



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

**MINUTES**

Meeting: Kent County Board of Zoning Appeals  
 Date: August 15, 2022  
 Time: 5:00 P.M.  
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

| Agenda Item  | Sitting for the Board  | Action Taken   | Vote                      |
|--|--|--|---------------------------|
| <p><b>22-28 Rayenne Chen – Buffer Variance</b></p> <p>The applicant is requesting a variance to demolish an existing principal dwelling, associated improvements, and construct a new principal dwelling and associated improvements within the 100-foot shoreline buffer. The property is located at 4833 Deep Point Drive, Chestertown.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u><br/>           David Mallon, representative of the property owner, was sworn in and presented a summary of the case.</p> <p>Rayenne Chen, property owner, was sworn in and presented a closing statement.</p> <p><u>Public Comment</u><br/>           Four letters of correspondence were received in favor of this application.</p> | <p>Dr. Albert Townshend,<br/>Chairman</p> <p>Joan Horsey, Member</p> <p>David Hill, Alternate Member</p> <p>Mr. Christopher Drummond,<br/>Attorney for the Board</p> <p>Campbell Safian, Clerk</p> | <p>Ms. Horsey moved to approve the application by Rayenne Chen for a buffer variance to demolish, reconfigure, and rebuild a single-family dwelling along with a surrounding porch, and walks and steps; to remove the existing sheds, brick patios and walk, wooden ramp, and fence; to reconfigure the existing gravel drive; and to upgrade the septic system at 4833 Deep Point Drive in the Seventh Election District. The buffer variance approval is contingent upon the following conditions: A Buffer Mitigation/Enhancement Plan is submitted for review and approval, the historic “Grieb Log Smokehouse” is relocated to a place outside of the buffer, and the septic system update is approved by the Kent County Health Department. The variance will lapse after the expiration of two years if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Mr. Hill; the motion passed with all in favor.</p> | <p>Unanimous Approval</p> |

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| <p><b>22-47 Fred and Linda Lint – Variance</b></p> <p>The applicants are requesting a variance of 7.5 feet from the 15-foot side yard setback to construct an attached garage. The property is located at 13910 Swantown Creek Road, Galena.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u><br/>Fred Lint, property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u><br/>No correspondence was received on this application.</p> <p><u>Planning Staff</u><br/>Mark Carper, LEED Green Associate, Associate Planner, was sworn in.</p> | <p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p> | <p>Mr. Massey moved to approve the application by Fred and Linda Lint for a variance of 7.5 feet from the 15-foot side yard setback to construct an attached garage at 13910 Swantown Creek Road. A buffer mitigation at 1:1 for temporary disturbance and at 3:1 for permanent disturbance are the conditions required for the approval of this variance.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p> | <p>Unanimous Approval</p> |

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| <p><b>22-38 Gary Mundrake – Buffer Variance</b></p> <p>The applicant is requesting a variance to construct an 8’ 1” by 8’ 6” wooden deck and stairs, of which 49 square feet will be within the 100-foot buffer. Construction will be on the side of the home and will not advance toward the waterfront. The property is located at 4884 Skinners Neck Road, Rock Hall.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u><br/>Buck Nickerson, LS, representative of the property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u><br/>No correspondence was received on this application.</p> <p><u>Planning Staff</u><br/>Carla Gerber, AICP, Deputy Director of Planning, was sworn in.</p> | <p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p> | <p>Ms. Horsey moved to approve the application by Gary Mundrake for a buffer variance to add a small deck and set of steps at 4884 Skinners Neck Road in the Fifth Election District. The applicant must complete a Buffer Mitigation Plan 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.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p> | <p>Unanimous Approval</p> |

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|--|---|--|---------------------------|
| <p><b>22-39 Robert L. Hindman – Variance</b></p> <p>The applicant is requesting a variance to allow for the construction of a driveway through 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.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u><br/>Kevin Shearon, P.E., LEED AP, representative of the property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u><br/>No correspondence was received on this application.</p> <p><u>Planning Staff</u><br/>Mark Carper, LEED Green Associate, Associate Planner, was sworn in.</p> | <p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p> | <p>Mr. Massey moved to approve the application by Robert Hindman for a slope variance. The property is located east and south of Belchester Road near Kennedyville in the Second Election District. The variance will allow for the construction of a driveway through approximately 713 square feet of slopes greater than 15%. The following conditions are applied: 3:1 mitigation for disturbance of the steep slopes and the variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p> | <p>Unanimous Approval</p> |

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| <p><b>22-40 Matthew and Gayle McCormick – Variance</b></p> <p>The applicants are requesting 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.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u><br/>Kevin Shearon, P.E., LEED AP, representative of the property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u><br/>No correspondence was received on this application.</p> <p><u>Planning Staff</u><br/>Carla Gerber, AICP, Deputy Director of Planning, was sworn in.</p> | <p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p> | <p>Ms. Horsey moved to approve the variance application by Mr. and Mrs. McCormick to allow for the development of a parcel with steep slopes greater than 15% for a single-family residence on Walnut Valley Court with the following conditions: a 3:1 mitigation for disturbance of the 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. Additionally, the variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p> | <p>Unanimous Approval</p> |

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| <p><b>22-41 Kenah One Health Care Services – Special Exception</b></p> <p>The applicant is requesting a special exception to operate an existing assisted living facility as a hospital, rehabilitation facility, or other similar institution for human care. The property is located at 25000 Lambs Meadow Road, Worton.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application. The Planning Commission recommends the following condition should the Board of Appeals grant approval of the special exception:<br/>A site plan be submitted to the Planning Commission for review and approval showing adequacy of parking and any impact to traffic patterns.</p> <p><u>Applicant/Representative</u><br/>Latonya Cotton, LCSW-C, Clinical Director, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u><br/>No correspondence was received on this application.</p> <p><u>Planning Staff</u><br/>Mark Carper, LEED Green Associate, Associate Planner, was sworn in.</p> | <p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Campbell Safian, Clerk</p> | <p>Mr. Massey moved to approve the application by Kenah One Health Care Services for a special exception to operate an existing assisted living facility as a rehabilitation facility, or other similar institution for human care in the Village District. Patient services shall be limited to 14 residents. Additionally, a site plan shall be submitted to the Planning Commission for review and approval showing adequacy of parking and any impact to traffic patterns.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p> | <p>Unanimous Approval</p> |
| <p><b>MINUTES: July 18, 2022</b></p>  |   | <p>Mr. Massey moved to approve the minutes. Ms. Horsey seconded the motion; the motion passed with all in favor.</p>  | <p>Approved</p>           |
| <p><b>Adjourn</b></p>   |   | <p>Ms. Horsey made a motion to adjourn the meeting, and Mr. Massey seconded the motion; the motion passed with all in favor. The meeting adjourned at 6:47 p.m.</p>   | <p>Unanimous Approval</p> |

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Dr. Albert Townshend, Chairman

/s/ Campbell Safian  
Campbell Safian, Planning Specialist