



County Commissioners Hearing Room

400 High Street
Chestertown, Maryland

AGENDA

Monday, May 16, 2022

5:00 p.m.

Members of the public are welcome to attend meetings in person or listen to the meeting via the audio-only phone number and conference identification number listed below.

1. Dial **1-872-239-8359**
2. Enter Conference ID: **673 754 33#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

MINUTES

April 18, 2022

APPLICATIONS FOR REVIEW:

- | | |
|-------|--|
| 22-20 | Hall Properties LLC – Variances (Side Yard Setback and Lot Size)
28036 and 28040 Creamery Street, Kennedyville – Second Election District – Village (V) |
| 22-22 | Marci Tarrant Johnson – Variance (Pier Length)
22059 Harrington Park Road – Fifth Election District – Zoned Critical Area Residential (CAR) |

GENERAL DISCUSSION

APPLICANT OR REPRESENTATIVE MUST BE PRESENT

**APPLICANTS ARRIVING MORE THAN 10 MINUTES AFTER THE SCHEDULED HEARING WILL NOT BE HEARD
AND WILL BE RESCHEDULED AT THE APPLICANT’S EXPENSE.**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Board of Appeals meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations. Other business without assigned times may be discussed during the meeting.

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: April 18, 2022
 Time: 5:00 P.M.
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>#22-09 25809a Still Pond Neck, LLC – Special Exception</p> <p>The applicant is requesting a special exception for a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located at 26001 Still Pond Neck Road in the Third Election District and is on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road. The proposed 1 MW array of panels will encompass approximately 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. The surrounding area is predominantly farmland and woodland.</p> <p>The Kent County Planning Commission has issued a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Anthony Kupermish, Esq. with McCallister, Detar, Showalter and Walker, appeared on behalf of the applicant.</p> <p>Mr. Kupersmith was sworn in and presented a summary of his case.</p> <p>Cory McCandless and Bruce Wilson with SGC Power were sworn in on behalf of the applicant.</p> <p>Ted Hastings with Becker Morgan Group was sworn in on behalf of the applicant.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>David Hill, Member (observing)</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Michael Pelletier, Clerk</p>	<p>Ms. Massey moved to deny the application on the ground that the proposed “area of use” exceeded five acres; therefore, the application did not meet the requirements of Section 7.57.25(j).</p> <p>The motion to deny was seconded by Ms. Horsey; the motion passed with all in favor.</p> <p>The Applicant’s Representatives provided testimony and evidence in support of the application.</p> <p>Mr. Kupersmith introduced Applicant’s Exhibit 1 “MHT Project Review Form” and Applicant’s Exhibit 2 “DNR Environmental Review” to be incorporated into the record.</p> <p>Mr. Kupersmith provided a closing argument in support of the testimony before the Board.</p>	<p>Unanimous Denial of Application</p>

Agenda Item	Sitting for the Board	Action Taken	Vote
<p><u>Public Comment</u></p> <p>Bob Payne from Still Pond and Andy Simmons from Still Pond were sworn in.</p> <p><u>Planning Staff</u> William Mackey, Director and Mark Carper, Associate Planner, were sworn in.</p> <p>No correspondence was received on this application.</p>		<p>Mr. Payne and Mr. Simmons testified in opposition to the application insofar as the aesthetics of the agricultural landscape would be affected and approval of the application would take prime farmland out of the AZD.</p> <p>Mr. Carper presented the staff report. At the end of the meeting, Mr. Mackey explained the staff's interpretation of the "area of use."</p>	
<p>The Board went into closed session at 5:55 pm to obtain legal advice from the Board's attorney. The Board adjourned the closed session and reconvened the hearing at 6:25 pm.</p>		<p>Mr. Massey moved to go into closed session and Ms. Horsey seconded the motion; the motion passed with all in favor.</p> <p>The Board was provided legal advice in interpreting two provisions of the land use article pertaining to utility scale solar.</p>	<p>Unanimous approval</p> <p>No vote</p>
<p>MINUTES: January 10, 2022</p>		<p>Ms. Horsey moved to approve the minutes. Mr. Massey seconded the motion; the motion passed with all in favor.</p>	<p>Approved</p>
<p>Adjourn</p>		<p>Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; the motion passed with all in favor. The meeting adjourned at 7:25 p.m.</p>	<p>Unanimous Approval</p>

Dr. Albert Townshend, Chairman

/s/ Michael Pelletier
Michael Pelletier, Clerk



Board of Zoning Appeals
Department of Planning, Housing, and Zoning

May 11, 2022

Dr. Al Townshend
Kent County Board of Appeals
400 High Street
Chestertown, MD 21620

RE: Hall Properties LLC and Alexys Biggs
Variances – Side Setback and Minimum Lot Size
28036 and 28040 Creamery Street, Kennedyville

Dr. Townshend:

At its May 5, 2022, meeting, the Kent County Planning Commission reviewed the application of Alexys Biggs requesting a 5.6-foot variance from the minimum 8-foot side yard setback requirement for an existing dwelling located at 28036 Creamery Street. As part of the same application, Hall Properties LLC is requesting a 3,329 square foot variance from the minimum 9,500 square foot lot size requirement for the adjacent parcel, 28040 Creamery Street. The properties are located in the Second Election District and are zoned Village. The owners are requesting the variances to complete an adjustment of lot lines that will make 28036 Creamery Street less nonconforming.

The Commission opined that a practical difficulty was due to the size and shape of the parcels and was not caused by the applicant's actions. After discussion and consideration of the applicant's testimony, the Commission voted to make a favorable recommendation for the variances. The Commission's recommendation was based on the following findings of fact:

- Granting a variance will not cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.
- The Comprehensive Plan is neutral on this issue and the proposal is consistent with the general intent of the Land Use Ordinance.
- The practical difficulty is caused by the unusual size and shape of the property.
- The reasonable use of the entire property was considered.

The Commission also recommends the standard condition that the variance will lapse if a lot line adjustment is not recorded within one year.

Sincerely,
Kent County Planning Commission

F. Joseph Hickman
Chair

FJH/cmg

cc: Michael Scott, Surveyor
Lisa McDonald, Hall Properties, LLC
Alexys Biggs

To: Kent County Board of Appeals
From: Carla Gerber, Deputy Director
Meeting: May 16, 2022
Subject: Hall Properties LLC and Alexys Biggs
Variance – side setback and minimum lot size

Executive Summary

Request by Applicant

Hall Properties LLC and Alexys Biggs are requesting variances to allow an adjustment of lot lines.

Public Process

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

Summary of Staff Report

The properties are located at 28036 and 28040 Creamery Street, Kennedyville, in the Second Election District and are zoned Village. Neither property meets the minimum size requirement, and the shared property line passes through the dwelling at 28036 Creamery Street. Due to the size and shape of the lots, an adjustment of lot lines cannot be completed without the granting of variances for the side yard setback for 28036 Creamery Street and for the minimum lot size for 28040 Creamery Street.

Staff Recommendation

Staff concurs with the Planning Commission's recommendation to grant the variances for:

- 1) A 5.6-foot variance of the side yard setback requirement for Parcel 64.
- 2) A 3,329-square foot variance from the minimum lot size requirement for Parcel 63.

PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals
SUBJECT: #22-20 – Hall Properties, LLC, and Alexys K. Biggs
Variances – Side Setback and Minimum Lot Size
DATE: May 12, 2022

Description of Proposal

In order to complete an adjustment of lot lines, Alexys Biggs is requesting a 5.6-foot variance from the minimum 8-foot side yard setback requirement for an existing dwelling that will help minimize existing nonconformities. As part of the same application, Hall Properties, LLC, is requesting 3,329-square foot variance from the 9,500 square foot minimum lot size requirement for the adjacent parcel. The properties are located at 28036 and 28040 Creamery Street in the Second Election District and are zoned Village.

This application involves two parcels that are being reconfigured in order to make 28036 Creamery Street less nonconforming. Currently, the property line between Parcels 63 and 64 passes through the dwelling on Parcel 64 (28036 Creamery Street), and neither property meets the minimum size requirement. The lot line adjustment will convey 227 square feet from Parcel 63 to Parcel 64 and the new line of division will be 2.4 feet from the corner of the front porch and approximately 3 feet from the corners of the house. The new line will be about 14 feet from the house on Parcel 63. The property line cannot be located closer to the dwelling on Parcel 63 due to the existing driveway.

Relevant Issues

- I. Density, Height, Width, Bulk, and Fence Requirements
 - A. Comprehensive Plan: “Ensure that all new development or redevelopment meets a high standard of planning, workmanship, and design.” (Page 31)
 - B. Applicable Law: Article V, Section 7.5 of the Kent County Land Use Ordinance establishes the density, height, width, bulk, and fence requirements for the Village District.

Minimum Yard

Front	20 feet
Side	8 feet
Rear	10 feet

Minimum Lot Size – 9,500 square feet

Minimum Lot Frontage – 50 feet

- C. Staff and TAC Comments: A variance of the side setback requirement is needed for Parcel 64, and a variance of the minimum lot size requirement is needed for Parcel 63 because it will become more nonconforming. The other setback and size nonconformities do not need variances.

II. Variance

- A. Applicable Law: Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor,

and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
 - b. That the variance will not change the character of the neighborhood or district.
 - c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
 - d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
 - e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
...
 - g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
 - h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
 - i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.
- B. Staff and TAC Comments: The variance will not cause a substantial detriment to adjacent or neighboring properties and will not change the character of the neighborhood. The Comprehensive Plan is neutral on this application. The applicants are trying to improve the situation which is caused by the unusual size and shape of the parcels. The practical difficulty was not caused by the applicants' actions as the lots were developed more than 100 years ago. The lot line adjustment is a reasonable request and allows for reasonable use of the properties.

Staff Recommendation

Staff concurs with the Planning Commission's recommendation to grant approval.

ADMINISTRATIVE HEARING APPLICATION

Kent County Department of Planning, Housing, and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant)

HALL PROPERTIES LLC.

13200 BLOOMFIELD ROAD

KENNEDYVILLE MD 21645

410-708-3111

Email: _____

For Office Use Only:

Case Number: _____

Date Filed: _____

Filed by: _____

Applicant: _____

Date of Hearing: _____

Parties Notified: _____

Notice in Paper: _____

Property Posted: _____

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL:

_MICHAEL@MICHAELASCOTTINC.COM

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article IX Section 2.1 of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

Variance Special Exception Determination of Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 28036 CREAMERY STREET KENNEDYVILLE MD 21645

In the 2 Election District of Kent County.

Size of lot or parcel of Land: 0.082 ACRES

Map: 21 Parcel: 64 Lot #: _____ Deed Ref: M.L.M. 663/564

List buildings already on property: DWELLING

Subdivision name and address, if applicable: N/A

PRESENT ZONING OF PROPERTY: VILLAGE

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) SIDE YARD SET BACK OF 3.43' & 4.45'

Present owner of property: HALL PROPERTIES LLC Telephone: _____
410-708-3111

If Applicant is not owner, please indicate your interest in this property: _____

Has property involved ever been subject to a previous application? NO

If so, please give Application Number and Date: _____

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.
List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: HALL PROPERTIES LLC

Owner(s) on the South: HALL PROPERTIES LLC & GERALD M. FULLER

Owner(s) to the East: CREAMERY STREET

Owner(s) to the West: KATHLEEN M. SHANHOLTZER

Homeowners Association, name and address, if applicable: N/A

BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.


Signature of Owner/Applicant/Agent or Attorney

3-28-22
Date

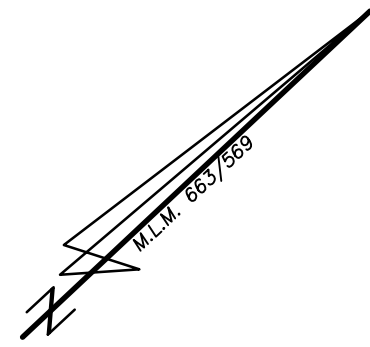
Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the Department of Planning, Housing & Zoning. If you have any questions, contact the Kent County Department of Planning, Housing and Zoning.

Hall Properties, LLC, and Alexys Biggs
Creamery Street, Kennedyville

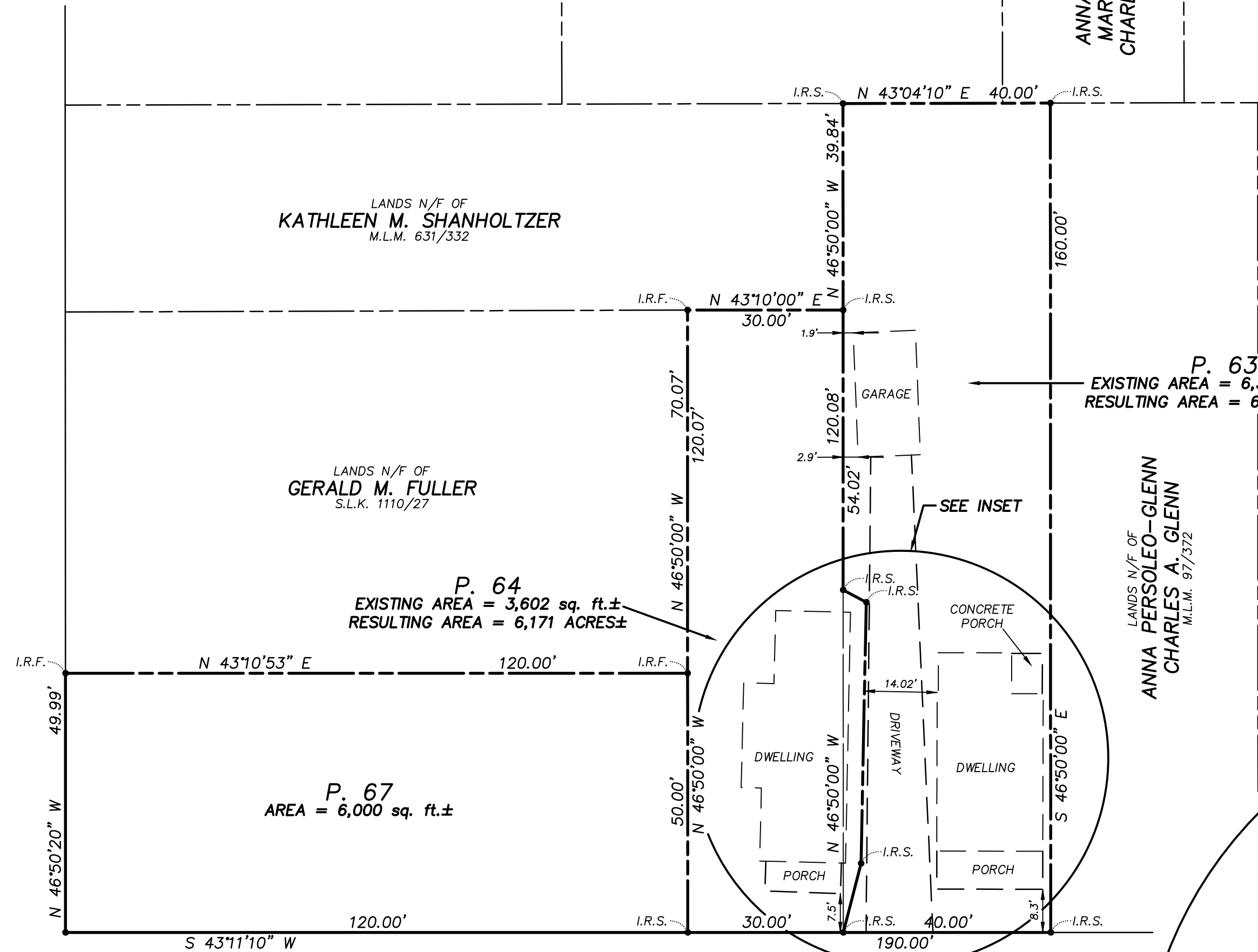


Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2019. Map prepared April 2022.

1 inch = 100 feet



CREAMERY STREET 30' R/W



P. 63
EXISTING AREA = 6,398 sq. ft.±
RESULTING AREA = 6,171 ACRES±

P. 64
EXISTING AREA = 3,602 sq. ft.±
RESULTING AREA = 6,171 ACRES±

P. 67
AREA = 6,000 sq. ft.±

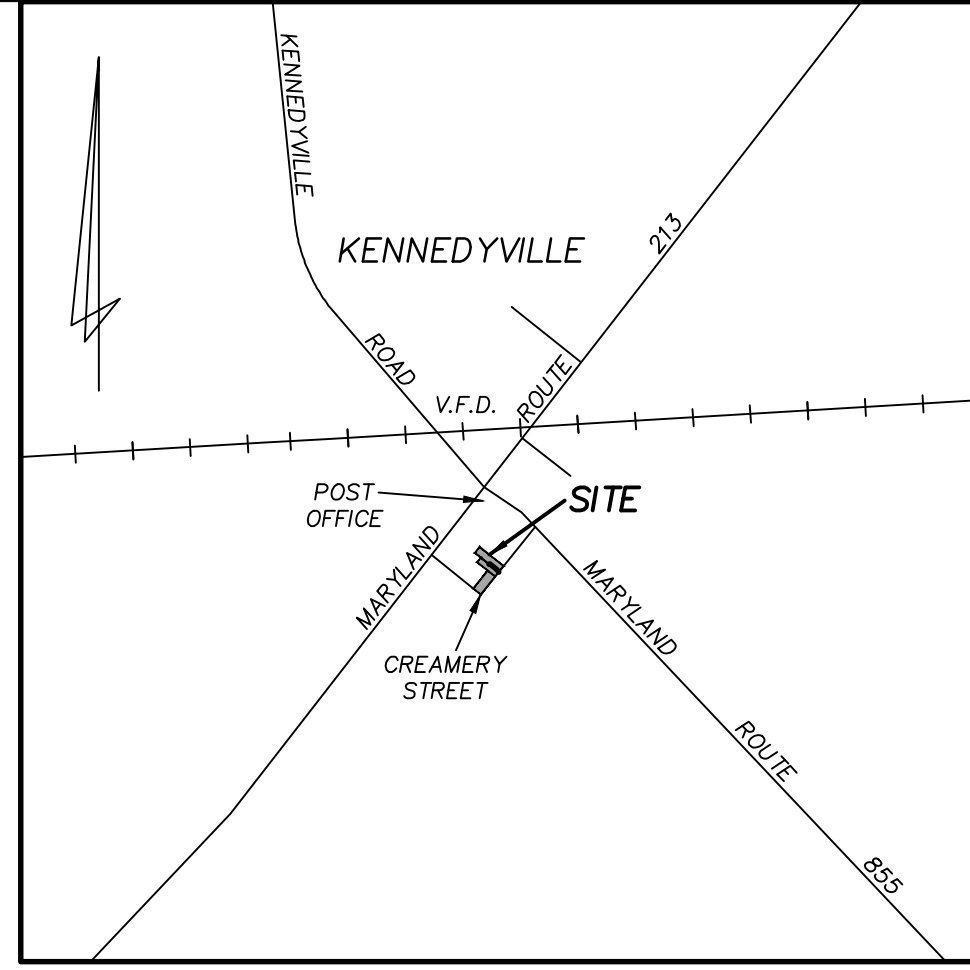
LANDS N/F OF
ANNA M. PERSOLEO
MARK M. GLENN &
CHARLES C. L. GLENN
M.L.M. 79/476

LANDS N/F OF
KATHLEEN M. SHANHOLTZER
M.L.M. 631/332

LANDS N/F OF
GERALD M. FULLER
S.L.K. 1110/27

LANDS N/F OF
ANNA PERSOLEO-GLENN
CHARLES A. GLENN
M.L.M. 97/372

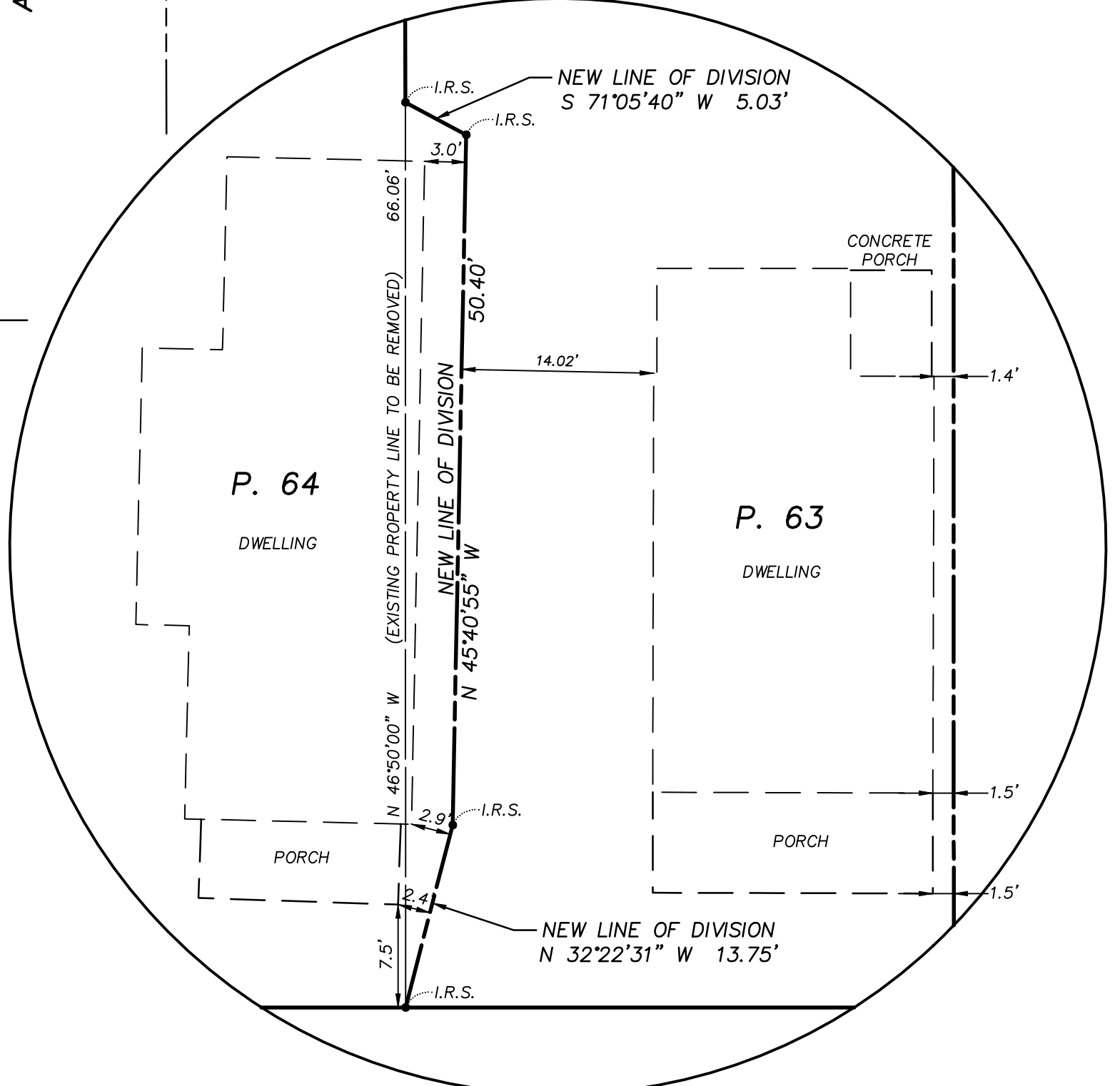
LANDS N/F OF
DOLLY E. BAKER
M.L.M. 501/323



VICINITY MAP
SCALE 1" = 1000'

OWNER (PARCEL 63):
MAILING ADDRESS:
HALL PROPERTIES, LLC
12711 AUGUSTINE HERMAN HIGHWAY
KENNEDYVILLE, MARYLAND 21645
PHONE No. 410-708-3111
PREMISES ADDRESS:
28040 CREAMERY STREET
KENNEDYVILLE, MARYLAND 21645

OWNER (PARCEL 64 & 67):
MAILING ADDRESS:
ALEXYS K. BIGGS
28036 CREAMERY STREET
KENNEDYVILLE, MARYLAND 21645
PHONE No. 410-443-7068
PREMISES ADDRESS:
28036 CREAMERY STREET
KENNEDYVILLE, MARYLAND 21645
PREMISES ADDRESS:
CHURCH STREET
KENNEDYVILLE, MARYLAND 21645



INSET
SCALE 1" = 10'

SITE NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON IS THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN MARCH, 2022. BEARINGS HAVE BEEN ROTATED TO MATCH DEED, M.L.M. 663, FOLIO 569.
- FOR DEED REFERENCE:
M.L.M. 663, FOLIO 560 (P. 63), PLAT REFERENCE, SEE J.K.H. 9/39 S.L.K. 1245, FOLIO 171 (P. 64), PLAT REFERENCE, SEE J.K.H. 9/39 S.L.K. 1245, FOLIO 171 (P. 67), PLAT REFERENCE, SEE J.K.H. 9/39
- CURRENT ZONING CLASSIFICATION - VILLAGE
- THE PROPERTIES ARE NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE RESULTING PARCELS ARE NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0190D (ZONE "X"), DATED JUNE 9, 2014.
- EXISTING PUBLIC SEWER WILL BE UTILIZED FOR SEWAGE DISPOSAL. A EXISTING PRIVATE WELLS WILL BE UTILIZED FOR POTABLE WATER SUPPLY.
- I.R.F. - DENOTES IRON ROD FOUND
- I.R.S. - DENOTES IRON ROD SET

APPROVED: _____
DATE _____ KENT COUNTY PUBLIC WORKS

APPROVED: _____
DATE _____ KENT COUNTY DIRECTOR OF PLANNING

APPROVED: _____
DATE _____ KENT COUNTY HEALTH DEPARTMENT APPROVING AUTHORITY

DATE	MARCH '22	SCALE	1" = 20'
JOB NO.	7493	DRAWN BY	J. MOORE
FOLDER REF	K-383	REVISION	
DATE	4-21-22	PER P&Z COMMENTS	

BOUNDARY SURVEY AND LOT LINE ADJUSTMENT
OF THE LANDS OF
HALL PROPERTIES, LLC
& **ALEXYS K. BIGGS**
IN THE VILLAGE OF KENNEDYVILLE
TAX MAP - 21, GRID - 1E, PARCELS - 63, 64 & 67
SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND

MICHAEL A. SCOTT INC.
400 S CROSS ST STE 3, CHESTER TOWN, MD 21620 (410)778-2310

DATE _____
SEAL _____



May 6, 2022

Dr. Al Townsend
Kent County Board of Appeals
400 High Street
Chestertown, MD 21620

RE: Marci Tarrant Johnson – Variance (Pier Length)

Dear Dr. Townsend,

At its meeting on May 5, 2022, the Kent County Planning Commission reviewed the application of Marci Tarrant Johnson requesting a variance to remove and replace a nonconforming, 95-foot pier that has been determined to exceed 25% of the waterway. The property is located at 22059 Harrington Park Road in the Fifth Election District and is zoned Critical Area Residential (CAR). In accordance with the method for measurement of waterway widths, as specified in the Kent County Land Use Ordinance (LUO), the proposed replacement would exceed the allowable 25% of the waterway width. The LUO prohibits in-kind replacement for nonconforming structures that are voluntarily removed by the property owner.

The waterway on which the width was measured leads to a headland to the south on the adjacent parcel. It is approximately 130 feet across. Adhering to 25% of that distance would limit the length of the pier to approximately 33 feet. The applicant reports that portion of the waterway is unnavigable with an average depth of one foot that is increasingly shallowed by sediment. Modest navigability is possible in the waters extending directly outward from the end of the pier and into the main body of Herrington Creek. The width of the waterway parallel to the angle of the pier is 697 feet, and the existing pier projects approximately 13% into the waterway.

The practical difficulty is the limited water depth. A pier is a reasonable use/structure for a waterfront property.

Following discussion, the Planning Commission voted to make a favorable recommendation for the variance for pier length and reconstruction of the pier. The decision was based on the following findings of fact:

- The variance will not cause a substantial detriment to adjacent or neighboring property.
- The variance will not change the character of the neighborhood or district.
- The variance is consistent with the Comprehensive Plan and general intent of the Land Use Ordinance.
- That the practical difficulty was caused by the topographical and bathometric condition of the property.
- The practical difficulty was not caused by the applicant's own action.

Sincerely,
Kent County Planning Commission

Joe Hickman
Chair

FJH/mc
cc: Marci Tarrant Johnson



To: Kent County Board of Zoning Appeals
From: Mark Carper, Associate Planner
Meeting: May 16, 2022
Subject: Marci Tarrant Johnson
Variance – Pier Length

Executive Summary

Request by Applicant

Marci Tarrant Johnson, owner, is requesting a variance to remove and replace a nonconforming, 95-foot pier that has been determined to exceed 25% of the waterway.

Public Process

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

Summary of Staff Report

The property is located at 22059 Harrington Park Road in the Fifth Election District and is zoned Critical Area Residential (CAR). In accordance with the method for measurement of waterway widths, as specified in the Kent County Land Use Ordinance (LUO), the proposed replacement would exceed the allowable 25% of the channel width. The LUO prohibits in-kind replacement for nonconforming structures that are voluntarily removed by the property owner.

The waterway on which the width was measured leads to a headland to the south on the adjacent parcel. It is approximately 130 feet across. Adhering to 25% of that distance would limit the length of the pier to approximately 33 feet. That portion of the waterway is unnavigable with an average depth of one foot that is increasingly shallowed by sediment. Modest navigability is possible in the waters extending directly outward from the end of the pier and into the main body of Herrington Creek. The width of the waterway parallel to the angle of the pier is 697 feet, and the existing pier projects approximately 13% into the waterway.

The practical difficulty is the consequence of limited water depth, and an absence of a useable pier would reduce the property's value and would greatly impede long-established familial and hospitality traditions. A pier is a reasonable use/structure for a waterfront property.

Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
SUBJECT: Marci Tarrant Johnson
#22-22, Variance – Pier Length
DATE: April 21, 2022

Description of Proposal

Marci Tarrant Johnson, owner, is requesting a variance to replace an existing, nonconforming pier that has been determined to exceed 25% of the waterway. The applicant proposes to remove and replace an existing 95-foot pier. In accordance with the method for measuring waterway width, as specified in the Kent County Land Use Ordinance, the initial permit was denied as it was determined that the proposed replacement would exceed 25% of the channel width, which is not permitted. The Land Use Ordinance also has language in the Nonconformities section that prohibits in-kind replacement for nonconforming structures that are voluntarily removed by the property owner. The property is located at 22059 Harrington Park Road in the Fifth Election District and is zoned Critical Area Residential (CAR).

Relevant Issues

- I. Pier Length
 - A. Comprehensive Plan:

"Submerged aquatic vegetation (SAV) serves as an important food, nursery, and habitat for many species of fish and fowl. In recent times, SAV in Kent's tributaries have followed a recurring pattern of abundant beds in some years followed by severe declines and then full recovery in a few years. ... Activities such as pier construction and sewerage outfalls must be limited and those permitted must be designed to minimize their impacts." (Page 63)
 - B. Applicable Law:

The Kent County Land Use Ordinance, Article V, Section 5.4.8 permits as an accessory use, "Private piers, community piers, and private shared piers, not to exceed 25% of the width of the waterway, the edge of the channel, or 150 feet in length, whichever is less and subject to the stipulations of Article VI, Section 3.7 of this ordinance."

Article XI, Section 2 of the *Kent County Land Use Ordinance* specifies that the width measurement of a waterway is made at the shoreline location of the pier and the narrowest width of the waterway from that point.
 - C. Staff and TAC Comments:

The existing pier is 4.5 feet wide and 95 feet in full length, including access above mean high water (MHW). Maryland's Environmental Resource and Land Information Network (MERLIN) indicates Submerged Aquatic Vegetation (SAV) was present in 2020. In August of 2021, the Maryland Department of the Environment and the Army Corps of Engineers approved the initial project application to remove the existing pier and floating platform and to construct an 80-foot long by 6 feet wide pier and to reconfigure the "L" head platform to make it a 22-foot long by 9-foot wide "L" head platform, all of which is to extend no more than 89 feet channelward of MHW. The total length of the replacement pier would be 95 feet in full length, including access above MHW.

The proposal has been reviewed by the Kent County Health Department, the Department of Public Works, and MDOT SHA, and none have objections or concerns. The waterway on which the width was measured, as defined in the Land Use Ordinance, leads to a headland to the south on the

adjacent parcel. It is approximately 130 feet across. Adhering to 25% of that distance would limit the length of the pier to approximately 33 feet. That portion of the waterway has an unnavigable, average depth of one foot that is increasingly shallowed by sediment. Modest navigability is possible in the waters extending directly outward from the end of the pier and into the main body of Herrington Creek. With this demarcation of the waterway's width at 697 feet, the existing pier projects approximately 13% into the waterway.

II. Nonconforming Structures

A. Applicable Law:

Article VIII, Section 2, Nonconforming Structures, of the *Kent County Land Use Ordinance* specifies the following:

Nothing in these *regulations* shall prevent the repair or reconstruction of a lawful nonconforming *structure* damaged by fire, explosion, act of God, or act of the public enemy provided that the degree of nonconformity is not increased, that a permit is obtained, and construction is begun within two years after the occurrence. This does not apply to *structures* removed or destroyed voluntarily by the property owner or property owner's agent. (Page 431)

- B. Staff and TAC Comments: The 40-year-old, existing structure is structurally compromised and beyond repair. The proposed project would not extend the length of the existing pier and would not impede the rights of or access to neighboring piers.

III. Variance

A. Applicable Law:

Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all of the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicant's own actions.

...

- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

C. Staff Comments:

This neighborhood is characterized by small, waterfront properties along a shallow cove of Herrington Creek. The current pier was built approximately 40 years ago, and replacement within the approximate current dimension would not change the character of the community or adversely impact the adjacent properties.

The variance is not inconsistent with the Comprehensive Plan or the Critical Area Program. The intent of the Ordinance is that once a nonconforming structure is removed voluntarily, it is to be replaced in compliance with all Ordinance requirements (specifically, the 25% width of waterway restriction). The granting of a variance is required in order to construct a replacement pier of the same length as that existing.

The bathymetric contours require that a functional pier extend greater than 33 feet, and the original construction of the pier accounted for the cove's shallowness, which is worsening because of siltation. The practical difficulty is the consequence of limited water depth, and an absence of a useable pier would reduce the property's value and would greatly impede long-established familial and hospitality traditions. A pier is a reasonable use/structure for a waterfront property.

According to DNR data layers available to staff, subaquatic vegetation appears to have been or to be present in this location. The Tidal Wetlands Division of MDE has authorized the proposed project in tidal wetlands. It is not an historic waterfowl staging area or an anadromous fish spawning habitat.

Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals for variance for pier length and reconstruction of a nonconforming structure.

BOARD OF APPEALS APPLICATION

DEPARTMENT OF PLANNING, HOUSING & ZONING RECEIVED 3/28/22 AB

Kent County Department of Planning, Housing and Zoning

Kent County Government Center 400 High Street • Chestertown, MD 21620 410-778-7423 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF: (Name, Address and Telephone Number of Applicant)

MARCI TARRANT JOHNSON 11 Glenclyffe Circle Pikesville, MD 21208 410-446-4337 Email: MrsJohnson2001@yahoo.com

For Office Use Only: Case Number/Date Filed: Filed by: Applicant: Planning Commission: Date of Hearing: Parties Notified: Notice in Paper: Property Posted:

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL:

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article IX Section 2

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Special Exception X Variance Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 22059 Harrington Park Rd, Rock Hall, MD 21666 In the 5th Election District of Kent County.

Size of lot or parcel of Land: .804 AC Map: 055 Parcel: 0039 Lot #: Deed Ref: 00932/00285

List buildings already on property: Small house built 1952

If subdivision, indicate lot and block number: N/A

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) We need to replace our existing dock, which has become unsafe. New Dock must be as long as previous dock so that water will be deep enough for small boat

If appealing decision of Zoning Administrator, list date of their decision: on or about November 19, 2021

Present owner(s) of property: Marci Tarrant Johnson Telephone: 410-446-4337

If Applicant is not owner, please indicate your interest in this property: owner

Has property involved ever been subject to a previous application? Not since I've owned the property

If so, please give Application Number and Date: _____

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines. N/A → This is a DOCK/PIER

NAMES OF ADJOINING PROPERTY OWNERS: see attached map.

Owner(s) on the North: North west: 22039 Harrington Park Rd
Wayne Wilson (owner/resident)

Owner(s) on the South: N/A

Owner(s) to the East: North East: 22063 Harrington Park Rd
Robert + Nanette Dean (owner/resident)

Owner(s) to the West: N/A

Homeowners Association, name and address, if applicable: N/A

BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.


Signature of Owner/Applicant/Agent or Attorney

3/19/22
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.

Marci Tarrant Johnson, Esq.
11 Glenclyffe Circle
Pikesville, MD 21208

March 19, 2022

RE: Application for variance
Pier replacement application
22059 Harrington Park Rd, Rock Hall

Dear members of the Technical Advisory Committee:

I have owned the property at 22059 Harrington Park Road since the death of my mother, Shirley Tarrant, in April of 2003 (My father kept a life estate interest in the house until his death in 2017). The property was originally purchased by my grandfather, Frank Riley, in the early 1950's, and he built both the original pier and the "Sears Catalogue" house.

The original pier was replaced by the existing pier some time in my youth. I believe I was a teenager, which would make it the early 1980's. It has not been replaced since then, although repairs have been done every few years, and boards are constantly being replaced due to ever rising tides.

The existing pier is now structurally compromised and beyond simple repair, which is not unforeseen for a pier that is approximately 40 years old. We entertain frequently, and I am concerned that it is no longer safe, so I sought the services of Island Marine Construction in March of 2021 to design and replace the existing pier. I had hoped to have it completed by October 2021, but the permitting process was longer than expected due to the pandemic. Finally, in October, all of our permits were approved except for Kent County, and I looked forward to completing the project this spring.

On November 19, 2021, Dani Racine at Lane Engineering forwarded me an email and paperwork from Carla Gerber that our permit was being denied:

"In reviewing the pier permit for Marci Johnson, we have determined that it exceeds 25% of the width of the waterway based on the County's definition. From the Land Use Ordinance (<https://www.kentcounty.com/planning/land-use-contents>), waterway width measurement: "the measurement is made at the shoreline location of the pier and the narrowest width of the waterway from that point." In the case of this pier, the narrowest width is to the headland to the south on the adjacent parcel, which is approximately 130 feet across. The Land Use Ordinance also has language in the Nonconformities section that does not allow in-kind replacement for nonconforming structures that are voluntarily removed by the property owners. In order to demolish and replace the pier, the owners will need to apply for a variance to allow the pier to exceed 25% of the width of the waterway."

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 3/28/22

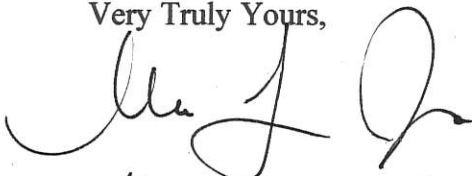
My primary reason for applying for the variance is that not being able to replace this pier would create an unwarranted hardship. The pier is currently the highlight of our property. We fish, kayak, paddleboard and boat from that pier. It is enjoyed by family and friends on a regular basis. The water is extremely shallow in our cove, and if we were to replace the pier to comply with the committee's interpretation of the Land Use Ordinance, the pier could only be 33 feet long. (It is currently 95 feet long). Thirty feet from our shoreline, the depth of water is approximately one foot on average. There would be no point in building a 33-foot pier, as we would be unable to enjoy any water activities in a foot of water.

The inability to replace this pier also causes an unwarranted hardship as losing the pier will significantly negatively impact the value of this property. The main feature of the property is that it is waterfront with boat access. The property itself is small, with a tiny house built in 1952. The overwhelming value of the property lies in the water and pier.

Finally, I have to say that after speaking with my contractor, we believe that the "waterway" used for the calculation may be an incorrect interpretation. The red line from the pier to the point south as illustrated in the attached site overview is through an unnavigable waterway. That particular area of water is extremely shallow and mostly marshy area and is not navigable, even by kayak. The "navigable waterway" is the area where I drew the black arrow, which is the channel area where all residents of the cove enter and exit by vessel.

Thank you so much for your consideration of this matter. Please reach out to me if I have not provided all of the necessary documentation,

Very Truly Yours,



410-446-4337

Cc: Dani Racine
Lane Engineering

Ronald Reiss
Island Marine Construction

From: Carla Gerber <cgerber@kentgov.org>
Sent: Friday, November 19, 2021 3:36 PM
To: Dani Racine <dracine@leinc.com>; marci johnson <mrsjohnson2001@yahoo.com>; Ronnie Reiss <ronniereiss@rocketmail.com>
Subject: RE: 22059 Harrington Park Road

Dani,

Good afternoon! In reviewing the pier permit for Marci Johnson, we have determined that it exceeds 25% of the width of the waterway based on the County's definition. From the Land Use Ordinance (<https://www.kentcounty.com/planning/land-use-contents>), waterway width measurement: "the measurement is made at the shoreline location of the pier and the narrowest width of the waterway from that point." In the case of this pier, the narrowest width is to the headland to the south on the adjacent parcel, which is approximately 130 feet across. The Land Use Ordinance also has language in the Nonconformities section that does not allow in-kind replacement for nonconforming structures that are voluntarily removed by the property owners. In order to demolish and replace the pier, the owners will need to apply for a variance to allow the pier to exceed 25% of the width of the waterway.

If the application is received by next Wednesday, November 24th, then it can be heard by the Planning Commission and Board of Appeals in January. I have attached a variance application and the Technical Advisory Commission (TAC) submission schedule for future meetings. Items reviewed by TAC in one month would potentially go before the Planning Commission and/or Board of Appeals the next month.

Please let me know if you have any questions.

Sincerely,

Carla



Carla Gerber, AICP

Deputy Director/Planning, Housing, and Zoning

Kent County, Maryland

400 High Street

Chestertown, MD 21620

410-778-7474

cgerber@kentgov.org

CONFIDENTIALITY NOTICE: The information contained in this electronic message is confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this electronic message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this electronic message in error, please immediately notify us by telephone and return or destroy the original message to assure that it is not read, copied, or distributed by others.

From: Maria Grieb <mgrieb@kentgov.org>
Sent: Wednesday, November 17, 2021 8:39 AM
To: Dani Racine <dracine@leinc.com>
Cc: marci johnson <mrsjohnson2001@yahoo.com>; Ronnie Reiss <ronniereiss@rocketmail.com>
Subject: RE: 22059 Harrington Park Road

Hi Dani,

Below is an update for the demolition and building pier permits.

Bramble
Property (farm)
4940
Stumers
neck
Rd.



RE: 22059 Harrington Park Road

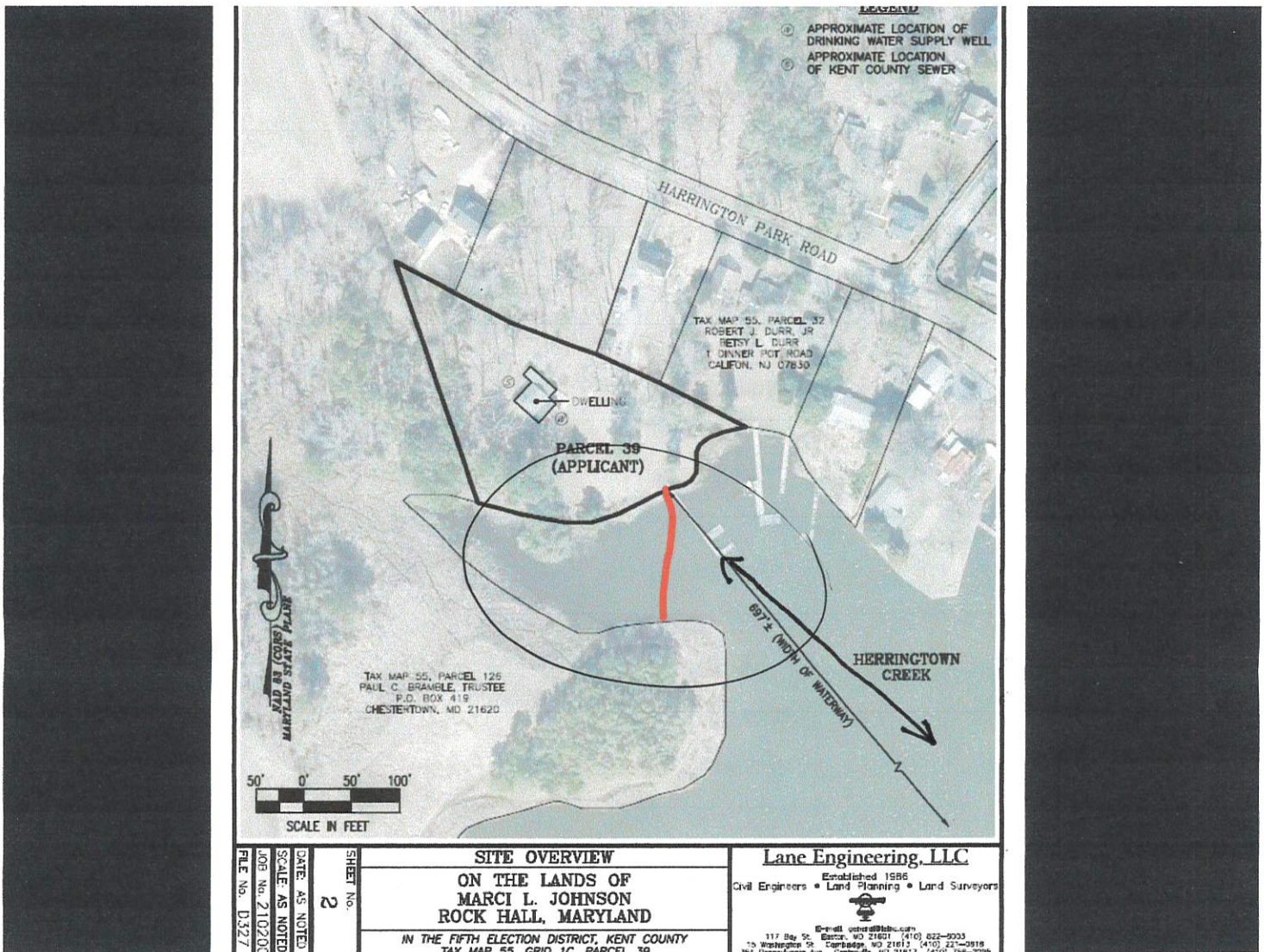
From: Dani Racine (dracine@leinc.com)

To: mrsjohnson2001@yahoo.com; cgerber@kentgov.org; ronniereiss@rocketmail.com

Date: Monday, November 22, 2021, 09:18 AM EST

Everything proposed complies with the State & County regulations other than the pier length from the County's point of view. The pier is only allowed to extend ¼ distance of the channel and per the below email, the County is suggesting that the width of the waterway be measured between your shoreline and the Bramble property (see red line below). With this measurement the new pier could only be roughly 33 ft. The County is also suggesting that they do not allow for in-kind replacements of nonconforming structures without a variance. At this point, all they will allow you to do is perform maintenance to what is there but they will not allow you to demolish and rebuild a pier that is longer than 33 ft.

You could always build less than what the State permit authorizes without having to go back through the State/Federal permitting process but at this point it is solely an issue with the County. You could certainly apply for the variance without a land use attorney but it is always our recommendation to have an attorney because the burden of proving "unwarranted hardship" which is the variance standard is on the applicant.



Dani S. Racine
Environmental Planner
Lane Engineering, LLC
117 Bay Street
Easton, MD 21601

This area where calculated is NOT a navigable waterway. It is shallows + marshland. The "channel" or navigable waterway is where I drew the arrow.

10. TYPE OF PROJECT (check all that apply and provide all applicable information):

This abbreviated application should only be used for projects that are eligible for federal authorization under the Maryland State Programmatic General Permit (MDSGP). Please refer to the MDSGP for eligible activities.

Work Proposed	Overall Length (Ft.)	Average Width (Ft.)	Volume of Fill Material (cu. yards.)	Total Area Impacted (Sq. Ft.)		Maximum Distance Channelward from Mean High Water Line (Ft.)	New Work	Maintenance /Repair	Work Started/Completed
				Permanent	Temporary				
<input type="checkbox"/> Bulkhead							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Revetment							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Breakwater							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Groins, Jetties, or Low Profile Sill							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Living Shoreline (vegetated area)							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input checked="" type="checkbox"/> Pier	86	6				86	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Finger Pier							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input checked="" type="checkbox"/> Platform	9	22				95	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Pile(s) (#:) <input type="checkbox"/> Osprey Pole							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Boat Lift (including support piles)							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Boat Ramp							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Utility Line							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Construction Access/Mats							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Dredging (Maintenance or New Minor)							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Hydraulic / <input type="checkbox"/> Mechanical							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *
<input type="checkbox"/> Other:							<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> *

*For any work started or completed, please clearly and accurately depict those portions of the project on the plans

11. DESCRIPTION OF AVOIDANCE, MINIMIZATION, AND COMPENSATION: Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation. Please provide a separate sheet(s) that addresses the proposed project's avoidance, minimization, and compensation (if required) which includes any clearing, grading, or excavation required before, during, and after the proposed project.


12. STATE CERTIFICATION AND FEDERAL PRIVACY ACT STATEMENT:

Application is hereby made for a permit or permits to authorize the work described in this application. I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of all permit(s) or license(s) if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are consistent with Maryland's Coastal Zone Management Plan.

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers, 33 CFR 320-332. Principal Purpose: Information provided on this JPA will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be evaluated nor can a permit be issued.

All information, including permit applications and related materials, submitted to MDE may be subject to public disclosure consistent with the Maryland Public Information Act, §4-101 et seq., General Provisions Article of the Maryland Code.

I am the property owner/applicant and do not want to be contacted by MDE. All correspondence should occur with my authorized agent /principal contact designated in Section 3, located on the 1st page of this application. (By initializing the box, you are acknowledging that you will not receive any correspondence directly from MDE). I understand a copy of MDE's final decision regarding this application will be sent to me. This opt-out option does not apply to the U.S. Army Corps' correspondence, which will continue to be with the applicant/permittee.

PROPERTY OWNER MUST SIGN:  Date: 4-26-21

IMPORTANT:

PLEASE MAIL SEVEN (7) COPIES OF THE APPLICATION, SITE PLAN, AND VICINITY MAP (WITH PROJECT LOCATION PINPOINTED) TO:

MDE/WATER AND SCIENCE ADMINISTRATION
REGULATORY SERVICES SECTION
MONTGOMERY PARK BUSINESS CENTER – STE 430
1800 WASHINGTON BOULEVARD
BALTIMORE, MD 21230-1708
(410) 537-3762

SEND THE APPLICABLE APPLICATION FEE AND A COPY OF THE FIRST PAGE OF THE APPLICATION TO:

MDE
P.O. BOX 2057
BALTIMORE, MD 21203-2057
PCA: 13910 OBJ: 4142
FOR FURTHER INSTRUCTIONS, PLEASE REFER TO OUR WEBSITE
<http://mde.maryland.gov/programs/Water/WetlandsandWaterways>

**Contiguous Property Owner and Appropriate Local Official
Notification Certification Form**
(COMAR 26.24.01.04C)

I have notified, in writing, and provided a copy of the application and plan(s) of my proposal to perform work in tidal wetlands to all property owners contiguous to my property located at the address listed below. **The property owners have been advised, in writing, that they have two weeks from receipt of the application and plan(s) to direct any comments to the Maryland Department of the Environment.**

In Person on _____
Date Delivered

By Certified Mail on 04/29/2021
Date Sent

I have notified, in writing, and provided plans of my proposal to perform work in tidal wetlands to the Director of Planning in the County in which my project is located:

In Person on _____
Date Delivered

By Certified Mail on 04/29/2021
Date Sent

Project Site Address

Marci L. Johnson

(Name of Property Owner)

22059 Harrington Park Road

(Project Site Street Address)

Rock Hall, MD 21661

(City, State, Zip Code)

Please list below all of the contiguous property owners notified. Attach additional pages if necessary.

<u>Names</u>	<u>Addresses</u>
<u>Robert J. Durr, Jr Betsy L. Durr</u>	<u>1 Dinner Pot Road Califon, NJ 07830</u>
<u>Paul C. Bramble, Trustee</u>	<u>P.O. Box 419 Chestertown, MD 21620</u>
<u>Kent County Planning & Zoning c/o William Mackey</u>	<u>400 High Street Chestertown, MD 21620</u>

Dani Racine

(Signature)

Dani Racine
Lane Engineering, LLC (Agent)

(Printed Name)

LEGEND & ABBREVIATIONS

MHW MEAN HIGH WATER (APPROXIMATE)


PROPERTY LINE 

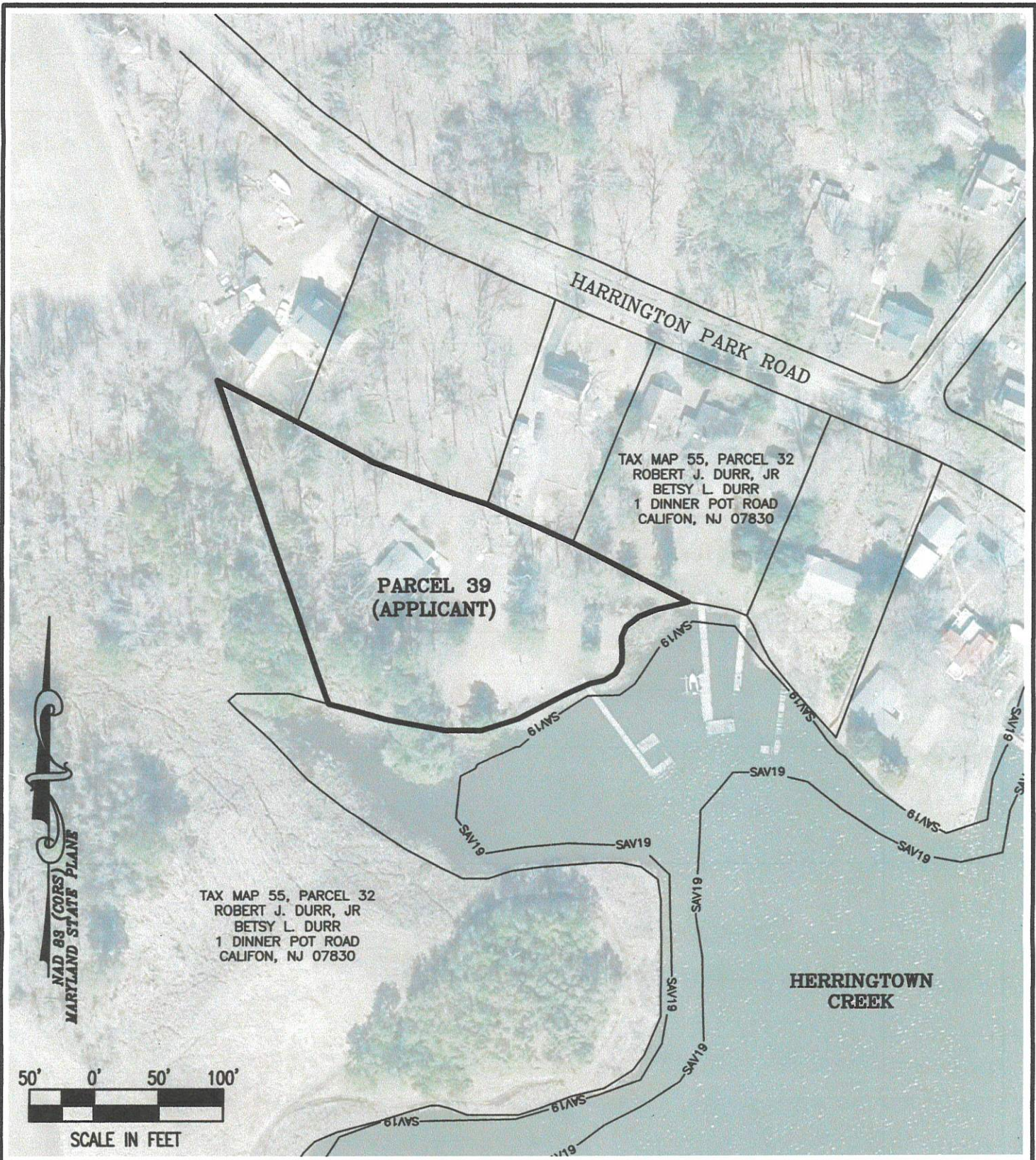
2019 MAPPED SAV 

PROJECT NOTES

1. TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
2. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER (MLW) = 0.0'.
3. MEAN TIDAL RANGE = 1.21'
4. LOT SIZE = 0.80 AC±
5. MAXIMUM CHANNELWARD ENCROACHMENT = 95'±
6. ZONING CLASSIFICATION = CRITICAL AREA RESIDENTIAL
7. 911 ADDRESS = 22059 HARRINGTON PARK ROAD ROCK HALL, MD 21661

THE PROPERTY BOUNDARIES AND EXISTING CONDITIONS SHOWN HEREON WERE TAKEN FROM KENT COUNTY TAX MAPS AND AERIAL PHOTO INTERPRETATION. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING FEATURES INCLUDING PROPERTY LINES, SHORELINES, EXISTING PIERS, OTHER STRUCTURES, AND SOUNDINGS HAS NOT BEEN COMPLETED. LANE ENGINEERING IS NOT RESPONSIBLE FOR ANY INACCURACIES ASSOCIATED WITH THE LOCATION OF THE ABOVE REFERENCED EXISTING FEATURES AND RELATED LATERAL LINES, SETBACKS, ETC. THIS SKETCH IS FOR PERMIT PURPOSES ONLY AND IS NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

SHEET No. 2 OF 6	SITE & PROJECT NOTES ON THE LANDS OF MARCI L. JOHNSON ROCK HALL, MARYLAND IN THE FIFTH ELECTION DISTRICT, KENT COUNTY TAX MAP 55, GRID 1C, PARCEL 39	Lane Engineering, LLC Established 1986 Civil Engineers • Land Planning • Land Surveyors  E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095
DATE: AS NOTED SCALE: AS NOTED JOB No. 210200 FILE No. D327	Date: 04/26/2021 - 9:12am User: draclina Project Manager: DSR Drawing Path: J:\2021\0200\210200\CIVIL3D-210200\Draw\Plots\PLTS-210200.dwg Sheet LANE ENGINEERING, LLC XREF File(s): GSS-BASE-LETR-210200/RAR-BASE-210200/RLD-BASE-210200/CSP-BASE-MARINE-210200	



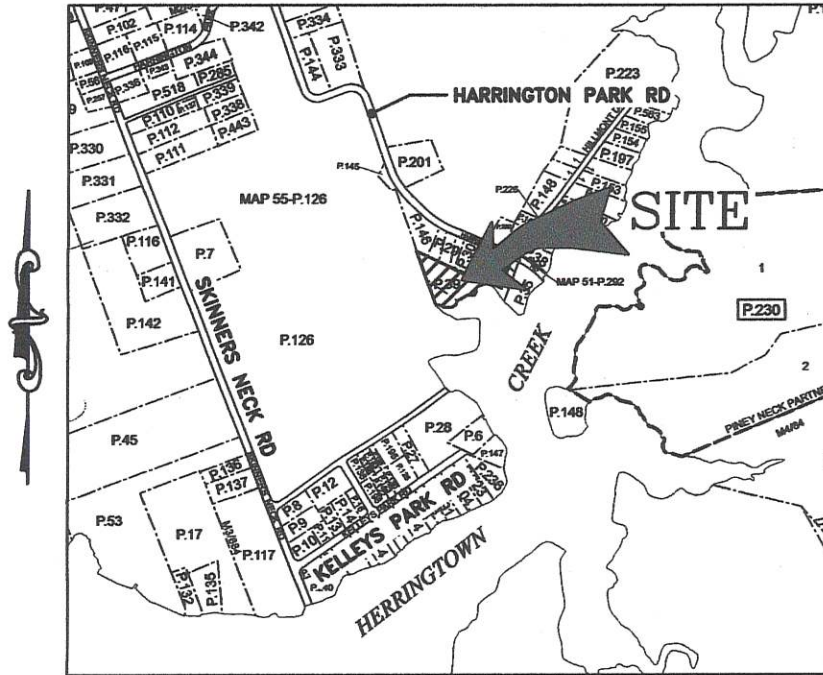
SHEET No. **3 OF 6**
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 210200
 FILE No. D327

SITE OVERVIEW
ON THE LANDS OF
MARCI L. JOHNSON
ROCK HALL, MARYLAND
 IN THE FIFTH ELECTION DISTRICT, KENT COUNTY
 TAX MAP 55, GRID 1C, PARCEL 39

Lane Engineering, LLC
 Established 1986
 Civil Engineers • Land Planning • Land Surveyors


 E-mail: general@leinc.com
 117 Bay St. Easton, MD 21601 (410) 822-8003
 15 Washington St. Cambridge, MD 21613 (410) 221-0818
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

**PIER REPLACEMENT PERMIT DRAWINGS
 PREPARED FOR
 MARCI L. JOHNSON
 IN THE FIFTH ELECTION DISTRICT
 KENT COUNTY, MARYLAND**



VICINITY MAP
 SCALE: 1" = 1,000'

ENGINEER

Lane Engineering, LLC
 117 BAY STREET
 EASTON, MARYLAND 21601
 (410) 822-8003


OWNER/DEVELOPER

MARCI L. JOHNSON
 11 GLENCLIFFE CIRCLE
 PIKESVILLE, MD 21208

PROJECT LOCATION

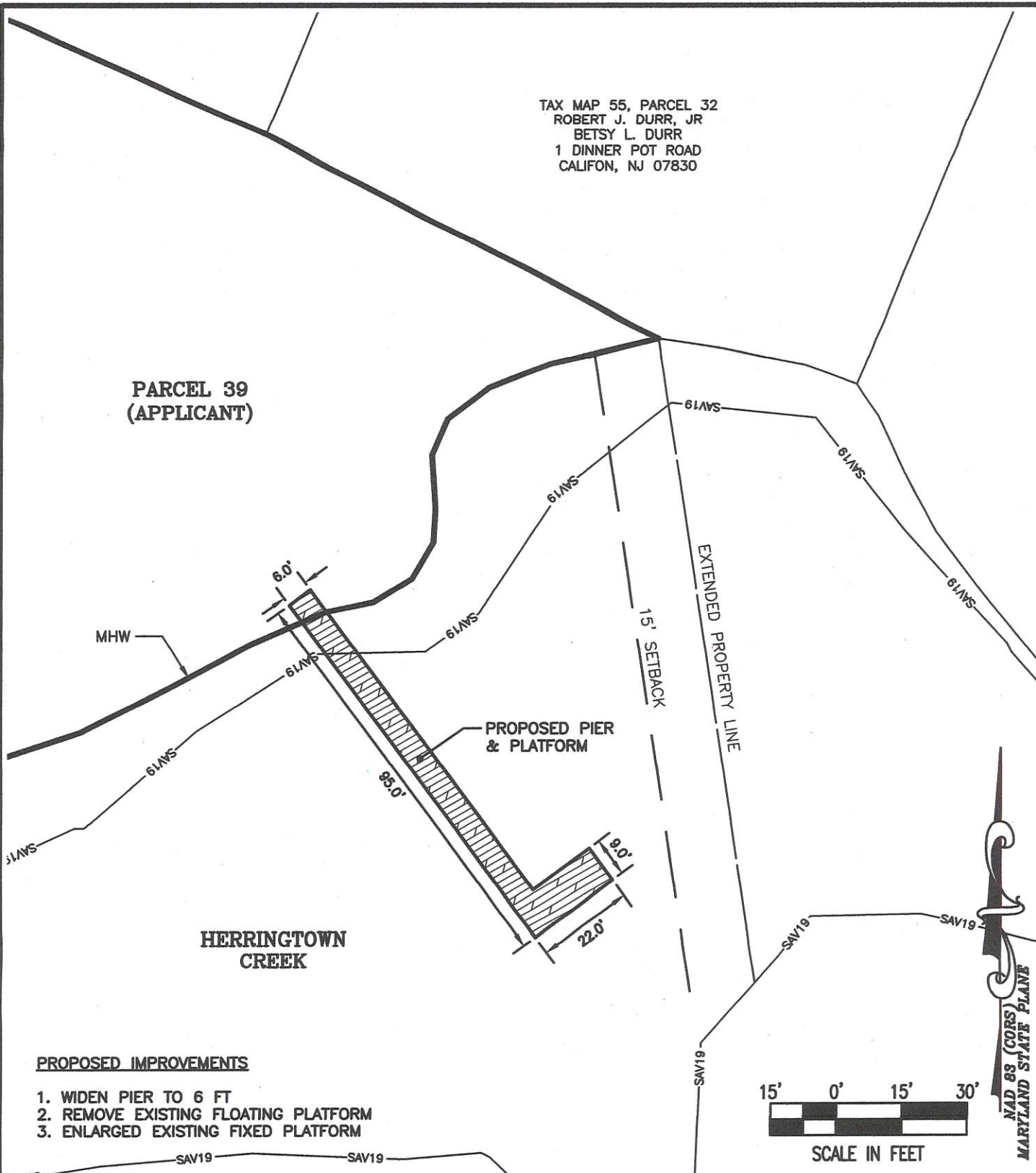
22059 HARRINGTON PARK ROAD
 ROCK HALL, MD 21661

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	04/26/21	DSR				

SHEET No. 1 OF 6	TITLE SHEET		Lane Engineering, LLC Established 1986 Civil Engineers • Land Planning • Land Surveyors  E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centerville, MD 21617 (410) 758-2095
	ON THE LANDS OF MARCI L. JOHNSON ROCK HALL, MARYLAND		
	IN THE FIFTH ELECTION DISTRICT, KENT COUNTY TAX MAP 55, GRID 1C, PARCEL 39		

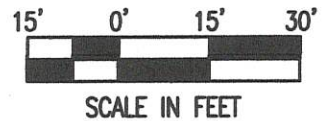
TAX MAP 55, PARCEL 32
 ROBERT J. DURR, JR
 BETSY L. DURR
 1 DINNER POT ROAD
 CALIFON, NJ 07830

PARCEL 39
 (APPLICANT)



PROPOSED IMPROVEMENTS

1. WIDEN PIER TO 6 FT
2. REMOVE EXISTING FLOATING PLATFORM
3. ENLARGED EXISTING FIXED PLATFORM



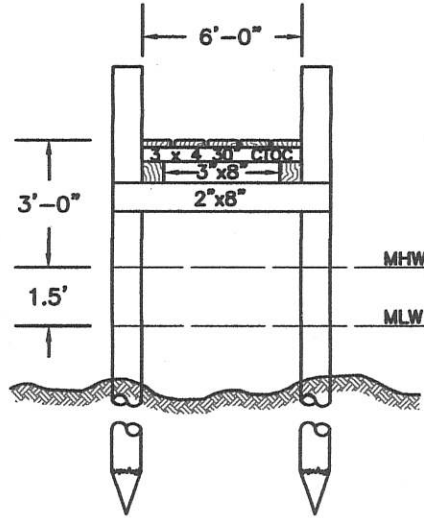
FILE No. D327
 JOB No. 210200
 SCALE: AS NOTED
 DATE: AS NOTED
 SHEET No.
5 OF 6

PROPOSED IMPROVEMENTS
 ON THE LANDS OF
MARCI L. JOHNSON
ROCK HALL, MARYLAND
 IN THE FIFTH ELECTION DISTRICT, KENT COUNTY
 TAX MAP 55, GRID 1C, PARCEL 39

Lane Engineering, LLC
 Established 1986
 Civil Engineers • Land Planning • Land Surveyors



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PIER SECTION
NOT TO SCALE

SHEET No.
6 OF 6
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 210200
 FILE No. D327

DETAILS
ON THE LANDS OF
MARCI L. JOHNSON
ROCK HALL, MARYLAND
IN THE FIFTH ELECTION DISTRICT, KENT COUNTY
TAX MAP 55, GRID 1C, PARCEL 39

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