



County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
August 4, 2022
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call. Please note that the County’s live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **265 849 950#**

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

MINUTES
July 7, 2022

APPLICATIONS FOR REVIEW

- 22-41 Kenah One Health Care Services – Special Exception..... Rec to BOA
25000 Lambs Meadow Road – Third Election District – Village (V)
- 22-38 Gary Mundrake – Buffer Variance..... Rec to BOA
4884 Skinners Neck Road – Fifth Election District – Resource Conservation District (RCD)
- 22-47 Fred and Linda Lint – Buffer Variance Rec to BOA
13910 Swantown Creek Road – First Election District – Critical Area Residential (CAR)
- 22-39 Robert L. Hindman – Slope Variance..... Rec to BOA
Belchester Road, Map 6, Parcel 109 – Second Election District - Critical Area Residential (CAR)
- 22-40 Matthew and Gayle McCormick – Slope Variance Rec to BOA
Walnut Valley Court, Map 11, Parcel 52, Lot 6 – Third Election District – Critical Area Residential (CAR)

GENERAL DISCUSSION

2021 Annual Report Short-form letter to Maryland Department of Planning

STAFF REPORTS

ADJOURN

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission 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.

MINUTES

July 7, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, July 7, 2022, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, William Sutton, James Saunders, and Ray Strong. Cynthia L. McCann, Esq., Planning Commission Attorney was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; and Mark Carper, Associate Planner.

Chair Hickman called the meeting to order at 1:30 p.m.

MINUTES

Mr. William Sutton moved to accept the minutes of June 2, 2022, without correction. Mr. James Saunders seconded the motion. The motion passed with all in favor.

APPLICATIONS FOR REVIEW

#22-17 William & Valerie Ashmore – Site Plan (Final)

Private Destination/Residence Club, Southeast corner of the intersection of Skinners Neck Road and Kelly's Park Road – Fifth Election District – Marine (M)

Ms. Gerber presented the staff report. The Chair swore in Ms. Valerie Ashmore and Mr. Kevin Shearon, DMS and Associates.

Mr. Shearon updated the Commission on approvals received since the prior meeting for sediment and erosion control, stormwater management, landscaping, and public works. He noted that FEMA has issued a conditional letter of map amendment for the fill to raise the building out of the floodplain. A final letter will be issued following construction and submission of as-built surveys.

Mr. Ruge asked if any more thought had been given to moving the electric pole from in front of the driveway. He would prefer that it be relocated to the opposite side of the road if it cannot be buried. Mr. Shearon responded that the property owners are in discussion directly with Delmarva Power, but no decision has yet been made.

Chair Hickman moved to grant final approval contingent upon submission of all required sureties and recordation of the slip agreement. The approval was based on the following.

- Consistency with the Comprehensive Plan.
- The Department of Public Works has approved the project.
- Stormwater management and erosion and sediment control plans have been approved.
- Sufficient parking is available on the property.
- Landscaping meets the requirements.
- The building elevations are compatible with the neighborhood.
- No signs are proposed.
- Lighting will be dark-sky compatible.

The motion was seconded by Mr. Strong and was passed unanimously, 5-0.

*22-27 Tucker White – Special Exception – Oversized Accessory Structure
21779 Sunnyside Avenue – Fifth Election District – Critical Area Residential (CAR)*

Mr. Carper presented the staff report. The Chair swore in Mr. White.

Mr. White stated that he is a third-generation waterman, and the purpose of the building is to support his business. He is currently leasing space for storing materials and supplies. The building will allow him to operate more efficiently. He has tried to design the building to fit the neighborhood.

Mr. Sutton asked about the location of the building. Mr. White responded that the building will be at the back end of his driveway toward the rear of his lot. He tried to locate it so it will not be as noticeable.

Mr. Ruge asked about any tree removal. Mr. White stated that the only trees that might be affected are trees that he planted. He will relocate them if necessary. Mr. Ruge also asked about the height of the building in relation to his home. Mr. White responded that his house is taller than the proposed building.

Mr. Ruge asked if there were any thoughts of putting in a retail store. Mr. White responded that as of this time he doesn't foresee that type of use.

Mr. Saunders noted that Mr. White is trying to grow his business and build something that he will be proud of. He doesn't see anything wrong with it.

Mr. Ruge asked if Mr. White had investigated any grants that would support his business.

Chair Hickman agreed with the statements of the other members.

Mr. Strong made a motion to forward a favorable recommendation to the Board of Appeals finding that the application was consistent with the Comprehensive Plan and compatible with the neighborhood. The motion was seconded by Mr. Ruge and passed unanimously, 5-0.

*22-28 Chen Residence – Variance – development within the 100-foot buffer
4833 Deep Point Drive – Seventh Election District – Resource Conservation District (RCD)*

Mr. Carper presented the staff report. The Chair swore in Mr. David Mallon, Kimmel Studio Architects, representing the applicant.

Mr. Mallon presented his case as to the need for the variance. He stated that the existing house is in disrepair and needs to be replaced. The owner desires to make the property better but will maintain the square footage of the existing dwelling.

Mr. Ruge asked about the septic system. Mr. Mallon stated that the current system will be abandoned. The new drain field will be on the farm field, across the marsh behind the house, and the Best Available Technology (BAT) tank will be located near the house.

Mr. Ruge asked about the setbacks and orientation of the proposed house. Mr. Mallon responded that the proposed house would be moved back from the water's edge about 20 feet from the location of the current house, and they were attempting to true up the house to the garage.

Chair Hickman asked about the practical difficulty. Mr. Mallon stated that they were trying to avoid reducing the loss of tillable land. In addition, if the house is moved off the point, then the owner loses the advantage of being on the water. The point is also the highest location.

Mr. Strong asked about the time frame. Mr. Mallon replied that they hope to be finished within 16 months.

Chair Hickman made a motion to forward a favorable recommendation to the Board of Appeals noting that the application will not cause substantial detriment to neighboring properties or change the character of the neighborhood. The need for a variance was not caused by the applicant. The granting of a variance will minimize possible negative effects on the farmland, and the buffer mitigation plan should follow the recommendation of the Critical Area Commission. The motion was seconded by Mr. Sutton and passed unanimously, 5-0.

STAFF REPORTS

Mr. Mackey reported on the upcoming Comprehensive Rezoning Update Task Force meeting in July. The goal is to provide materials in advance of the meeting as requested. The meeting will focus on signs and nonconformities. The goal moving forward is to cover the consultant's work product by the end of the calendar year.

Ms. Gerber reported on conducting MALPF easement inspections and reviewing and ranking the 16 agricultural easements that were received. All 16 easement applications were submitted to the State for consideration.

Mr. Carper reported on recent Critical Area training he's been able to attend, as well as a recent Eastern Shore Climate Adaptation Partnership (ESCAP) meeting.

Ms. McCann reported on signature changes being made to the adopted model forest conservation easement document. Ms. McCann also attended MML and Open Meeting Act training, noting that a workshop on motion-making for the Planning Commission will be scheduled for a future meeting.

GENERAL DISCUSSION

There was no general discussion.

ADJOURN

Mr. Sutton moved to adjourn. Mr. Ruge seconded. The meeting adjourned at approximately 2:36 pm.

Francis J. Hickman, Chair

/s/ Carla A. Gerber
Carla A. Gerber, Deputy Director

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: August 4, 2022
Subject: Kenah One Health Care Services
Special Exception

Executive Summary

Request by Applicant

Kenah One Health Care Services is requesting a special exception to operate an existing assisted living facility as a hospital, rehabilitation facility, or other similar institution for human care in a Village District.

Public Process

Per Article VII, Section 6 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals on certain special exceptions. The Board of Appeals may authorize special exceptions for hospitals, rehabilitation facilities, or other similar institutions for human care.

Summary of Staff Report

The property is located at 25000 Lambs Meadow Road in the Third Election District and is zoned Village (V). The surrounding area is comprised of single-family homes and other dwellings, such as a church, a community center, and a park. The facility will service adults with mental health and substance use disorders who need rehabilitative services over a 30–90-day period.

The proposed change in use is consistent with the Comprehensive Plan and Land Use Ordinance. The proposed use/services are compatible with existing and planned use, as assisted living services have been provided from this property for over 15 years and services will continue for the residents who are currently placed in the facility and new residents who are admitted for additional behavioral health services.

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the special exception.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: #22-41 – Kenah One Health Care Services
 Special Exception
 DATE: July 28, 2022

DESCRIPTION OF PROPOSAL

Kenah One Health Care Services is requesting a special exception to operate an existing assisted living facility as a hospital, rehabilitation facility, or other similar institution for human care in a Village District. The facility will service adults with mental health and substance use disorders who need rehabilitative services over a 30–90-day period. The property is located at 25000 Lambs Meadow Road in the Third Election District and is zoned Village (V).

APPLICABLE LAWS

I. Special Exceptions

- A. *Comprehensive Plan*: Kent County Comprehensive Plan recognizes that the County’s increasingly diversified economy includes health care, a growing field with competitive salaries. A strategy of the County is to “Support the County’s Health Care Industry” through encouraging, “... the development of new health-related businesses, thereby reinforcing a strong economic base while meeting community needs.” (page 10)
- B. *Applicable Law*: Article V, Section 7.3 of the Kent County Land Use Ordinance establishes that the following principal uses and structures may be permitted as special exceptions in the Village District, subject to site plan review by the Planning Commission or where applicable the Planning Director.

14. Hospitals, rehabilitation facilities, or other similar institutions for human care but not including animal hospitals.

- C. *Staff and TAC Comments*: The Department of Public Works, the Health Department, and MDOT SHA have reviewed this application and have no issues.

II. Special Exceptions Standards

- A. *Applicable Law*: Article VII, Section 2. of the Kent County *Land Use Ordinance* presents the standards by which a special exception may be granted.

The Board of Zoning Appeals, or where applicable the Planning Director, in accordance with the procedures and standards of this Ordinance may authorize buildings, structures, and uses as special exceptions in the specific instances and particular Districts set forth provided that the location is appropriate and consistent with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided to protect surrounding property, persons, and neighborhood values, and further provided that the additional standards of this Article are specified as a condition of approval. Unless otherwise specified in this Article or as a condition of approval, the height, yard, lot area, design, environmental, parking, and sign requirements shall be the same as other uses in the

district in which the special exception is located.

No special exception shall be authorized unless the Board, or where applicable the Planning Director, finds that the establishment, maintenance, or operation of the special exception meets the standards set forth in this Article. The burden of proof is on the applicant to bring forth the evidence and the burden of persuasion on all questions of fact which are determined by the Board or where applicable the Planning Director.

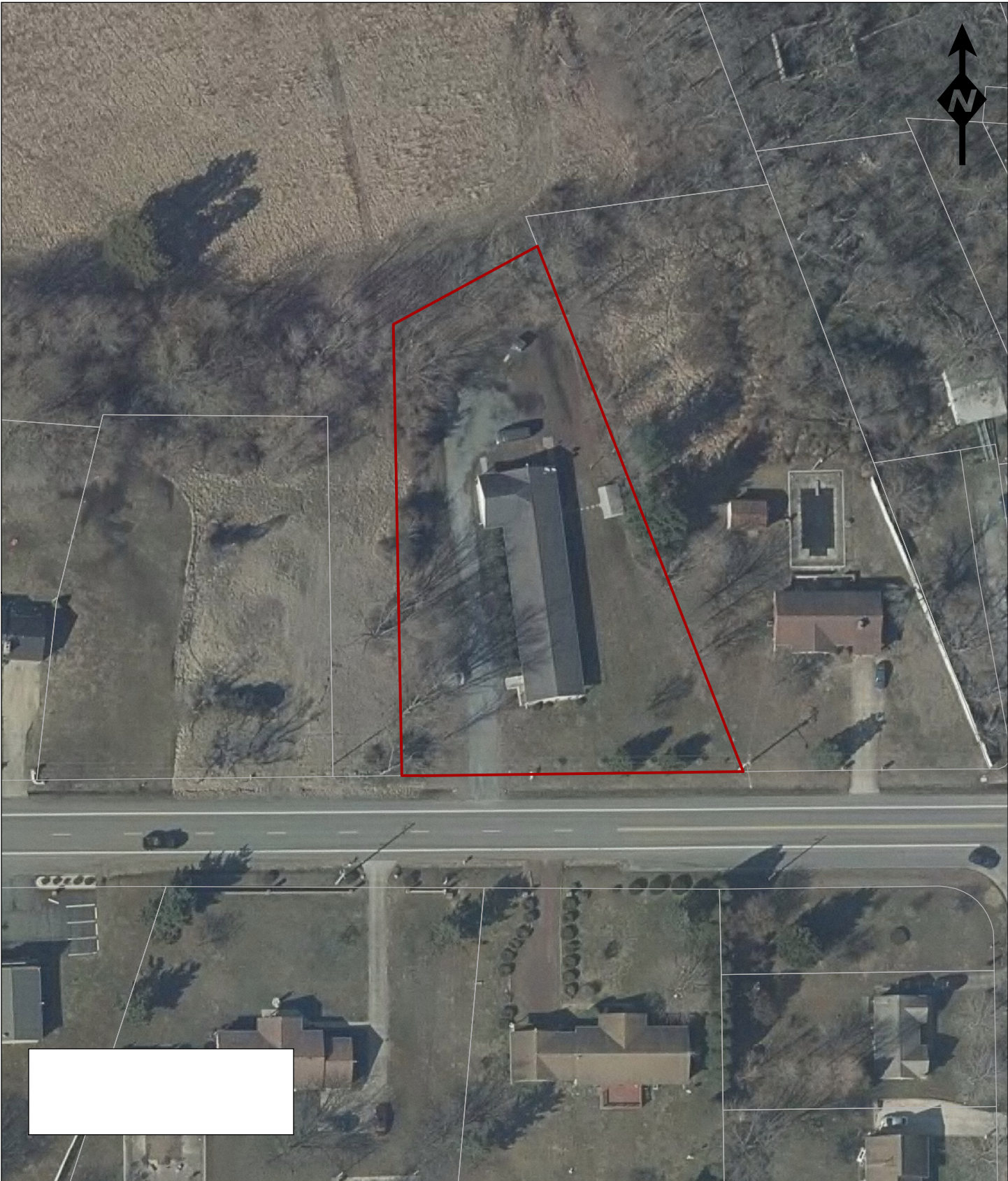
The Board, or where applicable the Planning Director, shall make findings on the following where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
 2. Traffic Patterns;
 3. Nature of surrounding area;
 4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
 5. The impact of the development or project on community facilities and services;
 6. Preservation of cultural and historic landmarks, significant natural features and trees;
 7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
 8. The purpose and intent of this Ordinance as set forth in Article II;
 9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
 10. The most appropriate use of land and structure;
 11. Conservation of property values;
 12. The proposed development's impact on water quality;
 13. Impact on fish, wildlife and plant habitat;
 14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;
 15. Consistency with the Critical Area Program; and
 16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.
- B. *Staff and TAC Comments:* The surrounding area is comprised of single-family homes and other dwellings, such as a church, a community center, and a park. No changes to the current structure's size or shape are proposed. The proposed use will not have an impact on community services, such as police, fire, water, or sewer. There will be no noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties. There will be no impact to traffic patterns. The proposed change in use will not create any change in property values.

The proposed change in use is consistent with the Comprehensive Plan and Land Use Ordinance. The proposed use/services are compatible with existing and planned use, as assisted living services have been provided from this property for over 15 years and services will continue for the residents who are currently placed in the facility and new residents who are admitted for additional behavioral health services.

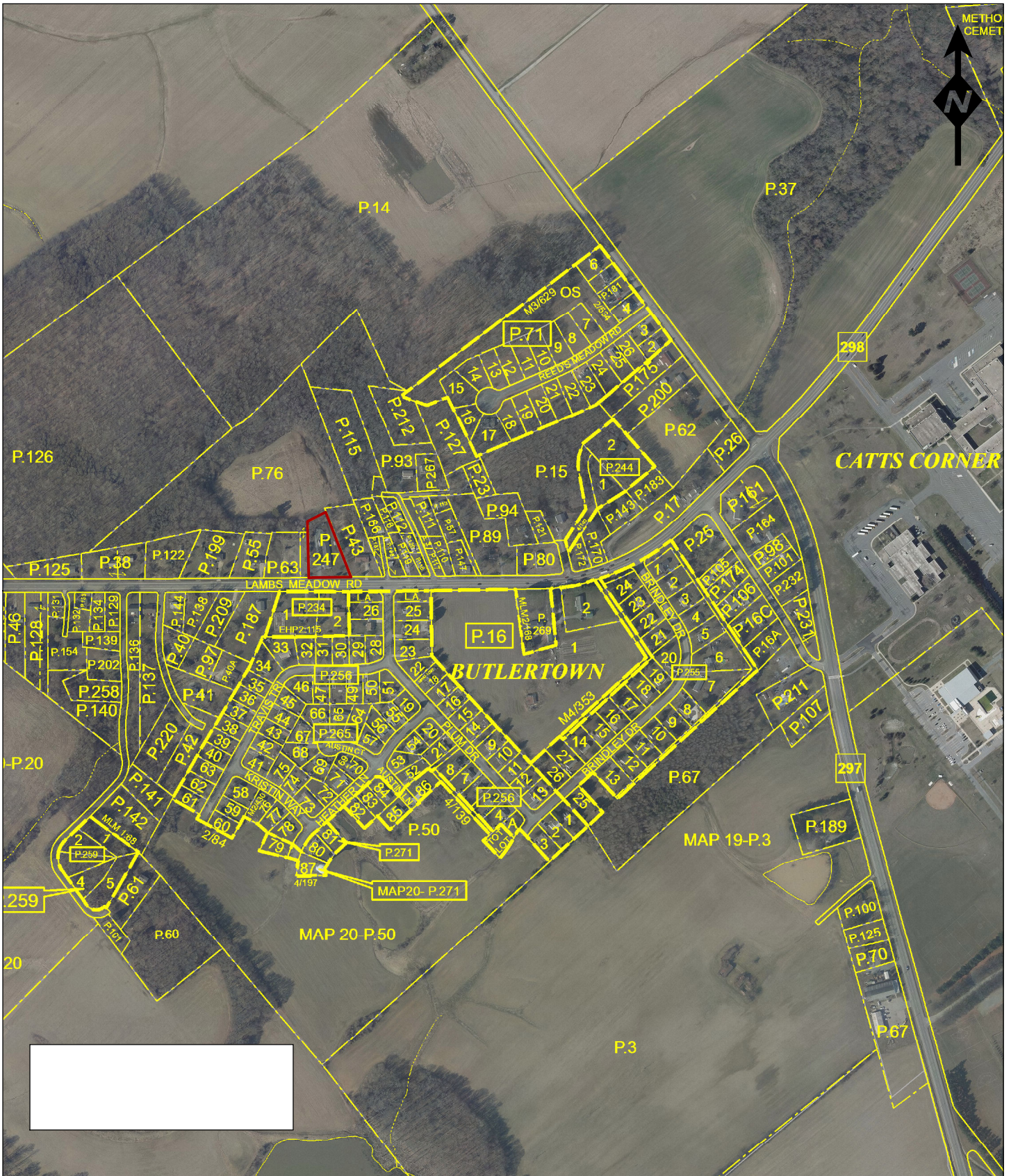
STAFF RECOMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the special exception.



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

1 inch = 75 feet



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

1 inch = 600 feet

BOARD OF APPEALS APPLICATION

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)

Kenah One Health Care Services

308 N. Crain Highway

Glen Burnie, MD 21061

Email: _LATONYA@KENAHONEHCS.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:

_LATONYA@KENAHONEHCS.COM

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 7.3

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

Appealing Decision of Kent County Zoning Administrator Variance
X Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 25000 Lambs Meadow Road, Worton, MD 21678

In the Election District of Kent County.

Size of lot or parcel of Land: 0.708 AC

Map: 0020 Parcel: 0247 Lot #: 1 Deed Ref: /00712/ 00094

List buildings already on property: D's Place Assisted Living Residential Building and one shed

If subdivision, indicate lot and block number:

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

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.) If approved, this property will be used as a hospital, rehabilitation facility, or other similar institution for human care, but not including animal hospitals. The facility will service adults with mental health and substance use disorders who need rehabilitative services over a 30-90 day period.

If appealing decision of Zoning Administrator, list date of their decision: _____

Present owner(s) of property: Sheldon Phillips, Diane Roberta Anderson Telephone: 443-553-5533 and 443-480-1718

If Applicant is not owner, please indicate your interest in this property: Currently leasing the property with the intention to purchase the property for continued business use

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: Address- 25001 LAMBS MEADOW ROAD
Lauretta & Grover Freeman, PO Box 37, Worton, MD 21678

Owner(s) on the South: Address- No address assigned
Mary Cecilia Roseberry, 113 Quail Lane, Centreville, MD 21617-2308

Owner(s) to the East: Address- 25020 LAMBS MEADOW ROAD
Robert F. Miller, 24991 Lambs Meadow Road, Worton, MD 21678-0000

Owner(s) to the West: Address- 24986 LAMBS MEADOW ROAD
Mary Cecilia Roseberry, 113 Quail Lane, Centreville, MD 21617-2308

Homeowners Association, name and address, if applicable: _____

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.

Latonya Cotton for Kenah One Health Care Services
Signature of Owner/Applicant/Agent or Attorney

07/01/2022
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.

Narrative for Board of Appeals Application

If approved, this property will be used as a hospital, rehabilitation facility, or other similar institution for human care, but not including animal hospitals. The facility will service adults with mental health and substance use disorders who need rehabilitative services over a 30–90-day period.

There are no proposed changes to the current structure's size or shape. The current traffic pattern will not change. The surrounding area is a neighborhood of single-family homes and other dwellings, such as a church, a community center, and a park. The proposed use does not have any impact on the current cost for police, fire, water, or sewer. There will be no probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties. The proposed use is the most appropriate use of the structure, as the structure was originally designed for the caretaking of those who are the most vulnerable in our community. For more than 15 years, the structure has served as a home away from home for those who could not remain or be maintained in their home or living situation. The proposed use will continue to provide that same service to the community and community members. The proposed change in use will not create any change in property values. The proposed change in use is consistent with the Comprehensive Plan, Land Use Ordinance and Village Master Plan with a text amendment to allow for hospitals, rehabilitation facilities, or other similar institutions for human care but not including animal hospitals in the Village district. The proposed use/services are compatible with existing and planned use, as assisted living services have been provided for over 15 years and services will continue for the residents who are currently placed in the facility and new residents who are admitted for additional behavioral health services.

To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Meeting: August 4, 2022
Subject: Gary Mundrake - Buffer Variance

Executive Summary

Request by Applicant

Gary Mundrake is requesting a buffer variance to add a small deck and set of steps as a second means of ingress and egress to an existing dwelling located partially within the 100-foot buffer.

Public Process

Per 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. The Board of Appeals may authorize variances from ... buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Summary of Staff Report

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance with the following conditions:

- A Buffer Management Plan is submitted for review and approval.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: Gary Mundrake – Buffer Variance
 DATE: July 28, 2022

DESCRIPTION OF PROPOSAL

Gary Mundrake is requesting a buffer variance to add a small 8 foot by 8 foot deck and set of steps as a second means of ingress and egress to an existing dwelling located almost entirely within the 100-foot buffer. The total square footage of the project is approximately 100 sq. ft. of which 49 sq. ft. will be within the buffer. The deck will be constructed to allow water to pass through which will not increase the lot coverage. The 11.127-acre property is located at 4884 Skinners Neck Road in the Fifth Election District and is zoned Resource Conservation District (RCD). Mr. Mundrake purchased the property in 2019 and chose to renovate the cottage within the existing footprint and raise it almost 7 feet. The only entrance is through the kitchen.

APPLICABLE LAWS

I. Development in the Buffer

- A. *Comprehensive Plan*: “Maintain, enforce and if necessary, strengthen existing regulations for floodplains and buffers.” (Page 86)
- B. *Applicable Law*: Article V, Section 2.7.B.3.a of the Kent County Land Use Ordinance establishes the standards for development in the buffer:
 - i. Development activities, including structures, roads, parking areas, and other impervious surfaces, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot buffer. This restriction does not apply to water-dependent facilities that meet the criteria set forth below.
- C. *Staff and TAC Comments*: Development activity of this nature is not permitted in the buffer; therefore, the applicant has applied for a buffer variance to add a second point of ingress and egress to the existing dwelling.

II. Variance

- A. *Applicable Law*: Article IX, Section 2.2, Variances 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.

...

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants 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 applicants own actions.
 - f. That within the *Critical Area* for *variances* of 15% *slope, impervious surface, or buffer* requirements:
 - i. The granting of a *variance* will be in harmony with the general spirit and intent of the *Critical Area Law* and the *regulations* adopted by Kent County
 - ii. That the granting of a *variance* will not adversely affect water quality or adversely impact fish, wildlife, or *plant habitat*.
 - iii. That the application for a *variance* will be made in writing with a copy provided to the *Critical Area Commission*.
 - iv. That the strict application of the Ordinance would produce an *unwarranted hardship*.
 - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - vi. The authorization of such *variance* will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the *variance*.
 - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the *Critical Area* of Kent County.
 - viii. That the granting of a *variance* will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or *structures*.
 - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or *structure*, a literal enforcement of this Ordinance would result in *unwarranted hardship* to the applicant.
 - x. The Board of Appeals finds that the applicant has satisfied each one of the *variance* provisions.
 - xi. Without the *variance*, the applicant would be deprived of a use of land or a *structure* permitted to others in accordance with the provisions of the critical area program.
 - 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 granting of the variance will not adversely impact adjacent or neighboring properties, nor will it alter the character of the district.

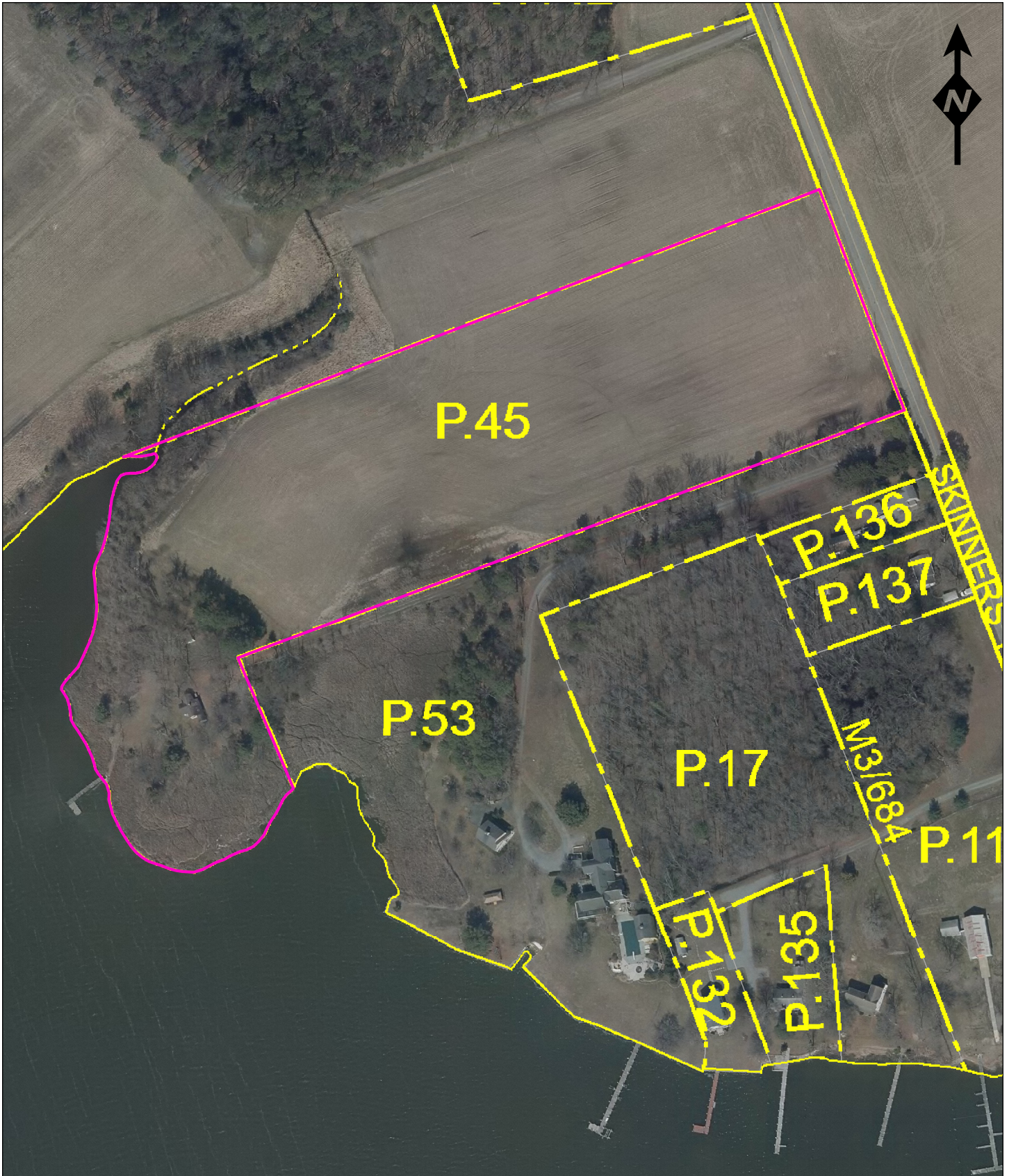
The practical difficulty is due to the shape of the property. The dwelling is surrounded on almost three sides by water, and the cottage pre-dates the adoption of the Critical Area Law or floodplain regulations. The granting of the variance will not negatively impact water quality or adversely impact habitat.

STAFF RECOMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance to add a small deck and set of steps partially within the buffer. Staff further recommends the following:

- A Buffer Mitigation Plan is submitted at a rate of 3:1 mitigation for disturbance within the buffer.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

Gary Mundrake - Buffer Variance
4884 Skinners Neck Road, Rock Hall



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

1 inch = 200 feet

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)

Gary Mundrake
4884 Skinners Neck Road
Rock Hall, MD 21661 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: buck@extrememeasuresllc.com

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article Section 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.) 4884 Skinners Neck Road, Rock Hall, MD 21661

In the 5 Election District of Kent County.

Size of lot or parcel of Land: 11.127 acres
Map: 55 Parcel: 45 Lot #: Deed Ref: MLM 1024/132

List buildings already on property: House and shed

Subdivision name and address, if applicable: n/a

PRESENT ZONING OF PROPERTY: Resource Conservation District

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Add a deck and adjoining steps to the existing house for a second point of ingress and egress. 49ft² of the proposed deck will be over the 100' Buffer, the remaining deck and steps will not be in the buffer. The base of the steps will be in the floodplain.

Present owner of property: Gary Mundrake Telephone:

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: Paul C. Bramble PO Box 419, Chestertown, MD 21620

Owner(s) on the South: Arne Sorenson et al 4876 Skinners Neck Road, Rock Hall, MD 21661

Owner(s) to the East: _____

Owner(s) to the West: _____

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

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.

NOTICE: The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Office assists you, they 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.



Narrative for a proposed Buffer Variance on the lands of Gary Mundrake, 4884 Skinners Neck Road, Rock Hall, MD 21661.

Tax Map 55, Parcel 45

Site Address: 4884 Skinners Neck Road, Rock Hall, MD 21661

Deed Reference: M.L.M. 1024/132

Site is zoned: RCD Resource Conservation District

Current/Proposed Use - Residential

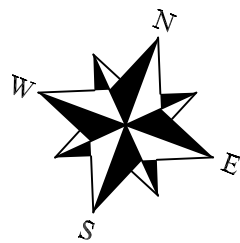
Total Land Area – 11.127 acres±

Site is served a private well and public sewer.

Mr Mundrake is requesting a variance to construct an 8'-1"x8'-6" wooden deck that will be 7' off the ground with a set of wooden steps that are 36" wide leading to the ground. 49ft² of the pervious deck will be in the 100' Buffer.

When Mr Mundrake purchased the property in 2019, there was a 628ft² cottage that was in disrepair and was well below the Base Flood Elevation of 6.0'. The cottage had a covered front porch which served as the front entrance and a back door from the kitchen, which served as the rear entrance. At that time there was a LiMWA line shown on the FEMA Flood Maps that bisected the house and porch. Mr Mundrake decided to refurbish and raise the cottage within the existing footprint, above the Base Flood Elevation and meet the floodplain requirements. During construction the house was raised nearly 7' and the front porch was enclosed. Due to the location of the Buffer and the LiMWA line there was no attempt made to apply for a variance because of the floodplain regulations. Currently there is only one point of ingress/egress through the kitchen.

Recently, FEMA has updated the maps to eliminate the LiMWA line. Mr Mundrake would like to add a small deck and steps from the front porch to the ground to have a second point of egress from the house.

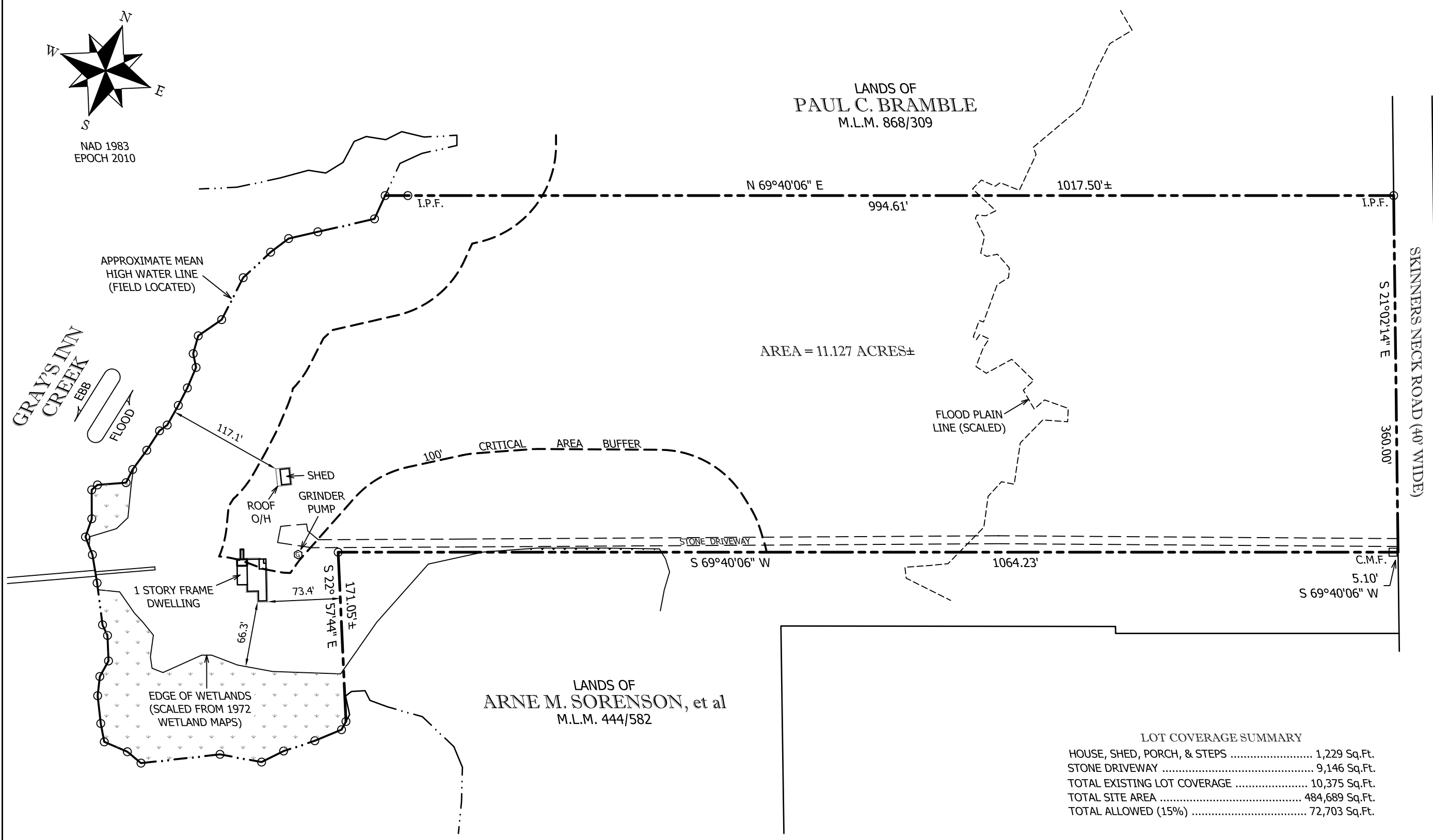


NAD 1983
EPOCH 2010

LANDS OF
PAUL C. BRAMBLE
M.L.M. 868/309

EXTREME MEASURES
LAND SURVEYORS

Chestertown, MD 21620
PHONE 410-778-0147
www.extrememeasuresllc.com



SCALE	1"=100'
DRAWN BY	WJE
DATE	5-25-22
JOB NO.	1131
REVISIONS	

LOCATION DRAWING

OF THE LANDS OF

GARY MUNDRAKE

FIFTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

TAX MAP 55 PARCEL 45

NOTES:

DEED REFERENCE: M.L.M. 1024/132

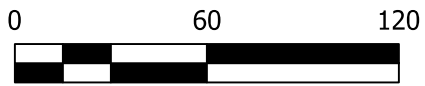
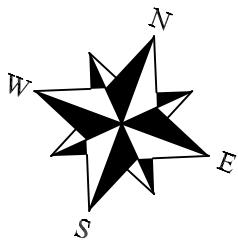
PREMISES ADDRESS: 4884 SKINNERS NECK ROAD
ROCK HALL, MD. 21661

SEE FIRM NUMBER 24029C0380D FOR FLOODPLAIN
BASE FLOOD ELEVATION (BFE) = 6.0'
HIGHEST GROUND ELEVATION AT HOUSE CORNER = 3.5'

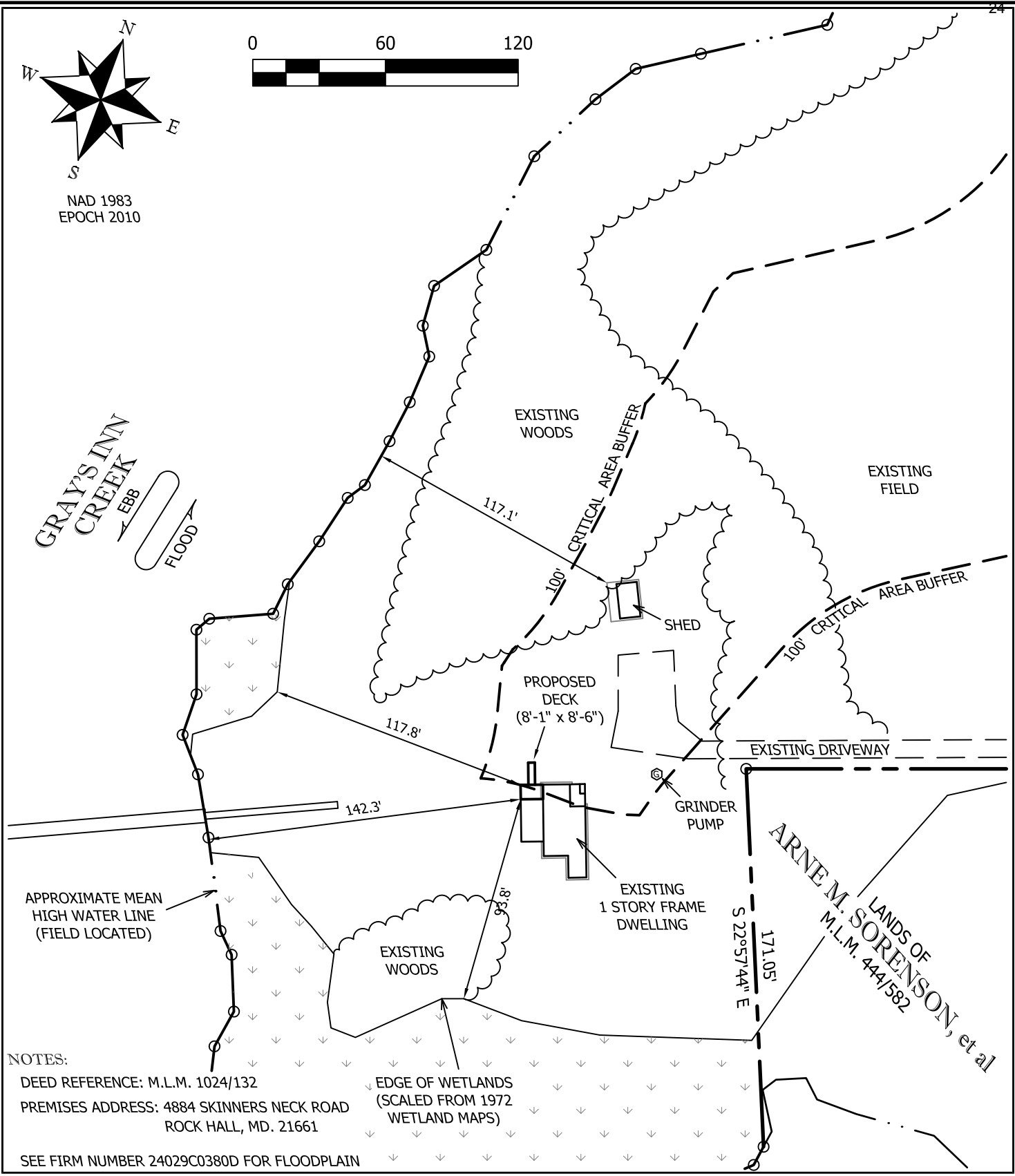
LOT COVERAGE SUMMARY

HOUSE, SHED, PORCH, & STEPS	1,229 Sq.Ft.
STONE DRIVEWAY	9,146 Sq.Ft.
TOTAL EXISTING LOT COVERAGE	10,375 Sq.Ft.
TOTAL SITE AREA	484,689 Sq.Ft.
TOTAL ALLOWED (15%)	72,703 Sq.Ft.

- LEGEND:
- I.P.F. - DENOTES IRON PIPE FOUND
 - C.M.F. - DENOTES CONCRETE MONUMENT FOUND
 - DENOTES WETLANDS (SCALED FROM 1972 WETLAND MAP)
 - DENOTES FLOODPLAIN LINE



NAD 1983
EPOCH 2010



NOTES:

DEED REFERENCE: M.L.M. 1024/132

PREMISES ADDRESS: 4884 SKINNERS NECK ROAD
ROCK HALL, MD. 21661

SEE FIRM NUMBER 24029C0380D FOR FLOODPLAIN

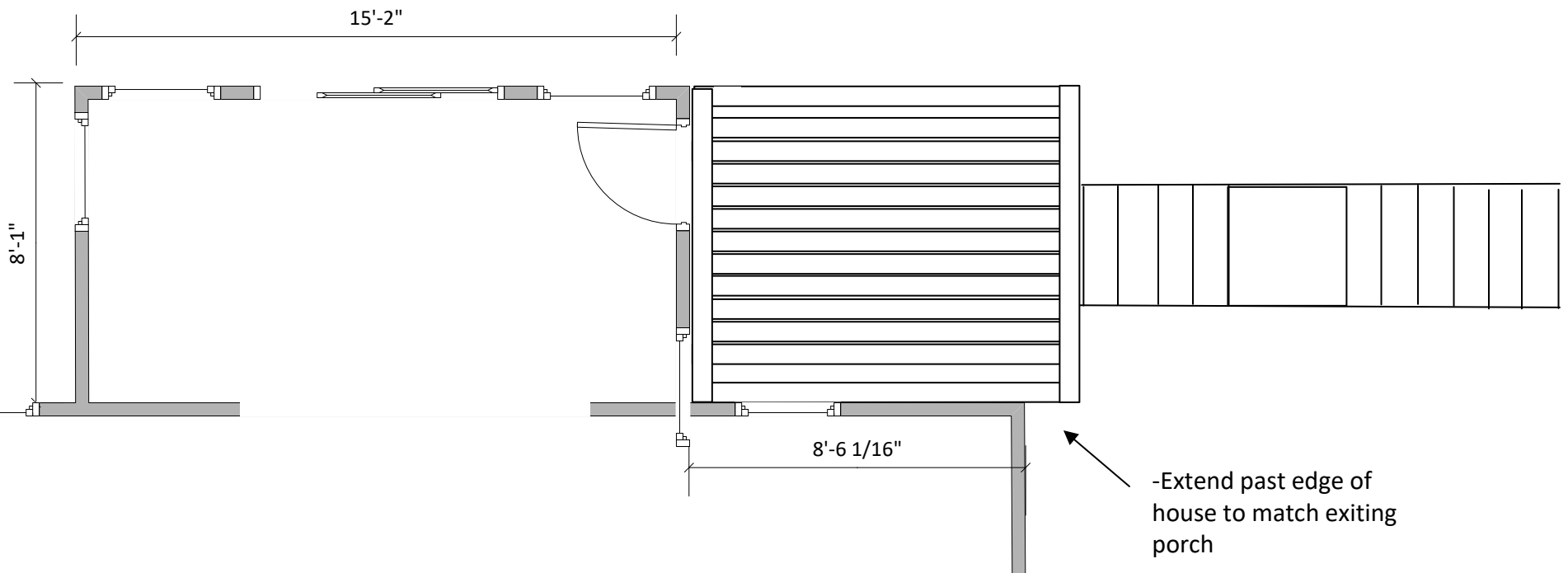
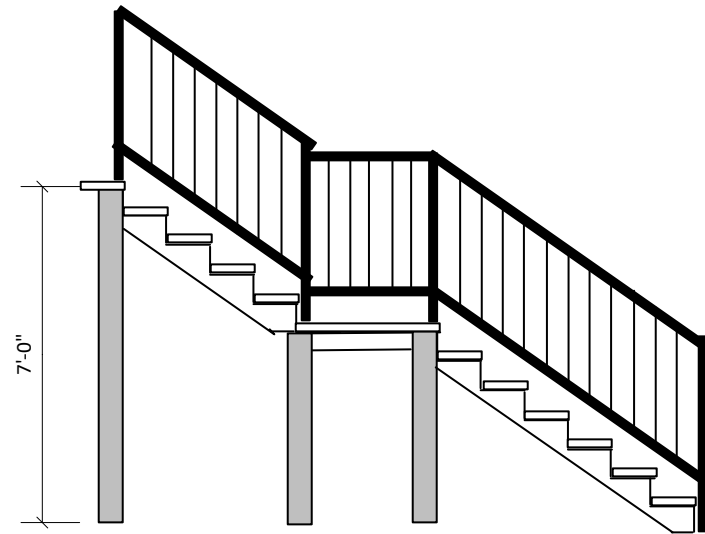
SITE PLAN
OF THE LANDS OF,
GARY MUNDRAKE
FIFTH ELECTION DISTRICT, KENT COUNTY
MARYLAND
TAX MAP 55, PARCEL 45

EXTREME
MEASURES
LAND SURVEYORS

Chestertown, MD 21620 PHONE 410-778-0147
www.extrememeasuresllc.com

SCALE 1"=60'
DRAWN BY RAN
DATE 5-25-2022
JOB NO. 1131

- Match existing porch for all finishes and methods of construction
- All support posts – Pressure Treated 6" x 6"
- Step landing 3' x 3'
- Deck height no more than 2" below bottom of door threshold
- Stair treads 6.5" rise/11" run





2022



2019



2022



2019

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: August 4, 2022
Subject: Fred and Linda Lint
Variance – Buffer

Executive Summary

Request by Applicant

Fred and Linda Lint are requesting a variance to allow for the construction of a residential addition, a portion of which is in the 100-foot buffer. They are also seeking a variance of 7.5 feet from the 15-foot side yard setback so as to construct the attached garage.

Public Process

Per 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. The Board of Appeals may authorize variances from the yard (front, side, or rear) [and] ... buffer ... requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Summary of Staff Report

The property is located at 13910 Swantown Creek Road in the Fifth Election District. The proposed residential addition includes a garage and associated drive and a partial covering for an existing deck. The proposed new lot coverage for the project will be 495 square feet; that same amount is to be removed from an existing gravel drive and parking area. The application has been sent to the Critical Area Commission for review.

The neighborhood is comprised of detached, single-family dwellings and interspersed stands of trees. The granting of the variance will not adversely impact adjacent or neighboring properties nor change the character of the neighborhood. The application is consistent with the Comprehensive Plan.

The practical difficulty is caused by the original placement and construction of the home in 1972, prior to establishment of the Critical Area Law and the associated 100-foot buffer, which encompasses much of the structure. The granting of the variance would not be a substantial detriment to adjacent properties, nor would it provide any special privilege to the applicant that would be denied by the Ordinance to other lands or structures.

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance and side yard setback variance with the following conditions:

- Buffer mitigation at 1:1 for temporary disturbance and at 3:1 for permanent disturbance.
- The variances will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: #22-47 – Fred and Linda Lint
 Variance – Buffer
 DATE: July 28, 2022

DESCRIPTION OF PROPOSAL

Fred and Linda Lint are requesting a variance to allow for the construction of a residential addition, a portion of which is in the 100-foot buffer. The proposed residential addition includes a garage and associated drive and a partial covering for an existing deck. They are also seeking a variance of 7.5 feet from the 15-foot side yard setback so as to construct the attached garage. The property is located at 13910 Swantown Creek Road in the Fifth Election District. The application has been sent to the Critical Area Commission for review.

At 5,905 square feet, lot coverage on the property is in excess of the currently allowable amount and is non-conforming. To remain at the current amount of coverage, an area equivalent to that which is to be added will be removed. The proposed new coverage for the project will be 495 square feet; that same amount is to be removed from an existing gravel drive and parking area. On site disturbance will include 390 square feet of permanent disturbance outside of the buffer for placement of the garage and associated drive, and 105 square feet for overhangs and new roof over an existing deck.

Of the 105 square feet for overhangs and the deck roof, there will be approximately 35 square feet of new overhangs over undisturbed buffer. There will be 495 square feet of temporary disturbance inside the buffer for removal of stone from the existing drive and parking area. Approximately three quarters of the proposed deck covering that will be new lot coverage is within the buffer.

APPLICABLE LAWS

I. Development in the Buffer

- A. *Comprehensive Plan*: “Maintain, enforce and if necessary, strengthen existing regulations for floodplains and buffers.” (Page 86)
- B. *Applicable Law*: Article V, Section 2.7.B.3.a of the Kent County Land Use Ordinance establishes the standards for development in the buffer:
 - i. Development activities, including structures, roads, parking areas, and other impervious surfaces, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot buffer. This restriction does not apply to water-dependent facilities that meet the criteria set forth below.
- C. *Staff and TAC Comments*: Development activity of this nature is not permitted in the buffer; therefore, the applicant has applied for a buffer variance to allow for a residential addition, a portion of which is in the 100-foot buffer. The Department of Public Works and MDOT SHA have reviewed this application and have no issues. The Health Department has requested that the site plan show the location of the well. The application has been sent to the Critical Area Commission for review.

II. Variance

- A. *Applicable Law*: Article IX, Section 2.2, Variances 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.

...

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants 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 applicants own actions.
- f. That within the *Critical Area* for *variances* of 15% slope, impervious surface, or buffer requirements:
 - i. The granting of a *variance* will be in harmony with the general spirit and intent of the *Critical Area Law* and the *regulations* adopted by Kent County
 - ii. That the granting of a *variance* will not adversely affect water quality or adversely impact fish, wildlife, or *plant habitat*.
 - iii. That the application for a *variance* will be made in writing with a copy provided to the *Critical Area Commission*.
 - iv. That the strict application of the Ordinance would produce an *unwarranted hardship*.
 - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - vi. The authorization of such *variance* will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the *variance*.
 - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the *Critical Area* of Kent County.
 - viii. That the granting of a *variance* will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or *structures*.
 - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or *structure*, a literal enforcement of this Ordinance would result in *unwarranted hardship* to the applicant.
 - x. The Board of Appeals finds that the applicant has satisfied each one of the *variance* provisions.
 - xi. Without the *variance*, the applicant would be deprived of a use of land or a *structure* permitted to others in accordance with the provisions of the critical area program.

- 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 neighborhood is comprised of detached, single-family dwellings and interspersed stands of trees. The granting of the variance will not adversely impact adjacent or neighboring properties nor change the character of the neighborhood. The application is consistent with the Comprehensive Plan as a stated goal is to “Provide a wide range of housing opportunities to meet the needs of Kent County residents” (Page 90).

The practical difficulty is caused by the original placement and construction of the home in 1972, prior to establishment of the Critical Area Law and the associated 100-foot buffer, which encompasses much of the structure. The current owners purchased the property and have not created this practical difficulty. The application is in harmony with the intent and spirit of the Critical Area Law and Kent County, and the variance will not negatively affect fish, wildlife, or plant habitat.

The granting of the variance would not be a substantial detriment to adjacent properties, nor would it provide any special privilege to the applicant that would be denied by the Ordinance to other lands or structures.

STAFF RECOMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance to allow for the construction of a residential addition, a portion of which is in the 100-foot buffer, and the side yard setback variance with the following conditions:

- Buffer mitigation at 1:1 for temporary disturbance and at 3:1 for permanent disturbance.
- The variances will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.



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

1 inch = 100 feet

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)

FRED & LINDA LINT
13910 SWANTOWN Creek Rd
GALENA, MD, 21635

Email: flintl59@gmail.com

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: buck@extrememeasuresllc.com

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article _____
Section _____ 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.) 13910 SWANTOWN Creek Rd, GALENA, MD, 21635

In the 1st Election District of Kent County.

Size of lot or parcel of Land: 24,904 ft²
Map: 8 Parcel: 97 Lot #: 29 Deed Ref: S.L.K. 1180/239

List buildings already on property: MAIN HOUSE/Dwelling, 1-shed

Subdivision name and address, if applicable: Shorewood Estates

PRESENT ZONING OF PROPERTY: RESIDENTIAL - CAR (MODIFIED BUFFER

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) ADD 1 CAR GARAGE with front entry that is outside 100ft setback, ATTACHED TO HOUSE. will not exceed 50% of B.R.L. TO ADJACENT 20' RIGHT OF WAY. ADDITIONAL COVERAGE TO BE OFFSET BY REDUCTION IN DRIVEWAY INSIDE 100ft SETBACK - CONVERT STONE AREA TO GRASS + PLANTINGS

Present owner of property: FRED Y. LINT Telephone: 443-480-7540

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

Has property involved ever been subject to a previous application? UNKNOWN

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: Mr. & Mrs Robert M. Rose

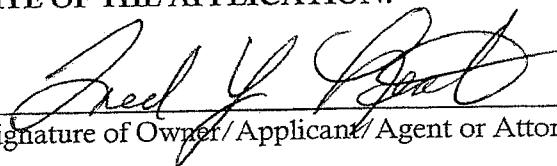
Owner(s) on the South: Mr & Mrs. Bryan Leigh Matthews
13900 SWANTOWN Creek Road

Owner(s) to the East: N/A

Owner(s) to the West: N/A

Homeowners Association, name and address, if applicable: Shorewood Estates

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

6/21/2022
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.

NOTICE: The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Office assists you, they 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.

Narrative for Variance request for the addition of an attached one car garage and for covering a section of existing deck to provide protected access and egress to the house from the garage.

1. Fred and Linda Lint, homeowners living @
2. 13910 Swantown Creek Rd, Galena, MD, 21635, Tax map: 8, Parcel: 97, Lot#: 29, in Shorewood Estates subdivision.
3. Zoning is residential, waterfront in CAR (modified buffer).
4. Current use is residential, proposed use is residential
5. The site plan has existing structures, open space, and topography shown in attached survey.
6. There are no anticipated changes to ownership and no conflicts expected with the Homeowners association. Citizen Participation is also planned and should result in no external impact to neighboring property or waterways. Septic is newly installed BAT with existing well water and new geothermal HVAC.

An additional garage is needed at the level of the main living space to avoid carrying groceries or other supplies up a flight of stairs from the rear entrance or down the front walk and steps in inclement weather. This will facilitate the accessibility for aging in place as the current residents are seniors. Housing of a vehicle indoors is also preferred over outside parking in the elements. The optimal and apparent only space available for the structure is shown on the survey map due to restrictions of the 100 ft set back and logistical home access.

Ordinances affected concern the total coverage restrictions on the lot and exceeding the 15' B.R.L. next to the 20' right of way that doubles as a shared driveway with the neighbor and community access to the water for small watercraft launches.

Coverage:

Current lot coverage is 5905 ft² where only 5,445 ft² would be allowed under the statutes if this were new construction. Since this coverage is existing, the lot coverage is capped at 5,905 ft². Addition of the garage and driveway add 212 ft² and 178 ft², respectively. The plan to address this is to convert part of the gravel drive at the rear of the house and inside the 100 ft setback to grass and or shrubs that will offset the proposed changes to achieve zero net change in coverage and reduced coverage inside the 100ft set back. Please note that the gravel removal is also sufficient to offset the eave overhangs that would or could contribute to coverage area. The garage foundation is positioned outside the 100 ft setback. The additional coverage for the overhangs and drip line are also included in the survey calculation and offset gravel removal.

15' B.R.L.

Due to the existing building location and lot size, part of the proposed garage extends past the 15' B.R.L. setback. The garage size was reduced to not exceed 50% of the B.R.L. so the foundation remains 7.5 feet from the property line. It is requested that an administrative variance be granted to allow this encroachment. The 20 foot wide right of way (ROW) makes this substantially distant from the neighbor's house and driveway and a wooded area is directly across the ROW from the proposed site.

Deck roof cover

During the garage design it became apparent that a cover over the existing deck would provide protection from the weather transiting from the garage to inside the house. Although the proposed garage is attached, the interior shared wall is in the kitchen and is fully lined with cabinets and appliances providing no placement for an interior door necessitating exiting the garage onto the deck and entering the home via an existing exterior door that opens to the kitchen. A cover over the deck seems the most reasonable solution to provide the intended shelter from the weather and screened-in it would provide insect protection as well. Since most of the deck is already over either concrete pad or gravel drive, a roof does not increase the coverage except for a small section that is overhang above a dirt area. Some of this area is also inside the 100 ft set back so requires a variance or consideration for changes inside the 100 ft set back. The increase in coverage is addressed or offset to zero with reduction of the gravel driveway in the rear of the house, also within the 100 ft set back. This results in a net zero change for the lot coverage but a reduction inside the 100 ft set back. In addition, removal of the HVAC outside condenser unit when the geothermal unit was installed, eliminated 16 square feet of coverage not shown on any of the surveys but was indeed a reduction in lot coverage since house purchase i Oct 2021. .

The current survey shows the gravel drive reduction to get to a net zero change in total coverage and keep the 5905 ft² coverage cap intact. It is most sensible and economic to do both the garage and deck at the same time, but at minimum the garage approval could standalone while the deck roof cover is reviewed since it is the only portion inside the 100ft setback.

Optional front porch cover.

The proposed building elevations also show a front porch cover for the steps. The drip line expands the current coverage (shown) and is also compensated for with the gravel removal.

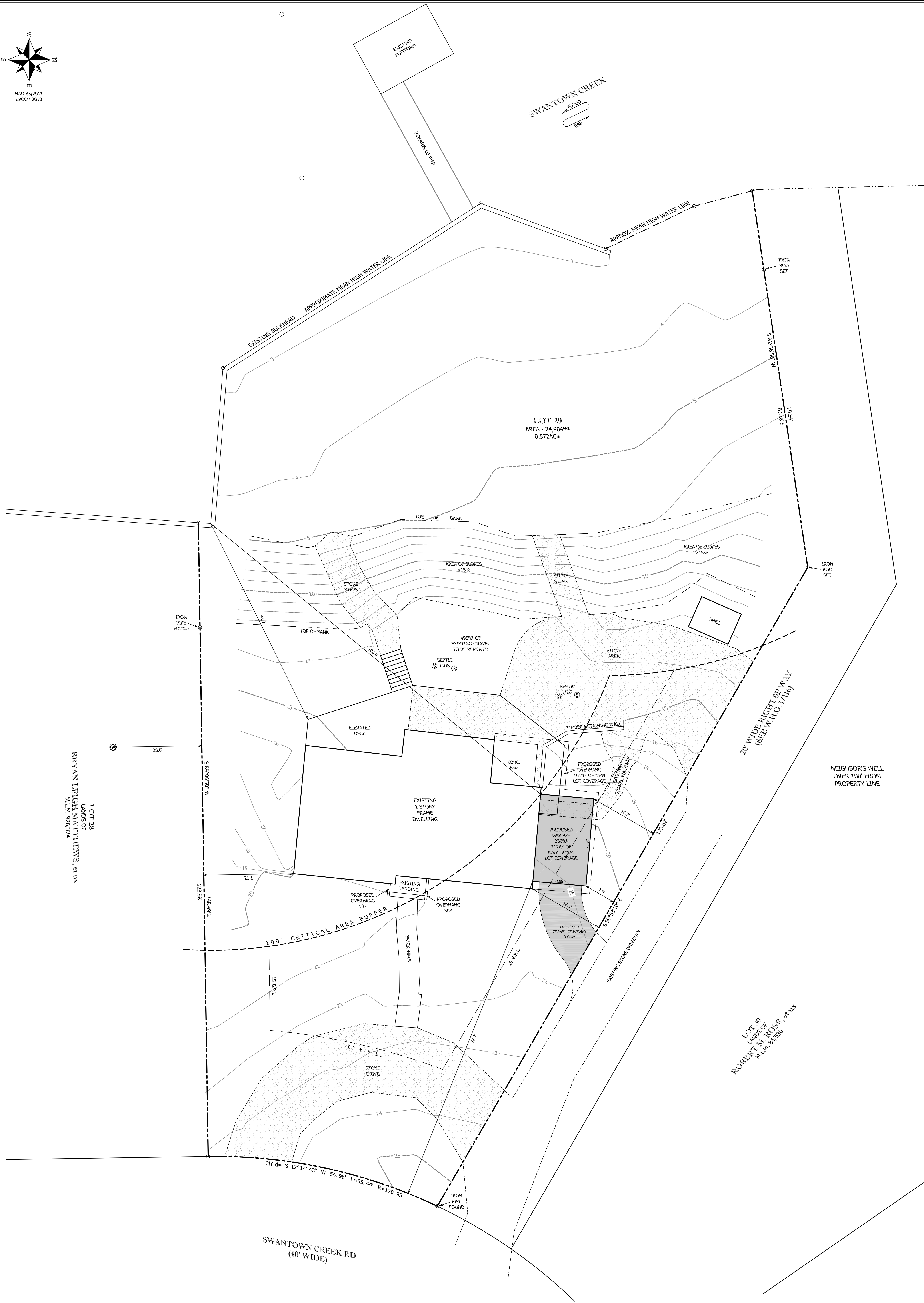
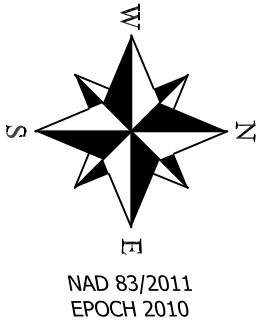
I believe our proposal complies with both the spirit and letter of the law in protecting our waterways and improved home safety and ask that these variances be granted.

Fred Lint

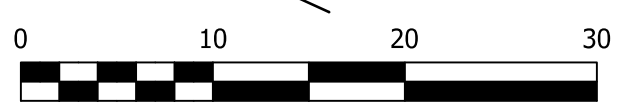
Property owner

Tree removal:

One small Japanese Maple will need to be removed to make room for the driveway. Another under canopy tree will be planted in the front yard as a replacement.



NOTES:
OWNER: FRED Y. LINT, et ux
DEED REFERENCE: S.L.K. 1180/239
PLAT REFERENCE: W.H.G. 1/116
PREMISES ADDRESS: 13910 SWANTOWN CREEK RD
GALENA, MD. 21635
SITE ZONING - CAR (MODIFIED BUFFER)



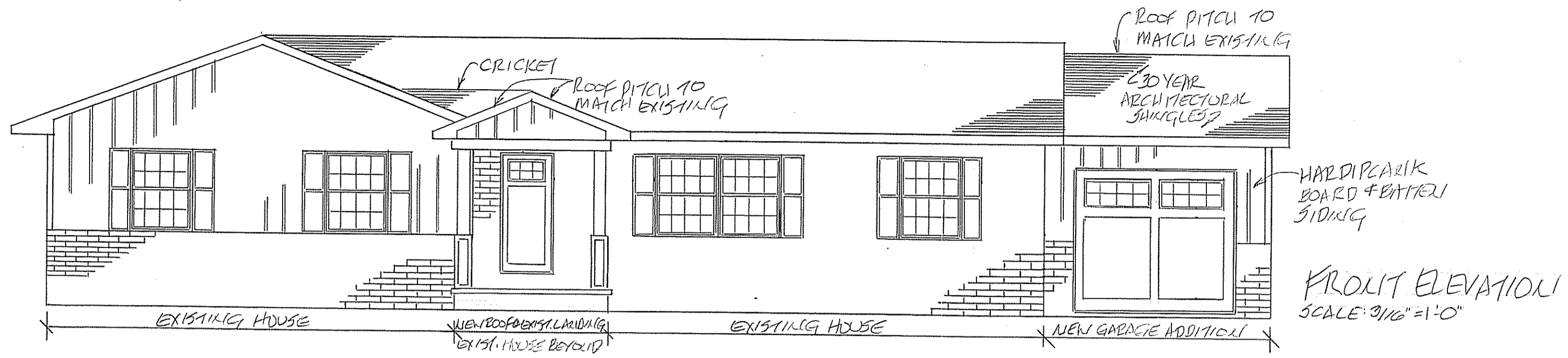
EXISTING LOT COVERAGE TABLE		PROPOSED LOT COVERAGE TABLE	
HOUSE	1,695 FT ²	HOUSE	1,695 FT ²
SHED	78 FT ²	SHED	78 FT ²
BRICK & CONC	289 FT ²	BRICK & CONC	289 FT ²
STONE	3,348 FT ²	STONE	3,348 FT ²
PROPOSED GARAGE	212 FT ²	PROPOSED GARAGE	212 FT ²
PROPOSED DRIVEWAY	178 FT ²	PROPOSED DRIVEWAY	178 FT ²
PROPOSED OVERHANG	105 FT ²	PROPOSED OVERHANG	105 FT ²
PROPOSED TOTAL	5,905 FT ²	PROPOSED TOTAL	5,905 FT ²
ALLOWED	5,445 FT ²		

SITE PLAN
OF THE LANDS OF,
FRED Y. LINT et ux.
FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND
TAX MAP 8, PARCEL 97 - LOT 29 SHOREWOOD ESTATES

SCALE
1"=10'
DRAWN BY
BAN
DATE
6-29-22
JOB NO.
1400
REVISIONS

EXTREME MEASURES
LAND SURVEYORS
Chestertown, MD 21620 PHONE 410-778-0147
www.extrememeasuresllc.com

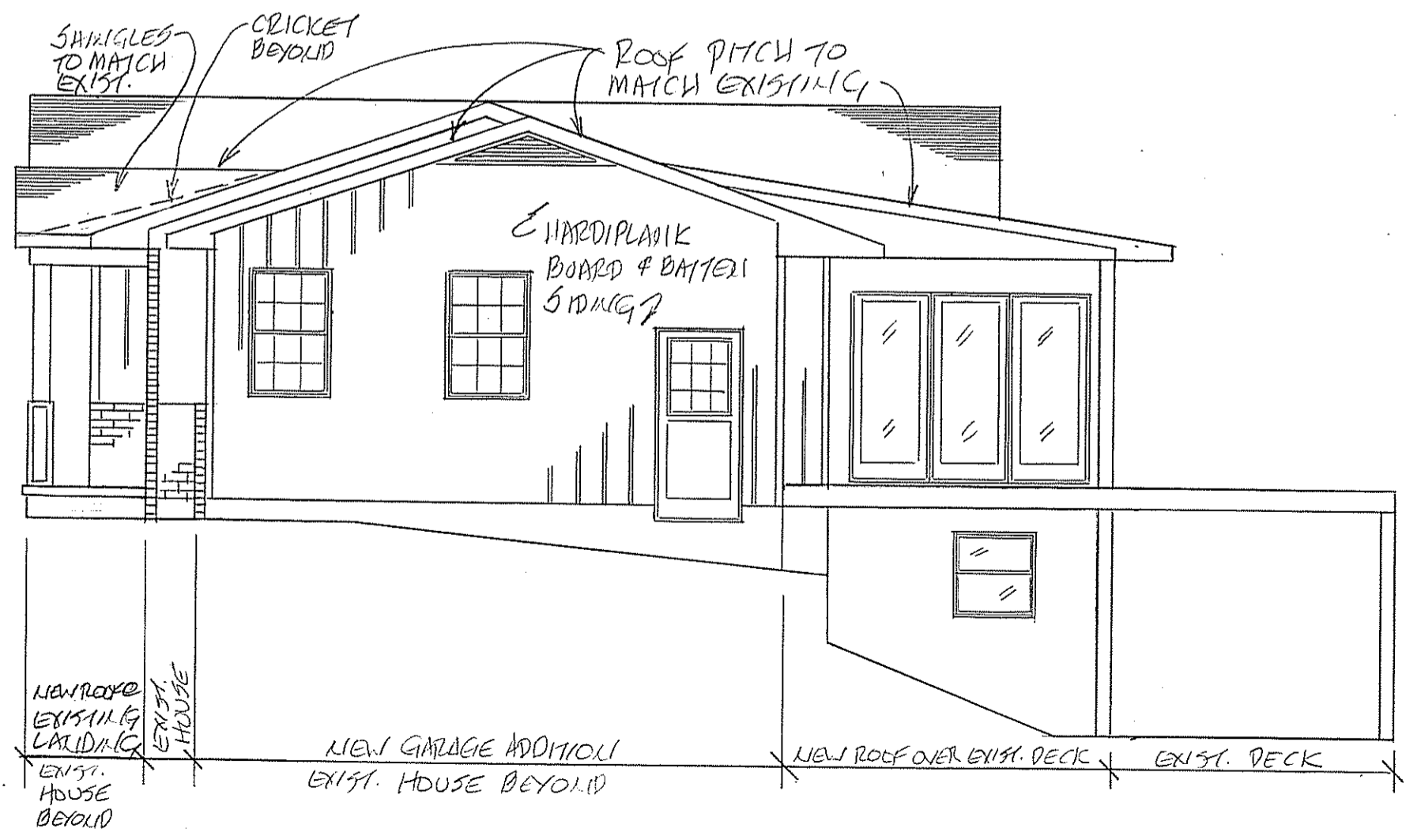
LOT 28 LANDS OF BRYAN LEIGH MATTHEWS, et ux M.L.M. 928/224	LOT 30 LANDS OF ROBERT M. ROYSE, et ux M.L.M. 84/530
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FRONT ELEVATION
SCALE: 3/16" = 1'-0"



BACK ELEVATION
SCALE: 3/16" = 1'-0"

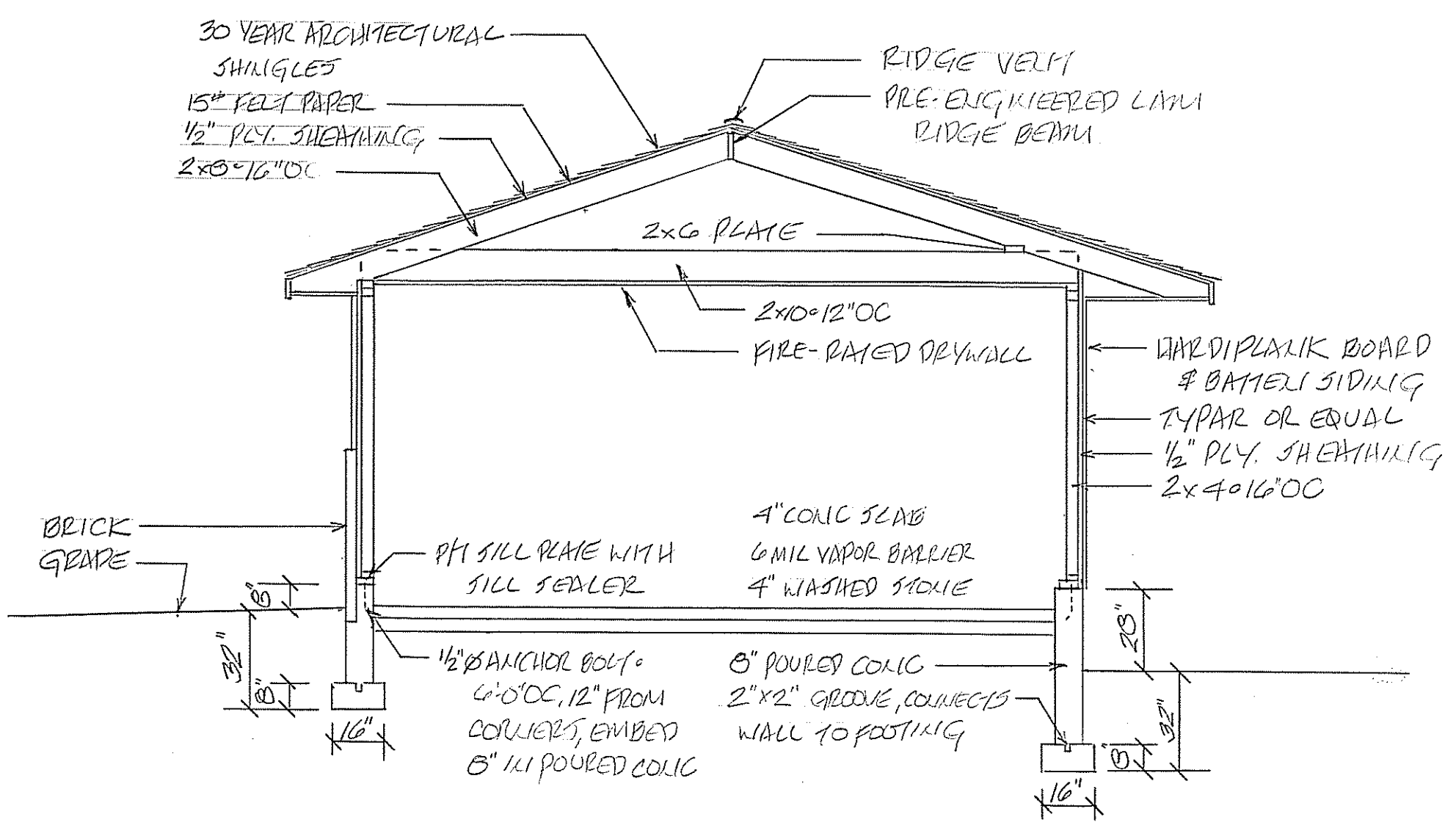


SIDE ELEVATION
SCALE: 3/16" = 1'-0"

NEW GARAGE ADDITION 13910 SWANSTONE CREEK RD. GALERIA, MD 21035		1477
DWG: REBECCA G MALIN BY: ARCHITECTURAL DESIGN 410-685-2159	DATE 5-25-22	A-3 3 OF 4
CONTRACTOR'S RESPONSIBILITY TO VERIFY ACCURACY AND DIMENSIONS BEFORE CONSTRUCTION		
UNAUTHORIZED USE OR COPYING OF THIS DRAWING IS PROHIBITED		

NOTES:

CONTRACTOR MAY MAKE CHANGES OR SUBSTITUTIONS IN THE FIELD WITH OWNER APPROVAL
 CONTRACTOR TO ENSURE ALL BUILDING CODES ARE MET DURING CONSTRUCTION AND PROVIDE ANY ADDITIONAL INFORMATION THAT MAY BE REQUIRED WHEN APPLYING FOR PERMITS.
 CONTRACTOR TO ENSURE EXISTING STRUCTURE CAN CARRY NEW LOADS AND REINFORCE AS NEEDED
 CONTRACTOR TO VERIFY DIMENSIONS IN THE FIELD AND ADJUST AS NEEDED
 WINDOWS LABELED ACCORDING TO "ALBERTI" DOUBLE HUNG UNITS.
 WINDOW AND DOOR HEADERS TO BE SIZED AS PER CODE, EACH END OF HEADER MUST REST ON JACK STUDS.
 ALL FRAMING LUMBER TO BE #2 OR BETTER, SPRUCE, PINE, OR FIR
 SEE OWNER FOR ADDITIONAL REQUIREMENTS, I.E.: INSULATION, DRYWALL (EXCLUDING REQUIRED FIRE-RATED DRYWALL, TRIM, LIGHTING LOCATIONS-EXTERIOR AND INTERIOR, EXTERIOR WATER SPIGOT, ETC.
 ANY OVERSIGHT BY DESIGNER TO BE CORRECTED BY CONTRACTOR IN THE FIELD.
 PRE-ENGINEERED LAM. BEAMS TO BE SPECIFIED BY SUPPLIER/ MANUFACTURER AND SPECIFICATIONS TO BE PROVIDED TO SUBMIT WHEN APPLYING FOR PERMIT. BEAMS USED IN EXTERIOR APPLICATIONS TO BE VINYL CLAD TO RESIST WEATHER.



BUILDING SECTION
 SCALE: 1/4" = 1'-0"

LUM GARAGE ADDITION 13910 SWALTOWN CREEK RD. GALELIA, MD 21635		1477
DWG. REBECCA G. MALILI BY: ARCHITECTURAL DESIGN 410-885-2159	DATE 5.25.22	A-4 4 OF 4
CONTRACTOR'S RESPONSIBILITY TO VERIFY ACCURACY AND DIMENSIONS BEFORE CONSTRUCTION		
UNAUTHORIZED USE OR COPYING OF THIS DRAWING IS PROHIBITED		

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: August 4, 2022
Subject: Robert L. Hindman
Variance – Slope

Executive Summary

Request by Applicant

Robert L. Hindman is requesting a variance to allow for the construction of a driveway across approximately 713 square feet of slopes greater than 15%. The proposed development of this 3.103-acre property is for a single-family residence.

Public Process

Per 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. The Board of Appeals may authorize variances from ... 15% slope ... requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Summary of Staff Report

The property is located east and south of Belchester Road near Kennedyville in the Second Election District and is zoned Critical Area Residential (CAR). The limits of disturbance for the project will be 21,255 square feet, of which 713 square feet are steep slopes. The proposed driveway has been oriented to have the least amount of disturbance to steep slopes as possible, and grading will decrease the slope and subsequently reduce the potential for erosion.

The practical difficulty is due to the extraordinary topographical condition of the property, which is not caused by the applicant, and the proposed action will neither alter the character of the district or negatively affect fish, wildlife, or plant habitat.

A strict application of the Ordinance would produce an unwarranted hardship and would deny reasonable and significant use of the of the parcel. The granting of the variance would not be a substantial detriment to adjacent properties, nor would it provide any special privilege to the applicant that would be denied by the Ordinance to other lands or structures.

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the slope variance with the following conditions:

- That 3:1 mitigation for disturbance for the steep slopes is included.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: #22-39 – Robert L. Hindman
 Variance – Slope
 DATE: July 28, 2022

DESCRIPTION OF PROPOSAL

Robert L. Hindman is requesting a variance to allow for the construction of a driveway across approximately 713 square feet of slopes greater than 15%. The proposed development of this 3.103-acre property is for a single-family residence. The property is located east and south of Belchester Road near Kennedyville in the Second Election District and is zoned Critical Area Residential (CAR). Adjacent properties are zoned CAR to the north and west and Resource Conservation District (RCD) to the east and south, and the area may be characterized as single-family residential across the road and agricultural to the rear.

The limits of disturbance for the project will be 21,255 square feet, of which 713 square feet are steep slopes. The proposed driveway has been oriented to have the least amount of disturbance to steep slopes as possible. The proposed lot coverage for the development will be 7,921 square feet.

APPLICABLE LAWS

I. Development on steep slopes

- A. *Comprehensive Plan*: “Goal: Limit development in area with constraints in order to improve safety and reduce environmental and property damage. (Page 86) “Strategy: Maintain and enforce existing regulations for steep slopes and shoreline cliffs” (Page 87)
- B. *Applicable Law*: Article V, Section 5.7.B.10 of the Kent County Land Use Ordinance establishes the standards in the Critical Area Residential (CAR) district for development on slopes:

Development on slopes greater than 15%, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the land.

- C. *Staff and TAC Comments*: The proposed development has been oriented to have the least amount of disturbance to steep slopes as possible. The Department of Public Works, the Health Department, and MDOT SHA have reviewed this application and have no issues. The application has been sent to the Critical Area Commission for review.

II. Variance

- A. *Applicable Law*: Article IX, Section 2.2, Variances 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.

...

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants 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 applicants own actions.
- f. That within the *Critical Area* for *variances* of 15% *slope, impervious surface, or buffer* requirements:
 - i. The granting of a *variance* will be in harmony with the general spirit and intent of the *Critical Area Law* and the *regulations* adopted by Kent County
 - ii. That the granting of a *variance* will not adversely affect water quality or adversely impact fish, wildlife, or *plant habitat*.
 - iii. That the application for a *variance* will be made in writing with a copy provided to the *Critical Area Commission*.
 - iv. That the strict application of the Ordinance would produce an *unwarranted hardship*.
 - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - vi. The authorization of such *variance* will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the *variance*.
 - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the *Critical Area* of Kent County.
 - viii. That the granting of a *variance* will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or *structures*.
 - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or *structure*, a literal enforcement of this Ordinance would result in *unwarranted hardship* to the applicant.
 - x. The Board of Appeals finds that the applicant has satisfied each one of the *variance* provisions.
 - xi. Without the *variance*, the applicant would be deprived of a use of land or a *structure* permitted to others in accordance with the provisions of the critical area program.
- 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*: Disturbance to steep slopes will take place in the center of the parcel, thus the granting of the variance will not adversely impact adjacent or neighboring properties. The proposed grading will decrease the slope and subsequently reduce the potential for erosion. The proposed action will not alter the character of the district. The application is consistent with the Comprehensive Plan as a stated goal is to “Provide a wide range of housing opportunities to meet the needs of Kent County residents” (Page 90).

The practical difficulty is due to the extraordinary topographical condition of the property, which is not the caused by the applicant. As the proposed grading will reduce the area of steep slopes, the application is in harmony with the intent and spirit of the Critical Area Law and Kent County regulations of minimizing erosion and sediment laden water. The variance will not negatively affect fish, wildlife, or plant habitat.

A strict application of the Ordinance would produce an unwarranted hardship and would deny reasonable and significant use of the of the parcel. The granting of the variance would not be a substantial detriment to adjacent properties, nor would it provide any special privilege to the applicant that would be denied by the Ordinance to other lands or structures.

STAFF RECOMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the slope variance to allow for the construction of a driveway across approximately 713 square feet of slopes greater than 15% for development of this 3.103-acre property for a single-family residence. Staff recommends the following conditions:

- That 3:1 mitigation for disturbance for the steep slopes is included.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.



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

1 inch = 150 feet

BOARD OF APPEALS APPLICATION

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)

Robert L. Hindman, et ux
725 S. Atlantic Avenue
Virginia Beach, Virginia 23451
Email: robertlhindman@gmail.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: kjs@dmsandassociates.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 5.7.B.10 of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator X Variance
Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) Belchester Road
In the 2nd Election District of Kent County.
Size of lot or parcel of Land: 3.103 acres
Map: 6 Parcel: 109 Lot #: -- Deed Ref: 1162/194

List buildings already on property: None

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

If there is a homeowner's association, give name and address of association: No

PRESENT ZONING OF PROPERTY: Critical Area Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) The applicant is requesting variance to allow the construction of a driveway through an area of steep slopes (approximately 713-sf).

If appealing decision of Zoning Administrator, list date of their decision:

Present owner(s) of property: Robert L. Hindman, et ux Telephone: 410-348-2426

If Applicant is not owner, please indicate your interest in this property: n/a 51

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: Elwood & Patricia Moore

Owner(s) on the South: Mitchell Family, LLC

Owner(s) to the East: Mitchell Family, LLC

Owner(s) to the West: Deirdre R. O'Connell, Michael & Mary Joe McCormick, The Chesapeake Trust

Homeowners Association, name and address, if applicable: _____

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.

Robert L. Hindman 6/28/22
Signature of Owner/Applicant/Agent or Attorney 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.

PROJECT NARRATIVE

Steep Slope Variance Request Lands of Robert L. Hindman, et ux Belchester Road, Kennedyville, Maryland

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

Name and address of the landowner, the developer and/or representative, if different from the owner

The property is owned by Mr. & Mrs. Robert L. Hindman. They are the property owners and the developers.

Street address, tax map, parcel number, and subdivision if any

The site is located on the east side of Belchester Road near Kennedyville, Maryland. The property is identified as Tax Map 6 Parcel 109. A subdivision is not needed as part of this project.

Zoning of the site

The site is zoned Critical Area Residential (CAR). The surrounding properties are zoned CAR to the north and west, and Resource Conservation District (RCD) to the east and south.

Current and proposed use of the property

The property is currently vacant. A single-family residence is proposed on the 3.103-acre property. Based on a topographic slope analysis, the middle portion of the property contains slopes that exceed 15%. Therefore, a variance is being sought in accordance with the Land Use Ordinance Article V, Section 5.7.B.10.

The following are draft findings for the Board of Appeal's consideration in accordance with Article IX, Section 2.2.3 we offer the following:

- a) The variance will not cause a substantial detriment to adjacent or neighboring properties as the disturbance to the steep slopes will be in the middle of the property. Following grading, the steep slopes will be flattened thereby lessening the potential of erosion.
- b) Granting of the variance will not negatively change the character of the neighborhood as the variance does not affect the use of a single-family residence.
- c) Granting of the variance is consistent with the Comprehensive Plan by encouraging a range of housing densities, types, and sizes.
- d) The practical difficulty arose from the following:

Davis, Moore, Shearon & Associates, LLC



P.O. Box 80 Centreville, MD 21617
Phone: (443) 262-9130
Email: email@dmsandassociates.com

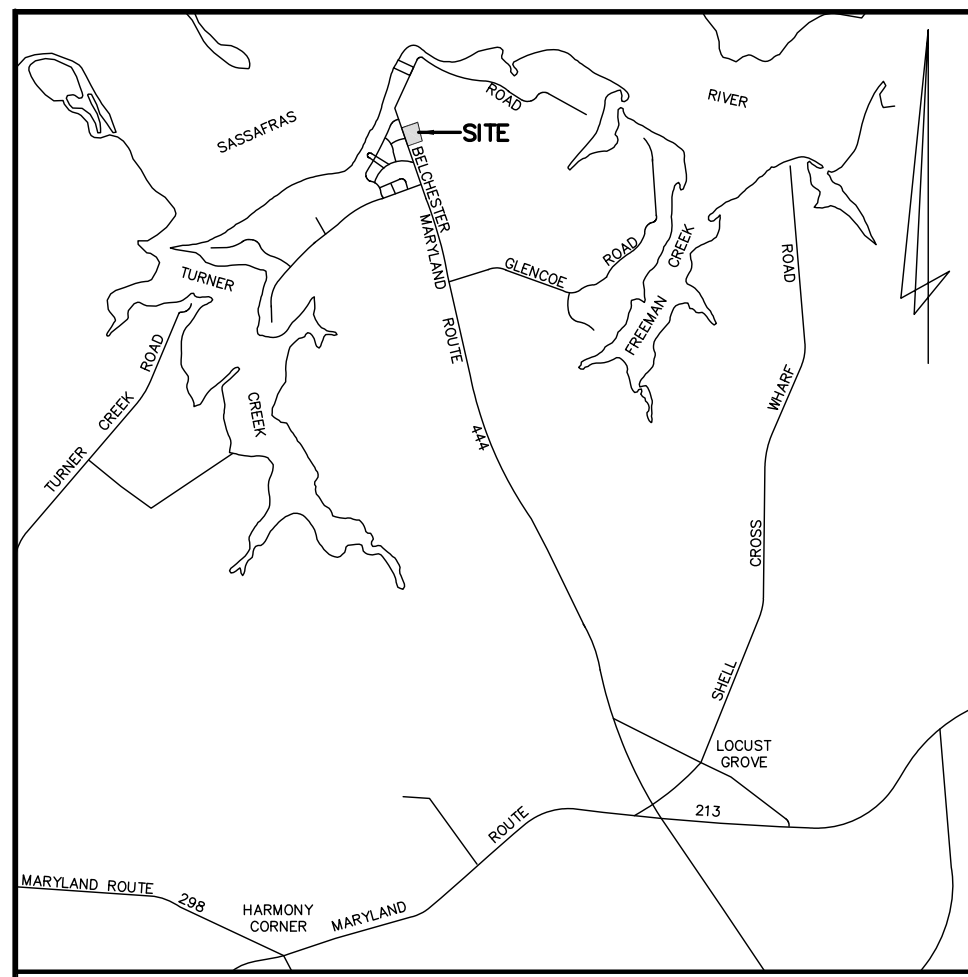
- i. The granting of a variance will be in harmony with the general spirit and intent of the Critical Area Law and regulations adopted by Kent County of minimizing erosion and sediment laden water. The final grades will be less than 15% and the area will be stabilized with dense vegetation.
- ii. The granting of the variance will not have an adverse impact on water quality or adversely impact fish, wildlife, or plant habitat. Conversely, the variance will allow the area of steep slopes to be developed and properly stabilized with flatter grades and more dense vegetation.
- iii. We acknowledge that the application for variance will be made in writing with a copy provided to the Critical Area Commission.
- iv. The strict application of the Ordinance would produce an unwarranted hardship by not allowing the property owner to temporarily disturb the area, construct the improvements, and then grade and stabilize the area to a nonerosive condition.
- v. We are unaware of other properties in the vicinity that have needed a variance to improve their property.
- vi. The disturbance to the steep slopes on this property is de minimis and will not be a substantial detriment to adjacent property, nor will the character of the district be changed by the granting of the variance.
- vii. The literal interpretation of the Ordinance deprives the applicant rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County as many of them were developed prior to the adoption of the steep slope regulations.
- viii. The granting of the variance will not confer upon the applicant any special privilege that would be denied by this Ordinance to other lands or structures so long as the disturbed area is improved with less slope and properly stabilized.
- ix. The special feature on the site is the area of slopes steeper than 15% which creates a unique feature of the property and would cause an unwarranted hardship if a variance were not granted.
- x. The Board of Appeals finds that the applicant has satisfied each one of the variance provisions.
- xi. Based on the Critical Area Program, the applicant would be deprived the intended use of the land without a variance. The Critical Area Program has accepted alternative interpretations of “steep slopes” in other jurisdictions which include minimum vertical distance criteria for an area to be considered steep.

How the proposed development complies with the Comprehensive Plan and the design and environmental standards of the Ordinance

The development complies with the Comprehensive Plan in that it promotes housing of all types. It also complies with the environmental standards in that it will result in a less steep and more nonerosive, vegetated area.

Proposed type of water and sewer service

The site will be served by private well and a private septic system.



VICINITY MAP
SCALE 1" = 4000'

NOTES:

1. THE SITE IS NOT LOCATED IN THE FLOODPLAIN AS TAKEN FROM F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0180D, (ZONE "X") (UNSHADED) DATED JUNE 9, 2014.
2. SOIL ONSITE CONSIST OF "CnE" COLTS NECK AND SASSAFRAS SOILS (NON-HYDRIC SOIL, HYDROLOGIC SOIL, GROUP "B"), "SocC" SASSAFRAS SANDY LOAM, (NON-HYDRIC SOIL, HYDROLOGIC SOIL GROUP "B") AND "SIB" SASSAFRAS LOAM, (NON-HYDRIC, HYDROLOGIC SOIL GROUP "B")
3. SITE IS ZONED CRITICAL AREA RESIDENTIAL (CAR)

SITE STATISTICS

SITE AREA	=	135,158 sq. ft.± (3.103 ac.±)
LOT COVERAGE (EXISTING) (0.0%)	=	0,000 sq. ft.± (0.000 ac.±)
LOT COVERAGE (PROPOSED) (5.9%)	=	7,921 sq. ft.± (0.182 ac.±)
DWELLING	=	1,344 sq. ft.±
DECK AND STAIRS	=	6,057 sq. ft.±
DRIVEWAY	=	520 sq. ft.±

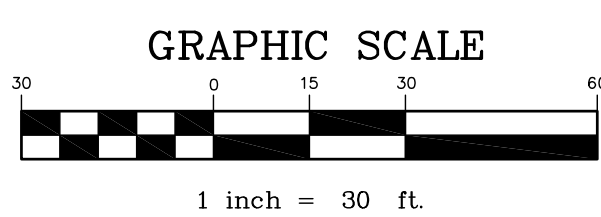
LANDS N/F OF
ELWOOD J. MOORE, et ux
E.H.P. 71/461

AREA SHOWN DEPICTS
SLOPES OF 15% OR STEEPER
AREA OF STEEP SLOPES LOCATED
WITHIN THE LIMITS OF DISTURBANCE
AREA = 0.016 acres± (713 sq. ft.±)

L.O.D. - DENOTES LIMITS OF DISTURBANCE
AREA = 0.49 acres± (21,255 sq. ft.±)

LEGEND

- DEED POINT
- EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINE
- SOILS LINE AND TYPE
- PROPOSED WELL
- LIMITS OF DISTURBANCE



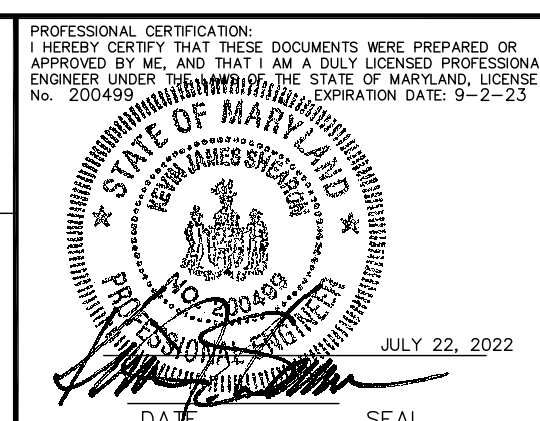
LANDS N/F OF
MITCHELL FAMILY, LLC
M.L.M. 190/442



OWNER:
ROBERT HINDMAN & JOANNE O'ROURKE
725 S. ATLANTIC AVENUE
VIRGINIA BEACH, VIRGINIA 23451

ENGINEER
DMS & ASSOCIATES, LLC
c/o KEVIN J. SHEARON P.E. LEED
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

BELCHESTER ROAD



DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION
7-22-22	PER COMMENTS

BOARD OF APPEALS PRESENTATION PLAN
ON THE LANDS OF
ROBERT L. HINDMAN & JOANNE M. O'ROURKE
NEAR THE VILLAGE OF KENNEDYVILLE
TAX MAP - 6, GRID - 2B, PARCEL - 109
THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	SCALE
JUNE '22	1" = 20'
JOB No. 2022067	DRAWN BY WJM
FOLDER Ref 11-2022067	DESIGNED BY KJS
SHEET No. - C-1	
CADD FILE - 22067-C1	

TO: Kent County Planning Commission
FROM: Carla Gerber, Deputy Director
MEETING: August 4, 2022
SUBJECT: Matthew and Gayle McCormick – Slope Variance

Executive Summary

Request by Applicant

Mr. and Mrs. McCormick are requesting a variance to allow development of a parcel with steep slopes for a single-family residence.

Public Process

Per 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. The Board of Appeals may authorize variances from ... 15% slope ... requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Summary of Staff Report

Mr. and Mrs. McCormick are proposing to construct a new dwelling on a parcel in Kinnaird's Point that is dominated by steep slopes. There will be 5,507 sq. ft. of disturbance to the slopes. The parcel is zoned Critical Area Residential (CAR), and the surrounding area is a neighborhood of single-family dwellings.

Recommendation

Staff recommends approving the variance with a condition for 3:1 mitigation for disturbance for the steep slopes.

PRELIMINARY STAFF REPORT

To: Kent County Planning Commission
Subject: Matthew and Gayle McCormick - Slope Variance
Date: July 28, 2022

Description of Proposal

Mr. and Mrs. McCormick request a variance from the steep slope requirements in order to construct a dwelling, driveway, walkway, and retaining walls on slopes in excess of 15%. The property is currently undeveloped. The 2.43-acre lot is part of the Kinnaird’s Point subdivision and is located on Walnut Valley Court. It is zoned Critical Area Residential. Many of the neighboring houses were constructed prior to the adoption of the Critical Area Law and are within the 100-foot buffer.

Over half of the property is within the buffer. Only 0.98 acres is outside of the buffer and almost one-quarter of that area is needed for the septic reserve area. The flattest part of the property is along Walnut Valley Court and the property slopes toward Churn Creek. The property is entirely wooded, and the owners want to save as many of the trees as possible within the Limits of Disturbance, which is 0.53 acres (23,049 sq. ft.). The area of disturbance to the steep slopes will be approximately 0.125 acres (5,507 sq. ft.). The proposed lot coverage is 0.167 acres (7,290 sq. ft.).

I. Slopes

- A. *Comprehensive Plan*: “Maintain and enforce existing regulations for steep slopes and shoreline cliffs.” (page 87).
- B. *Applicable Law*: Article V, Section 5.7.B.10 of the Kent County Land Use Ordinance addresses development in slopes as follows: Development on slopes greater than 15%, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the land.
- C. *Staff Comments*: The applicants have applied for a variance to construct a dwelling and associated improvements on slopes greater than 15%.

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 the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants 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 applicants own actions.
- f. That within the Critical Area for variances of 15% slope, impervious surface, or buffer requirements:
 - i. The granting of a variance will be in harmony with the general spirit and intent of the Critical Area Law and the regulations adopted by Kent County.
 - ii. That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
 - iii. That the application for a variance will be made in writing with a copy provided to the Critical Area Commission.
 - iv. That the strict application of the Ordinance would produce an unwarranted hardship.
 - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - vi. The authorization of such variance will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
 - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County.
 - viii. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or structures.
 - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of this Ordinance would result in unwarranted hardship to the applicant.
 - x. The Board of Appeals finds that the applicant has satisfied each one of the variance provisions.
 - xi. Without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the critical area program.
- 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:* The granting of the variance will not cause a substantial detriment to the property, nor will it change the character of the district. The proposal represents reasonable use of the property and would not grant any special privilege. There is limited area outside of the buffer or off the steep slopes and limiting development to this area would deprive the owners use of the land permitted to others in the neighborhood. The owners have attempted to site the house and other improvements to have the least impact on the steep slopes as possible.

Staff Recommendation: Staff recommends approval. Staff further recommends mitigation of 3:1 for disturbance of steep slopes and 1:1 for clearing outside of the steep slopes in the form of Native Maryland tree and understory plantings or payment of a fee-in-lieu if there is not sufficient space on the property to mitigate.

Matthew and Gayle McCormick
Walnut Valley Court, Worton



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

1 inch = 200 feet

BOARD OF APPEALS APPLICATION

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)

Matthew & Gayle McCormick
835 Oakwood Avenue 617 Green Bay Rd #511
Wilmette, Illinois 60091

Email: mmccormick2010@gmail.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: kjs@dmsandassociates.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 5.7.B.10

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

Appealing Decision of Kent County Zoning Administrator X Variance
Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) Walnut Valley Court

In the 3rd Election District of Kent County.

Size of lot or parcel of Land: 2.43 acres

Map: 11 Parcel: 52 Lot #: 6 Deed Ref: 1116/171

List buildings already on property: none

If subdivision, indicate lot and block number: Subdivision #32, Section #1, Lot #6

If there is a homeowner's association, give name and address of association: Yes, Kinnairds Point Property Owners Association, Inc. 24089 Kinnairds Point Drive, Worton, Maryland 21678

PRESENT ZONING OF PROPERTY: Critical Area Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) The applicant is requesting variance to allow the construction of a house and driveway on an area of steep slopes (approximately 6,133-sf).

If appealing decision of Zoning Administrator, list date of their decision:

Present owner(s) of property: Matthew & Gayle McCormick Telephone: 847-708-9176

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

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: Richard Doncaster, Karen Douglas

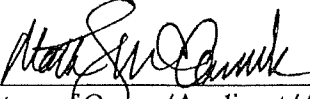
Owner(s) on the South: n/a Churn Creek

Owner(s) to the East: 423 Arbour Drive, LLC, Martin & Dawn Fumo,

Owner(s) to the West: Carl Dickey, Virginia Maier

Homeowners Association, name and address, if applicable: Kinnairds Point Property Owners Association, Inc.
24089 Kinnairds Point Drive, Worton, Maryland 21678

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

6/28/2022
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.

PROJECT NARRATIVE

Steep Slope Variance Request Lands of Matthew J. & Gayle S. McCormick Walnut Valley Road, Worton, Maryland

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

Name and address of the landowner, the developer and/or representative, if different from the owner

The property is owned by Matthew J. and Gayle S. McCormick. They are the property owners and the developers.

Street address, tax map, parcel number, and subdivision if any

The site is located on the west side of Walnut Valley Road near Worton, Maryland. The property is identified as Tax Map 11 Parcel 52. A subdivision is not needed as part of this project.

Zoning of the site

The site is zoned Critical Area Residential (CAR). The surrounding properties on all sides are zoned CAR. The property fronts on Churn Creek.

Current and proposed use of the property

The property is currently vacant. A single-family residence is proposed on the 2.20-acre property. As the property is waterfront, a 100-ft shore buffer is shown on the plan along the water. Based on a topographic slope analysis, the buffer has been expanded to include a section of steep slopes on the north side of the property. The remaining usable footprint of the lot is 0.98 acre which includes the 10,000-sf septic reserve area. A portion of the usable area of the property also contains slopes that exceed 15%. Therefore, a variance is being sought in accordance with the Land Use Ordinance Article V, Section 5.7.B.10.

The following are draft findings for the Board of Appeal's consideration in accordance with Article IX, Section 2.2.3 we offer the following:

- a) The variance will not cause a substantial detriment to adjacent or neighboring properties as the disturbance is a significant distance from the neighbors, and drainage does not flow onto adjacent properties. Following grading, the steep slopes will be flattened thereby lessening the potential of erosion.
- b) Granting of the variance will not negatively change the character of the neighborhood as the variance does not affect the use of a single-family residence.
- c) Granting of the variance is consistent with the Comprehensive Plan by encouraging a range of housing densities, types, and sizes.
- d) The practical difficult arose from the following:

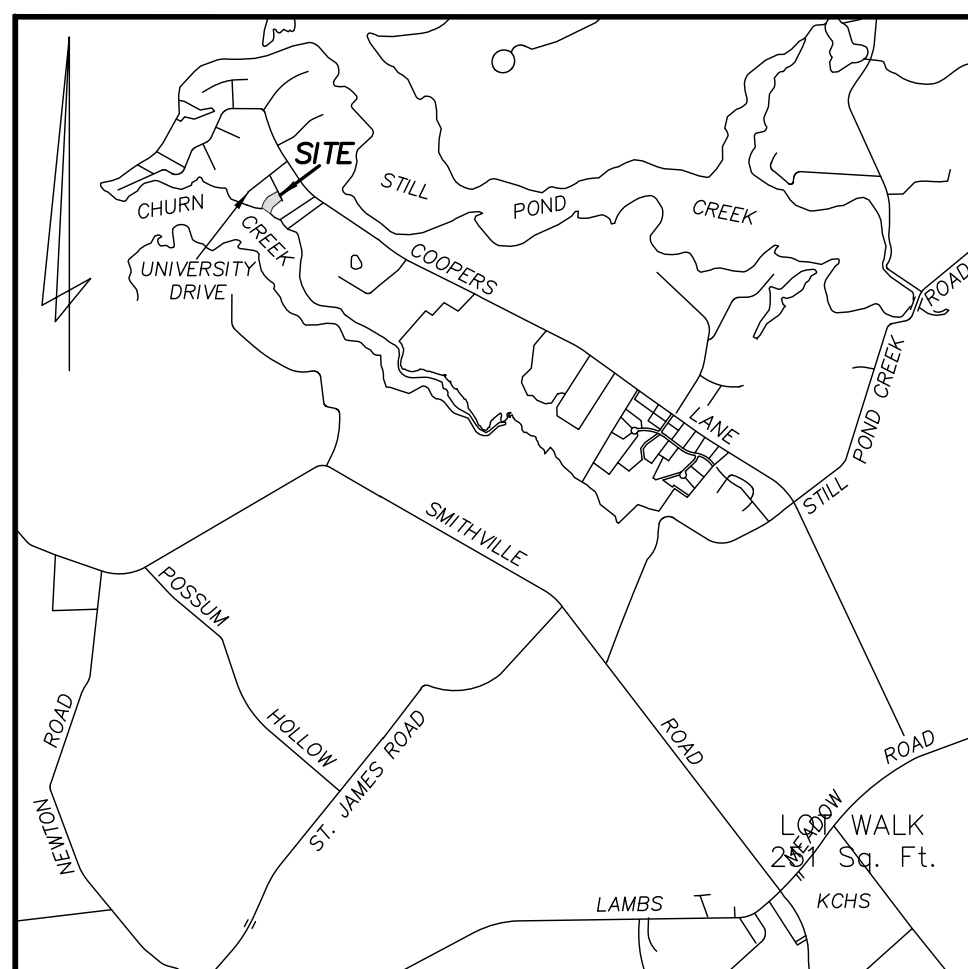
- i. The granting of a variance will be in harmony with the general spirit and intent of the Critical Area Law and regulations adopted by Kent County of minimizing erosion and sediment laden water. The final grades will be less than 15% and the area will be stabilized with dense vegetation.
- ii. The granting of the variance will not have an adverse impact on water quality or adversely impact fish, wildlife, or plant habitat. Conversely, the variance will allow the area of steep slopes to be developed and properly stabilized with flatter grades and more dense vegetation.
- iii. We acknowledge that the application for variance will be made in writing with a copy provided to the Critical Area Commission.
- iv. The strict application of the Ordinance would produce an unwarranted hardship by not allowing the property owner to temporarily disturb the area, construct the improvements, and then grade and stabilize the area to a nonerosive condition. Given the expanded buffer and the location of the septic reserve area, there is no other alternative location in which to construct a house on the property.
- v. We are unaware of other properties in the vicinity that have needed a variance to improve their property. The majority of the adjacent homes were constructed before the Critical Area regulations and are located within the 100-ft shore buffer.
- vi. The disturbance to the steep slopes on this property will not be a substantial detriment to adjacent property, nor will the character of the district be changed by the granting of the variance.
- vii. The literal interpretation of the Ordinance deprives the applicant rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County as many of them were developed prior to the adoption of the Critical Area steep slope regulations.
- viii. The granting of the variance will not confer upon the applicant any special privilege that would be denied by this Ordinance to other lands or structures so long as the disturbed area is improved with less slope and properly stabilized.
- ix. The special feature on the site include an expanded shore buffer that encompasses over half of the property, leaving a small buildable footprint. An unwarranted hardship would result if a variance were not granted and the applicant were not able to build a house on the site.
- x. The Board of Appeals finds that the applicant has satisfied each one of the variance provisions.
- xi. Based on the Critical Area Program, the applicant would be deprived the intended use of the land without a variance. The Critical Area Program has accepted alternative interpretations of “steep slopes” in other jurisdictions which include minimum vertical distance criteria for an area to be considered steep.

How the proposed development complies with the Comprehensive Plan and the design and environmental standards of the Ordinance

The development complies with the Comprehensive Plan in that it promotes housing of all types. It also complies with the environmental standards in that it will result in a less steep and more nonerosive, vegetated area.

Proposed type of water and sewer service

The site will be served by private well and a private septic system.



SITE STATISTICS

SITE AREA	=	95,835 sq. ft.± (2.200 ac.±)
LOT COVERAGE (ALLOWED) (15%)	=	14,375 sq. ft.± (0.330 ac.±)
LOT COVERAGE (EXISTING) (0.0%)	=	0,000 sq. ft.± (0.000 ac.±)
LOT COVERAGE (PROPOSED) (7.6%)	=	7,290 sq. ft.± (0.167 ac.±)
DWELLING	=	1,317 sq. ft.±
GARAGE	=	576 sq. ft.±
PORCH	=	440 sq. ft.±
DECK	=	584 sq. ft.±
WALLS	=	125 sq. ft.±
WALK	=	251 sq. ft.±
DRIVEWAY	=	3,997 sq. ft.±
LOT COVERAGE (REMAINING) (7.4%)	=	7,085 sq. ft.± (0.163 ac.±)

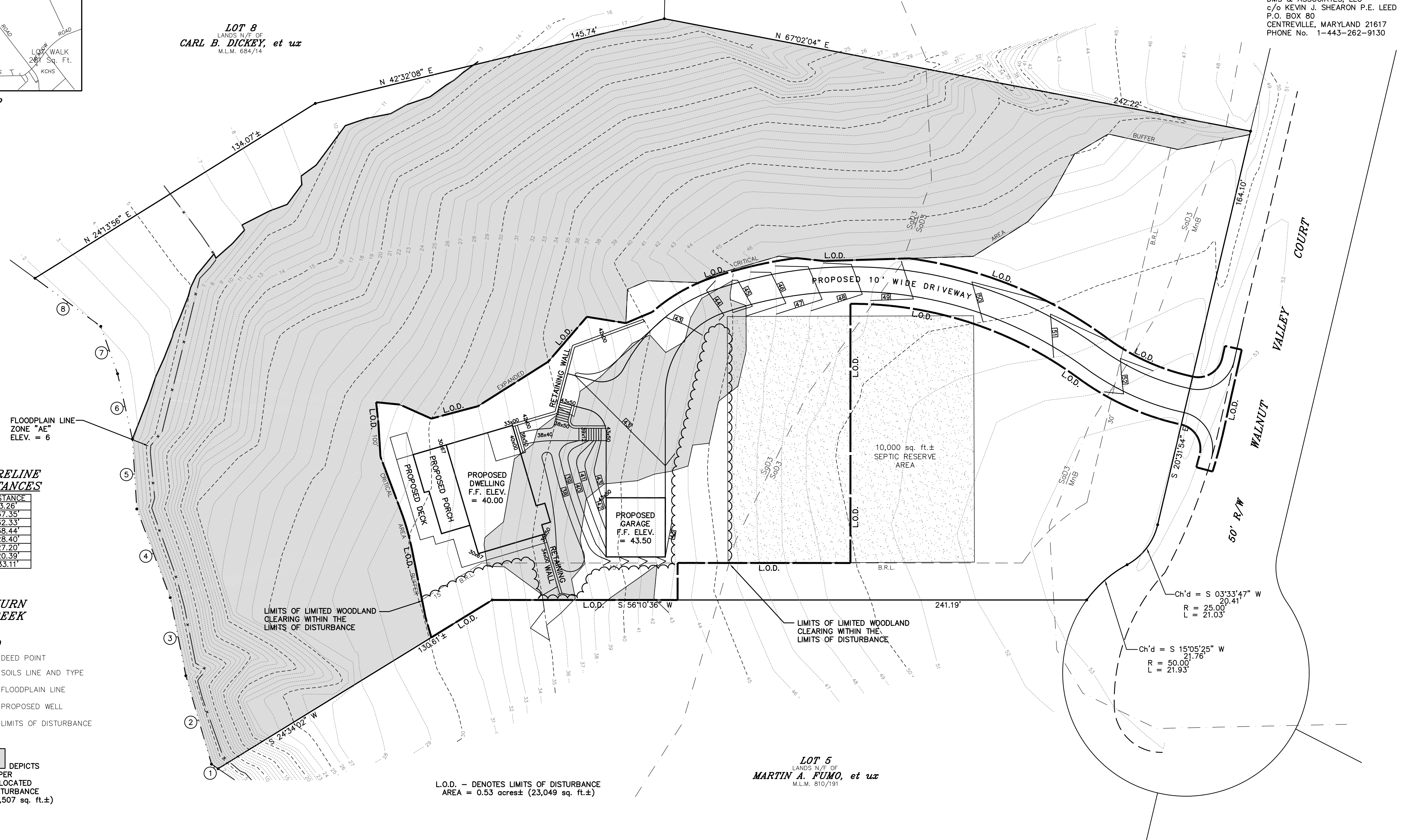
OWNER:
MATTHEW J. & GAYLE S. MCCORMICK
617 GREEN BAY ROAD, #511
WILMETTE, ILLINOIS 60091
PHONE No. 1-847-708-9176

BUILDER:
CHESTERTOWN BUILDERS
c/o ALDEN W. YETMAN
P.O. BOX 18
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-810-3911

ENGINEER:
DMS & ASSOCIATES, LLC
c/o KEVIN J. SHEARON P.E. LEED
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

LOT 8
LANDS N/F OF
CARL B. DICKKEY, et ux
M.L.M. 684/14

LOT 7
LANDS N/F OF
VIRGINIA L. MAIER
E.H.P. 287/500



APPROXIMATE SHORELINE COURSES AND DISTANCES

LINE	BEARING	DISTANCE
1	N 89°33'46" W	3.26
2	N 49°58'01" W	37.35
3	N 45°08'27" W	32.33
4	N 54°28'50" W	38.44
5	N 37°22'53" W	28.40
6	N 46°38'18" W	27.20
7	N 53°19'22" W	20.39
8	N 87°39'55" W	33.11

FLOODPLAIN LINE
ZONE "AE"
ELEV. = 6

CHURN CREEK

LEGEND

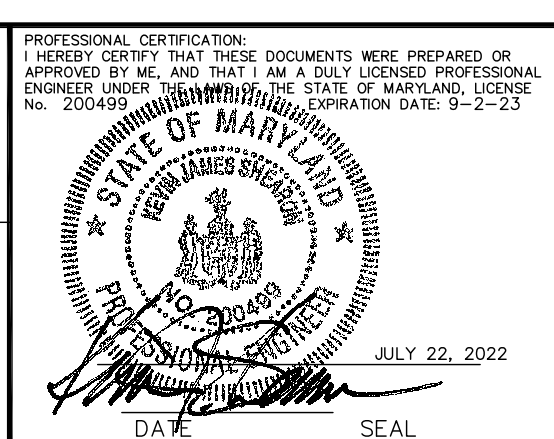
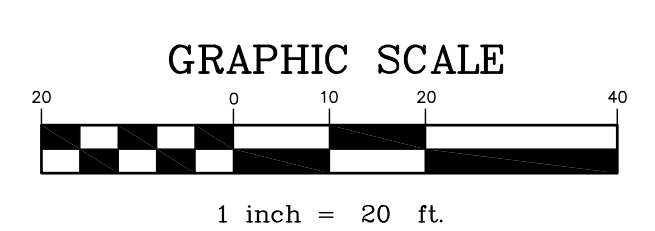
- DEED POINT
- SoD3 MmB SOILS LINE AND TYPE
- FLOODPLAIN LINE
- PROPOSED WELL
- L.O.D. LIMITS OF DISTURBANCE

AREA SHOWN DEPICTS
SLOPES OF 15% OR STEEPER
AREA OF STEEP SLOPES LOCATED
WITHIN THE LIMITS OF DISTURBANCE
AREA = 0.126 acres± (5,507 sq. ft.±)

L.O.D. - DENOTES LIMITS OF DISTURBANCE
AREA = 0.53 acres± (23,049 sq. ft.±)

LOT 5
LANDS N/F OF
MARTIN A. FUMO, et ux
M.L.M. 810/191

- NOTES:**
- THE SITE IS ZONED CRITICAL AREA RESIDENTIAL (CAR)
 - THE SITE IS PARTIALLY LOCATED IN THE FLOODPLAIN AS TAKEN FROM F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0135D, (ZONE "AE") (ELEV. = 6) DATED JUNE 9, 2014.
 - SOIL ON SITE CONSIST OF "MmB" MATAPEAKE SILT LOAM (NON-HYDRIC SOIL, HYDROLOGIC SOIL GROUP "C"), "SoD3" SASSAFRAS SANDY LOAM, (NON-HYDRIC SOIL, HYDROLOGIC SOIL GROUP "B") AND "SoD3" SASSAFRAS GRAVELLY LOAM, (NON-HYDRIC SOIL, HYDROLOGIC SOIL GROUP "B")



DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION	BOARD OF APPEALS PRESENTATION PLAN	DATE	SCALE
		ON LOT 6 IN KINNAIRDS POINT SUBDIVISION NEAR THE VILLAGE OF WORTON TAX MAP - 11, GRID - 3D, PARCEL - 52 THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR : CHESTERTOWN BUILDERS	JULY '22	1" = 20'
			JOB No. 2022030	DRAWN BY WJM
			FOLDER Ref. 11-2022030	DESIGNED BY KJS
			SHEET No. -	
			CADD FILE - 22030BOA	



Department of Planning, Housing, and Zoning

August 4, 2022

Office of the Secretary
Maryland Department of Planning
Attn: David Dahlstrom, AICP
301 W. Preston St.
Baltimore, Maryland 21201-2305

Re: Annual Report Calendar Year 2021

Dear Mr. Dahlstrom:

The Kent County Planning and Zoning Commission approved the following Annual Report for the Reporting Year 2021 as required under §1-207(b) of the Land Use Article on June 3, 2021. In addition, this report has been filed with the local legislative body.

- 1. The County issued the following number of new Residential Permits inside and outside of the Priority Funding Area (PFA), §1-208(c)(1)(i) and (c)(3)(ii):

Table 1: New Residential Permits Issued Inside and Outside the Priority Funding Area (PFA)

Table with 4 columns: Residential - Calendar Year 2020, PFA, Non - PFA, Total. Row 1: # New Residential Permits Issued, 14, 20*, 34.

* Only 7 new dwellings were located within the Priority Preservation Area, and 3 of those were replacement dwellings.

- 2. The County preserved the following number of acres using local agricultural land preservation funding, §1-208(c)(iv), (if applicable):

Kent County does not have a locally funded land preservation program.

- 3. The County is scheduled to complete and submit a 5-Year Mid-Cycle comprehensive plan implementation review report this year, as required under §1-207(c)(6) of the Land Use Article?

Y [] N [x]

The most recent Comprehensive Plan was adopted in April 2018.

4. The County is scheduled to update its' Development Capacity Analysis this year, as required under [§1-208\(2\)\(c\)\(iii\)](#) of the Land Use Article? Y N

If no, please indicate when the next Development Capacity Analysis will be completed.

Staff has contacted our regional planner for assistance.

5. Were there any growth related changes, including Land Use Changes, Zoning Ordinance Changes, New Schools, Changes in Water or Sewer Service Area, etc., pursuant to [§1-207\(c\)\(1\)](#) of the Land Use Article? If yes, please list or provide maps. Y N

Four zoning text amendments were reviewed, but none were related to allowing or encouraging additional growth.

6. Did your jurisdiction identify any recommendations for improving the planning and development process within the jurisdiction? If yes, list. Y N

The County continued working on a Comprehensive Rezoning Update. It is anticipated that changes will be made to the planning and development process to clarify procedures and timelines and alter the process by which some uses and site plans are reviewed.

7. Are there any issues that Planning can assist you with in 2022? If yes, please list. Y N

As the County undertakes comprehensive rezoning, we greatly appreciate the continued assistance of our MDP liaison, who is always helpful and ready to assist the County.

8. Have all members of the Planning Commission and Board of Appeals completed an educational training course as required under §1-206(a)(2) of the Land Use Article? Y N

Sincerely,

Francis J. Hickman
Chair, Kent County Planning Commission