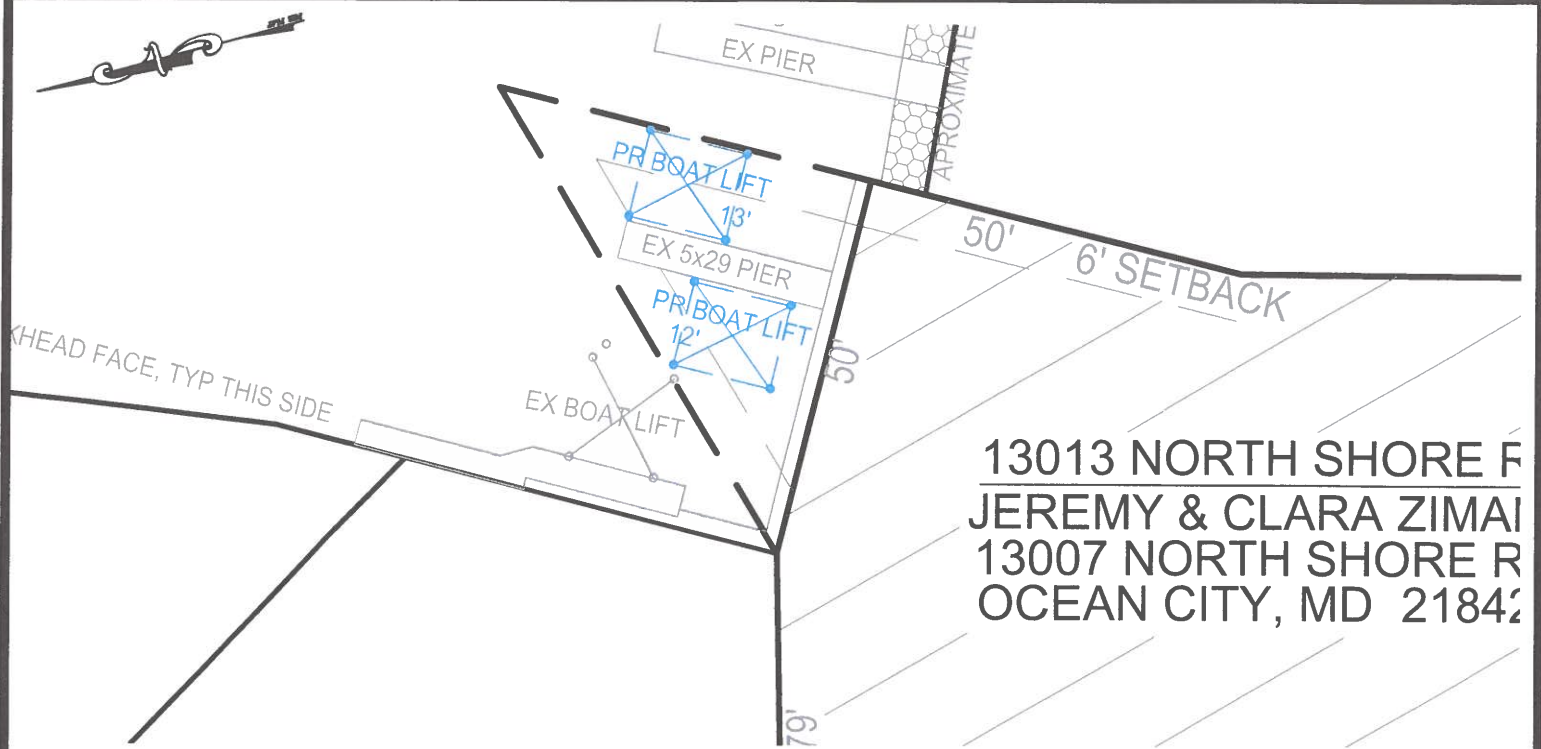
JOB NUMBER: 2026-010	SCALE: 1"=50'	SHEET NO: 1 OF 2	DATE: 03/2026	REVISED: N/A
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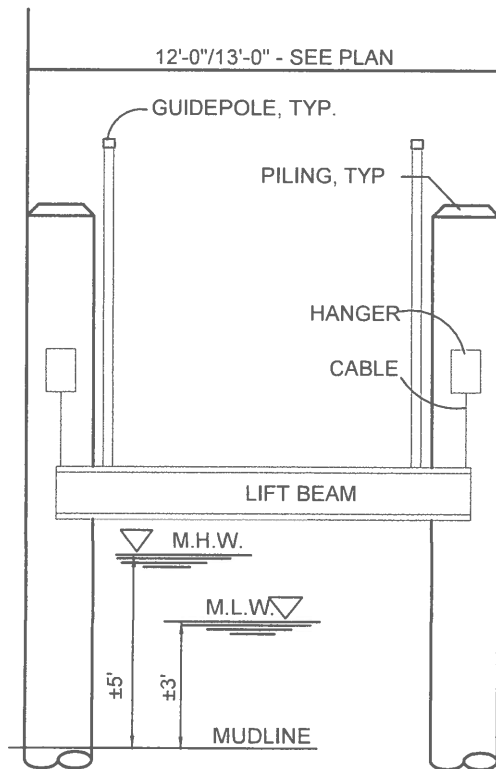
**J. STACEY HART
& ASSOCIATES, INC.**

POST OFFICE BOX 6
SNOW HILL, MD 21863
PHONE: 410-390-8096
EMAIL: stacey@jstaceyhart.com



13013 NORTH SHORE F
JEREMY & CLARA ZIMAI
13007 NORTH SHORE R
OCEAN CITY, MD 21842

BOAT LIFT SECTION: NO SCALE



ZIMAN PROPERTY
PROPOSED BOAT LIFTS
13013 NORTH SHORE
WEST OCEAN CITY

APPLICANT: JEREMY & CLARA ZIMAN
13007 NORTH SHORE ROAD
OCEAN CITY, MD 21842
PHONE: 443-783-1312
EMAIL: cdif79@aol.com

LOCATION: CAPTAIN'S HILL
WATERWAY: UNNAMED CANAL, ISLE OF WIGHT BAY
WATER DEPTH MEASUREMENTS: 5/8/2015
REFERENCED TO MLW 3:30 P.M.

NO SAV'S

TAX MAP: 22
PARCEL: 367
LOT: 10

JOB NUMBER: 2026-010	SCALE: 1"=25'	SHEET NO: 2 OF 2	DATE: 03/2026	REVISED: N/A
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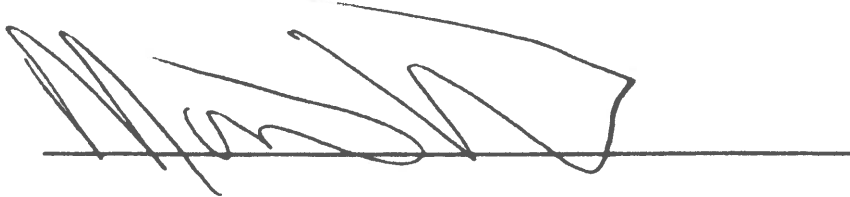
**J. STACEY HART
& ASSOCIATES, INC.**

POST OFFICE BOX 6
SNOW HILL, MD 21863
PHONE: 410-390-8096
EMAIL: stacey@jstaceyhart.com

LETTER OF NO OBJECTION

ADJACENT PROPERTY OWNER

As Owner of the adjacent property at 13019 North Shore Road, we do not object to the installation of the proposed marine improvements by Jeremy & Clara Ziman at 13007 North Shore Road as shown on the plans dated 03/2026.



Signature



Printed Name & title



Phone/Email

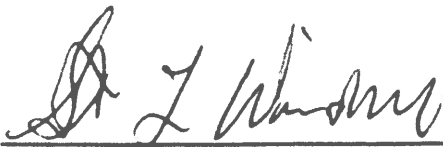


Date

LETTER OF NO OBJECTION

ADJACENT PROPERTY OWNER

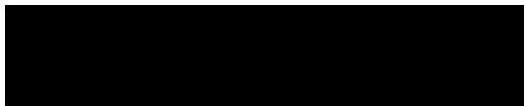
As Owner of the adjacent property at 13015 Anchor Court, we do not object to the installation of the proposed marine improvements by Jeremy & Clara Ziman at 13007 North Shore Road as shown on the plans dated 03/2026.



Signature



Printed Name & title



Phone/Email



Date



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary
Adam Ortiz, Deputy Secretary

May 19, 2026

Jeremy L Ziman
c/o J. Stacey Hart
J. Stacey Hart & Associates, Inc
PO Box 6
Snow Hill, MD 21863

stacey@jstaceyhart.com

Re: Agency Interest Number: 148242
Tracking Number: 202660572
Tidal Authorization Number: 26-PR-0328

Dear Jeremy Ziman:

Your application to alter tidal wetlands has been evaluated by the Tidal Wetlands Division. Your State wetlands license or permit authorizing work in tidal wetlands is attached. Please take a moment to read and review your authorization to ensure that you understand the limits of the authorized work and all of the general and special conditions.

Your project qualifies for federal approval under the Maryland State Programmatic General Permit (MDSPGP) under the Category A limits. The federal permit is not attached. The MDSPGP permit, general conditions, and activity specific special conditions must be downloaded from the Department's website at https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/MDSPGP6_conditions.aspx. You will need to download the following: Cover Letter, MDSPGP General Conditions, and the following MDSPGP-6 Activity-Specific Conditions (GP6) A3. If this authorization is a modification, then any previous Activity-Specific Conditions still applicable from the previous original authorization that is being modified may still be required and should be downloaded or added to the federal permit. You should not begin any work until you have obtained all necessary State, local, and federal authorizations.

This State authorization is a final agency decision; there is no further opportunity for administrative review. Any person with standing, who is either the applicant or who participated in the public participation process through the submission of written or oral comments, may petition for judicial review in the circuit court in the county where the authorized activity will occur. The petition for judicial review must be filed with the court within 30 days of receipt of this decision. Please contact Bronwyn Bare at bronwyn.bare@maryland.gov or 410-901-4042 with any questions.

Sincerely,

Matthew Wallach

Matthew Wallach (May 22, 2025 20:21:43 EDT)

Matthew Wallach, Chief
Eastern Region
Tidal Wetlands Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
GENERAL TIDAL WETLANDS LICENSE



Pier, Piling and Boat Lift Construction

LICENSE NUMBER: **26-PR-0328**
EFFECTIVE DATE: **May 19, 2026**
EXPIRATION DATE: **May 18, 2029**
LICENSEE: **Jeremy L. Ziman**
ADDRESS: **13013 North Shore Rd**
Ocean City, MD 21842
PROJECT LOCATION: **13013 North Shore Rd**
Ocean City, MD 21842
Isle of Wight Bay in Worcester County

PURSUANT TO THE AUTHORITY OF THE BOARD OF PUBLIC WORKS, TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AND CODE OF MARYLAND REGULATIONS 26.24 AND 23.02.04, **Jeremy L. Ziman** ("LICENSEE") IS AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT THE FOLLOWING REGULATED ACTIVITY IN STATE TIDAL WETLANDS, IN ACCORDANCE WITH THE CONDITIONS OF THIS LICENSE AND THE ATTACHED PLANS DATED **March 1, 2026**, PREPARED BY **J. Stacey Hart and Associates, Inc.**, AND APPROVED BY THE ADMINISTRATION'S TIDAL WETLANDS DIVISION ON **May 19, 2026**, AND INCORPORATED HEREIN:

Construct two boat lifts with associated piles within a maximum of 30 feet channelward of the mean high water line.

SPECIAL CONDITIONS

- A. The existing or authorized pier shall not comprise more than a maximum of 6 slips, lifts, or hoists inclusive of a maximum of six mooring piles with no greater than 4 boat slips, lifts, or hoists.
- B. The Licensee shall not attach accessory platforms to any existing or proposed boat lifts.
- C. The Licensee shall obtain a variance from Ocean City prior to commencement of construction. This License is not valid unless the variance is obtained.

GENERAL CONDITIONS

- A. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted in a manner consistent with the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.

- B. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
- C. If the authorized work is not performed by the property owner or is not otherwise exempt from the licensing requirement, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland and COMAR 26.30. The licensed marine contractor shall be authorized for the appropriate license category to perform or solicit to perform the activities within this authorization, if applicable. A list of licensed marine contractors and their license category may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov, or by accessing the Maryland Department of the Environment, Environmental Boards webpage at <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/LicensedMarineContractors.aspx>.
- D. The Licensee certifies real property interest in the contiguous upland.
- E. The issuance of this permit is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Licensee of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
- F. The Licensee acknowledges that this authorization is based on current water depths that are existing and indicated on the attached plan sheet. This License proposes no dredging and this license provides no justification or assurances for future dredging. All dredging projects will be evaluated on the biological and physical characteristics of the site at the time an application is made.
- G. The Licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet or 100 cubic yards of fill.
- H. The Licensee shall ensure that a copy of this License, including the approved plans, is available at the site until the authorized work is complete.
- I. The Licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this License in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values.
- J. The Secretary of the Environment may suspend or revoke a License if the Secretary finds that the Licensee has not complied with any condition or limitation in the License or has exceeded the scope of the authorized activities.
- K. The Licensee shall indemnify, defend and hold harmless the State of Maryland, its officials, officers, and employees from and against any and all liability, suits, claims and actions of whatever kind, caused by or arising from the work authorized by the License.

- L. The Licensee acknowledges that this License does not transfer any property interest in State tidal wetlands. This License allows the Licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public.
- M. This License is valid only for use by the Licensee. Permission for transfer of the License shall be obtained from the Water and Science Administration, Tidal Wetland Division. The terms and conditions of this License shall be binding on any assignee or successor in interest of the License.
- N. The Licensee shall allow representatives of the Maryland Department of the Environment to inspect the authorized activities.
- O. The Licensee shall notify the Maryland Department of the Environment, Water and Science Administration, Compliance Program at least 10 days before starting the authorized activities at (410) 901-4020.
- P. The Licensee shall complete construction of the activity authorized under this License by the expiration date, otherwise a new General License shall be obtained.
- Q. Upon completion of the authorized activities, the Licensee shall notify the Maryland Department of the Environment, Water and Science Administration, Compliance Program at (410) 901-4020.

By authority of the Secretary of the Environment:



Jonathan Stewart, Chief
Tidal Wetlands Division

Tidal Wetland Reviewer: BB

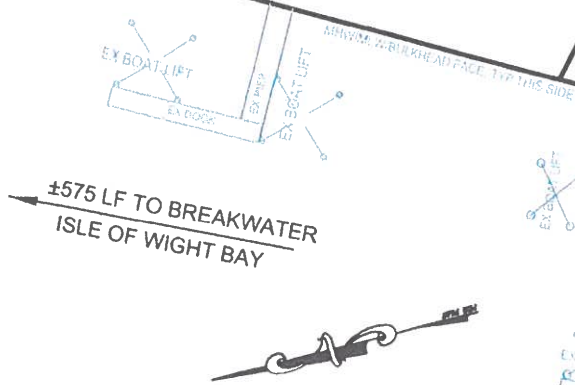
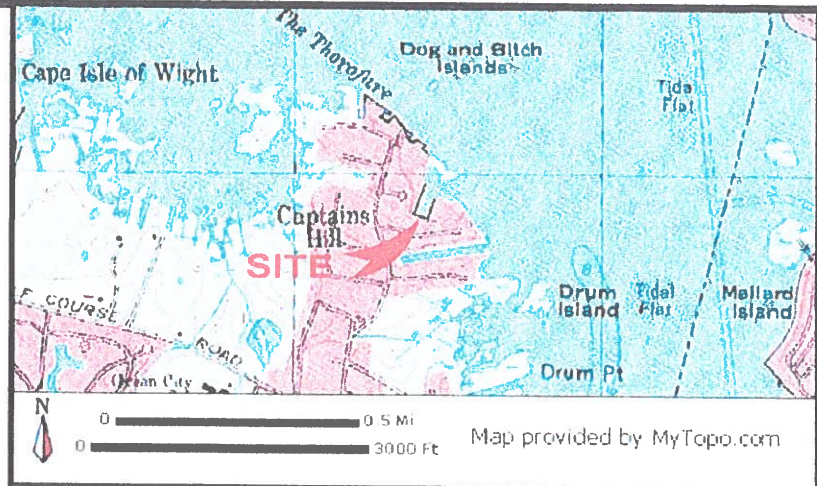
Supervisor Concurrence: MW
MW

Tracking Number: 202660572
Agency Interest Number: 148242

Enclosure: Plans dated March 1, 2026
cc: WSA Inspection & Compliance Program

PROJECT DESCRIPTION:

Install two (2) boat lifts with associated pilings a maximum of 30' channelward of existing bulkhead/MHW/MLW.



26-PR-0328
2-2660572
148242
03/01/2026
BB- page 1 of 2

STUART & CAROL WINDSOR
13015 ANCHOR CT
OCEAN CITY, MD 21842

WEINSTEIN LIVING TRUST
13019 NORTH SHORE RD
OCEAN CITY, MD 21842

13013 NORTH SHORE RD
JEREMY & CLARA ZIMAN
13007 NORTH SHORE RD
OCEAN CITY, MD 21842

N SHORE RD

**ZIMAN PROPERTY
PROPOSED BOAT LIFTS
13013 NORTH SHORE
WEST OCEAN CITY**

APPLICANT: JEREMY & CLARA ZIMAN
13007 NORTH SHORE ROAD
OCEAN CITY, MD 21842
PHONE: 443-783-1312
EMAIL: cdif79@aol.com

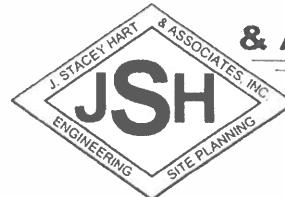
LOCATION: CAPTAIN'S HILL
WATERWAY: UNNAMED CANAL, ISLE OF WIGHT BAY
WATER DEPTH MEASUREMENTS: 5/8/2015
REFERENCED TO MLW 3:30 P.M.

NO SAV'S

TAX MAP: 22
PARCEL: 367
LOT: 10

JOB NUMBER: 2026-010	SCALE: 1"=50'	SHEET NO: 1 OF 2	DATE: 03/2026	REVISED: N/A
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**J. STACEY HART
& ASSOCIATES, INC.**

POST OFFICE BOX 6
SNOW HILL, MD 21863
PHONE: 410-390-8096
EMAIL: stacey@jstaceyhart.com



DEPARTMENT OF THE ARMY
U. S. ARMYCORPS OF ENGINEERS, BALTIMORE DISTRICT
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

Department of the Army Authorization
Maryland State Programmatic General Permit - 6

MDE Permit Tracking Number: 202660572 Date: 5/19/2026

Permittee/Project Name: Jeremy Ziman

MDSPGP-6 Activity Number(s): A3

Dear Applicant:

The Maryland Department of the Environment has determined that your proposed work is authorized by the Department of the Army Maryland State Programmatic General Permit-6 (MDSPGP-6) as a Category A activity, which does not require a separate review by the Corps of Engineers. The MDSPGP-6 authorization is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. All authorized work must comply with the terms and conditions of the MDSPGP-6, including the terms and conditions of the specific MDSPGP-6 activities identified above. A copy of the applicable terms and conditions can be found at: <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-MD/MDSPGP-6/>. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-6 authorization may be modified, suspended, or revoked. For the MDSPGP-6 authorization to be valid you must obtain all federal, state, and local permits.

Please note that as of the date of this authorization, your project is in compliance with Section 7 of the Endangered Species Act; however, new species may be listed, or additional populations found. Therefore, it is your responsibility to ensure that construction of the authorized work does not adversely affect any existing or newly listed federally endangered or threatened species. Information on threatened and endangered species and their critical habitat can be obtained from the United States Fish and Wildlife Service and National Marine Fisheries Service or their web pages: <https://ecos.fws.gov/ipac> and <https://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidance/maps/index.html> respectively.

Please be aware that the terms and conditions of this permit will continue to be binding on new property owner(s) if structures or work authorized by this permit exist at the time of ownership transfer of the associated property. Although the construction period for work authorized by this MDSPGP-6 is finite, the permit itself, with its limitations, does not expire. To validate the transfer of this permit and the legal responsibility to comply with its terms and conditions, the transferee (new owner) must contact the Maryland Department of the Environment to request a permit transfer. If approved, the federal authorization will be transferred along with the state transferred permit.

Your MDSPGP-6 authorization is valid until September 30, 2026, unless the permit is modified, reissued, or revoked. You must remain informed of changes to the MDSPGP-6. When changes to the MDSPGP-6 occur, a public notice announcing the changes will be issued. Be advised that you have 12 months from the effective date of the MDSPGP-6's expiration, modification, or revocation to complete the work under the present terms and conditions provided you have commenced construction or are under contract to commence construction of the authorized work, prior to the expiration, modification, or revocation of the MDSPGP-6.

If you have any questions concerning your MDSPGP-6 authorization, you may contact the Army Corps of Engineers through email at nab-regulatory@usace.army.mil or by telephone at 814-235-1763. Additional information concerning the Army Corps of Engineers Regulatory program and additional points of contact can be found at <https://www.nab.usace.army.mil/Missions/Regulatory/>.

Wade B. Chandler
Chief, Regulatory Branch
Baltimore District



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MD 21201

202660572

Corps Permit Tracking No.

MDSPGP-6
ACTIVITY a (3)
Piers

The authorized Pier activities must comply with the following applicable activity specific conditions indicated by an “X” in the boxes below, all general conditions of this permit, and any project-specific special conditions.

This activity authorizes private residential and commercial piers (e.g., piers associated with aquaculture) that are not associated with marinas and allows for the addition of boat lifts and personal watercraft (PWC) lifts to an existing authorized boat slip. This activity does not authorize marina piers, community piers, publicly owned piers, or governmental piers. Compliance with the following design conditions is required for the entire pier project, including proposed work and existing, previously authorized structures. For example, a new platform is proposed to be added to an existing pier with an “L” head. The proposed work would meet Category A only if the total area of the new platform and the existing “L” head did not exceed 200 square feet. (Section 10) (Navigable waters of the United States including nontidal navigable waters).

☐ **Category A Impact Limits and Requirements:**

- (i) This activity authorizes only one (1) pier, six (6) mooring piles, and up to four (4) boat slips (with or without hoists or lifts for vessels of any type), and up to two (2) additional personal watercraft slips (with or without lifts), exclusively for personal watercraft, per property.
- (ii) This activity does not authorize marina piers, community piers, publicly owned piers, or governmental piers (e.g., structures to be used by multiple residents of a condominium complex, members of a specific homeowner’s association, commercial piers, military piers, etc.).
- (iii) This activity does not authorize enclosed buildings or other structures. Enclosed buildings or other structures must be reviewed under Category B or alternate Corps permit review procedures, as appropriate.
- (iv) This activity does not authorize piers that exceed 100 feet in length over vegetated marsh wetlands. Piers exceeding 100 feet in length over vegetated wetlands must be evaluated under Category B or alternate Corps permit review procedures, as appropriate.
- (v) Fixed open pile piers crossing open waters must not exceed six (6) feet in width and must have decking constructed a minimum of four (4) feet above mean low water (MLW). Alternatively, fixed open pile piers crossing open waters must have a width not to exceed five (5) feet and a minimum height of three (3) feet above MLW.

MDSPGP-6
ACTIVITY (a-3)

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- (vi) Piers crossing areas of vegetated wetlands must not exceed three (3) feet in width and must be constructed a minimum elevation of three (3) feet between the decking and the vegetated wetland ground elevation.
- (vii) No floating piers or auxiliary pier platforms shall be permitted in areas of mapped SAV (documented to exist in the last five years as specified in Section III).
- (viii) The total area of all fixed and floating auxiliary pier platforms including "T" heads, "L" heads, and step-down platforms must not exceed 200 square feet (not including the segment of the main pier section to which the platform is attached) and must not be located over wetlands or SAV (documented to exist in the last five years as specified in Section III).
- (ix) Floating auxiliary structures authorized by this activity are limited to floating finger piers, including small floating personal watercraft piers and platforms; and floating gangways provided the total square footage of these floating structures does not exceed 200 square feet for any one project.
- (x) Pier platforms must not be constructed within the landward 50% of the main pier section except in canals where a parallel walkway may be constructed adjacent to an existing or proposed bulkhead.
- (xi) Platforms proposed adjacent to an existing or proposed bulkhead within a canal must be parallel to the bulkhead and must not exceed six (6) feet in width.
- (xii) Finger piers or platforms must be constructed in a minimum depth of two (2) feet of open water at Mean Low Water.
- (xiii) The project must not include more than two (2) osprey poles per property.
- (xiv) The project must not include more than two (2) three-pile dolphins.
- (xv) The pier must not include more than two (2) three-foot-wide finger piers.
- (xvi) Piers must not extend within 100 feet of an MD DNR-approved water ski course.
- (xvii) The pier must not come within 20 feet of any marked or unmarked channel (area normally traversed by boats or areas of water commonly used for navigation) or within 150 feet of the horizontal limits of the near design edge (shown in the Navigation Setback Guidance) of a federal navigation channel or within established local harbor lines.

□ Category B Impact Limits and Requirements:

- (i) This activity authorizes private piers that exceed design criteria of Category A and meet the specific dimensions specified in Category B. Design criteria would include the single and complete project with both existing authorized and proposed aspects of the structure.

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ACTIVITY (a-3)

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- (ii) An application must be submitted to MDE for Corps authorization. See Section II.D for when an application is required to be submitted for Corps review.
- (iii) Piers must not exceed eight (8) feet wide, a 400-square foot fixed or floating platform including Ts, Ls, and step-down platforms, eight (8) mooring piles, four (4) three (3) foot wide finger piers, and/or create no more than ten (10) slips, including boat lifts and personal watercraft lifts.

■ **Requirements Applicable to Both Category A and Category B Activities:**

- (i) Application must be submitted to MDE for Corps authorization.
- (ii) Only one (1) floating or fixed pier per property can be authorized under the MDSPGP-6.
- (iii) Whenever possible, piers shall be constructed to avoid vessel operation and pier shading in areas containing SAV (present or documented to exist in the last five years as specified in Section III). This can be achieved by locating fixed and/or floating piers outside of SAV, minimizing pier width, increasing decking height above MLW, extending piers to deeper water, and/or mooring vessels in depths greater than four feet relative to mean low water. In instances where mooring vessels outside of SAV is not practicable, the use of boat lifts should be considered to minimize damage and shading of SAV during vessel operation and mooring.
- (iv) This activity does not authorize filling or dredging.
- (v) Floating structures will be constructed to avoid resting on the bottom substrate during periods of low water. This can be achieved by locating the entire floating structure in water deeper than two feet relative to mean low water. If this is not possible, chocks, stoppers, or bracing should be employed.
- (vi) If the proposed structure(s) are being constructed for the purpose of boat mooring, sufficient water depths must exist to float the vessel at all stages of the tide or mean low water.
- (vii) Authorization of the pier is based upon current water depths; the use of boat propellers for dredging is not authorized.
- (viii) It should not be presumed that this pier authorization predetermines, in any way, that future requests to dredge for navigational access would be similarly authorized. Any decision on future dredging proposals adjacent to this property will be based upon existing, historical, physical, and biological characteristics of the waterway, and will include consideration of water depths, SAV, consideration of any other aquatic resources present, or other factors that may be relevant.
- (ix) Construction of the pier/platform shall be conducted from uplands, open water, or from the structure itself.
- (x) Construction mats or other temporary fills used as best management practices for

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ACTIVITY (a-3)

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placing equipment in wetlands are not authorized by this activity; however, impacts associated with construction mats may be authorized under Category A of Section IV.A.1.e(7), Temporary Construction Access, Stream Diversion, and Dewatering. If the project is ineligible for Category A, the single and complete project, including the proposed pier structure and temporary construction access, will be reviewed under Category B or alternate Corps permit review procedures, as appropriate.

- (xi) Auxiliary structures such as gazebos, tool sheds, etc., are not authorized by this MDSPGP-6 and will be reviewed under alternate Corps permit review procedures if they affect waters of the United States.
- (xii) Alternate Corps permit review procedures are required for structures and floats associated with a new or previously unauthorized public, commercial marina, community, or governmental pier or boating facility. A boating facility is defined as those facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, "dockominiums," etc.
- (xiii) Piers must not extend more than a distance of 25% of the width of the waterway, channelward of the mean high-water shoreline and/or vegetated tidal wetlands.
- (xiv) Finger piers must not exceed the proposed slip length.
- (xv) Category B or alternate Corps permit review procedures are required for structures or floats that are located within the horizontal setback limits of a Corps Federal Navigation Project.
- (xvi) Piers, auxiliary structures, floating docks, osprey poles, and/or mooring piles and boats moored thereto shall not extend into navigable channels marked either by the USCG or the USCG approved State system.

☐ **Project-Specific Special Conditions apply (See Corps verification letter for these conditions.)**

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-45**

IMPORTANT NOTICE

Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

HEARING DATE: July 9, 2026

LOCATION: 13013 North Shore Road, Tax Map 22, Parcel 367, Lot 10, Tax District 10, Worcester County, Maryland.

APPROVAL REQUESTED: Two (2) modifications to the side lot line from 6 feet to 0 feet (encroaches 6 feet) for two proposed boat lifts in the R-2 Suburban Residential District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(n)(3), ZS 1-206(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2).

PROPERTY HISTORY: The property is improved with a residence constructed in 1962 with the following records on file:

10/28/1968	Permit No. 1565 – Issued 10/28/1968 – Zoning Certificate issued 11/13/1968 - Permit for a room addition and a garage.
03/17/1982	Permit No. 10378 – Issued 03/17/1982 – Zoning Certificate issued 04/22/1983 - Permit for an addition for a library, den, whirlpool room and glass enclosure of existing patio.
10/02/1984	Permit No. 12843 – Issued 10/02/1984 – Zoning Certificate issued 01/30/1986 - Permit for a storage building in rear yard.

COMMENTS: The request is for a modification to the minimum separation requirement of waterfront structures to adjoining property lines and does not require a zoning variance or permit. Please refer to comments from Environmental Programs.

ENCLOSED PLEASE FIND THE STAFF REPORT FROM THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS, NATURAL RESOURCES DIVISION

SUBSEQUENT PROCESSES IF APPROVED:

1. Obtain a shoreline permit.

OWNER: Clara & Jeremy Ziman
13007 North Shore Road
Ocean City, MD 21842

APPLICANT : J. Stacey Hart & Assoc., Inc.
PO Box 6
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 Dept. of Environmental Programs - Natural Resources Division
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863
Tel: (410) 632-1220 | Fax: (410) 632-2012

MEMORANDUM

DATE: June 18, 2026
TO: Jennifer Keener – DRP Director
FROM: David M. Bradford – DEP Deputy Director *DMB*
SUBJECT: BZA Case # 26-45 – Ziman – 13007 North Shore Dr. Tax Map 22, Parcel 367, Lot 10.

As the designated Approval Authority for shoreline construction activities occurring within the County, I felt it appropriate to provide comments to the Board for the above referenced case which is specifically pertaining to proposed waterfront structures.

This request proposes authorizing an encroachment of 6 feet into the required 6-foot side yard setback in conjunction with the installation of two proposed boatlifts with associated pilings. All marine structures within the County shall not be constructed closer than 6 feet to any side lot line, except for a shared dock, and as otherwise approved by the Board of Zoning Appeals.

NR 2-102(e)(2):

Shared docks, piers or boathouses. No private dock, pier, piling or boathouse shall be constructed closer than six feet to any side lot line, except that it shall be permissible for two adjacent waterfront owners to build a single shared dock, pier or boathouse, by agreement, beginning at their joint property line instead of individual private docks, piers or boathouses. The rights of access and maintenance responsibilities of such shared dock, pier or boathouse shall be spelled out in properly witnessed and recorded covenants. The Board of Zoning Appeals may modify the required six-foot separation to a side lot line in individual cases where the Board determines that the modification will not adversely affect navigation or the peaceful enjoyment of the adjacent properties.

Upon further review of the application and site plan, it appears that the reasoning behind this encroachment request is based upon the unique orientation of existing improvements within this canal terminus. While this specific request seems to be significant, it appears to be functional and will have a limited impact on neighboring properties. Therefore, we support the requested encroachment of this request.

If this request is approved, we would recommend that the Board place a condition that requires a piling only survey be performed prior to the installation of the boatlift to ensure correct placement of support pilings. No portion so the lift shall encroach beyond what is authorized by this request.

Cc: Robert Mitchell, DEP Director;
Brian Soper; NR Administrator;
Joy Birch, NR Planner;

Law Offices
AYRES, JENKINS, GORDY & ALMAND, P.A.
6200 COASTAL HIGHWAY, SUITE 200
OCEAN CITY, MARYLAND 21842
www.ajgalaw.com

GUY R. AYRES, III (1973 - 2019)
JAMES W. ALMAND
WILLIAM E. ESHAM, III
MARK SPENCER CROPPER
BRUCE F. BRIGHT †
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SENIOR ASSOCIATE
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(410) 723-1400
FAX (410) 723-1861
Email: mcropper@ajgalaw.com

May 12, 2026

†Also admitted in District of Columbia

Brian Soper
Natural Resources Administrator
Worcester County
Department of Environmental Programs
One West Market Street, Room 1306
Snow Hill, MD 21863

RE: *Worcester County Tax Map 16, Parcel 37*
11923 Salt Grass Point Road, Bishopville, MD 21813

Dear Mr. Soper:

I represent John Scott Hagerty and Teresa Lynn Hagerty, Trustees of the John Scott Hagerty Revocable Trust dated June 13, 2022 and the Teresa Lynn Hagerty Revocable Trust dated June 13, 2022 (hereinafter collectively referred to as the "Hagertys") with regard to replacing an existing single family dwelling and other improvements on the above-referenced property (the "Property"). In order to do so, the Hagertys are proposing, among other things, to demolish their existing home, walkways, gravel driveways and concrete slabs which will reduce the overall lot coverage within the Critical Area Buffer ("Buffer") by 1,317 sq. ft. However, the new home and improvements will require a variance to encroach 75' into the 100' Buffer.

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.

The Hagertys took title to the subject property by a deed dated June 13, 2022 which is recorded in the Land Records of Worcester County, Maryland at Book 8408, Page 32 and its property tax account number is 05-011833, with a copy of the State Department of Assessments and Taxation information sheet and deed being attached hereto as Exhibit "A" and incorporated herein by reference. Clearly, the Property was created decades before the adoption of the Atlantic Coastal Bays Critical Area law in 2002 and its value is largely determined by its proximity to the water, meaning it is waterfront and provides immediate access to and easy use of the water for a variety of water-related recreational activities, such as crabbing, fishing, boating, water skiing or just enjoying the scenery.

However, as can be seen from the aerial photograph attached hereto as Exhibit “B” and the “Boundary Survey With Location of Improvements” attached hereto as Exhibit “C”, both of which are incorporated herein by reference, the Hagertys would be unable to take full advantage of the waterfront nature of the Property without the requested variance because the entire Property is located within the Buffer. This includes the existing residential dwelling, building on the west end of the Property and all other improvements and impervious areas. Attached hereto as Exhibit “D” and incorporated herein by reference is the “Conceptual Site Plan” reflecting, among other things, the existing lot coverage, proposed new improvements (new residential dwelling of only 1,573 sq. ft.) and the removal of many existing improvements that create lot coverage issues. As indicated above, even with a slightly larger new residential dwelling, there would be a total net reduction of lot coverage of 1,317 sq. ft. Moreover, the majority of lot area necessary for the new dwelling is already encumbered by the footprint of the existing dwelling which is 1,140 sq. ft. The existing dwelling was lawfully constructed prior to 2002 and is now a legal non-conforming structure.

Therefore, not to permit the Hargertys to obtain the needed variance to replace the existing dwelling would constitute an unwarranted hardship. No other action could address this hardship other than providing the requested variance. As reflected in the attached exhibits, 100% of the Property is in the Buffer. These conditions are inherent to the Property and not the result of any actions by the Hagertys.

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.

See Answer #1 above. Additionally, other waterfront property owners in Worcester County, Maryland have rights, riparian and otherwise, that they commonly enjoy, of which the Hagertys would be deprived without the required variance. Due to the Property’s constraints and the non-conforming nature of the existing dwelling, options for expansion or modernization are more restricted than those of similar properties on surrounding properties. While vertical expansion may be theoretically permissible, the existing structure and foundation are not adequate to support such an approach without substantial reconstruction. Only with the variance will the Hagertys have the ability to improve their Property with a new residential dwelling as proposed. As outlined in the previous explanation, a literal interpretation of the provisions of the County’s Atlantic Coastal Bay Critical Area Program and related laws would deprive the Hagertys of rights commonly enjoyed by other properties in similar areas by denying them the right to replace the existing dwelling with a new dwelling that has a footprint of only 1,573 sq. ft., which is very modest by all reasonable considerations.

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

See Answers #1 and #2 above. Additionally, the granting of this variance will not confer upon the Hagertys 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. In fact, it is just the opposite. All other property owners within the Critical Area have the right to replace an existing dwelling with a newer one and maintain access to the water for recreational and

other purposes. If this variance is denied to the Hagertys, those other property owners would have special privileges being denied to the Hagertys.

4. *The variance required is not based upon conditions or circumstances that 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.*

See Answer #1 above. The Hagertys did not create the condition or circumstance that necessitates the variance, nor does the request arise from any condition relating to the land or building use, either permitted or non-conforming on any neighboring property. The Hagertys purchased the property in 2022 (actually, the Hagertys, as individuals, took title in 2021 and subsequently conveyed title to the trusts in 2022) with an existing house, gravel driveway, wooden walkways, storage structure, boatlift, pier and dock with waterfront access as depicted on the "Boundary Survey with Location of Improvements" attached here as Exhibit "C". The entire Property was located in the Buffer when it was purchased, as were all of the existing improvements. Only because of the adoption of the Atlantic Coastal Bays Critical Area law in 2002 is the requested variance necessary.

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 Area Program.*

The granting of the variance will 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 Area Program. The Property is the same today as when it was purchased by the Hagertys. Even with the proposed new improvements, there will be a net reduction of lot coverage. Wildlife habitat such as crabs, snails, fish, birds, raccoons and otherwise can continue to traverse on and around the Property the same after the proposed improvements as now takes place. Tidal water will continue to ebb and flow without interruption. The general spirit and intent of the Atlantic Coastal Bays Critical Area Program is to protect and preserve the Coastal Bays while respecting and protecting the rights of property owners along the Coastal Bays

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.*

The Hagertys have satisfied each of the provisions and standards as contained herein. However, should any additional information be needed or desired in order to favorably support this application, do not hesitate to let me know. It will be provided without delay.

Very truly yours,

Mark Spencer Cropper

APPLICATION TO :
BOARD OF ZONING APPEALS
WORCESTER COUNTY, MARYLAND
ONE WEST MARKET STREET
GOVERNMENT CENTER ROOM 1201
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :

CASE NO: _____
DATE FILED: _____
HEARING DATE: _____

APPLICATION BEING MADE FOR:

_____ SPECIAL EXCEPTION
_____ VARIANCE
_____ EXPANSION OF NONCONFORMING USE/STRUCTURE
_____ OTHER
_____ AFTER THE FACT X PROPOSED
_____ FORESTRY
 X _____ CRITICAL AREA
_____ APPEAL
_____ ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: a variance to encroachment 75' into the 100' Critical Area Buffer

LOCATION OF PROPERTY:

TAX MAP: 16 PARCEL: 37 SECTION: _____ LOT/ BLOCK: _____
On the N/S/E/W of: Salt Grass Point Road
0.5 (Fee/Miles), N/S/E/W of St. Martins Neck Road

PROPERTY OWNER INFORMATION:

Owner's Name: John Scott Hagerty Revocable Trust Telephone: _____
Address: 11923 Salt Grass Point Road, Bishopville, MD 21813 E-Mail: _____

APPLICANT INFORMATION:

Applicant's Name: MARK SPENCER CROPPER Telephone: _____
Address: 6200 COASTAL HIGHWAY, SUITE 200, OC, MD 21842 E-Mail: _____

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)
No

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? YES If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? YES

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: _____ FROM CENTERLINE OF ROAD RIGHT-OF-WAY REAR : _____
_____ FROM PROPERTY LINE LEFT SIDE: _____
RIGHT SIDE: _____

ZONING DISTRICT: _____

TAX DISTRICT: _____

Signature of Owner or Legal Representative

Signature of Applicant

SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

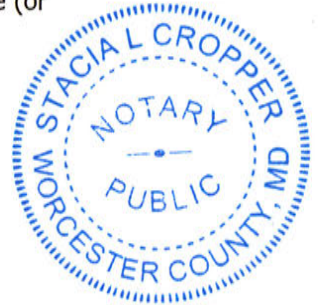
Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 12th day of May
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared MARK SPENCER CROPPER, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.



AS WITNESS my hand and official seal.


Notary Public

My Commission Expires: 06.01.2028

STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 12th day of May
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared MARK SPENCER CROPPER, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.



AS WITNESS my hand and official seal.


Notary Public

My Commission Expires: 06.01.2028

Search Tax Maps		No Ground Rent Redemption on File		No Ground Rent Registration on File					
Special Tax Recapture: None									
Account Number:		District - 05 Account Identifier - 011833							
Owner Information									
Owner Name:		JOHN SCOTT HAGERTY REVOCABLE TRUST TERESA LYNN HAGERTY REVOCABLE TRUST		Use:	RESIDENTIAL				
Mailing Address:		11923 SALT GRASS POINT RD BISHOPVILLE MD 21813-		Principal Residence:	YES				
				Deed Reference:	/08408/ 00032				
Location & Structure Information									
Premises Address:		11923 SALT GRASS RD BISHOPVILLE 21813-0000		Legal Description:	.57 AC W/S SALT GRASS ROAD ST MARTINS NECK ON RIVER				
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0016	0012	0037	5010001.24	0000				2025	Plat Ref:
Town: None									
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1960		1,076 SF				29,228 SF			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
1	NO	STANDARD UNIT	SIDING/	3	1 full/ 1 half	1 Detached			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2025		07/01/2025		07/01/2026	
Land:		363,100		363,000					
Improvements		126,000		136,300					
Total:		489,100		499,300		492,500		495,900	
Preferential Land:		0		0					
Transfer Information									
Seller: HAGERTY JOHN S &		Date: 06/16/2022		Price: \$0					
Type: NON-ARMS LENGTH OTHER		Deed1: /08408/ 00032		Deed2:					
Seller: WIDGEON LARRY SHAWN &		Date: 02/19/2021		Price: \$457,500					
Type: ARMS LENGTH IMPROVED		Deed1: /07941/ 00257		Deed2:					
Seller: WIDGEON LARRY V & JUDY M		Date: 04/07/2017		Price: \$0					
Type: NON-ARMS LENGTH OTHER		Deed1: /06973/ 00214		Deed2:					
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2025		07/01/2026			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Special Tax Recapture: None									
Homestead Application Information									
Homestead Application Status: Approved 04/09/2024									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application						Date:			

AFTER RECORDING, RETURN TO:

Liff, Walsh & Simmons
181 Harry S. Truman Parkway
Suite 200
Annapolis, MD 21401

Worcester County Circuit Court
IMP FD SURE \$40.00
RECORDING FEE \$20.00

TOTAL \$60.00
Susan Branietcki, Clerk AD
Jun 16, 2022 02:24 pm

- Tax ID No.: 05-011833
- NO TITLE SEARCH PERFORMED
- NO CONSIDERATION – For estate planning purposes, Grantors are transferring title to their Revocable Trusts under which Grantors are the beneficiaries.
- Exempt from Transfer and Recordation Tax pursuant to MD Code Tax Property Article §12-108(ee) and §13-207(a)(23).
- Grantors specifically reserve Tenants by the Entirety immunity from the claims of the separate creditors of the Grantors pursuant to MD Code Estates and Trusts Article §14.5-511.

DEED

THIS DEED, made this 13th day of June, 2022, by and between **JOHN S. HAGERTY** and **TERESA L. HAGERTY**, husband and wife, as tenants by the entireties, parties of the first part, **GRANTORS**, and **JOHN SCOTT HAGERTY** and **TERESA LYNN HAGERTY**, Trustees of the John Scott Hagerty Revocable Trust dated June 13, 2022, and any amendments thereto, and **TERESA LYNN HAGERTY** and **JOHN SCOTT HAGERTY**, Trustees of the Teresa Lynn Hagerty Revocable Trust dated June 13, 2022, and any amendments thereto, parties of the second part, **GRANTEES**.

WITNESSETH, that for and in consideration of the sum of Zero And 00/100 Dollars (\$0.00), the said Grantors do grant and convey to the said **JOHN SCOTT HAGERTY** and **TERESA LYNN HAGERTY**, Trustees of the John Scott Hagerty Revocable Trust dated June 13, 2022, and any amendments thereto, as to a 50% undivided interest, and **TERESA LYNN HAGERTY** and **JOHN SCOTT HAGERTY**, Trustees of the Teresa Lynn Hagerty Revocable Trust dated June 13, 2022, and any amendments thereto, as to a 50% undivided interest, as tenants in common, in fee simple, reserving, however, Tenants by the Entirety immunity from the claims of the separate creditors of the Grantors pursuant to MD Code Estates and Trusts Article §14.5-511, all that lot of ground situate in the County of Worcester, State of Maryland and described as follows, that is to say:

BEGINNING at a bronze boat shaft found 17.5 feet northwesterly of the center line of the County Road and at or near the South corner of the C. William Hemphill lot and from thence running by and with the southwesterly line of said Hemphill lot as shown by the said Hemphill and Edwin S. Cropper North 74 degrees 00' West, 393.7 feet to an iron pump point found at the water's edge of a Salt Grass Pond (Hemphill's Plat says 410.0 feet); thence by and with the shore of an arm of the St. Martins River South 49 degrees 22' West, 50.0 feet to an iron pipe set at the water's edge; thence across the marsh and along the edge of a pond South 66° 08' East, 426.6 feet to an iron pipe set 17.5 feet northwesterly of the center

TRANSFER TAX NOT REQUIRED
FINANCE OFFICER
Worcester County, MD
06/16/2022 SH

TAXES FOR WHICH ASSESSMENTS
HAVE BEEN RECEIVED HAVE BEEN
PAID AS OF THIS DATE
06/16/2022 SH
Worcester County Finance Officer
EXCEPT PERSONAL PROPERTY

line of the aforesaid County Road; thence by and with the northwesterly side of said road North 15 degrees 00' East, 100.0 feet to the place of beginning, containing and now laid out for 29,223.3 square feet of land more or less as surveyed by William D. Pitts, Registered Surveyor on March 23rd, 1964, with the magnetic bearings of the C. Wm. Hemphill plat of 1960, EXCEPT the following strip of land more particularly described as follows: BEGINNING at an iron pipe set at the water's edge at the end of the second course of the above described property; thence South 66 degrees 8' East 211 feet to an iron pipe; thence North 49 degrees 22' East 20 feet to an iron pipe; thence North 66 degrees 8' West 211 feet to the edge of a pond; thence South 49 degrees 22' West 20 feet to an iron pipe and the place of beginning.

The improvements thereon being known as 11923 Salt Glass Road.

BEING the same property which, by Deed dated January 29, 2021, and recorded among the Land Records of Worcester County, Maryland, in Liber 7941, folio 257, was granted and conveyed by Shawn Widgeon and Melissa A. Widgeon unto John S. Hagerty and Teresa L. Hagerty, as tenants by the entireties.

SUBJECT to all easements, covenants and restrictions of record.

TOGETHER with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

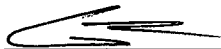
TO HAVE AND TO HOLD the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said **JOHN SCOTT HAGERTY** and **TERESA LYNN HAGERTY, Trustees of the John Scott Hagerty Revocable Trust dated June 13, 2022, and any amendments thereto**, as to a 50% undivided interest, and **TERESA LYNN HAGERTY** and **JOHN SCOTT HAGERTY, Trustees of the Teresa Lynn Hagerty Revocable Trust dated June 13, 2022, and any amendments thereto**, as to a 50% undivided interest, as tenants in common, in fee simple, reserving, however, Tenants by the Entirety immunity from the claims of the separate creditors of the Grantors pursuant to MD Code Estates and Trusts Article §14.5-511.

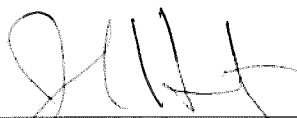
AND the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

[SIGNATURES BEGIN ON THE NEXT PAGE]

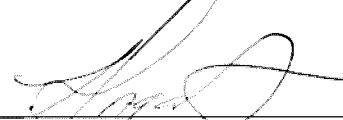
WITNESS the hands and seals of said Grantors, the day and year first above written.

Witness:




_____(SEAL)
JOHN S. HAGERTY

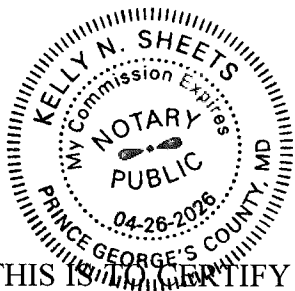



_____(SEAL)
TERESA L. HAGERTY

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY that on this 13th day of June, 2022, before me, the subscriber, a Notary Public of the aforesaid State, personally appeared **JOHN S. HAGERTY** and **TERESA L. HAGERTY**, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

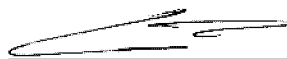




NOTARY PUBLIC

My Commission Expires: **4/26/26**

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.



Gregory J. Ferra, Esquire

WORCESTER COUNTY CIRCUIT COURT (Land Records) SRB 8408 p.0035 MSA_CE_31_8584. Date available 6/21/2022. Printed 5/5/2026.

BOOK: 8408 PAGE: 35

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City

☒ County: Worcester

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1

Type(s) of Instruments

☐ Check Box if addendum Intake Form is Attached.)

☒ Deed

Deed of Trust

☐ Mortgage

Lease

☐ Other

☐ Other

2

Conveyance Type

☐ Improved Sale

Arms-Length [1]

☐ Unimproved Sale

Arms-Length [2]

☐ Multiple Accounts

Arms-Length [3]

☒ Not an Arms-

Length Sale [9]

3

Tax Exemptions

(if applicable)

Cite or Explain Authority

Recordation

State Transfer

County Transfer

Tax Property Article § 12-108(ee)

Tax Property Article § 13-207(a)(23)

Estates and Trusts Article § 14.5-511

4

Consideration and Tax Calculations

Consideration Amoutt

Finance Office Use Only

Purchase Price/Consideration

Any New Mortgage

Balance of Existing Mortgage

Other:

Other:

Full Cash Value:

\$

0.00

\$

\$

\$

\$

\$

Transfer and Recordation Tax Consideration

Transfer Tax Consideration

X () % = \$

Less Exemption Amount = \$

Total Transfer Tax = \$

Recordation Tax Consideration

X () per \$500 = \$

TOTAL DUE

\$

5

Fees

Amount of Fees

Doc. 1

Doc. 2

Recording Charge

Surcharge

State Recordation Tax

State Transfer Tax

County Transfer Tax

Other

Other

\$

20.00

\$

40.00

\$

\$

\$

\$

\$

\$

Agent:

Tax Bill:

C.B. Credit:

Ag. Tax/Other:

6

Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District

Property Tax ID No. (1)

Grantor Liber/Folio

Map

Parcel No.

Var. LOG

05-011833

7941/257

0016

0037

☐ (5)

Subdivision Name

Lot (3a)

Block (3b)

Sect/AR (3c)

Plat Ref.

SqFt/Acreage (4)

St. Martins Neck on River

Location/Address of Property Being Conveyed (2)

11923 Salt Grass Road, Bishopville, MD 21813

Other Property Identifiers (if applicable)

Water Meter Account No.

Residential ☒ or Non-Residential ☐

Fee Simple ☒ or Ground Rent ☐

Amount:

Partial Conveyance? ☐ Yes ☒ No

Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

Doc. 1 – Grantor(s) Name(s)

Doc. 2 – Grantor(s) Name(s)

John S. Hagerty

Teresa L. Hagerty

Doc. 1 – Owner(s) of Record, if Different from Grantor(s)

Doc. 2 – Owner(s) of Record, if Different from Grantor(s)

Doc. 1 – Grantee(s) Name(s)

Doc. 2 – Grantee(s) Name(s)

The John Scott Hagerty Revocable Trust, as to ½ interest and

The Teresa Lynn Hagerty Revocable Trust, as to ½ interest

New Owner's (Grantee) Mailing Address

36970 Old Mill Bridge Road, Selbyville, DE 19975

Doc. 1 – Additional Names to be Indexed (Optional)

Doc. 2 – Additional Names to be Indexed (Optional)

Instrument Submitted By or Contact Person

Name: Gregory J. Ferra

Firm: Liff, Walsh & Simmons

Address: 181 Harry S. Truman Parkway, Suite 200

Annapolis, MD 21401

Phone: (410) 266-9500

☒ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

11

IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

X Yes No Will the property being conveyed be the grantee's principal residence?

Yes X No Does transfer include personal property? If yes, identify:

Yes X No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Terminal Verification

Agricultural Verification

Whole

Part

Tran. Process Verification

Transfer Number

Date Received:

Deed Reference:

Assigned Property No.:

Year

20

20

Geo.

Map

Sub

Block

Land

Zoning

Grid

Plat

Lot

Buildings

Use

Parcel

Section

Occ. Cd.

Total

Town Cd.

Ex. St.

Ex. Cd.

REMARKS:

Space Reserved for County Validation

Space Reserved for Circuit Court Clerk Recording Validation



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 1/09/2027.

NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY, WETLANDS, UTILITIES OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.

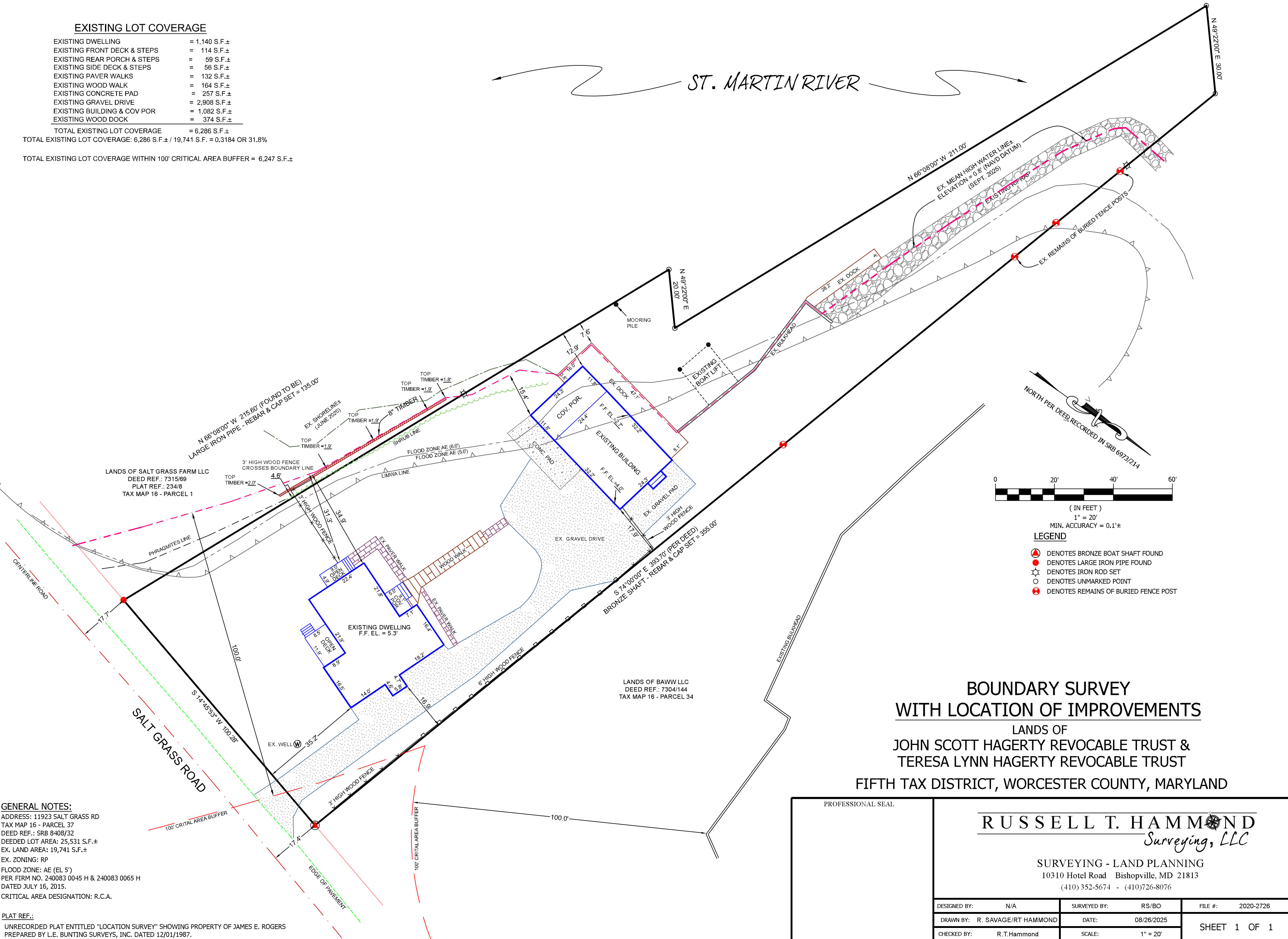
EXISTING LOT COVERAGE

EXISTING DWELLING	= 1,140 S.F.±
EXISTING FRONT DECK & STEPS	= 114 S.F.±
EXISTING REAR PORCH & STEPS	= 59 S.F.±
EXISTING SIDE DECK & STEPS	= 56 S.F.±
EXISTING PAVER WALKS	= 132 S.F.±
EXISTING WOOD WALK	= 164 S.F.±
EXISTING CONCRETE PAD	= 257 S.F.±
EXISTING GRAVEL DRIVE	= 2,908 S.F.±
EXISTING BUILDING & COV POR	= 1,082 S.F.±
EXISTING WOOD DOCK	= 374 S.F.±

TOTAL EXISTING LOT COVERAGE = 6,286 S.F.±

TOTAL EXISTING LOT COVERAGE: 6,286 S.F.± / 19,741 S.F. = 0.3184 OR 31.8%

TOTAL EXISTING LOT COVERAGE WITHIN 100' CRITICAL AREA BUFFER = 6,247 S.F.±



GENERAL NOTES:

ADDRESS: 11923 SALT GRASS RD
TAX MAP 16 - PARCEL 37
DEED REF.: SRB 8408/32
DEEDED LOT AREA: 25,531 S.F.±
EX. LAND AREA: 19,741 S.F.±
EX. ZONING: RP
FLOOD ZONE: AE (EL 5')
PER FIRM NO. 240083 0045 H & 240083 0065 H
DATED JULY 16, 2015.
CRITICAL AREA DESIGNATION: R.C.A.

PLAT REF.:

UNRECORDED PLAT ENTITLED "LOCATION SURVEY" SHOWING PROPERTY OF JAMES E. ROGERS
PREPARED BY L.E. BUNTING SURVEYS, INC. DATED 12/01/1987.

BOUNDARY SURVEY
WITH LOCATION OF IMPROVEMENTS

LANDS OF
JOHN SCOTT HAGERTY REVOCABLE TRUST &
TERESA LYNN HAGERTY REVOCABLE TRUST

FIFTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

PROFESSIONAL SEAL

RUSSELL T. HAMMOND
Surveying, LLC

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

DESIGNED BY:	N/A	SURVEYED BY:	RS/BO	FILE #:	2020-2726
DRAWN BY:	R. SAVAGE/RT HAMMOND	DATE:	08/26/2025	SHEET 1 OF 1	
CHECKED BY:	R.T.Hammond	SCALE:	1" = 20'		

RUSSELL T. HAMMOND SURVEYING LLC. RESERVES ITS COMMON LAW COPYRIGHT IN THESE PLANS. PLATS, OR OTHER DOCUMENTS, ANY AMENDMENTS, COPYING OR DISTRIBUTION, INCLUDING COMPUTER GENERATED AMENDMENTS, IS PROHIBITED UNLESS PERMITTED IN WRITING BY RUSSELL T. HAMMOND SURVEYING LLC.

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 1/09/2027.

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EXISTING CONCRETE PAD	= 257 S.F.±
EXISTING GRAVEL DRIVE	= 2,908 S.F.±
EXISTING BUILDING & COV POR	= 1,082 S.F.±
EXISTING WOOD DOCK	= 374 S.F.±

TOTAL EXISTING LOT COVERAGE = 6,286 S.F.±

TOTAL EXISTING LOT COVERAGE: 6,286 S.F.± / 19,741 S.F. = 0.3184 OR 31.8%

TOTAL EXISTING LOT COVERAGE WITHIN 100' CRITICAL AREA BUFFER = 6,247 S.F.±

PROPOSE LOT COVERAGE

PROPOSED DWELLING	= 1,573 S.F.±
PROPOSED DECKS & STEPS (PERVIOUS)	= 0 S.F.±(612 S.F.±)
PROPOSED DRIVE	= 1,737 S.F.±
PROPOSED WALKWAY	= 173 S.F.±
PROPOSED PROPANE TANK	= 30 S.F.±

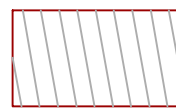
EXISTING BUILDING & COV POR	= 1,082 S.F.±
EXISTING WOOD DOCK	= 374 S.F.±

TOTAL EXISTING LOT COVERAGE = 4,969 S.F.±

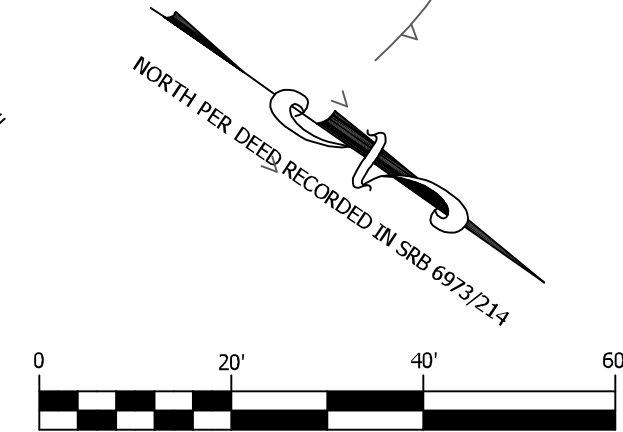
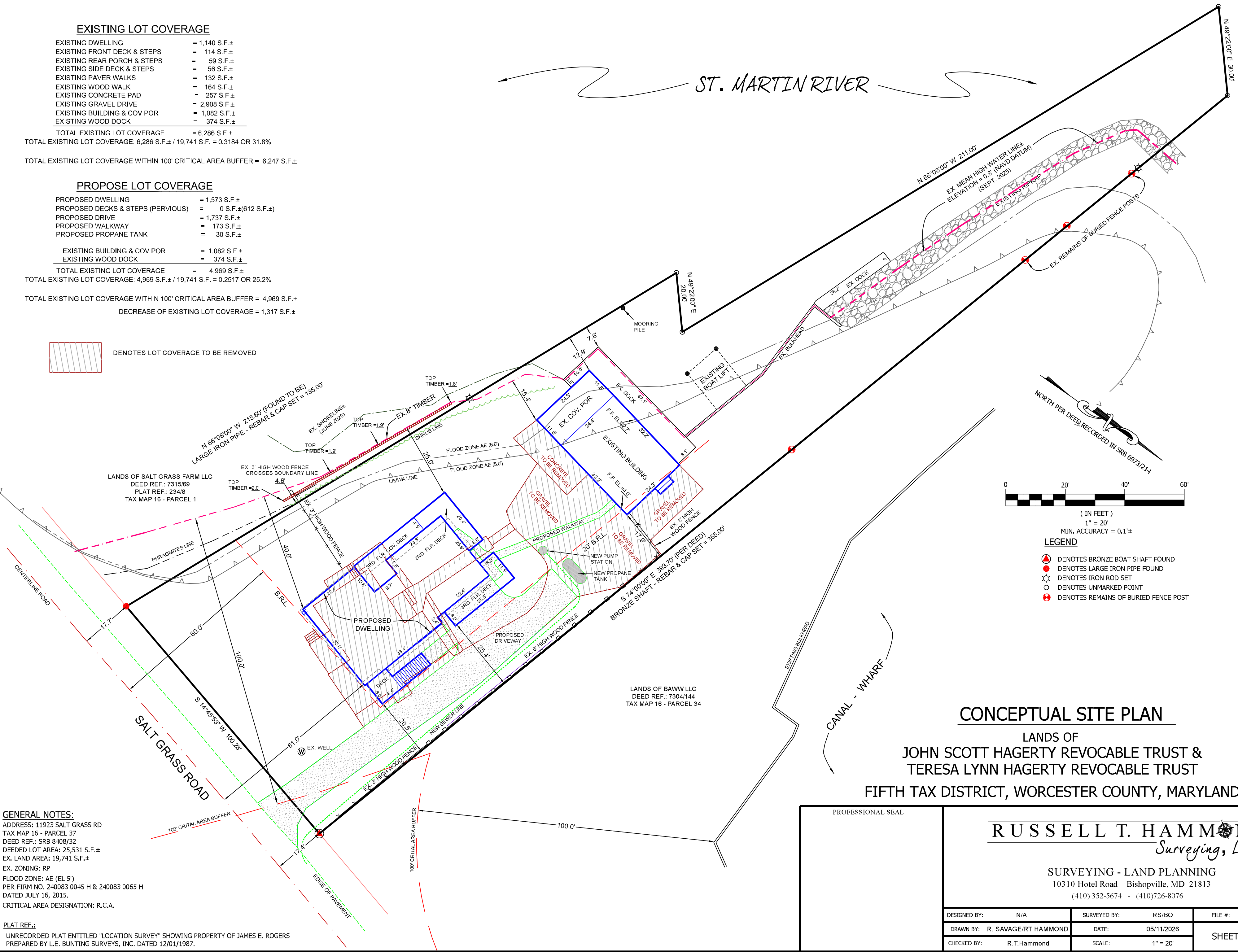
TOTAL EXISTING LOT COVERAGE: 4,969 S.F.± / 19,741 S.F. = 0.2517 OR 25.2%

TOTAL EXISTING LOT COVERAGE WITHIN 100' CRITICAL AREA BUFFER = 4,969 S.F.±

DECREASE OF EXISTING LOT COVERAGE = 1,317 S.F.±



DENOTES LOT COVERAGE TO BE REMOVED



LEGEND

- DENOTES BRONZE BOAT SHAFT FOUND
- DENOTES LARGE IRON PIPE FOUND
- ☆ DENOTES IRON ROD SET
- DENOTES UNMARKED POINT
- DENOTES REMAINS OF BURIED FENCE POST

CONCEPTUAL SITE PLAN

LANDS OF
JOHN SCOTT HAGERTY REVOCABLE TRUST &
TERESA LYNN HAGERTY REVOCABLE TRUST
FIFTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

GENERAL NOTES:

ADDRESS: 11923 SALT GRASS RD
TAX MAP 16 - PARCEL 37
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PER FIRM NO. 240083 0045 H & 240083 0065 H
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PROFESSIONAL SEAL

RUSSELL T. HAMMOND
Surveying, LLC

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

DESIGNED BY:	N/A	SURVEYED BY:	RS/BO	FILE #:	2020-2726
DRAWN BY:	R. SAVAGE/RT HAMMOND	DATE:	05/11/2026	SHEET 1 OF 1	
CHECKED BY:	R.T.Hammond	SCALE:	1" = 20'		

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-38**

IMPORTANT NOTICE

Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

HEARING DATE: July 9, 2026

LOCATION: 11923 Salt Grass Point Road, Tax Map 16, Parcel 37, Tax District 5, Worcester County, Maryland.

APPROVAL REQUESTED: A variance to the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 25 feet (an encroachment of 75 feet) and a special exception for the replacement of an existing residence in the RP Resource Protection District.

CODE REFERENCES: Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(m), ZS 1-122(f), ZS 1-215(c)(1) and ZS 1-305 and Natural Resources Code §§ NR 3-104(d)(4) and NR 3-111.

PROPERTY HISTORY: According to SDAT, the existing residence on the property was constructed in 1960. The following records are on file:

04/17/1972	Permit No. 3124 – Issued 04/17/1972 – Zoning Certificate issued 06/30/1972 - Permit for a 20’ x 24’ accessory building to be located on the south side of the existing building.
02/13/1973	Permit No. 3736 – Issued 02/13/1973 – Zoning Certificate issued 11/17/1975 - Permit for a 16’ x 24’ accessory building.
05/07/1976	Permit No. 6293 – Issued 05/11/1976 – Zoning Certificate issued 08/18/1976 - Permit for a building addition for a shed for floating crabs as an accessory to a home occupation.
10/19/1988	Permit No. 17517 – Issued 10/19/1988 – No record of a Zoning Certificate on file - Permit for an addition to the existing home for an expanded laundry room.
03/18/1991	Permit No. 21395 – Issued 04/11/1991 – No record of a Zoning Certificate on file - Permit for an addition to the existing home and to relocate an accessory building addition building addition.
04/26/2002	Permit No. 75590 – Issued 05/08/2002 – Zoning Certificate issued 09/07/2002 - Permit for the use of land for rip-rap, dredging, dock, piling and boatlift.

COMMENTS: This is a two-part request. The first request is a variance into the 100’ Buffer in order to allow the construction of a replacement residence and associated improvements such as decks and steps, a driveway and a walkway.

ENCLOSED PLEASE FIND THE STAFF REPORT FROM THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS, NATURAL RESOURCES DIVISION FOR THE BUFFER VARIANCE.

The second part of the request is for a special exception in order to allow the replacement home to be built. This property is zoned RP and residences in the RP District are only allowed by special exception from the BZA.

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. Obtain a shoreline permit and all permits related to development in the Buffer.
2. Obtain a demolition permit for the removal of the existing residence.
3. Obtain a building permit for the construction of the new residence.

OWNER: John Scott Hagerty Revocable Trust
Teresa Lynn Hagerty Revocable Trust
11923 Salt Grass Point Road
Bishopville, MD 21813

APPLICANT : Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

PREPARED BY: Zoning Division Staff

In accordance with Section ZS 1-114, the Department has met the public notification requirements with regard to advertisement in a local paper, posting of property and notification of adjoining property owners.



Worcester County

Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer Keener, DRP Director

From: Joy S. Birch, Natural Resources Planner III 

Subject: Critical Area Variance – John Scott Hagerty Revocable Trust, 11923 Salt Grass Point Road, Case # 26-38.

Date: June 24, 2026

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 John Scott Hagerty Revocable Trust & Teresa Lynn Hargerty Revocable Trust, Tax Map 16, Parcel 37, 11923 Salt Grass Point Road, Bishopville, MD 21813. The property is more specifically located within the Resource Conservation Area (RCA) designation with an associated 100' buffer.

The Applicants are requesting a variance to δ NR 3-104(c) (4) of the Worcester County Code of Public Local Laws in order gain authorization to replace a Single-Family Dwelling and structures within the 100' buffer.

The Critical Area “[b]uffer shall be established at a minimum distance of one hundred feet landward from the mean high-water line of tidal waters” as stated in δ NR 3-104(c)(1). Under δ NR 3-104(c) (4) of the County Code, “[n]ew development activities including structures . . . and other impervious surfaces may not be allowed in the Buffer”. Under 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 δ NR 3-111 “A 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”.

Citizens and Government Working Together

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.

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

STAFF ANALYSIS

The five standards for a Variance, as listed in §NR 3-111(b) (1) thru (5) 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.**

Staff agrees that without the granting of this variance a potential hardship could exist. This property was platted prior to the adoption of the Atlantic Coastal Bays Critical Area Program. The property is not located within a Buffer Management Area, which would have reduced the impact on the 100' Buffer.

- 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 could be lessened without the granting of this variance due to the restrictions of the Atlantic Coastal Bays Critical Area Program. Numerous properties within the Critical Area, including the adjacent properties, have structures that are located within the 100' buffer.

- 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 stated previously, there are numerous properties throughout the County that have structures located within the 100' buffer. Since this was platted prior to the adoption of the Critical Area program, provisions were not provided during the review process which could have lessened these buffer requirements. Therefore, granting this variance would not 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 is not an after-the-fact variance, and the properties were platted prior to the adoption of the Atlantic Coastal Bays Critical Area program.

- 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.**

While the granting of this variance could slightly affect the water quality due to the proposed impact to the 100' buffer, actions will be taken to offset this issue. If approved the proposed activity will be required to conduct mitigation at a 3:1 ratio for the square footage of lot coverage added to the 100' buffer and 1:1 ratio for the square footage of canopy coverage removed. Furthermore, compliance with Stormwater/Erosion Sediment Control regulations will be required for disturbance 5,000 square feet or greater and/or use of 100 cubic yards or greater of fill.

- (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 agrees that the applicant does have an unwarranted hardship due to the 100' buffer. The Board should consider additional testimony before determining that the applicant has adequately addressed and met the 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 Hayden, stated in her letter on June 3, 2026:

"Should the Board of Zoning Appeals find that the applicant has met each and every one of the Critical Area variance standards, mitigation is required at a ratio of 3:1 for permanent disturbance to the buffer."

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

STAFF RECOMMENDATION

Staff agrees and supports this variance and as an unwarranted hardship does exist. There are numerous properties located throughout the County that have legally existing structures that encroach into the 100' buffer. Also, due to the fact that this lot was platted prior to the adoption of the Critical Area regulations, without this variance the applicant's ability to use the property will be diminished.

Should the Board of Zoning Appeals grant the variance, the Department feels that there should be a condition placed on the site that requires full compliance with the 3:1 mitigation requirement. This mitigation will be based upon the amount of disturbance and lot coverage that occurs within the buffer. It should also be subject to the condition that the Applicant agrees to and enters upon a Critical Area Planting Agreement as required by § NR 3-111(e) (1). The Applicant would also be required to submit a planting plan and work with Staff to satisfy this requirement. Mitigation shall be conducted within the buffer first with the balance installed at other places onsite. If total amount mitigation cannot be planted onsite, 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@worcestermd.gov.

APPLICATION TO :
BOARD OF ZONING APPEALS
WORCESTER COUNTY, MARYLAND
ONE WEST MARKET STREET
GOVERNMENT CENTER ROOM 1201
SNOW HILL, MD 21863-1070

OFFICE USE ONLY :
CASE NO: 26-42
DATE FILED: 6-8-2026
HEARING DATE: 7-9-2026

APPLICATION BEING MADE FOR:

☐ SPECIAL EXCEPTION
☐ VARIANCE
☐ EXPANSION OF NONCONFORMING USE/STRUCTURE
☒ OTHER

☐ FORESTRY
☐ CRITICAL AREA
☐ APPEAL

☐ AFTER THE FACT ☒ PROPOSED ☐ ADMINISTRATIVE ADJUSTMENT

TO THE BOARD OF ZONING APPEALS:

Pursuant to Section ZS 1-116 of the Worcester County Zoning Ordinance, enacted or as amended, request is hereby made for: modification to the limitations on the extension of a waterfront structure into a body of water to allow the construction of a pier 6' x 172' (50 additional ft.), which will include 4 mooring piles, one boat lift and two PWC lifts and associated pilings a maximum of 200' channelward of the existing bulkhead (See exhibits attached hereto)

LOCATION OF PROPERTY:

TAX MAP: 21 PARCEL: 196 SECTION: D LOT/ BLOCK:
On the N/S/E/W of: Sussex Road
1 (Feet/Miles) N/S/E/W of W Torquay Road

PROPERTY OWNER INFORMATION:

Owner's Name: Andrew Urban, IV Telephone: [REDACTED]
Address: 9504 Harbor Lights Road, Berlin, MD 21842 E-Mail: [REDACTED]

APPLICANT INFORMATION:

Applicant's Name: MARK SPENCER CROPPER Telephone: [REDACTED]
Address: 6200 COASTAL HIGHWAY, SUITE 200, OC, MD 21842 E-Mail: [REDACTED]

Has property in question ever been subject of a previous appeal? (If yes, give case no. and date)
No

Is property located in the Chesapeake Bay Critical Area or Atlantic Coastal Bay Critical Area, or its tributaries? yes If so, has information been submitted in accordance with Worcester County's Critical Area Program Regulations? yes

OFFICE USE ONLY: MINIMUM REQUIRED SETBACKS:

FRONT: N/A FROM CENTERLINE OF ROAD RIGHT-OF-WAY
N/A FROM PROPERTY LINE

REAR : N/A
LEFT SIDE: N/A
RIGHT SIDE: N/A

ZONING DISTRICT:

TAX DISTRICT: 10

Signature of Owner or Legal Representative

Signature of Applicant

SEE NEXT PAGE FOR NOTARY (BOTH OWNER AND APPLICANT TO BE NOTARIZED)

Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

**BOARD OF ZONING APPEALS APPLICATION
NOTARY PAGE FOR BOTH
OWNER AND APPLICANT**

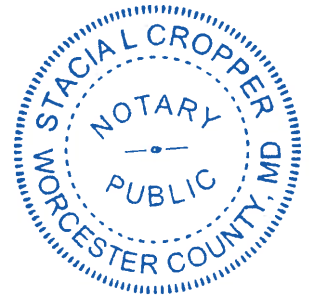
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (OWNER)

I HEREBY CERTIFY that on this 5th day of June
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared MARK SPENCER CROPPER, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.



Notary Public



My Commission Expires: 06/01/2028

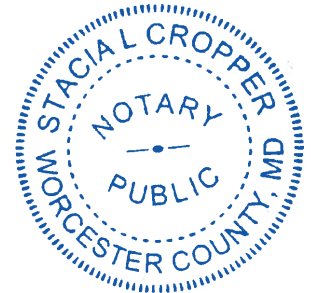
STATE OF MARYLAND, WORCESTER COUNTY TO WIT: (APPLICANT)

I HEREBY CERTIFY that on this 5th day of June
20 26 before me, a Notary Public in and for the State and County aforesaid,
personally appeared MARK SPENCER CROPPER, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged he executed the same for the purposes therein
contained AND FURTHER MADE OATH that he executed the same in the capacity
therein stated and for the purposes therein contained.

AS WITNESS my hand and official seal.



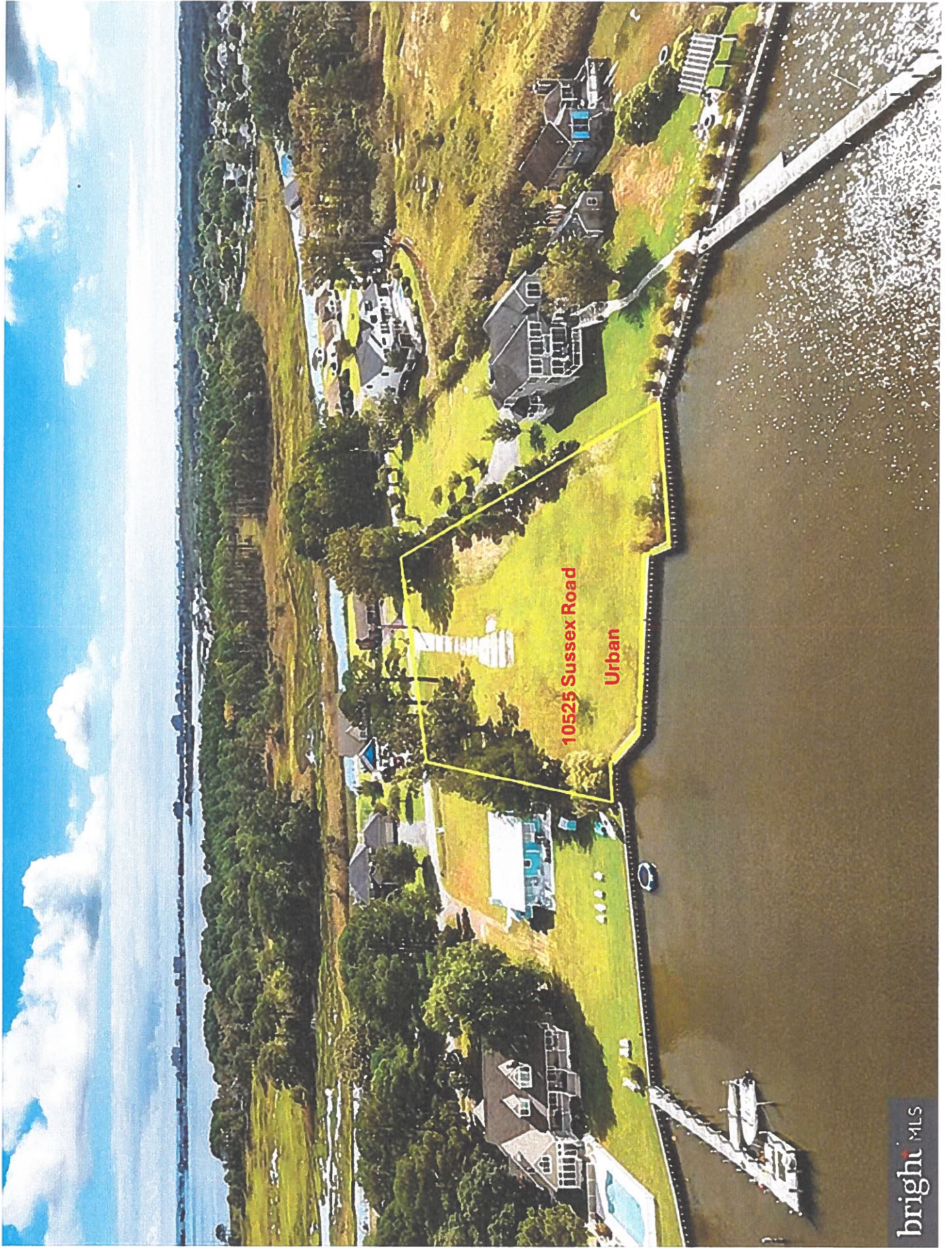
Notary Public



My Commission Expires: 06/01/2028

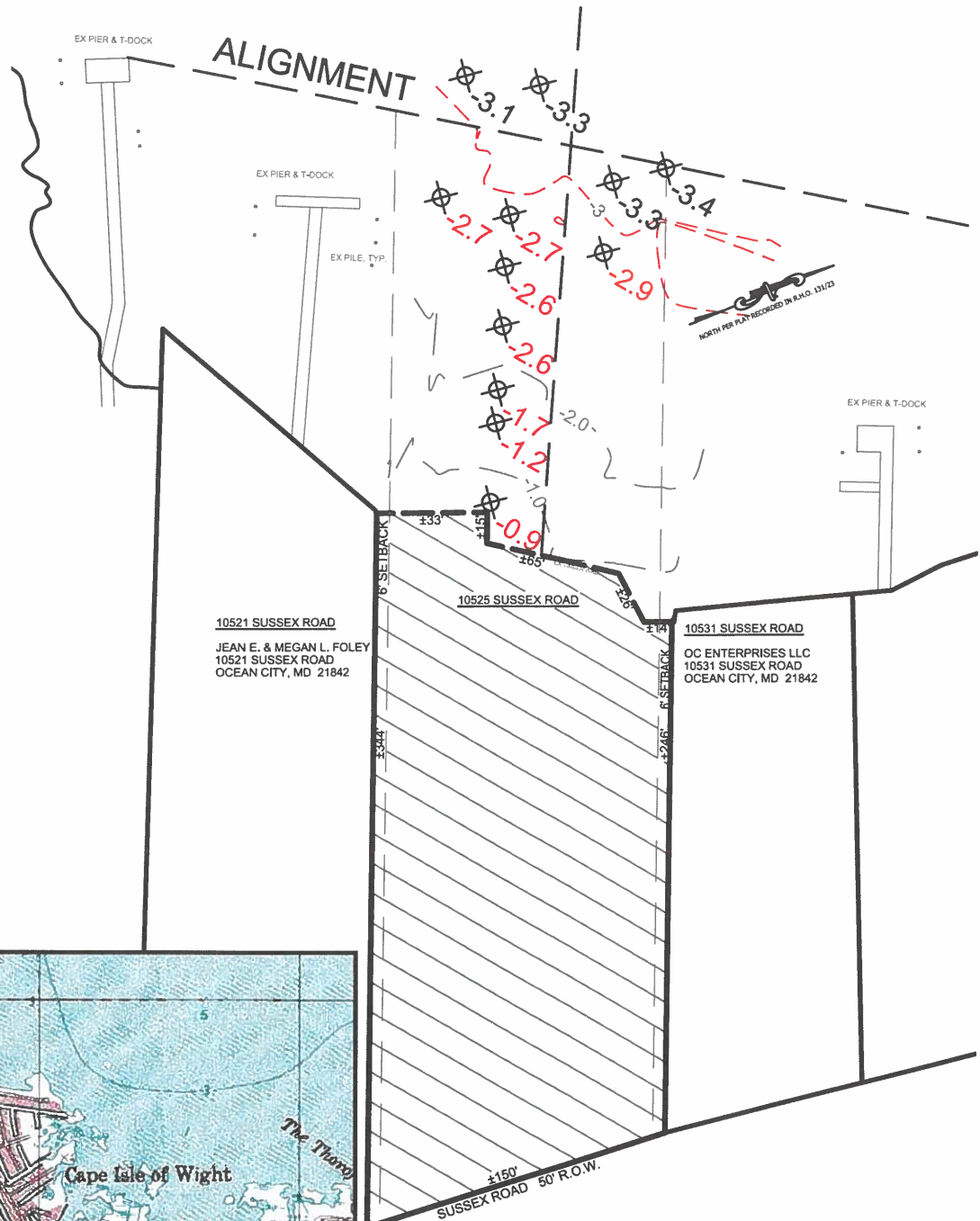
Real Property Data Search ()
Search Result for WORCESTER COUNTY

Search Tax Maps		No Ground Rent Redemption on File		No Ground Rent Registration on File					
Special Tax Recapture: None									
Account Number:		District - 10 Account Identifier - 006937							
Owner Information									
Owner Name:		URBAN ANDREW IV		Use:	RESIDENTIAL				
				Principal Residence:	NO				
Mailing Address:		9504 HARBOR LIGHTS RD BERLIN MD 21811-		Deed Reference:	/09073/ 00462				
Location & Structure Information									
Premises Address:		10525 SUSSEX RD OCEAN CITY 21842-0000		Legal Description:	100X250 & EXT OF SUSSEX RD W/S SUSSEX RD PL CAPE ISLE OF WIGHT				
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0021	0018	0196	10020010.24	71G3	D			2026	Plat Ref:
Town: None									
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						1.1400 AC			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		Pending Permit
			/						None
Value Information									
				Base Value		Value	Phase-in Assessments		
						As of	As of	As of	
						01/01/2026	07/01/2025	07/01/2026	
Land:				290,100		319,100			
Improvements				7,200		7,600			
Total:				297,300		326,700	297,300	307,100	
Preferential Land:				0		0			
Transfer Information									
Seller: OCEANUS BP LLC				Date: 01/12/2026		Price: \$1,375,000			
Type: ARMS LENGTH IMPROVED				Deed1: /09073/ 00462		Deed2:			
Seller: MCCLELLAND LAURA L				Date: 10/06/2022		Price: \$850,000			
Type: ARMS LENGTH VACANT				Deed1: /08471/ 00065		Deed2:			
Seller: JAMES MICHAEL J &				Date: 08/01/2008		Price: \$825,000			
Type: ARMS LENGTH VACANT				Deed1: SVH /05137/ 00026		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2025		07/01/2026			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Special Tax Recapture: None									
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application					Date:				

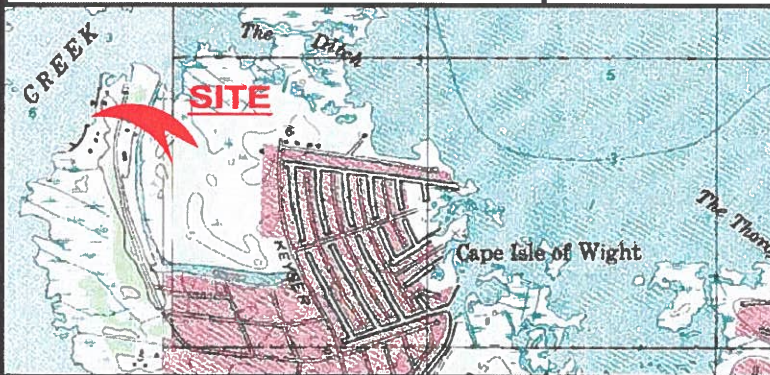




STABILIZE ± 153 LF OF EXISTING BULKHEAD WITH PILES AND CONSTRUCT A 6x172 PIER WITH A 9x22 "L", DRIVE FOUR (4) MOORING PILES AND INSTALL ONE (1) BOAT LIFT AND TWO (2) PWC LIFTS WITH ASSOCIATED PILINGS A MAXIMUM OF 200' CHANNELWARD OF EXISTING BULKHEAD/MHW/MLW.



EXISTING



N 0 0.5 Mi 0 3000 Ft Map provided by MyTopo.com

URBAN PROPERTY
PROPOSED MARINE IMPROVEMENTS
10525 SUSSEX ROAD
WEST OCEAN CITY

APPLICANT: Andrew Urban IV
9504 Harbor Lights Road
Berlin, MD 21811
PHONE: 303-579-7327
EMAIL: andrewurban5@msn.com

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**J. STACEY HART
& ASSOCIATES, INC.**

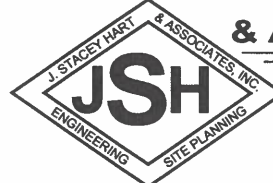
LOCATION: CAPE ISLE OF WIGHT

WATERWAY: TURVILLE CREEK

WATER DEPTH MEASUREMENTS: 3/9/2026
REFERENCED TO MLW 3:30 P.M.

NO SAV'S

TAX MAP: 21
GRID: 18
PARCEL: 196
SECTION: D



**POST OFFICE BOX 6
SNOW HILL, MD 21863
PHONE: 410-390-8096
EMAIL: stacey@jstaceyhart.com**

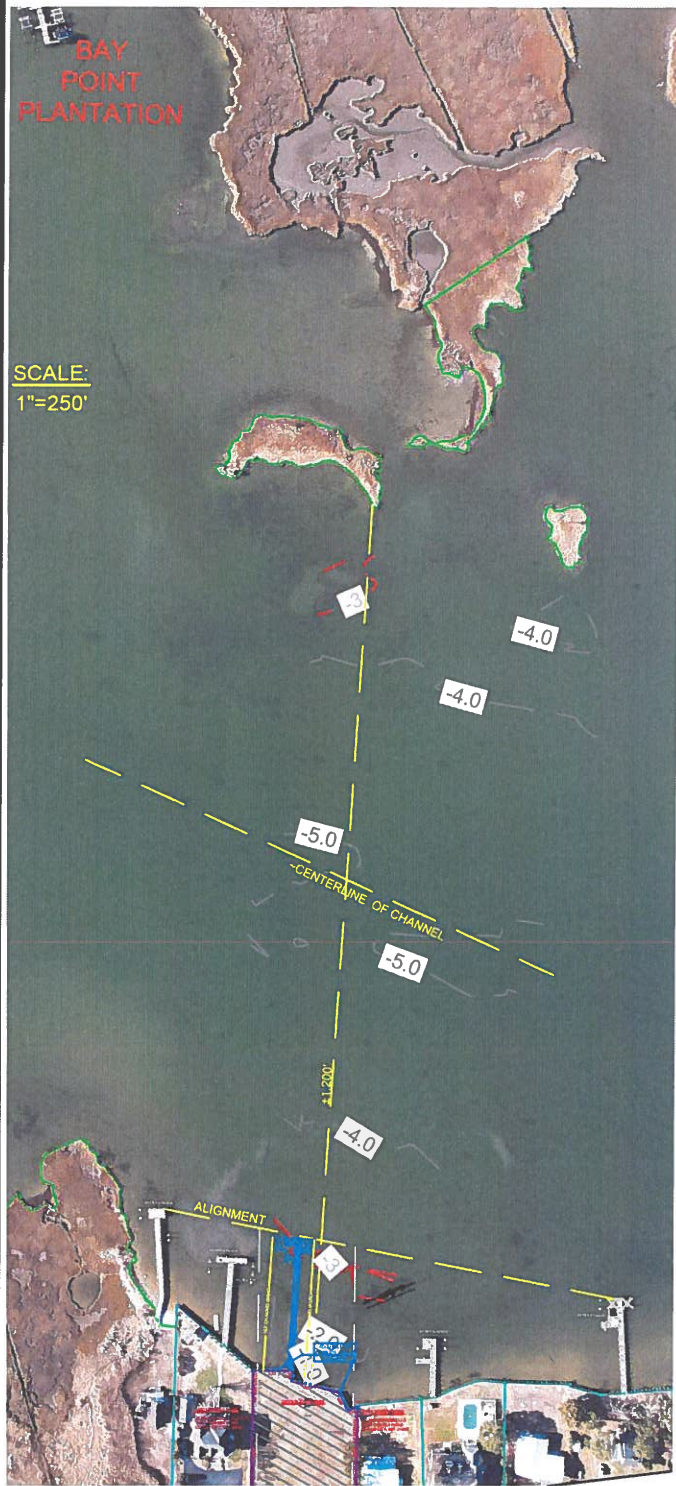
JOB NUMBER:
P25-088

SCALE:
1"=80'

SHEET NO:
1 OF 4

DATE:
03/2026

REVISED:
N/A



**URBAN PROPERTY
PROPOSED MARINE IMPROVEMENTS
10525 SUSSEX ROAD
WEST OCEAN CITY**

APPLICANT: Andrew Urban IV
9504 Harbor Lights Road
Berlin, MD 21811
PHONE: 303-579-7327
EMAIL: andrewurban5@msn.com

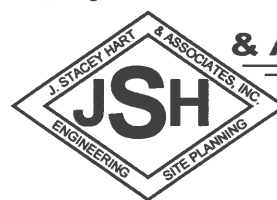
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WATERWAY: TURVILLE CREEK
WATER DEPTH MEASUREMENTS: 3/9/2026
REFERENCED TO MLW 3:30 P.M.

NO SAV'S

TAX MAP: 21
GRID: 18
PARCEL: 196
SECTION: D

JOB NUMBER: P25-088	SCALE: As Noted	SHEET NO: 2 OF 4	DATE: 03/2026	REVISED: N/A
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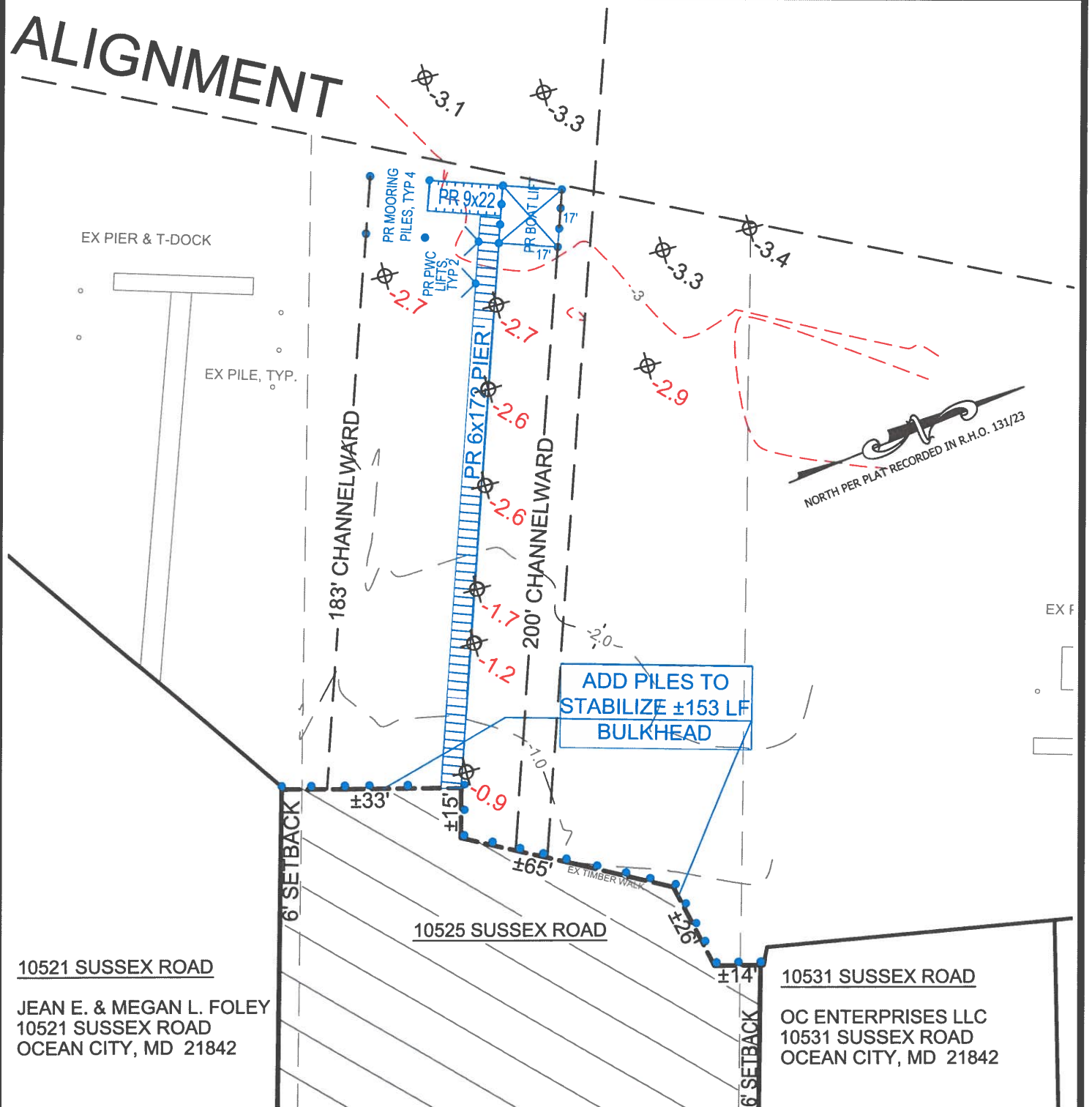
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& ASSOCIATES, INC.**

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SNOW HILL, MD 21863
PHONE: 410-390-8096
EMAIL: stacey@jstaceyhart.com**

ALIGNMENT



10521 SUSSEX ROAD

JEAN E. & MEGAN L. FOLEY
10521 SUSSEX ROAD
OCEAN CITY, MD 21842

10531 SUSSEX ROAD

OC ENTERPRISES LLC
10531 SUSSEX ROAD
OCEAN CITY, MD 21842

URBAN PROPERTY PROPOSED MARINE IMPROVEMENTS 10525 SUSSEX ROAD WEST OCEAN CITY

APPLICANT: Andrew Urban IV
9504 Harbor Lights Road
Berlin, MD 21811
PHONE: 303-579-7327
EMAIL: andrewurban5@msn.com

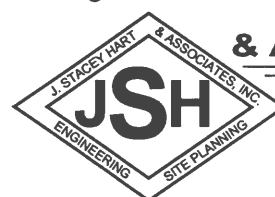
LOCATION: CAPE ISLE OF WIGHT
WATERWAY: TURVILLE CREEK
WATER DEPTH MEASUREMENTS: 3/9/2026
REFERENCED TO MLW 3:30 P.M.

NO SAV'S

TAX MAP: 21
GRID: 18
PARCEL: 196
SECTION: D

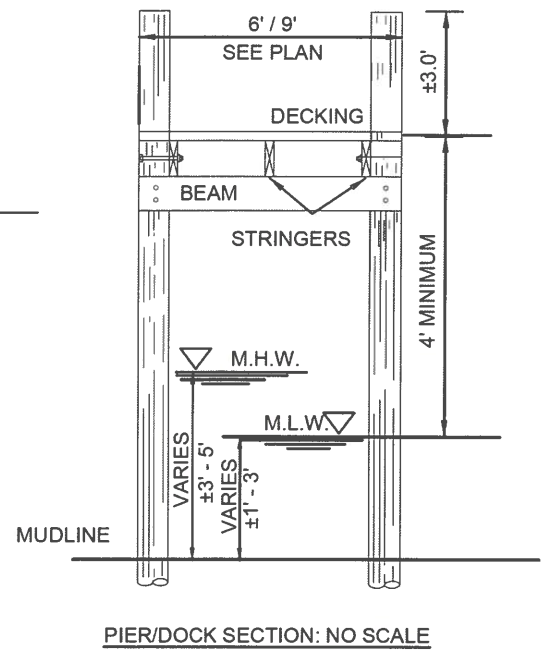
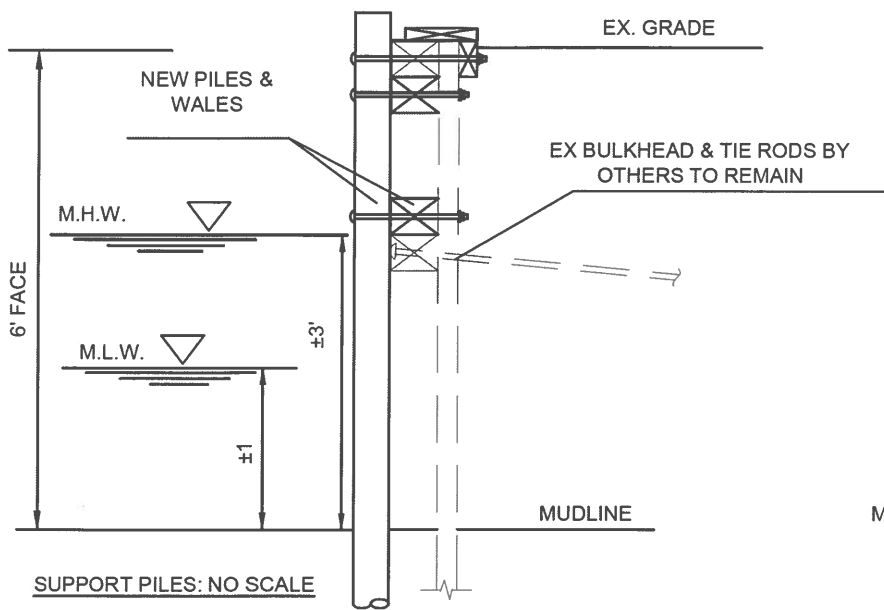
JOB NUMBER: P25-088	SCALE: 1"=40'	SHEET NO: 3 OF 4	DATE: 04/2026	REVISED: N/A
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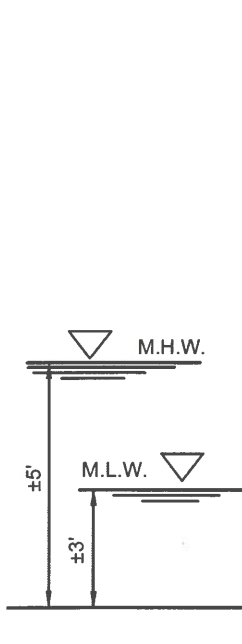


**J. STACEY HART
& ASSOCIATES, INC.**

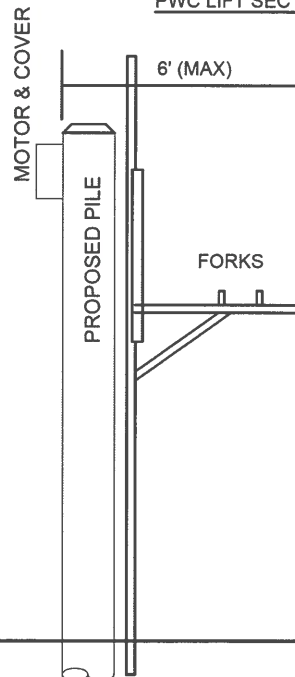
POST OFFICE BOX 6
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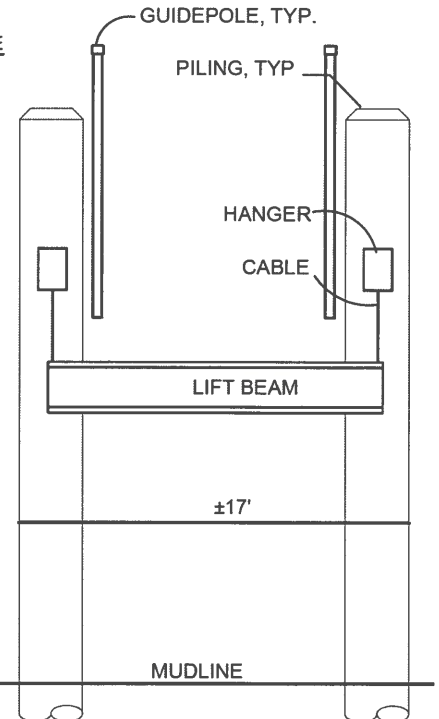
MOORING PILE: NO SCALE



PWC LIFT SECTION: NO SCALE



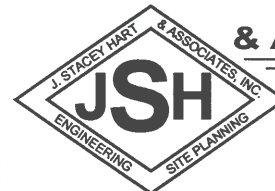
BOAT LIFT SECTION: NO SCALE



**URBAN PROPERTY
PROPOSED MARINE IMPROVEMENTS
10525 SUSSEX ROAD
WEST OCEAN CITY**

APPLICANT: Andrew Urban IV
9504 Harbor Lights Road
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**J. STACEY HART
& ASSOCIATES, INC.**

POST OFFICE BOX 6
SNOW HILL, MD 21863
PHONE: 410-390-8096
EMAIL: stacey@jstaceyhart.com

LOCATION: CAPE ISLE OF WIGHT

WATERWAY: TURVILLE CREEK

WATER DEPTH MEASUREMENTS: 3/9/2026
REFERENCED TO MLW 3:30 P.M.

NO SAV'S

TAX MAP: 21
GRID: 18
PARCEL: 196
SECTION: D

JOB NUMBER:
P25-088

SCALE:
NONE

SHEET NO:
4 OF 4

DATE:
04/2026

REVISED:
N/A



DEPARTMENT OF THE ARMY
U. S. ARMYCORPS OF ENGINEERS, BALTIMORE DISTRICT
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

Department of the Army Authorization
Maryland State Programmatic General Permit - 6

MDE Permit Tracking Number: 202660574 Date: 5/14/2026

Permittee/Project Name: Andrew Urban

MDSPGP-6 Activity Number(s): A3, B3

Dear Applicant:

The Maryland Department of the Environment has determined that your proposed work is authorized by the Department of the Army Maryland State Programmatic General Permit-6 (MDSPGP-6) as a Category A activity, which does not require a separate review by the Corps of Engineers. The MDSPGP-6 authorization is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. All authorized work must comply with the terms and conditions of the MDSPGP-6, including the terms and conditions of the specific MDSPGP-6 activities identified above. A copy of the applicable terms and conditions can be found at: <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-MD/MDSPGP-6/>. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-6 authorization may be modified, suspended, or revoked. For the MDSPGP-6 authorization to be valid you must obtain all federal, state, and local permits.

Please note that as of the date of this authorization, your project is in compliance with Section 7 of the Endangered Species Act; however, new species may be listed, or additional populations found. Therefore, it is your responsibility to ensure that construction of the authorized work does not adversely affect any existing or newly listed federally endangered or threatened species. Information on threatened and endangered species and their critical habitat can be obtained from the United States Fish and Wildlife Service and National Marine Fisheries Service or their web pages: <https://ecos.fws.gov/ipac> and <https://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidance/maps/index.html> respectively.

Please be aware that the terms and conditions of this permit will continue to be binding on new property owner(s) if structures or work authorized by this permit exist at the time of ownership transfer of the associated property. Although the construction period for work authorized by this MDSPGP-6 is finite, the permit itself, with its limitations, does not expire. To validate the transfer of this permit and the legal responsibility to comply with its terms and conditions, the transferee (new owner) must contact the Maryland Department of the Environment to request a permit transfer. If approved, the federal authorization will be transferred along with the state transferred permit.

Your MDSPGP-6 authorization is valid until September 30, 2026, unless the permit is modified, reissued, or revoked. You must remain informed of changes to the MDSPGP-6. When changes to the MDSPGP-6 occur, a public notice announcing the changes will be issued. Be advised that you have 12 months from the effective date of the MDSPGP-6's expiration, modification, or revocation to complete the work under the present terms and conditions provided you have commenced construction or are under contract to commence construction of the authorized work, prior to the expiration, modification, or revocation of the MDSPGP-6.

If you have any questions concerning your MDSPGP-6 authorization, you may contact the Army Corps of Engineers through email at nab-regulatory@usace.army.mil or by telephone at 814-235-1763. Additional information concerning the Army Corps of Engineers Regulatory program and additional points of contact can be found at <https://www.nab.usace.army.mil/Missions/Regulatory/>.

Wade B. Chandler
Chief, Regulatory Branch
Baltimore District



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MD 21201

202660574

Corps Permit Tracking No.

MDSPGP-6
ACTIVITY b (3)

Bulkhead Repair or Replacement, including Stone Toe Protection

The authorized Bulkhead Repair or Replacement, including Stone Toe Protection activities must comply with the following applicable activity specific conditions indicated by an "X" in the boxes below, all general conditions of this permit, and any project-specific special conditions.

This activity authorizes the repair or replacement of deteriorating or damaged bulkheads or other forms of vertical walls which are still currently functional. This activity also authorizes the placement of riprap along the base of a replacement or existing bulkhead or other forms of vertical walls and associated excavation for the purpose of toe protection (Sections 10 and/or 404; all waters of the United States).

☐ **Category A Impact Limits and Requirements:**

- (i) No application is required for Corps authorization.
- (ii) The bulkhead repair or replacement, when using wood or corrugated sheeting, must not extend more than 18 inches channelward of the existing structure as measured from the channelward edge of the existing bulkhead piling to the inner-most face of the proposed bulkhead sheeting.
- (iii) Discharges associated with the repair or replacement of a bulkhead must not exceed an average of one (1) cubic yard per running foot placed along the bank below the plane of the mean high-water mark.
- (iv) Stone toe protection placed along the base of a replacement or existing bulkhead must not extend more than ten (10) feet channelward of the bulkhead.
- (v) No discharge of dredged or fill material may be placed into vegetated wetlands or submerged aquatic vegetation (documented to exist in the last five years as specified in Section III).

☐ **Category B Impact Limits and Requirements:**

- (i) An application must be submitted to MDE for Corps authorization. See Section II.D for when an application is required to be submitted for Corps review.
- (ii) The bulkhead repair or replacement, when using wood or corrugated sheeting must not extend more than three (3) feet channelward of the existing structure, as

MDSPGP-6
ACTIVITY (b-3)
- 2 -

measured from the channelward edge of the existing bulkhead piling to the inner-most face of the proposed bulkhead sheeting.

- (iii) Stone toe protection placed along the base of a replacement or existing bulkhead must not extend more than ten (10) feet channelward of the bulkhead or the minimum necessary to provide adequate stabilization.
- (iv) Impacts to waters of the United States are not to exceed 10,000 square feet.
- (v) The total amount of vegetated wetlands which may be filled or excavated/dredged, in square feet, must not exceed the length of the bulkhead repair along the shoreline in linear feet (e.g., 100 square feet maximum for a 100-foot-long bulkhead).
- (vi) This activity does not authorize the filling of wetlands behind free-standing bulkheads that have never been backfilled.

☐ **Requirements Applicable to Both Category A and Category B Activities:**

- (i) No material may be placed in excess of the minimum needed for erosion protection.
- (ii) The linear length of the replacement bulkhead/wall may not extend along the shoreline beyond the ends of the existing bulkhead/wall.
- (iii) The existing bulkhead/wall must be functional.
- (iv) Any stone used for toe protection must be clean and free of toxins.
- (v) Other natural methods of shoreline stabilization such as living shorelines should be considered if practical.

☐ **Project-Specific Special Conditions apply (See Corps verification letter for these conditions.)**



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Effective October 1, 2021

CENAB-OPR-MDSPGP-6 (MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-6)

TO WHOM IT MAY CONCERN:

Upon recommendation of the Chief of Engineers, and under the provisions of Section 404 of the Clean Water Act, as amended, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Secretary of the Army hereby authorizes the discharge of dredged or fill material or the placement of structures into Waters of the United States, including wetlands and navigable waters. These discharges and structures must comply with all the terms and conditions identified in this MDSPGP-6. It has been determined that the project qualifies for the MDSPGP-6. Accordingly, you are authorized to undertake the activity pursuant to:

1. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and/or
2. Section 404 of the Clean Water Act (33 U.S.C. 1344).

You are authorized to perform work in accordance with the terms and conditions specified in Section VII of the MDSPGP-6 effective on October 1, 2021.

VII. General Conditions: To qualify for MDSPGP-6 authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any activity-specific impact limits and requirements identified in the Description of MDSPGP-6 Authorized Activities, and any case-specific special conditions imposed by the Corps.

A. General Requirements:

1. **Other Permits:** Authorization under the MDSPGP-6 does not obviate the need to obtain other federal, state, or local authorizations required by law or to comply with all federal, state, or local laws.
2. **Minimal Effects:** Projects authorized by the MDSPGP-6 shall have no more than minimal individual and cumulative adverse environmental effects, as determined by the Baltimore District.
3. **Single and Complete Projects:** The proposed activity(ies) must be a single and complete project. The same activity cannot be used more than once for the same single and complete project.
4. **Use of Multiple MDSPGP-6 Activities:** More than one MDSPGP-6 activity may be used to authorize a single and complete project. However, the specific requirements, including all activity-specific requirements and impact thresholds, must be met for each MDSPGP-6 activity and the total extent of project impacts must not exceed the acreage and/or linear foot limit of the MDSPGP-6 activity with the highest specified acreage and/or linear foot limit. If only one of the MDSPGP-6 activities used to authorize the single and complete project has a specified acreage and/or linear foot limit, the total authorized impacts to waters of the United States cannot exceed the highest specified acreage and/or linear foot limit. For example, if a road crossing is authorized under Category B-(d)(1) with an associated nontidal bank stabilization authorized under Category B-f(4), the maximum acreage loss of waters of the United States for the single and complete project cannot exceed 0.5 acre and/or 1,000 linear feet in total length.

The road crossing and nontidal bank stabilization activities must still meet all Category B activity-specific requirements, impact thresholds, and the General Conditions of the MDSPGP-6.

An overall project with multiple impacts, which may be eligible for authorization under a Category A and a Category B activity, requires an application submittal to the Corps and review under the MDSPGP-6 Category B verification procedures. All specific requirements, including the activity-specific requirements and impact thresholds of the Category A activity and the Category B activity must be met and the total extent of project impacts must not exceed the total acreage and/or linear foot limit of the MDSPGP-6 activity with the highest specified acreage and/or linear foot limit. For example, if a road crossing is authorized under Category A-d(1) with an associated nontidal bank stabilization authorized under Category B-f(4), the maximum total impact limits to waters of the United States for the road crossing cannot exceed 5,000 square feet or 200 linear feet in stream impact, and the total acreage of loss of waters of the United States due to the road crossing and bank stabilization activities cannot exceed 0.5 acre and 1,000 linear feet. The road crossing activity must meet the Category A activity-specific requirements and impact thresholds, the nontidal bank stabilization activity must meet the Category B activity-specific requirements and impact thresholds, and the single and complete project must meet the General Conditions of the MDSPGP-6.

5. **Permit On-Site:** The permittee shall ensure that a copy of the MDSPGP-6 and the accompanying verification letter are at the work site at all times. These copies must be made available to any regulatory representative upon request. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be expected to comply with all conditions of any general permit authorization.
6. **Authorized Activities in Navigable Waters Subject to Section 10 of the Rivers and Harbors Act of 1899:**
 - a. No activity may cause more than a minimal adverse effect on navigation.
 - b. All activities must comply with the *Baltimore District Minimum Setback Guidance for Structures Along Federally Authorized Channels*. Please see the Baltimore District's webpage to view this guidance:
<https://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Pubs/spn11-17.pdf>.
For additional information regarding 408 permission, please see the following link: <https://www.nab.usace.army.mil/Missions/Regulatory/Section-408-Requests/>.
 - c. The permittee understands and agrees that, if future operations by the United States require removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
 - d. The permittee acknowledges the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels and/or ice flows within the waterway. The issuance of this permit does not relieve the permittee from taking all proper steps to ensure the integrity of the structure permitted herein and the safety of vessels moored thereto from damage by wave wash and/or ice flows, and the permittee shall not hold the United States liable for

such damage.

- e. The permittee must install and maintain, at his/her expense any safety lights, markers, and/or signals prescribed by the USCG, through regulations or otherwise, on the authorized facilities and/or structures. The permittee must contact the Commander (AOWW), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights. Prior to commencing the construction or installation of an authorized structure in navigable waters of the United States, the permittee must submit a "Private Aids to Navigation Application" (CG-2554) to the Commander of the USCG and receive approval. This form can be found at: https://www.navcen.uscg.gov/pdf/AIS/CG_2554_Paton.pdf. The permittee must provide a copy of the USCGs approval to the Corps within 30 days of the date of receipt.
- f. The permittee, or the permittee's contractor, must request, a minimum of 21 days prior to commencing work, in writing, to the U.S. Coast Guard, that a Local Notice to Mariners be issued regarding the authorized work. The written request must include the location coordinates of the authorized structures, including minimum depth and other pertinent information (i.e., description of activities, the type of construction equipment to be used, the expected duration of the work on the waterway). The written request should be addressed to the following: Commander, Fifth Coast Guard District (dpw), Federal Building, 431 Crawford Street, Portsmouth, Virginia 23704, Phone Number: (757) 398-6229, Email: cgd5waterways@uscg.mil.

7. For Aerial Transmission Lines Across Navigable Waters:

- a. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the USCG for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions: producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code.

NOMINAL SYSTEM VOLTAGE (kV)	Minimum additional clearance (ft.) above clearance required for bridges.
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

- b. The application for aerial transmission lines over navigable waters must include the nominal system voltage and the additional clearance above low steel for bridges, if available, or above maximum high-water elevation.

- c. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.
 - d. Corps Regulation ER 1110-2-4401 prescribes minimum vertical clearances for power and communication lines over Corps lake projects. In instances where both the National Electrical Safety Code requirements and ER 1110-2-4401 apply, the greater minimum clearance is required.
 - e. All proposed work shall comply with the most current version of the Baltimore District's *Minimum Setback Guidance for Structures Along Federally Authorized Channels* on the Baltimore District Regulatory website:
<https://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Pubs/spn11-17.pdf>.
8. **Historic Properties:** Any activity authorized by the MDSPGP-6 shall comply with Section 106 of the National Historic Preservation Act. When an application submittal is required, Maryland Department of the Environment, in cooperation with the Maryland Historic Trust (MHT), shall conduct an initial review and notify the Corps if any archaeological or other cultural resources are in the vicinity of the project. The Corps may require applicants to perform a survey of archaeological and historical resources in the project area. The Corps shall determine whether National Historic Preservation Act Section 106 consultation is required. When an application submittal is not required for MDSPGP-6 authorization, the applicant must coordinate with the Maryland Historical Trust concerning historic properties that might be affected by the proposed activity. The applicant must notify the Corps if they have knowledge that the activity might affect any historic properties listed or eligible for listing, or that the applicant has reason to believe may be eligible for listing on the National Register of Historic Places. Upon discovery of any previously unknown historic, cultural, or archeological resources or remains while accomplishing the activity authorized by this permit, the permittee must immediately notify the Corps of what has been found and avoid construction activities that may affect the resources or remains until the required coordination has been completed. The Corps will initiate the federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. The permittee shall not begin or continue work until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity may proceed. Information on the location and existence of historical resources can be obtained from the MHT, Office of Preservation Services, and the National Register of Historic Places. The Corps will conclude all tribal coordination in accordance with the District's tribal coordination procedures prior to verifying an activity authorized by MDSPGP-6.
9. **Tribal Rights:** No activity or its operation may impair reserved tribal rights, including but not limited to, reserved water rights and treaty fishing and hunting rights.
10. **National Lands:** Activities authorized by the MDSPGP-6 shall not impinge upon the value of any federal land, including but not limited to, National Wildlife Refuges, National Forests, National Parks, National Marine Sanctuaries, or any area administered by the FWS, U.S. Forest Service, or National Park Service (e.g., Assateague Island National Seashore). Resources can be identified on the "federal Lands" layer within MERLIN (<https://gisapps.dnr.state.md.us/MERLIN/index.html>).
11. **Endangered Species:** The MDSPGP-6 does not authorize any activity that might directly or indirectly affect a threatened or endangered species or a species proposed for such designation, as identified under the federal ESA; or which may directly or indirectly destroy or adversely modify the critical habitat of such species unless and until appropriate coordination with the applicable resource agency(s) is complete and all such issues are resolved in accordance with the applicable regulations and procedures. Applicants may conduct an initial review for ESA resources, including FWS and/or

NMFS species and critical habitat, utilizing the appropriate website(s) provided below.

MDE, in cooperation with MD DNR, shall conduct an initial review and notify the Corps and FWS or NMFS if any federally listed species or critical habitat is likely to be in the vicinity of the project. The Corps shall determine if consultation with FWS or NMFS is required under Section 7 of the ESA. If consultation is required, the applicant, after notification, shall not begin or continue work until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is eligible for authorization.

Information on threatened and endangered species and their critical habitat can be obtained from the offices of the FWS and NMFS or their web pages at:

<http://www.fws.gov/chesapeakebay/EndSppWeb/ProjectReview/Index.html>, and, <https://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidance/maps/index.html> respectively.

12. Interactions with National Marine Fisheries Service Federally Threatened or Endangered Species:

Any interaction between a sea turtle or any species listed now or in the future under federal law as a threatened or endangered species ("listed species") (e.g., North Atlantic right whale, humpback whale, shortnose sturgeon) and the vessels associated with the project must be reported to the NMFS as follows: If the animal appears alive and uninjured (i.e., breathing normally, no visible wounds, movement uninhibited), the permittee or its representative must report the incident to the NMFS Northeast Region Marine Mammal and Sea Turtle Stranding and Entanglement Hotline at (866) 755-6622 within 24 hours of returning from the trip on which they made the discovery. If the animal requires assistance, or appears to be injured (i.e., bleeding, gasping for air, etc.) or dead, the permittee or its representative must immediately call the Entanglement Hotline so the appropriate rehabilitation or stranding network representative can be contacted. The applicant shall also notify the Corps of all correspondence and interaction with the NMFS within two calendar days. An interaction is defined as an entanglement or capture of a listed species or a strike/direct contact between vessels or equipment used for the project and a listed species.

- 13. Vessel Buffer:** When federally listed species under NMFS jurisdiction are sighted, vessels must attempt to maintain a distance of 50 yards (150 feet) or greater between the animal and the vessel whenever possible. State and federal regulations prohibit approaching a right whale within a 500-yard (1,500 foot) buffer zone. Any vessel finding itself within the 500-yard (1,500 foot) buffer zone created by a surfacing right whale must depart immediately at a safe, slow speed. If other listed species are detected, vessels will reduce their speeds to 10 knots or to the maximum extent practicable to ensure human safety. If listed species are sighted off of a moving dredge, intentional approaches within 100 yards (300 feet) of the animal must be avoided. Vessels must reduce speeds to four (4) knots or the lowest speed practicable to ensure human safety. Any interactions must be reported to the NMFS (<https://www.fisheries.noaa.gov/report>).

14. Best Management Practices Applicable to Category A and Category B Activities within Tidal Waters and Wetlands:

a. **Pile Driving Condition for Category A Activities: All Category A activities must meet one of the following conditions:**

1. Plastic or concrete piles must be less than 12 inches in diameter when a cushioned impact hammer or vibratory hammer is utilized for installation.
2. Timber piles must be 12 inches or less in diameter when a vibratory hammer is utilized for installation.
3. Vinyl or timber sheet piles must be 24 inches or less in width, as measured from the outer edge of corrugation to the inner edge of corrugation, when a cushioned impact hammer or vibratory hammer is used.
4. Pile driving activities must be located within freshwater tributaries or within tidal or nontidal wetlands.
5. Piles of any size/type with any hammer method must be installed behind diversion structures or in the dry when the tide is out in the intertidal zone.
6. Piles of any size/type with any hammer method must be installed between November 30 and March 15.

(Note: Any pile driving activity that does not meet one of the conditions above must be reviewed by the Corps as a Category B activity or an alternate Corps permit review process, as appropriate.)

- b. **Pile Driving Condition for Category A and Category B Activities:** For Category A and Category B activities, pile driving must be initiated with a soft start each day of pile driving, building up power slowly from a low energy start-up over a 20-minute period to allow for fish and other wildlife to leave the area.

15. **Sediment Disturbing Activities Time-of-Year Restriction for Category A and Category B Activities:** Sediment disturbing activities, which includes pile driving activities, are prohibited during the period April 1 through June 30 within all tidal waters of the Chesapeake Bay in Maryland and its tidal tributaries with salinity levels <6 parts per thousand for the protection of shortnose sturgeon during early life stages in these waters (See Appendix B: Low Salinity Waters in Maryland Chesapeake Bay Map).

16. **Critical Habitat:** Any work proposed in designated or proposed critical habitat requires a case-by-case Category B review by the Corps. Current designated Critical Habitat within the State of Maryland includes:

- a. **Potomac River** from the mouth of the Chesapeake Bay to the Little Falls Dam, including Breton Bay and St. Clements Bay;
- b. **Nanticoke River** from the mouth of the Chesapeake Bay to the Route 313 bridge; and
- c. **Marshyhope Creek** from the confluence with the Nanticoke River to the Route 318 bridge.

17. **Wild and Scenic Rivers:** No activity is authorized under the MDSPGP-6 that occurs in a component of the National Wild and Scenic River System, including rivers officially designated by Congress as study rivers for possible inclusion in the system, while such

rivers are in an official study status, unless the appropriate federal agency, with direct management responsibility for the river, has determined in writing that the proposed activity will not adversely affect any National Wild and Scenic River, including study rivers. Information on Wild and Scenic Rivers may be obtained from the appropriate federal land management agency in the area (e.g., National Park Service, U. S. Forest Service, Bureau of Land Management, or FWS) or at <https://www.rivers.gov/maryland.php>.

18. **Federally Authorized Civil Works Projects:** Under 33 USC 408, no activity may temporarily or permanently alter or make use of a U.S. Army Corps of Engineers civil works project unless reviewed and permitted by the Secretary of the Army. The Corps may grant this permission if the work does not impair the usefulness of the project and is not injurious to the public interest. The MDSPGP-6 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project (i.e., flood control projects, dams, reservoirs, and navigation projects), unless specifically waived by the Corps in writing. To determine applicability please see the Baltimore District's webpage to view this guidance: "Apply for 408 Permission" <https://www.nab.usace.army.mil/Missions/Regulatory/Section-408-Requests/>.
19. **Federal Liability:** In issuing this permit, the federal government does not assume any liability for the following:
 - a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes;
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest;
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
 - d. Design or construction deficiencies associated with the permitted work; and
 - e. Damage claims associated with any future modification, suspension or revocation of the MDSPGP-6 or any specific MDSPGP-6 verification.
20. **Fills Within 100-Year Floodplain:** The activity must comply with applicable Federal Emergency Management Agency-approved state or local floodplain management requirements.
21. **Safety of Impoundment Structures:** To ensure that all impoundment structures are safely designed, the Corps may require non-federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The Corps may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.
22. **Migratory Birds and Bald and Golden Eagles:** The permittee is responsible for obtaining any "take" permits required under the FWS's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the FWS to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether any "take" permits are required for a particular activity. Information on the conservation of migratory birds and Bald and Golden Eagles can be found at the following FWS web site: <https://www.fws.gov/chesapeakebay/saving-wildlife/species/bald-eagle/index.html>.

23. **Hazardous Wildlife Attractants on or Near Airports:** Permittees must consider the activity's effects on aviation safety and design a project so it does not create a wildlife hazard. All authorized activities that may attract hazardous wildlife shall be consistent with the siting criteria and land use practice recommendations stated in the Federal Aviation Administration Advisory Circular 150/5200-33C (dated 02/21/2020). This document can be found at:
https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5200-33.
24. **Water Quality Certification:** The conditions of the Clean Water Act Section 401 water quality certification (WQC) issued by the MDE are incorporated as conditions of the MDSPGP-6. If the applicant cannot comply with all of the conditions of this WQC previously issued by MDE for the issuance of the MDSPGP-6, then the applicant must obtain an individual Section 401 water quality certification or waiver thereof for any proposed MDSPGP-6 activity that may result in a discharge into waters of the United States in order for the activity to be authorized by the MDSPGP-6. The 401 WQC conditions issued by MDE for the MDSPGP-6 are available in Appendix C: 401 Water Quality Certification of this permit.
25. **Coastal Zone Management Consistency (CZM):** The MDE concurs that the MDSPGP-6 are consistent with the Maryland Coastal Zone Management Program's enforceable policies subject to the conditions of MDEs coastal zone management consistency concurrence herein attached in Appendix D: CZM Consistency of this permit. If an applicant cannot comply with all of the conditions of this coastal zone management consistency concurrence previously issued by MDE, then the applicant must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by the MDSPGP-6.
26. **Coastal Barrier Resources Act (CBRA):** Federal funding for certain activities requiring Corps authorization may be prohibited within the established Coastal Barrier Resources System, which is a defined set of coastal barrier units located along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. Activities authorized under the MDSPGP-6 must comply with the CBRA. More detailed information can be found at: <http://www.fws.gov/cbra>.
27. **Designated Critical Resource Waters:** Any activity proposed in the designated National Estuarine Research Reserves, including wetlands adjacent to those waters must be reviewed by the Corps under a MDSPGP-6 Category B activity or other Department of the Army permit. The designated National Estuarine Research Reserves in Maryland are:
- a. Jug Bay
 - b. Otter Point Creek
 - c. Monie Bay
28. **Avoidance and Minimization:** The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on-site). Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
29. **Mitigation Standards:** The Corps will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the adverse effects on the aquatic environment are minimal and that the project is eligible for authorization under the MDSPGP-6:

- a. Wetlands: Compensatory wetland mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 5,000 square feet and that require an application submittal for Corps authorization, unless the Corps determines in writing that either some other form of mitigation would be more environmentally appropriate, or the adverse effects of the proposed activity are minimal and provides a project-specific waiver of this requirement. For wetland losses of 5,000 square feet or less that require an application submittal for Corps authorization, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Generally, unless calculated by an approved wetland functional assessment process, the minimum required wetland mitigation ratios may be as follows: 2:1 for forested and scrub shrub wetlands; 1:1 for herbaceous emergent wetlands, and 1:1 for permanent conversion of forested wetlands to herbaceous emergent wetlands, unless the Corps determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are determined to be minimal and provides a project-specific waiver of this requirement. Maintenance of previously authorized activities typically does not require mitigation. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.
- b. Streams and Other Open Waters: Compensatory mitigation at a minimum one-for-one ratio will be required for permanent losses of streams or other open waters that exceed 200 linear feet and that require an application submittal for Corps authorization, unless the Corps determines in writing that either some other type of mitigation would be more appropriate, or the adverse effects of the proposed activity are minimal and provides a project-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through stream rehabilitation, stream enhancement (including enhancement of riparian buffers), or preservation, focusing on functional replacement, to ensure that the activity results in minimal adverse effects on the aquatic environment. In addition, compensatory mitigation plans for losses of streams and other open waters will normally include a requirement for the restoration or establishment, maintenance, and site protection of riparian areas next to open waters. Riparian buffer areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat impact concerns. Typically, the riparian area will not be less than 35 feet wide on each side of the stream, but the Corps may require wider riparian areas to address documented water quality or habitat loss concerns. Furthermore, the Corps may determine that restoration or establishment of a riparian area along a single bank or shoreline is sufficient when it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters.
- c. Conversion of Aquatic Resources: Where certain functions and service of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.
- d. All compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR Part 332.
- e. The applicant is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment. Applicants

may propose the use of mitigation banks, in-lieu-fee programs, or separate permittee-responsible mitigation.

- f. When permittee-responsible mitigation is the proposed compensatory mitigation option, the applicant is responsible for submitting a compensatory mitigation plan. A conceptual or detailed mitigation plan may be used by the Corps to make the decision on the MDSPGP-6 verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the Corps prior to the commencement of work in waters of the United States. The special conditions of the MDSPGP-6 verification must clearly indicate the party or parties responsible for the implementation, performance, and, if required, the long-term management of the permittee-responsible compensatory mitigation project.
 - g. When mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number and resource type of credits to be provided. The special conditions of the MDSPGP-6 verification must either identify the specific mitigation bank or in-lieu fee program, or state that the specific mitigation bank or in lieu fee program used to provide the required compensatory mitigation must be approved by the Corps before the credits are secured and prior to the commencement of the work in waters of the United States.
 - h. For losses of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee.
 - i. Compensatory mitigation will not be used to increase the impact thresholds allowed by the acreage limits of the MDSPGP-6. For example, if a Category B activity has an acreage limit of 0.5-acre loss, the activity cannot be used to authorize any project resulting in losses greater than 0.5 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the impacted waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the terms and conditions, including the acreage limits, also satisfies the minimal impact requirement associated with the MDSPGP-6.
30. **Work in Wetlands:** Heavy equipment working in wetlands shall be avoided if possible and, if required, soil and vegetation disturbance shall be minimized by using techniques such as timber mats, geotextile fabric, and vehicles with low-pressure tires. Temporary fill (e.g., access roads, cofferdams) in waters and wetlands authorized by the MDSPGP-6 shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on the existing wetland grade.
31. **Removal of Temporary Fill, Structures, and Mats:** Temporary fill and the use of mats are both considered a discharge of fill material and must be included in the quantification of impact area authorized by the MDSPGP-6. Temporary fill (e.g., access roads, cofferdams) in waters and wetlands authorized by the MDSPGP-6 shall be properly stabilized during use to prevent erosion.
- a. All temporary fills shall be removed in their entirety within 14 calendar days after the structure or fill is no longer needed for their authorized purpose, subject to any time-of-year restrictions, and no later than completion of project construction not to exceed twelve months after commencing the temporary impacts.
 - b. Category B review required: When temporary fills in waters of the United States will not be removed within the 12-month period, an application must be

submitted, and the activity reviewed by the Corps under a Category B or alternate permit review process. Compensatory mitigation may be required to offset any adverse temporal effects.

- c. If time of year restrictions interfere with the removal of the fill or structures, the permittee must immediately contact the Corps and/or MDE for further instruction.
- d. Temporary fills and structures shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland.
- e. Temporary fill areas shall be restored to their original, pre-construction elevations and contours and revegetated with native wetland species. Temporary fill areas in streams shall be restored to original, pre-construction elevations and contours using native substrate materials.
- f. The application must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.
- g. Temporary fill in wetlands shall be placed on geotextile fabric laid on the existing wetland grade.

32. Erosion and Sediment Control: Adequate erosion and sediment control measures, practices, and devices, such as turbidity curtains in tidal waters, vegetated filter strips, geotextile silt fences, phased construction, or other devices or methods, must be used to reduce erosion and retain sediment on-site during and after construction. Excavated materials from activities shall be moved to upland areas and stabilized with straw bales, silt fence, or other erosion and sediment control measures to prevent reentry of soil into waters of the United States. These devices and methods shall be capable of (a) preventing erosion, (b) collecting sediment and suspended and floating materials, and (c) filtering fine sediment. Erosion and sediment control devices shall be removed when the work is complete, and the site has been successfully stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date. In-stream work that involves the stream bed shall be conducted "in the dry" whenever practicable. This should be accomplished using stream diversion devices, other than earthen or stone cofferdams. In addition, work in waters of the United States shall be performed during periods of low-flow or no-flow, whenever practicable. The width of any temporary fill must be limited to the minimum necessary for temporary construction access.

33. Aquatic Life Movements: No activity may substantially block, impede or disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through, or spawn/nursery within the area (e.g., anadromous/catadromous fish); unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. A low flow channel must be maintained through any discharges placed for armoring across the channel so as to not to impede flow in the waterway and/or not to block or impede the movements of anadromous, estuarine, and resident fish.

34. Depressing Pipes and Culverts: Culverted crossings of intermittent and perennial waterbodies must meet the following conditions:

- a. **Countersinking Pipes and Culverts:** Permanent culverts and pipes that are greater than 36 inches in diameter and bridge/arch footers must be countersunk a minimum of 12 inches below the natural stream invert. Culverts and pipes

measuring 36 inches or less in diameter must be countersunk a minimum 6 inches below the natural stream invert.

- b. Hydraulic opening: Culverts and pipes must be adequately sized to allow for the passage of ordinary high water with the countersinking and invert restrictions taken into account.
- c. Pipes and culverts on bedrock or above existing buried utility lines/pipes: If a permittee determines that countersinking a culvert or pipe in accordance with these conditions is not practicable due to bedrock or an existing buried utility line/pipe, documentation concerning site conditions and limitations, including photographic documentation showing bedrock condition; existing inlet and outlet elevations; cost and engineering factors; or other evidence must be submitted with the application. Permittees must also provide documentation of measures evaluated to minimize disruption of the movement of aquatic life, including but not limited to, the use of a bottomless pipe/culvert, bottomless utility vault, span (bridge) or other bottomless structure to cross the waterway, partial countersinking, constructing stone step pools, low rock weirs downstream, or alternative crossing locations that would allow for countersinking.
- d. Extensions of existing pipes and culverts: The countersinking requirements do not apply to extensions of existing culverts or pipes that are not depressed below the stream invert.
- e. Category B review required: When countersinking of the pipe or culvert is not practicable in accordance with the requirements above (except those pipes and culverts placed in streams on bedrock or over buried utility lines/pipes or existing pipe/culvert extensions), an application must be submitted, and the activity reviewed under a Category B or alternate Corps permit procedures. The permittee must provide documentation of measures evaluated to minimize disruption of the movement of aquatic life as well as documentation of the cost, engineering factors, and site conditions that prohibit countersinking the pipe/culvert. Options that must be considered include the use of a bridge, bottomless pipe/culvert, or other bottomless structure to cross the waterway, partial countersinking, constructing stone step pools or low rock weirs downstream, or alternative crossing locations that would allow for countersinking. The application must include photographs documenting existing site conditions. The applicant may find it helpful to contact their regional fishery agency, National Marine Fisheries Service, Habitat and Ecosystem Services Division, for recommendations about the measures to be taken to allow for migratory fish passage.

35. Water Crossings:

- a. All water crossings (e.g., utility lines and road crossings) must be constructed roughly perpendicular to waters of the United States, including streams and adjacent wetlands, except for instances where the existing on-site conditions would require a diagonal crossing of the waterway. Where a utility line or access road is constructed parallel to a stream corridor, an undisturbed buffer shall be maintained between the utility line/access road and the waterway to avoid or minimize potential future impacts to waters of the United States. These potential impacts would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance.
- b. Water crossings must be constructed "in the dry" whenever practicable. This should be accomplished by using stream diversion devices other than earthen or stone cofferdams.
- c. Equipment shall cross streams only at suitably constructed permanent or temporary crossings.
- d. The width of any temporary fill must be limited to the minimum necessary for temporary construction access.
- e. Category B review required for any new culvert installation or culvert replacement where more than one (1) permanent culvert is proposed to be installed at a single location (side by side) within a perennial non-tidal stream channel. (Please note that this condition does not apply to intermittent or ephemeral stream channels, temporary crossings, tidal crossings, or culverts installed in the floodplain). Please note that a single culvert may not be placed in each stream braid within the same channel under CAT A.
- f. Generally, water crossings must be considered with the following preference: Bridges, single open bottom culverts (includes plated arch culverts), single culverts depressed into the stream bed (pipe or box culverts) and multiple culverts (Requires CAT B review if installed in perennial non-tidal stream channel).

36. Discharge of Pollutants and Debris: All activities that are authorized under the MDSPGP-6 that involve a discharge of dredged or fill material into waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251 et. Seq.), and applicable state and local laws and regulations. No discharge of dredged or fill material associated with this authorization may consist of unsuitable material such as trash, tires, debris, concrete with rebar, car bodies, asphalt, or any other material determined to be inappropriate by the Corps or MDE. Furthermore, after construction, the applicant must implement effective measures to limit trash and debris generated from the authorized facility from entering waterways.

37. Spawning Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill materials in fish and shellfish spawning or nursery areas during spawning seasons, shall be avoided. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of year. Activities that result in the physical destruction (e.g., through excavation, dredging, mining, fill, or significant downstream sedimentation by substantial turbidity) of an important spawning/nursery area (as determined by National Marine Fisheries Service and/or FWS) are not authorized by this MDSPGP-6. The applicant may refer to Maryland Coastal Atlas website

(<https://dnr.maryland.gov/ccs/coastalatlas/Pages/default.aspx>) or other reliable sources for this information.

38. **Anadromous Fish Time-of-Year Restrictions:** This condition applies to activities b(1), b(2), b(4), b(5), b(6), c(1), c(2), c(3), e(1), e(5), e(7), e(9), and f(4): To ensure that activities do not impact spawning habitat or a migratory pathway for anadromous fish, all in-water work is prohibited during February 15 to June 15 each year to protect sensitive life states of anadromous fish in all tidal and nontidal coastal plain streams within the State of Maryland, and all piedmont streams in Harford and Cecil Counties, Maryland, unless specifically waived by the Corps in consultation with the National Marine Fisheries Service – Habitat and Ecosystem Services Division. (See <https://gisapps.dnr.state.md.us/coastalatlas/WAB2/index.html>) If compliance with this time of year restriction is not practicable, the applicant must request a waiver for this time of year restriction by submitting an application to MDE for Corps authorization under a Category B in coordination with the National Marine Fisheries Service – Habitat and Ecosystem Services Division. The application must include written supporting information, including all options considered, demonstrating that this condition cannot be practicably met.
39. **Beneficial Reuse of Dredge Material:** Applicant must identify the intent to use dredge material for fill activities within waters of the United States at the proposed placement site. Applicants must provide the exact location and quantities of dredge material placement within waters of the United States to the Corps and MDE. Material testing is required at the dredging and placement sites prior to placement and must comply with the Evaluation of Dredged Material Proposed for Discharge in waters of the United States-Testing Manual: Inland Testing Manual (https://www.epa.gov/sites/production/files/2015-08/documents/inland_testing_manual_0.pdf). At minimum, Tier 1 testing as outlined in Section 3.1 must be applied for all projects proposing beneficial reuse of dredge material within waters of the United States. Any temporary storage of dredge material must be placed in uplands in accordance with federal, state, and local regulations.
40. **Waterfowl Breeding and Wintering Areas:** Discharges into breeding and wintering areas for migratory waterfowl shall be avoided to the maximum extent practicable. Information on the location of waterfowl breeding and wintering areas may be obtained from the Maryland Department of Natural Resources and the U.S. Fish and Wildlife Services.
41. **Environmental Values:** The permittee shall make every reasonable effort to construct or operate the work authorized under the MDSPGP-6 in a manner that maintains as many environmental values as practicable, and that avoids or minimizes any adverse impacts on existing fish, wildlife, and natural environmental values.
42. **Management of Water Flows:** Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must be of materials and placed in a manner that will not be eroded by expected high flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. Work should be accomplished by using stream diversion devices, other than earthen or stone cofferdams or causeways the activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

43. **Water Supply Intakes:** No discharge of dredged or fill material may occur in the proximity of a public water supply intake.
44. **Poured Concrete into Forms:** Activities that involve the discharge of poured concrete must be contained within cells or watertight forms until the concrete is set.
45. **Inspections:** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the work is being performed in accordance with the terms and conditions of the MDSPGP-6. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work, and post-dredging survey drawings for any dredging work.
46. **Compliance Certification:** Every permittee who receives a written MDSPGP-6 verification from the Corps shall submit a signed Compliance Certification within 60 days following completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals). Permittees that only receive a Category A MDSPGP-6 verification from MDE are not required to submit a signed Compliance Certification to the Corps. Failure to submit the Compliance Certification by the permittee could result in the Corps taking appropriate non-compliance enforcement action against the permit holder. An example of an acceptable compliance certification can be found at the Corps website at:

<https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. Completed compliance certification forms must include the following:

- a. Permittee and File number.
- b. A statement that the authorized work either was or was not done in accordance with the MDSPGP-6 verification, including any general and/or specific conditions. If the activity was not done in accordance with the MDSPGP-6 verification, including any general and/or specific conditions and requirements, the permittee shall describe the specifics of the deviation from the authorized activity.
- c. A statement that any required mitigation was or was not completed in accordance with the permit conditions. If the mitigation was not completed in accordance with the permit conditions, the permittee shall describe the specifics of the deviation from the permit conditions.
- d. The signature of the permittee, certifying the completion of the work and compensatory mitigation.

For MDSPGP-6 permits verified by the Corps: After the project is completed, the certification shall be sent to the Baltimore District at the following e-mail address: nab-regulatory@usace.army.mil or the address below:

**U. S. Army Corps of Engineers
Baltimore District
Attn: CENAB-OP-R
2 Hopkins Plaza
Baltimore, Maryland 21201**

47. **Transfer of MDSPGP-6 Verifications:** If the permittee sells the property associated with a MDSPGP-6 verification, the permittee may transfer the MDSPGP-6 verification to the new owner by submitting a letter to the Baltimore District Corps of Engineers office to validate the transfer. A copy of the MDSPGP-6 verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this MDSPGP-6 are still in existence at the time the property is transferred, the terms and conditions of this MDSPGP-6, including special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this MDSPGP-6 permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

48. **Maintenance:** The permittee shall properly maintain the work or structure authorized by the MDSPGP-6 in good condition and in compliance with the terms and conditions of the MDSPGP-6 including maintenance to ensure public safety.
49. **Property Rights:** The MDSPGP-6 does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations.
50. **Modification, Suspension and Revocation:** The MDSPGP-6, or any verification under it, may be either modified, suspended, or revoked, in whole or in part, pursuant to DA policies and procedures and any such action shall not be the basis for any claim for damages against the United States. The Corps will issue a public notice announcing any changes to the MDSPGP-6 when they occur; however, the permittee is responsible to remain informed of any changes to the MDSPGP-6.
51. **Restoration:** The permittee, upon receipt of a notice of revocation of authorization under the MDSPGP-6, may be required to restore the wetland or waterway to its former condition, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.
52. **Special Conditions:** The Corps may impose special conditions on any project authorized under the MDSPGP-6, in cases where the Corps determines that special conditions are necessary to avoid or minimize adverse effects on the environment or on any other factor of the public interest. Failure to comply with all conditions of the authorization/ verification, including special conditions, will constitute a permit violation/unauthorized work and may subject the permittee to criminal, civil, or administrative penalties, and/or restoration.
53. **False or Incomplete Information:** In granting authorization pursuant to this permit, the Baltimore District will rely upon information and data provided by the permittee. If the Corps or MDE verifies the project under the MDSPGP-6 and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the MDSPGP-6 verification may be revoked, in whole or in part, and/or the United States may institute appropriate legal proceedings.
54. **Compliance:** Any activity performed in waters of the United States, including wetlands and navigable waters that is not in compliance with all the terms and conditions of the MDSPGP-6, constitutes unauthorized work and is subject to an enforcement action by the Corps of the EPA. Furthermore, the MDSPGP-6 does not delegate any Section 404 enforcement or regulatory authority.

Maryland State Programmatic General Permit

401 Water Quality Certification (WQC) Conditions

CERTIFICATION NUMBER: 20-WQC-0051

ISSUED TO: U.S. Army Corps of Engineers, Baltimore District
2 Hopkins Plaza, Baltimore, MD 21201

EFFECTIVE DATE: March 24, 2021

PROJECT LOCATION: Waters of the United States, including wetlands and navigable waters, within the State of Maryland except: Back Creek (of the Chesapeake and Delaware Canal), east of a line extending from Welch Point to Courthouse Point to the Delaware line and to the Second Street Bridge to the south; Herring Creek east of the line extending from Welch Point to Courthouse Point to the dam that crosses Herring Creek; and Long Branch to the Boat Yard Road Bridge to the north, including adjacent and contiguous jurisdictional wetlands to these tidal waterways.

DESCRIPTION OF CERTIFIED PROJECT: This Maryland State Programmatic General Permit-6 (MDSPGP-6) applies to the discharge of dredged or fill material and/or the placement of structures into waters of the United States as regulated by Section 404 of the CWA and/or Section 10 of the Rivers and Harbors Act of 1899. Activities authorized by the MDSPGP-6 must be components of a single and complete project, including all attendant features both temporary and permanent, which individually and cumulatively result in no more than minimal adverse environmental impacts. Activities authorized under the MDSPGP-6 require compliance with all terms and conditions of the MDSPGP-6, including general conditions, activity-specific impact thresholds, and descriptions set out further herein. In addition, the Corps may add project-specific conditions to ensure that the adverse environmental effects are no more than minimal. These can include permit conditions such as time-of-year restrictions, use of best management practices, or compensatory mitigation requirements to offset authorized losses of waters of the United State so that the net adverse environmental effects are no more than minimal.

WATER QUALITY CERTIFICATION

UNDER AUTHORITY OF SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT AND ITS AMENDMENTS AND IN ACCORDANCE WITH § 9-313 THROUGH § 9-323, INCLUSIVE, OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER AND SCIENCE ADMINISTRATION HAS DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR THE MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-6 (MDSPGP-6) (ATTACHMENT 1) WILL NOT VIOLATE MARYLAND'S WATER

QUALITY STANDARDS AND WATER QUALITY REQUIREMENTS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION AND THE MDSPGP-6 PERMIT CONDITIONS .

This Water Quality Certification (Certification) is issued under authority of Section 401 of the Federal Water Pollution Control Act and its Amendments, Title 9, Subtitle 3 of the Environment Article, and Code of Maryland Regulations (COMAR) 26.08.02.10. The Maryland Department of the Environment (MDE or Department) has determined from a review of the request application file that the project activities described in the above will not violate Maryland's water quality standards and water quality requirements, provided that the following conditions are satisfied. This Certification does not relieve any person conducting activities under this Certification and the MDSPGP-6 (Certification Holder) from the responsibility to obtain any other approvals, licenses, or permits in accordance with federal, State, or local requirements.

The Certification Holder subject to this Certification shall comply with the following conditions:

SPECIAL CONDITIONS

- 1) The Certification Holder conducting activities under e (10) New Stormwater Management Facilities shall obtain and comply with the appropriate stormwater management approval authority authorization to ensure that discharges from the constructed facility do not:
 - (a) Violate water quality standards; and
 - (b) Result in erosive flows downstream;
- 2) The Certification Holder conducting activities, not covered under Nationwide Permit #53, Removal of Lowhead Dams, that otherwise qualify for authorization or mitigation under the MDSPGP-6 and involve the removal of lowhead dams shall:
 - (a) Submit to the Corps documentation that the Certification Holder has consulted with the Department to determine if a sediment sampling and testing work plan is necessary;
 - (b) If the Department has determined that sampling and testing of sediment is required:
 - i) Submit to the Corps a copy of the Department's decision documenting that a sediment sampling plan has been reviewed and approved prior to commencing work, and a copy of the sediment sampling plan; and
 - ii) Implement the sediment sampling plan approved by the Department and any subsequent requirements of the Department, based on the sampling results, including monitoring or other measures deemed necessary by the

Department to meet water quality standards to protect water quality based on the sampling results.

3) The Certification Holder shall use a screen having a nominal mesh size of 1mm and an intake velocity not to exceed 0.5 ft/sec. during the Time of Year Restriction specified in the applicable MDE authorization when operating an intake structure.

4) The drilling fluid used in trenchless technology operations shall consist of water and bentonite clay. No additives are permitted without prior approval from the Department. The Certification Holder may submit to the Department for pre-approval a list of thickening additives to be stored on site in order to prevent delays in the drilling operation. Any additive must be certified in conformance with ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals -Health Effects) and used in the manner indicated in the certification of the additive.

5) The Certification Holder shall notify the Department within 24 hours of any inadvertent returns from trenchless technology use and shall:

- (a) Cease operations; and
- (b) Implement an inadvertent return contingency plan approved by the Department.

6) The Certification Holder shall implement any plans and other requirements of the Department in the event of inadvertent return of drilling fluids or discharges of material transported by the utility line into waters of the United States.

7) The Certification Holder conducting activities in Historic Waterfowl Concentration Areas as identified on the Maryland Department of Natural Resource's MERLIN Online website (<https://gisapps.dnr.state.md.us/MERLIN/index.html>) under the "Living Resources" layer and labeled "Waterfowl Areas", shall apply, unless otherwise determined by the Department, a time of year restriction of November 15-March 1, inclusive of any year, but may exclude certain projects from the November 15 - March 1 closure, including:

- (a) Pier construction that is 150 linear feet or less in length
- (b) Riprap/revetment shoreline protection construction of 375 linear feet or less in length
- (c) Bulkhead construction or replacement that is 350 linear feet or less in length
- (d) Living shoreline construction that is 375 linear feet or less in length and has a maximum channelward extent of 35 feet or less
- (e) Reconfiguration of an existing marina when there is no dredging or increase in channelward encroachment beyond existing piers and associated structures

8) The Certification Holder may not conduct blasting for utility line installation unless authorized by the Department.

GENERAL CONDITIONS

1) The Department may require submission of a formal request for an individual water quality certification for any project that has been determined by the Department --within 35 days of receipt by Maryland of a JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND--to likely have a significant adverse effect upon water quality or degrade surface waters to ensure that existing and designated uses of the waterbody and downstream waters are not adversely impacted for the following activities in the MDSPGP-6:

- a(3) Piers- Commercial projects only
- a(5) Boat Ramp Construction, Repair, and Expansion- Commercial projects only
- a(9) Maintenance Dredging of Previously Authorized Dredged Areas in Tidal Waters
- a(10) New Minor Dredging in Tidal Waters
- b(3) Bulkhead Repair or Replacement, including Stone Toe Protection
- c(1) Utility Lines
- c(2) Foundations for Overhead Utility Line Towers, Poles, and Anchors
- c(3) Utility Access Roads
- d) Linear Transportation Activities
- e(1) Minor Nontidal Fills
- e(2) Agricultural Activities
- e(8) Outfall Structures and Associated Intake Structures
- e(9) Residential, Commercial, and Institutional Development Activities
- e(10) New Stormwater Management Facilities
- f(1) New Tidal Revetments and Tidal Shoreline Erosion Control Structures Other than Revetments
- f(2) Living Shorelines/Beach Nourishment
- f(3) New Bulkheads, including Stone Toe Protection
- g) Return Water from Upland Contained Disposal Areas

2) The Certification Holder shall meet all water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal waterways, their 100-year floodplains, nontidal wetlands, nontidal wetland buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02. or other water quality requirements of state law or regulation.

3) The Certification Holder conducting activities which result in the loss of tidal or nontidal wetlands or waterways, shall implement compensatory mitigation in accordance with state issued authorizations.

4) The Certification Holder conducting activities with temporary impacts to nontidal and tidal wetlands shall ensure that such nontidal and tidal wetlands are restored to pre-existing contours and elevations and previous conditions with at least the same nontidal and tidal wetland acreage and equivalent function as indicated by a return to the same wetland type and in accordance with state issued authorizations.

5) The Certification Holder shall comply with monitoring required by any Department authorization to ensure that water quality standards and water quality requirements for waters of this State are met, in addition to monitoring required in the MDSPGP-6.

6) Activities which result in an earth disturbance subject to the requirements in Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01 shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and "2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control," as may be amended.

7) The disturbance of the bottom of the water and sediment transport into adjacent waters shall be minimized.

8) The Certification Holder shall adhere to the time of year restrictions, unless waived or amended by the Department, as identified in a state authorization.

9) The regulated activity shall be conducted so as not to restrict or impede the:

- (a) Movement of wildlife indigenous to the nontidal wetlands or adjacent water, or
- (b) Passage of normal or expected high water flows;

10) The Certification Holder shall design and implement stream crossings to meet, at a minimum, the following performance criteria:

- a. If practicable, a structure (for example, bridge or arched culvert) shall span the bank full wetted width and have additional headroom to provide semi-aquatic and terrestrial wildlife passage for species capable of movement through the pre-disturbance channel;
- b. If a bridge spanning in accordance with item a. is not feasible due to site constraints, then culvert bottoms, including footers, shall be embedded below the stream bed a minimum of 2 feet and below the vertical adjustment potential of the stream bed. Pipe culverts should be embedded at least 25%, or 2 feet, whichever is less;
- c. Water velocity and depth within the crossing structure shall match those observed

at reference conditions within the stream under a variety of flows. Low-flow conditions may not result in reduced fish passage within the culvert, compared to upstream and downstream conditions;

- d. Substrate shall be placed within the structure, including both fine and coarse substrate, and should match the natural substrate found upstream and downstream of the crossing during normal flow conditions. Bank and other key bed structural elements and characteristics should be resilient to high-flow events and may require additional channel manipulation upstream and downstream of the structure (e.g., stream restoration, stabilization, etc.). Scour protection may not result in reduced fish passage and shall be avoided where possible;
- e. Culverts shall be aligned with the natural stream channel and skew should be minimized, not exceeding 30 degrees. The structure gradient shall be no steeper than the streambed gradient at either end of the crossing and should match the overall streambed gradient based on reference reach conditions. The culvert shall be designed and installed to retain transport rock and sediment to mimic natural bed conditions. When possible, crossing structures should be located at a pool feature; and
- f. Structures shall be designed and placed to avoid entanglement of other fish, aquatic life, and wildlife.

11) The Certification Holder shall apply the following conditions to its project:

- a. Prevent sidcasting of excavated material into a Water of the United States. Excavated or other fill material shall be placed in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, tidal wetlands, or nontidal waterways;
- b. Excavated material as backfill shall not be placed in the Water of the United States if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance;
- c. All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species: Perennial Ryegrass (*Lolium perenne*), Millet (*Setaria italica*), Barley (*Hordeum* sp.), Oats (*Avena* sp.), and/or Rye (*Secale cereale*). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the Maryland Department of Environment, Nontidal Wetlands Division. Kentucky 31 fescue shall not be utilized in wetland or buffer areas. The area should be seeded and mulched to reduce erosion after construction activities have been completed in accordance with Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01, the Certification Holder shall have an erosion and sediment control plan approved by the appropriate

approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control,” as may be amended;

12) The Certification Holder shall follow remedial measures required by the Department to ensure that the project is in compliance with water quality standards when:

- a) Conditions or performance standards required under this Certification or any Departmental authorizations are not met; or
- b) The Department determines that water quality standards may not be met at the project site.

13) The Certification Holder shall obtain and comply with all required state authorizations or approvals, including self-certifying General Permits issued by MDE, and shall comply with all conditions of such authorizations.

14) This Certification does not obviate the need to obtain and comply with required authorizations or approvals from State, federal or local agencies as required by law.

15) The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the ACOE; and its approved revisions.

16) All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of the United States.

17) This Certification does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.

18) The Certification Holder shall allow authorized representatives of the Department access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Certification.

19) This Certification is valid for the MDSPGP-6 identified herein until such time that the MDSPGP-6 expires and is not modified or administratively extended.

Failure to comply with these conditions shall constitute reason for MDE to suspend or revoke the Certification Holder's authorization to conduct activities under this Certification may subject the Certification Holder to criminal and/or civil penalties or other enforcement action in accordance with applicable law.

Maryland State Programmatic General Permit

Coastal Zone Management (CZM) Conditions

ISSUED TO: U.S. Army Corps of Engineers, Baltimore District
2 Hopkins Plaza, Baltimore, MD 21201

DETERMINATION DATE: March 24, 2021

PROJECT LOCATION: Waters of the United States, including wetlands and navigable waters, within the State of Maryland except: Back Creek (of the Chesapeake and Delaware Canal), east of a line extending from Welch Point to Courthouse Point to the Delaware line and to the Second Street Bridge to the south; Herring Creek east of the line extending from Welch Point to Courthouse Point to the dam that crosses Herring Creek; and Long Branch to the Boat Yard Road Bridge to the north, including adjacent and contiguous jurisdictional wetlands to these tidal waterways.

DESCRIPTION OF PROJECT: The Maryland State Programmatic General Permit-6 (MDSPGP-6) applies to the discharge of dredged or fill material and/or the placement of structures into waters of the United States as regulated by Section 404 of the CWA and/or Section 10 of the Rivers and Harbors Act of 1899. The MDSPGP-6 is proposed to provide a streamlined form of Department of the Army authorization for certain recurring activities that are similar in nature, have minimal individual and cumulative adverse effects on the aquatic environment, and satisfy other public interest review factors. Activities authorized by the MDSPGP-6 must be components of a single and complete project, including all attendant features both temporary and permanent, which individually and cumulatively result in no more than minimal adverse environmental impacts. Activities authorized under the MDSPGP-6 require compliance with all terms and conditions of the MDSPGP-6, including general conditions, activity-specific impact thresholds, and descriptions set out further herein. In addition, the Corps may add project-specific conditions to ensure that the adverse environmental effects are no more than minimal. These can include permit conditions such as time-of-year restrictions, use of best management practices, or compensatory mitigation requirements to offset authorized losses of waters of the United State so that the net adverse environmental effects are no more than minimal.

COASTAL ZONE CONSISTENCY DETERMINATION
BASED ON THE FOLLOWING CONDITIONS, THE DEPARTMENT HAS
DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE
PROPOSED MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-6
(ATTACHMENTS 1) ARE CONSISTENT WITH THE STATE'S FEDERALLY
APPROVED COASTAL ZONE MANAGEMENT PROGRAM, AS REQUIRED BY
SECTION 307 OF THE FEDERAL COASTAL ZONE MANAGEMENT ACT OF 1972,
AS AMENDED, PROVIDED THAT A PERSON CONDUCTING AN ACTIVITY UNDER
THE MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-6 IN THE
COASTAL ZONE CONSISTENCY DETERMINATION

Maryland State Programmatic General Permit, SPN-20-66

MARYLAND COASTAL ZONE SHALL COMPLY WITH ALL APPLICABLE ENFORCEABLE POLICIES (ATTACHMENT 2) UNDER THE APPROVED MARYLAND COASTAL ZONE MANAGEMENT PROGRAM. CONDITIONS

1) The Department may require submission of a individual Coastal Zone Management Act consistency determination for any project that has been determined by the Department--within 35 days of receipt by Maryland of a JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND-- to likely have a significant adverse effect upon water quality or degrade surface waters to ensure that existing and designated uses of the waterbody and downstream waters are not adversely impacts and the activities will not violate the approved enforceable policies of the Maryland Coastal Zone Management Program for the following activities in the MDSPGP-6:

- a(3) Piers- Commercial projects only
 - a(5) Boat Ramp Construction, Repair, and Expansion- Commercial projects only
 - a(9) Maintenance Dredging of Previously Authorized Dredged Areas in Tidal Waters
 - a(10) New Minor Dredging in Tidal Waters
 - b(3) Bulkhead Repair or Replacement, including Stone Toe Protection
 - c(1) Utility Lines
 - c(2) Foundations for Overhead Utility Line Towers, Poles, and Anchors
 - c(3) Utility Access Roads
 - d) Linear Transportation Activities
 - e(1) Minor Nontidal Fills
 - e(2) Agricultural Activities
 - e(8) Outfall Structures and Associated Intake Structures
 - e(9) Residential, Commercial, and Institutional Development Activities
 - e(10) New Stormwater Management Facilities
 - f(1) New Tidal Revetments and Tidal Shoreline Erosion Control Structures Other than Revetments
 - f(2) Living Shorelines/Beach Nourishment
 - f(3) New Bulkheads, including Stone Toe Protection
 - g) Return Water from Upland Contained Disposal Areas
- Enforceable Policies:
- 5.1.10 Core Policies Quality of Life -Erosion and Sediment Control;
 - 5.1.3.2, Water Resources Protection & Management Policy 2 – Protection of Designated Uses

2) The person conducting an activity under MDSPGP-6 (Permittee) shall meet all performance standards and conditions required by the Department for any state issued authorization for activities in tidal wetlands, nontidal waterways, their 100-year floodplains, nontidal wetlands, nontidal wetland buffers, or nontidal wetland expanded buffers to ensure that any discharges which may enter waters of this State or the United States will not result in a failure to comply with water quality standards in COMAR 26.08.02.; other water quality requirements of state law

or regulation; and enforceable policies under the Maryland Coastal Zone Management Program; and local and State Critical Area Program approvals.

Enforceable Policies:

- 5.1.10 Core Policies Quality of Life -Erosion and Sediment Control;
- 5.1.3.2, Water Resources Protection & Management Policy 2 – Protection of Designated Uses;
- 5.1.4. Flood Hazards & Community Resilience Policies 1 -3
- 5.2.1 Coastal Uses, limited to MDSPGP-6 activities which occur in waters of the United States;
- 5.2.1.1 - 5.2.1.29 Chesapeake and Atlantic Coastal Bays Critical Area
- 5.2.2 Tidal Wetlands
- 5.2.3 Nontidal Wetlands
- 5.2.6 Living Aquatic Resources

3) The Permittee shall apply the following conditions to their project:

- a) Activities which result in the loss of tidal or nontidal wetlands or waterways, shall implement compensatory mitigation in accordance with state issued authorizations.
- b) Ensure that temporary impacts to nontidal and tidal wetlands are restored to pre-existing contours and elevations and previous conditions with at least the same nontidal and tidal wetland acreage and equivalent function as indicated by a return to the same wetland type and in accordance with state authorizations.

Enforceable Policies:

- 5.1.10 Core Policies Quality of Life -Erosion and Sediment Control;
- 5.1.3.2, Water Resources Protection & Management Policy 2 – Protection of Designated Uses;
- 5.1.4. Flood Hazards & Community Resilience Policies 1-3, Flood Hazards & Community Resilience Policy 1 – No Adverse Impact;
- 5.2.1 Coastal Uses, limited to MDSPGP-6 activities which in occur in waters of the United States;
- 5.2.1.1 - 5.2.1.29 Chesapeake and Atlantic Coastal Bays Critical Area
- 5.2.2 Tidal Wetlands
- 5.2.4 Forests Forest Policy 1 – Projects Impacting More Than 40,000 Square Feet Must Generally Identify & Protect Habitat & Mitigate for Impacts

4) The Permittee conducting activities under a(9) Maintenance Dredging of Previously Authorized Dredged Areas in Tidal Waters of MDSPGP-6 shall comply with the following enforceable policies:

- 5.2.1 Critical Area Policy 2 - Buffer Disturbance
- 5.2.1 Critical Area Policy 17- Buffer Management Plan

5) The Permittee conducting activities under a(10) New Minor Dredging in Tidal Waters shall comply with the following enforceable policy:

- 5.2.1 Critical Area Policy 2 – Buffer Disturbance
- 5.2.1 Critical Area Policy 17- Buffer Management Plan

6) The Permittee conducting activities under b) Repair and Maintenance Activities shall comply with the following enforceable policies limited to those areas which are Waters of the United States in the Chesapeake and Atlantic Coastal Bays Critical Area:

- 5.2.1 Critical Area Policy 2 – Buffer Disturbance;

- 5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;
- 5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;
- 5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;
- 5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;
- 5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas;
- 5.2.1 Critical Area Policy 17- Buffer Management Plan
- 5.2.1 Critical Area Policy 26 - Cutting or Clearing Trees in the Buffer

7) The Permittee conducting activities under c) Underground and Overhead Utility Lines shall comply with the following relevant enforceable policies:

- 5.1.1 Quality of Life Policy 10 – Erosion & Sediment Control;
- 5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated Uses;
- 5.1.4. Flood Hazards & Community Resilience Policies 1-3;
- 5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;
- 5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;
- 5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;
- 5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;
- 5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas;
- 5.2.2 Tidal Wetlands Tidal Wetlands Policy 1 – Projects That Alter Natural Character Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate Mitigation;
- 5.2.3 Non-Tidal Wetlands; Non-Tidal Wetlands Policy 1 – Removal or Alteration is Generally Prohibited Unless There Is No Practicable Alternative, in Which Case, Impacts are First Minimized & Then Mitigated to Replace Ecological Values;
- 5.2.4 Forests Forest Policy 1 – Projects Impacting More Than 40,000 Square Feet Must Generally Identify & Protect Habitat & Mitigate for Impacts;
- 5.2.6 Living Aquatic Resources Policies 1-4 and 6-14;
- 5.3.4 Oil and Natural Gas Facilities Policies 4-6.

8) The Permittee conducting activities under e(1) Minor Nontidal Fills, in addition to conditions 2)-3) above, shall comply with the following enforceable policies limited to those areas which are Waters of the United States in the Chesapeake and Atlantic Coastal Bays Critical Area:

- 5.2.1 Critical Area Policy 1 – Scope of the Buffer;
 - 5.2.1 Critical Area Policy 2 – Buffer Disturbance;
 - 5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;
 - 5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;
 - 5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;
 - 5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;
 - 5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas;
 - 5.2.1 Critical Area Policy 11 – Intensely Developed Areas; and
 - 5.2.1 Critical Area Policy 12 – Limited Development Areas & Resource Conservation Areas.
 - 5.2.1 Critical Area Policy 17 – Buffer Management Plan; and
- For mining activities, the additional enforceable policies:

5.2.1 Critical Area Policy 18 – Protection of Critical Area from Surface Mining Pollution
5.2.1 Critical Area Policy 19 – Reclamation Requirements for Mining;
5.2.1 Critical Area Policy 20 – Restrictions on Sand & Gravel Operations; and
5.2.1 Critical Area Policy 21 - Prohibition of Wash Plants in Buffer.

9) The Permittee conducting activities under e(2) Agricultural Activities shall comply with the following enforceable policy limited to those areas which have foreseeable coastal effect to waters of the United States in the Chesapeake and Atlantic Coastal Bays Critical Area:

5.2.1 Critical Area Policy 25 - Best Management Practices for Agriculture,

10) The Permittee conducting activities under e(9) Residential, Commercial, and Industrial Development Activities shall comply with the following enforceable policies limited to those areas which have foreseeable coastal effect to Waters of the United States in the Chesapeake and Atlantic Coastal Bays Critical Area, and according to the applicable land use category:

5.2.1 Critical Area Policy 11 – Intensely Developed Areas; or

5.2.1 Critical Area Policy 12 – Limited Development Areas & Resource Conservation Areas

11) The Permittee conducting activities under e(10) New Stormwater Management Facilities shall obtain and comply with the appropriate stormwater management approval authority authorization and ensure that discharges from the constructed facility do not:

(a) Violate water quality standards;

(b) Result in erosive flows downstream; and

(c) Fail to comply with the following enforceable policy;

5.1.3 Water Resources Protection & Management Policy 8 – Stormwater Management; and

a) Comply with the following enforceable policies for activities in Waters of the United States in the Chesapeake and Atlantic Coastal Bays Critical Area, and according to the applicable land use category:

5.1.3 Water Resources Protection & Management Policy 8 – Stormwater Management;

5.2.1 Critical Area Policy 11 -Intensely Developed Areas;

5.2.1 Critical Policy 12 -Limited Development Areas & Resource Conservation Areas

12) The Permittee conducting activities under Aquatic Habitat Restoration, Enhancement, and Establishment Activities Associated with Compensatory Mitigation for Aquatic Resource Impacts authorized under the MDSPGP-6, and not covered under Nationwide Permit #53, Removal of Lowhead Dams, that otherwise qualify for authorization or mitigation under the MDSPGP-6 and involve the removal of lowhead dams shall:

a) Submit to the Corps documentation that the Certification Holder has consulted with the Department to determine if a sediment sampling and testing work plan is necessary;

b) If the Department has determined that sampling and testing of sediment is required:

i) Submit to the Corps a copy of the Department's decision documenting that a sediment sampling plan has been reviewed and approved prior to commencing work, and a copy of the sediment sampling plan; and

ii) Implement the sediment sampling plan approved by the Department and any subsequent requirements of the Department, based on the sampling results, including monitoring or other measures deemed necessary by the Department to meet water quality standards to protect water quality based on the sampling results.

c) Comply with the following Enforceable Policies:

5.1.1 Quality of Life Policy 10 – Erosion & Sediment Control;

5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated Uses;

5.1.4. Flood Hazards & Community Resilience Policies 1-3;

5.2.2 Tidal Wetlands Tidal Wetlands Policy 1 – Projects That Alter Natural Character Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate Mitigation;

5.2.3 Non-Tidal Wetlands; Non-Tidal Wetlands Policy 1 – Removal or Alteration is Generally Prohibited Unless There Is No Practicable Alternative, in Which Case, Impacts are First Minimized & Then Mitigated to Replace Ecological Values;

5.2.4 Forests Forest Policy 1 – Projects Impacting More Than 40,000 Square Feet Must Generally Identify & Protect Habitat & Mitigate for Impacts; and

5.2.6 Living Aquatic Resources Policies 1-4 and 6-14; and

d) The Permittee conducting activities under e (11) Aquatic Habitat Restoration, Enhancement, and Establishment Activities Associated with Compensatory Mitigation for Aquatic Resource Impacts in addition to 12 a) – c) above, limited to those areas which have foreseeable coastal effect to Waters of the United States in the Chesapeake and Atlantic Coastal Bays Critical Area, shall comply with the following Enforceable Policies:

5.2.1 Critical Area Policy 1 – Scope of the Buffer;

5.2.1 Critical Area Policy 2 – Buffer Disturbance;

5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;

5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;

5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;

5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;

5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas; and

5.2.1 Critical Area Policy 17 – Buffer Management Plan

13) The Permittee conducting activities under f) Shoreline and Stream Bank Stabilization Activities shall comply with the following enforceable policies:

5.2.6 Living Aquatic Resources Policy 4 – Fish Passage;

5.2.6 Living Aquatic Resources Policy 8 – Protection & Management of Submerged Aquatic Vegetation (SAV);

5.2.6 Living Aquatic Resources Policy 9 – Protection of Natural Oyster Bars;

5.2.6 Living Aquatic Resources Policy 10 – Protection of Oyster Aquaculture Leases;

5.2.6 Living Aquatic Resources Policy 11 – Genetically Modified Organisms (GMOs) Are Prohibited in State Waters;

5.2.6 Living Aquatic Resources Policy 12 – Control of Nonnative Aquatic

Organisms;

5.2.6 Living Aquatic Resources Policy 14 – Nonnative Oysters Prohibited in State Waters

14) The Permittee conducting activities under f(1) New Tidal Revetments and Tidal Shoreline Erosion Control Structures Other Than Revetments shall comply with the following enforceable policies:

5.2.1 Critical Area Policy 2- Buffer Disturbance

5.2.1 Critical Area Policy 17- Buffer Management Plan

15) The Permittee conducting activities under f(2) Living Shorelines/Beach Nourishment shall comply with the following enforceable policies:

5.2.1 Critical Area Policy 2- Buffer Disturbance

5.2.1 Critical Area Policy 17- Buffer Management Plan

16) The Permittee conducting activities under f) Shoreline and Stream Bank Stabilization Activities, limited to those areas which have foreseeable coastal effect to Waters of the United States in the Chesapeake and Atlantic Coastal Bays Critical Area, shall comply with the following enforceable policies in additions to enforceable policies in 13) above:

5.2.1 Critical Area Policy 2 – Buffer Disturbance; and

5.2.1 Critical Area Policy 17 – Buffer Management Plan;

17) Activities which result in an earth disturbance subject to the requirements in Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01 shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control,” as may be amended.

Enforceable Policy:

5.1.1 Quality of Life Policy 10 – Erosion & Sediment Control

18) The disturbance of the bottom of the water and sediment transport into adjacent State waters shall be minimized.

Enforceable Policies:

5.1.1 Quality of Life Policy 10 – Erosion & Sediment Control;

5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated Uses;

5.1.4. Flood Hazards & Community Resilience Policies 1-3;

5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;

5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;

5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;

5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;

5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas;

5.2.2 Tidal Wetlands Tidal Wetlands Policy 1 – Projects That Alter Natural Character Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate Mitigation;

5.2.3 Non-Tidal Wetlands; Non-Tidal Wetlands Policy 1 – Removal or Alteration is Generally Prohibited Unless There Is No Practicable Alternative, in Which Case, Impacts are First Minimized & Then Mitigated to Replace Ecological Values;

5.2.6 Living Aquatic Resources Policies 1-4 and 6-14;

19) The Certification Holder shall adhere to the time of year restrictions, unless waived or amended by the Department, as identified in a state authorization.

Enforceable Policies:

5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated Uses

5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;

5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;

5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;

5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;

5.2.1 Critical Area Policy 9 - Time of Year Restrictions for Construction in Streams

5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas

5.2.6 Living Resources Policies 1-9

20) The Permittee conducting activities in Historic Waterfowl Concentration Areas as identified on the Maryland Department of Natural Resource's MERLIN Online website (<https://gisapps.dnr.state.md.us/MERLIN/index.html>) under the "Living Resources" layer and labeled " Waterfowl Areas", shall apply, unless otherwise determined by the Department, a time of year restriction of November 15-March 1, inclusive of any year, but may exclude certain projects from the November 15 - March 1 closure, including:

(a) Pier construction that is 150 linear feet or less in length

(b) Riprap/revetment shoreline protection construction of 375 linear feet or less in length

(c) Bulkhead construction or replacement that is 350 linear feet or less in length

(d) Living shoreline construction that is 375 linear feet or less in length and has a maximum channelward extent of 35 feet or less

(e) Reconfiguration of an existing marina when there is no dredging or increase in channelward encroachment beyond existing piers and associated structures

Enforceable Policies:

5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated Uses

5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;

5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;

5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;

5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;

5.2.1 Critical Area Policy 9 - Time of Year Restrictions for Construction in Streams

5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas

5.2.6 Living Resources Policies 1-9

21) The regulated activity shall be conducted so as not to restrict or impede the:

(a) Movement of wildlife indigenous to the nontidal wetlands or adjacent water, and

(b) Passage of normal or expected high water flows.

Enforceable Policies:

5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated Uses

5.1.4. Flood Hazards & Community Resilience Policies 1-3

5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;

5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;
 5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;
 5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;
 5.2.1 Critical Area Policy 9 - Time of Year Restrictions for Construction in Streams
 5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas
 5.2.2 Tidal Wetlands Tidal Wetlands Policy 1 – Projects That Alter Natural Character Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate Mitigation
 5.2.3 Non-Tidal Wetlands Non-Tidal Wetlands Policy 1 – Removal or Alteration is Generally Prohibited Unless There Is No Practicable Alternative, in Which Case, Impacts are First Minimized & Then Mitigated to Replace Ecological Values Los
 5.2.6 Living Resources Policies 1-9

22) Stream crossings shall design and implement stream crossings to meet, at a minimum, the following performance criteria:

- a. If practicable, a structure (for example, bridge or arched culvert) shall span the bank full wetted width and have additional headroom to provide semi-aquatic and terrestrial wildlife passage for species capable of movement through the pre-disturbance channel;
- b. If a bridge spanning in accordance with item a. is not feasible due to site constraints, then culvert bottoms, including footers, shall be embedded below the streambed a minimum of 2 feet and below the vertical adjustment potential of the streambed. Pipe culverts should be embedded at least 25%, or 2 feet, whichever is less;
- c. Water velocity and depth within the crossing structure shall match those observed at reference conditions within the stream under a variety of flows. Low-flow conditions may not result in reduced fish passage within the culvert, compared to upstream and downstream conditions;
- d. Substrate shall be placed within the structure, including both fine and coarse substrate, and should match the natural substrate found upstream and downstream of the crossing during normal flow conditions. Bank and other key bed structural elements and characteristics should be resilient to high-flow events and may require additional channel manipulation upstream and downstream of the structure (e.g., stream restoration, stabilization, etc.). Scour protection may not result in reduced fish passage and shall be avoided where possible;
- e. Culverts shall be aligned with the natural stream channel and skew should be minimized, not exceeding 30 degrees. The structure gradient shall be no steeper than the streambed gradient at either end of the crossing and should match the overall streambed gradient based on reference reach conditions. The culvert shall be designed and installed to retain transport rock and sediment to mimic natural bed conditions. When possible, crossing structures should be located at a pool feature; and
- f. Structures shall be designed and placed to avoid entanglement of other fish, aquatic life, and wildlife.

Enforceable Policies:

5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated Uses
 5.1.4. Flood Hazards & Community Resilience Policies 1-3
 5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;
 5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;
 5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;

5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;
 5.2.1 Critical Area Policy 9 - Time of Year Restrictions for Construction in Streams
 5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas
 5.2.2 Tidal Wetlands Tidal Wetlands Policy 1 – Projects That Alter Natural Character
 Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate
 Mitigation
 5.2.3 Non-Tidal Wetlands Non-Tidal Wetlands Policy 1 – Removal or Alteration is
 Generally Prohibited Unless There Is No Practicable Alternative, in Which Case,
 Impacts are First Minimized & Then Mitigated to Replace Ecological Values Los
 5.2.6 Living Resources Policies 1-9

23) The Permittee shall obtain and comply with all required authorizations or approvals, including self-certifying General Permits issued by MDE, and shall comply with all conditions of such authorizations.

Enforceable Policies:

5.1.1 Quality of Life Policy 10 – Erosion & Sediment Control;
 5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated
 Uses;
 5.1.4. Flood Hazards & Community Resilience Policies 1-3
 5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;
 5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;
 5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;
 5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;
 5.2.1 Critical Area Policy 9 - Time of Year Restrictions for Construction in Streams
 5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas
 5.2.2 Tidal Wetlands Tidal Wetlands Policy 1 – Projects That Alter Natural Character
 Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate
 Mitigation
 5.2.3 Non-Tidal Wetlands Non-Tidal Wetlands Policy 1 – Removal or Alteration is
 Generally Prohibited Unless There Is No Practicable Alternative, in Which Case,
 Impacts are First Minimized & Then Mitigated to Replace Ecological Values Los
 5.2.6 Living Resources Policies 1-9

24) This Determination does not obviate the need to obtain and comply with required authorizations or approvals from State, federal or local agencies as required by law.

Enforceable Policies: All Enforceable Policies

25) The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the ACOE; and its approved revisions.

Enforceable Policies:

5.1.1 Quality of Life Policy 10 – Erosion & Sediment Control;
 5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated
 Uses; 5.1.4. Flood Hazards & Community Resilience Policies 1-3;
 5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;
 5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;

5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;
 5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;
 5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas;
 5.2.2 Tidal Wetlands Tidal Wetlands Policy 1 – Projects That Alter Natural Character Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate Mitigation;
 5.2.3 Non-Tidal Wetlands; Non-Tidal Wetlands Policy 1 – Removal or Alteration is Generally Prohibited Unless There Is No Practicable Alternative, in Which Case, Impacts are First Minimized & Then Mitigated to Replace Ecological Values;
 5.2.4 Forests Forest Policy 1 – Projects Impacting More Than 40,000 Square Feet Must Generally Identify & Protect Habitat & Mitigate for Impacts;
 5.2.6 Living Aquatic Resources Policies 1-4 and 6-14

26) All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of the United States.

5.1.3 Water Resources Protection & Management Policy 2 – Protection of Designated Uses;

5.1.4. Flood Hazards & Community Resilience Policies 1-3;

5.2.1 Critical Area Policy 5 -Restrictions on Stream Alterations;

5.2.1 Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces;

5.2.1 Critical Area Policy 7 - Prohibition of Dams and Structures;

5.2.1 Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts;

5.2.1 Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas; 5.2.2 Tidal Wetlands Tidal Wetlands Policy 1 – Projects That Alter Natural Character Shall Avoid Dredging & Filling, Be Water-Dependent and Provide Appropriate Mitigation;

5.2.3 Non-Tidal Wetlands; Non-Tidal Wetlands Policy 1 – Removal or Alteration is Generally Prohibited Unless There Is No Practicable Alternative, in Which Case, Impacts are First Minimized & Then Mitigated to Replace Ecological Values;

5.2.6 Living Aquatic Resources Policies 1-4 and 6-14

27) This Determination does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.

Enforceable Policies: All Enforceable Policies

28) The Permittee shall allow authorized representatives of the Department access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Determination.

Enforceable Policies: All Enforceable Policies

29) This Determination is valid for the activities under MDSPGP-6 identified herein until such time that the MDSPGP-6 expires and is not administratively extended.

Enforceable Policies: All Enforceable Policies

Failure to comply with these conditions shall constitute reason for MDE to suspend or revoke the Permittee's authorization to conduct activities under this Determination and may subject the Permittee to criminal and/or civil penalties or other enforcement action in accordance with applicable law.

**WORCESTER COUNTY BOARD OF ZONING APPEALS
STAFF REPORT FOR:
CASE NO. 26-42**

IMPORTANT NOTICE

Due to recent email scams by an individual impersonating a County employee alleging that unanticipated fees are owed, please know that Development Review and Permitting (DRP) will never require payment by wire transfer. If you receive such an email or call, contact DRP directly at 410-632-1200, and staff will be glad to assist you.

HEARING DATE: July 9, 2026

LOCATION: 10525 Sussex Road, Tax Map 21, Parcel 196, Section D, Tax District 10, Worcester County, Maryland.

APPROVAL REQUESTED: A modification to extend a pier with pilings and associated structures an additional 50 feet for a total distance of 200 feet channelward.

CODE REFERENCES: Zoning Code §§ ZS 1-116(n)(2) and Natural Resources Code §§ 2-102(e)(1).

PROPERTY HISTORY: The property has the following record on file:

11/24/1972	Building Permit No. 3593 – Issued 11/24/1972 – Zoning Certificate issued 9/26/1973 – Frame dwelling
07/13/2007	Demolition Permit No. 110602 – Issued 08/07/2007 – C/O issued 09/07/2007 – Demolition of existing single-family dwelling
04/07/2008	Shoreline Construction Permit No. 109788 – Issued 04/07/2008 – C/O issued 06/24/2011 for use of land for bulkhead only - Permit to install a 6' x 45' extension to an existing pier; demo an existing 6' x 11' platform; add a 14' x 14' platform, boatlift with associated poles, and two pullies to the new pier extension; and add 64' of new vinyl bulkhead and 100' of stone revetment.

COMMENTS: The request is for a modification to the limitations on the extension of waterfront structures into a body of water and does not require a zoning variance or permit. Please refer to comments from Environmental Programs.

ENCLOSED PLEASE FIND THE STAFF REPORT FROM THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS, NATURAL RESOURCES DIVISION

SUBSEQUENT PROCESSES IF APPROVED:

1. Obtain a shoreline permit.

OWNER: Andrew Urban IV
9504 Harbor Lights Road
Berlin, MD 21811

APPLICANT : Mark Spencer Cropper
6200 Coastal Highway, Suite 200
Ocean City, MD 21842

PREPARED BY: Zoning Division Staff

In accordance with Section ZS 1-114, the Department has met the public notification requirements with regard to advertisement in a local paper, posting of property and notification of adjoining property owners.



Worcester County Dept. of Environmental Programs - Natural Resources Division
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863
Tel: (410) 632-1220 | Fax: (410) 632-2012

MEMORANDUM

DATE: June 18, 2026
TO: Jennifer Keener – DRP Director
FROM: David M. Bradford – DEP Deputy Director *DMB*
SUBJECT: BZA Case # 26-42 – Urban – 10525 Sussex - Tax Map 21, Parcel 196, Section D.

As the designated Approval Authority for shoreline construction activities occurring within the County, I felt it appropriate to provide comments to the Board for the above referenced case which is specifically pertaining to proposed waterfront structures.

This request proposes authorizing a waterfront structure exceeding the allowable 125 feet channelward extension. Specifically, this project includes a 6'x 172' perpendicular pier with a 9'x22' platform with a boatlift, 4 mooring piles, and two PWC lifts extending a total of 200 feet channelward, exceeding the maximum allowable distance by 75 feet. All marine structures within the County are limited to a maximum channelward distance of 125 feet unless otherwise approved by the Board of Zoning Appeals.

NR 2-102(e)(1):

Extension into water area. Waterfront structures shall not extend into any body of water more than one-half the distance from the mean high-water line to the center line of the body of water upon which the structure is situated or one hundred twenty-five feet, whichever is less, except as may be modified by the Board of Zoning Appeals where the Board determines that the additional extension will not adversely affect navigation or have adverse environmental impacts.

Upon further review of the application, it appears that the reasoning behind this extent of waterway encroachment is based upon the need to reach sufficient water depths. When compared to the neighboring properties, this request is consistent with other existing structures in the area. The proposed pier extension does not appear to cause any navigation or impact on neighboring properties. Therefore, we support the requested channelward extension of this proposed improvement.

If this request is approved, we would recommend that the Board place a condition that specifies a maximum channelward encroachment of 200' based upon a piling only survey being performed by a surveyor licensed in the state of Maryland. This survey should be conducted prior to any framing and/or decking of the pier structure and installation of the boatlift.

Cc: Robert Mitchell, DEP Director;
Brian Soper; NR Administrator;
Joy Birch, NR Planner;

**DEPT. OF ENVIRONMENTAL
PROGRAMS COMMENTS FOR
EACH CASE**

**(Includes Critical Area, Forestry & Environmental
Programs)**



Worcester County

Department of Environmental Programs
Natural Resources Division

Memorandum

To: Jennifer Kenner, DRP Director

From: Joy S. Birch, Natural Resources Planner III JSB

Subject: Board of Zoning Appeals Comments – July 9, 2026

Date: June 24, 2026

Below are comments related to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, July 9, 2026, for their conformance with the Chesapeake Bay (CBCA) and Atlantic Coastal Bays Critical Area Law (ACBCA):

6:30 pm – Case #26-37:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as an Intensely Developed Area (IDA) and is 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 the permitting stage; therefore, we reserve any further comments until permit submission.

6:35 pm -Case #26-40:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Limited Development Area (LDA) within Buffer Management Area A-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 reserve any further comments until permit submission.

6:40 pm – Case #26-39:

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

6:45 pm -Case #26-44:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Developed 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 regulations. Any applicable mitigation will be addressed at the permitting stage; therefore, we reserve any further comments until permit submission. **Please see attached Shoreline Memo.**

6:50 pm -Case #26-45:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Developed Area (IDA) within Buffer Management Area B-50. 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 reserve any further comments until permit submission. **Please see attached Shoreline Memo.**

6:55 pm -Case #26-38:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Resource Conservation Area (RCA) with an associated 100' buffer. **As this request is specifically for a variance to the Atlantic Coastal Bays Critical Area ordinance, a separate memo will be provided**

7:00 pm -Case #26-42:

This request is located within the landward limits of the Atlantic Coastal Bays Critical Area and designated as Intensely Developed 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 regulations. Any applicable mitigation will be addressed at the permitting stage; therefore, we reserve any further comments until permit submission. **Please see attached Shoreline Memo**



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Ben Zito, DPR Specialist III

From: David Mathers, Natural Resources Planner IV 

Subject: Board of Zoning Appeals Comments – July 9, 2026 Meeting

Date: June 25, 2026

Below are comments relative to the cases scheduled for the Board of Zoning Appeals (BZA) meeting for Thursday, July 9, 2026, for their conformance with the Forest Conservation Act.

6:30 pm – Case # 26-37:

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.

6:35 pm -Case # 26-40:

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 # 26-39:

This subdivision is subject to the Worcester County Forest Conservation Law. This property is subject to Forest Conservation Plan #25-12. This property has met compliance with the Worcester County Forest Conservation Law through the establishment of on-site Forest Conservation easement. Forest Conservation easement areas are to be kept as a natural habitat area, no clearing or grading within these conservation easement areas is permitted, and any new structures and improvements must not encroach into the Forest Conservation easements. Furthermore, all forest protection signs must be in place around conservation easements.

Citizens and Government Working Together

6:45 pm -Case # 26-44:

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.

6:50 pm -Case # 26-45:

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 # 26-38:

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.

7:00 pm -Case # 26-42:

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.



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Board of Zoning Appeals (BZA) for the July 9, 2026 meeting

From: Environmental Programs Staff

Date: June 26, 2026

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.

6:30 p.m.

Case No. 26-37, on the lands of Bali Hi Park, Inc, on the application of John and Fran Polubjak, requesting after-the-fact variances to the front yard setback from 10 feet to 8.96 feet (encroaches 1.04 feet) and to the rear yard setback from 5 feet to 4.88 feet (encroaches 0.12 feet) for an existing RV in a Cooperative Campground, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-318(e) and ZS 1-305, located at 12342 St. Martins Neck Road, Tax Map 10, Parcel 32, Lot 100, Tax District 5, Worcester County, Maryland.

No objection to this variance request.

6:35 p.m.

Case No. 26-40, on the lands of Scott and Lori Dunlop, requesting a variance to the front yard setback from 40 feet to 24.2 feet (encroaches 15.8 feet) for a proposed residence in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305, located at 11202 Charlie Drive, Tax Map 10, Parcel 216, Lot 105, Tax District 5, Worcester County, Maryland.

Either the site plan needs to be modified to meet the minimum well separation requirements (30 feet from the house foundation and 15 feet from the road right of way) or a State variance from Maryland Department of the Environment will need to be obtained. A minimum of 10 feet is required to be maintained from the house foundation to the sewage reserve area.

6:40 p.m.

Citizens and Government Working Together

Case No. 26-39, on the lands of Snow Hill Property LLC, requesting a variance to the side yard setback from 20 feet to 10.5 feet (to encroach 9.5 feet) for the conversion of an existing structure to a proposed mosque in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-210(b)(8) and ZS 1-305 located at 12008 Ocean Gateway, Tax Map 26, Parcel 130, Tax District 10, Worcester County, Maryland.

Building permit 25-1189 was issued March 25, 2026 to construct a new mosque building while utilizing the existing kennel structure as storage. The limited sewage reserve area cannot support two mosque buildings. Prior to CO approval for the mosque building on building permit number 25-1189, the existing kennel building will need to be converted to an approved use, such as storage only.

6:45 p.m.

Case No. 26-44, on the lands of Louis and Shirley Lazzaro, requesting an after-fact modification to the side lot line from 6 feet to 1 foot (encroaches 5 feet) for an existing boat lift in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(n)(3), ZS 1-207(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2), located at 1 Sandpiper Lane, Tax Map 16, Parcel 38, Section 1, Lot 650, Tax District 3, Worcester County, Maryland.

No objection to this lot line modification.

6:50 p.m.

Case No. 26-45, on the lands of Clara and Jeremy Ziman, on the application of J. Stacey Hart & Associates, Inc., requesting two modifications to the side lot line from 6 feet to 0 feet (encroaches 6 feet) for two proposed boat lifts in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(n)(3), ZS 1-206(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2), located at 13013 North Shore Road, Tax Map 22, Parcel 367, Lot 10, Tax District 10, Worcester County, Maryland.

No objection to these lot line modifications.

6:55 p.m.

Case No. 26-38, on the lands of John Scott Hagerty Revocable Trust and Teresa Lynn Hagerty Revocable Trust, on the application of Mark Spencer Cropper, requesting a variance to the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 25 feet (an encroachment of 75 feet) and a special exception for the replacement of an existing residence in the RP Resource Protection District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(m), ZS 1-122(f), ZS 1-215(c)(1) and ZS 1-305 and Natural Resources Code §§ NR 3-104(d)(4) and NR 3-111, located at 11923 Salt Grass Point Road, Tax Map 16, Parcel 37, Tax District 5, Worcester County, Maryland.

No objection to these variance and special exception requests. Note: this property will be tying into public sewer and remaining on private water supply.

Citizens and Government Working Together

7:00 p.m.

Case No. 26-42, on the lands of Andrew Urban IV, on the application of Mark Spencer Cropper, requesting a modification to extend a pier with pilings and associated structures an additional 50 feet for a total distance of 200 feet channelward, pursuant to Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(2), located at 10525 Sussex Road, Tax Map 21, Parcel 196, Section D, Tax District 10, Worcester County, Maryland.

No objection to this modification.

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

OPINIONS FROM THE PREVIOUS MONTH FOR REVIEW

**(Opinion for each case will be provided at the regular
meeting for signature by all members)**

IN THE MATTER OF TINA NIEMEYER
AND CHARLES NIEMEYER, JR.

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BEFORE THE BOARD OF ZONING

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APPEALS FOR WORCESTER COUNTY,

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Case No. 26-29

MARYLAND

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OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, June 11, 2026, upon the application of Tina Niemeyer and Charles Niemeyer, Jr., requesting a variance to the side yard setback from 7 feet to 0 feet (to encroach 7 feet) for an existing residence with a proposed attached gazebo in a campground subdivision in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-318(d)(1)B and ZS 1-305 located at 235 White Pine Lane, Tax Map 16, Parcel 90, Lot 235, Tax District 3, Worcester County, Maryland.

Jennifer Keener, Director of Development, Review, and Permitting presented the application to the Board.

The Applicants Tina Niemeyer and Charles Niemeyer, Jr. testified before Board along with Craig Sturm. There were no protestants to the Application. The testimony revealed that the Applicant bought the property in 2019. The home was placed there in 2004. The Applicants want a 10 x 12 foot gazebo and need a variance to attach it to the house. The County Commissioners passed Ordinance 24-08 to allow this to happen. The next door neighbor does not object.

After duly considering the application and the testimony and other evidence offered and presented in connection therewith, the Board made the following findings of fact and conclusions of law:

1. Special conditions and circumstances exist which are peculiar to the land and proposed building involved;
2. The literal interpretation of the Ordinance would deprive the applicants of rights commonly enjoyed by others in the Zone;
3. The special conditions did not result from actions of the applicants; and
4. The conditions are not one that could be reasonably provided for under legislation of general applicability within the Zone.

Accordingly, upon a Motion made by Mr. Fykes to approve, which was seconded by Ms. Gismondi, the Board passed the following resolution which was opposed by Mr. Babcock and Mr. Purcell:

BE IT RESOLVED, that the requested variance be APPROVED.

Date

Robert Purcell
Chairperson

Date

Thomas Babcock

Date

Charles L. Fykes

Date

Beth Gismondi

Date

Stephen Katsanos

IN THE MATTER OF MARK SPENCER
CROPPER

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BEFORE THE BOARD OF ZONING

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APPEALS FOR WORCESTER

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Case No. 26-31

COUNTY, MARYLAND

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OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, June 11, 2026, upon the application of Mark Spencer Cropper, on the lands of Julie M. Smith and Damon M. Smith Revocable Trust, requesting a modification to extend a pier and platform in excess of 125 feet by 92 feet for a total distance of 217 feet channelward, pursuant to Natural Resources Code §§ NR 2-102(e)(1) and Zoning Code §§ ZS 1-116(n)(2), located at 13022 Riggins Ridge Road, Tax Map 27, Parcel 570, Block 6, Lot 28B, Tax District 10, Worcester County, Maryland.

Jennifer Keener, Director of Development, Review, and Permitting presented the application to the Board.

Damon Smith testified before Board along with Tanner Jennings from Tidal Solutions. 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 made the following findings of fact and conclusions of law:

The Board finds pursuant to NR 2-102(e)(1) that the extension will not adversely affect navigation or have adverse environmental impacts.

Accordingly, upon a Motion made by Mr. Katsanos to approve, which was seconded by Ms.

Gismondi, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested modification be APPROVED upon the following conditions:

1. A maximum channelward encroachment of 217 feet based upon a piling only survey shall be performed by a Maryland licensed surveyor prior to any framing and/or decking of the pier structure and installation of the boatlift. The survey should also include the total distance of the tidal wetland crossing to ensure there is not a conflict with Critical Area regulations.
2. The Applicant shall install lights at the end of the pier.

Date

Robert Purcell
Chairperson

Date

Thomas Babcock

Date

Charles L. Fykes

Date

Beth Gismondi

Date

Stephen Katsanos

IN THE MATTER OF ZEV SIBONY

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BEFORE THE BOARD OF ZONING

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APPEALS FOR WORCESTER

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Case No. 26-32

COUNTY, MARYLAND

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OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, June 11, 2026, upon the application of Zev Sibony, on the lands of Coastal, LLC, requesting two (2) variances, (1) to the front yard setback requirement from Keyser Point Road from 55 feet to 14.5 feet (to encroach 40.5 feet), and (2) to the front yard setback requirement from Ocean Gateway from 100 feet to 79 feet (to encroach 21 feet) for a proposed outside dining area; and a special exception for a 5 foot high fence within the front yard adjacent to both Keyser Point Road and Ocean Gateway in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-210(b)(2) and ZS 1-305, located at 12513 Ocean Gateway, Tax Map 26, Parcel 255, Block 1, Lot 1, Tax District 10, Worcester County, Maryland.

Jennifer Keener, Director of Development, Review, and Permitting presented the application to the Board.

The Applicant Zev Sibony testified before Board in favor of the Application. There were no protestants to the Application. The testimony revealed that the Applicant wants to have outside seating and entertainment with a fence for security to protect patrons. The area will have no structures; just a fence and tables. All neighboring businesses are in the setback in the front yard.

After duly considering the application and the testimony and other evidence offered and

presented in connection therewith with regards to the variances, the Board made the following findings of fact and conclusions of law:

1. Special conditions and circumstances exist which are peculiar to the land and proposed building involved;
2. The literal interpretation of the Ordinance would deprive the applicants of rights commonly enjoyed by others in the Zone;
3. The special conditions did not result from actions of the applicants; and
4. The conditions are not one that could be reasonably provided for under legislation of general applicability within the Zone.

As to the requested special exception, the Board made the following findings of facts and conclusions of law:

1. The proposed use will be consistent with County's Comprehensive Plan;
2. The proposed use will be in harmony with the general character of the neighborhood considering population density, the design, scale and bulk of any proposed new structures, the intensity and character of activity, traffic and parking conditions or the number of similar uses;
3. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or surrounding neighborhoods; will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity; and will not have a detrimental effect on ground or surface water quality;
4. The proposed use will have no detrimental effect on vehicular or pedestrian traffic;
5. The proposed use will not adversely affect the health, safety, morals, security or general welfare of residents, workers or visitors in the area; and

6. The proposed use 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. The proposed use will meet the definitions and specific standards set forth elsewhere in the Title for such use.

Accordingly, upon a Motion made by Mr. Babcock to approve, which was seconded by Mr.

Katsanos, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested special exception be GRANTED; BE

IT FURTHER RESOLVED, that the requested variances be GRANTED.

Date

Robert Purcell
Chairperson

Date

Thomas Babcock

Date

Charles L. Fykes

Date

Beth Gismondi

Date

Stephen Katsanos

IN THE MATTER OF JOYCE GALELLO
AND MICHAEL GALELLO

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BEFORE THE BOARD OF ZONING

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APPEALS FOR WORCESTER COUNTY,

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Case No. 26-33

MARYLAND

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OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, June 11, 2026, upon the application of Joyce Galello and Michael Galello, requesting a variance to the rear yard setback from 30 feet to 27.3 feet (to encroach 2.7 feet) for a proposed residence in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b) (2) and ZS 1-305 located at 1103 Stones Run, Tax Map 16, Parcel 108, Section 18, Lot II-12, Tax District 3, Worcester County, Maryland.

Jennifer Keener, Director of Development, Review, and Permitting presented the application to the Board.

The Applicant Michael Galello testified before Board in favor of the Application. There were no protestants to the Application. The testimony revealed that the Applicant wants to build a new home and needs a 2.7 foot encroachment from the rear yard setback. Ocean Pines has approved this as has Colonial Village. The lots in Colonial Village are small which requires a variance.

After duly considering the application and the testimony and other evidence offered and presented in connection therewith, the Board made the following findings of fact and conclusions of law:

1. Special conditions and circumstances exist which are peculiar to the land and proposed building involved in that the lot is smaller than most lots in the development and has smaller

depth than the other lots;

2. The literal interpretation of the Ordinance would deprive the applicants of rights commonly enjoyed by others in the Zone;
3. The special conditions did not result from actions of the applicants; and
4. The conditions are not one that could be reasonably provided for under legislation of general applicability within the Zone.

Accordingly, upon a Motion made by Ms. Gismondi to approve, which was seconded by Mr.

Katsanos, the Board passed the following resolution which was opposed by Mr. Purcell:

BE IT RESOLVED, that the requested variance be APPROVED.

Date

Robert Purcell
Chairperson

Date

Thomas Babcock

Date

Charles L. Fykes

Date

Beth Gismondi

Date

Stephen Katsanos

IN THE MATTER OF QIN ZHENG BEFORE

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THE BOARD OF ZONING

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APPEALS FOR WORCESTER COUNTY,

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Case No. 26-34

MARYLAND

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OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, June 11, 2026, upon the application of Qin Zheng, on the lands of Rental AA Homes, LLC, requesting an after-the-fact variance to the side yard setback from 9.99 feet to 5.90 feet (to encroach 4.09 feet) for an existing residential accessory building in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-122(c)(1)A, ZS 1-205(d)(1) and ZS 1-305, located at 11328 Gum Point Road, Tax Map 21, Parcel 24, Tax District 3, Worcester County, Maryland.

Jennifer Keener, Director of Development, Review, and Permitting presented the application to the Board.

The Applicant Quin Zheng, testified before Board in favor of the Application. There were no protestants to the Application. The testimony revealed that the Applicant bought the property in July 2025 and the workshop building has been there for 50 years. Many other properties in the area have storage/workshop buildings. She will improve the building and the special condition was not caused by the Applicant.

After duly considering the application and the testimony and other evidence offered and

presented in connection therewith, the Board made the following findings of fact and conclusions of law:

1. Special conditions and circumstances exist which are peculiar to the land and proposed building involved;
2. The literal interpretation of the Ordinance would deprive the applicants of rights commonly enjoyed by others in the Zone;
3. The special conditions did not result from actions of the applicants; and
4. The conditions are not one that could be reasonably provided for under legislation of general applicability within the Zone.

Accordingly, upon a Motion made by Mr. Katsanos to approve, which was seconded by Ms.

Gismondi, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested variance be APPROVED.

Date

Robert Purcell
Chairperson

Date

Thomas Babcock

Date

Charles L. Fykes

Date

Beth Gismondi

Date

Stephen Katsanos