

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: January 10, 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>#21-65 The Bungalow, LLC - Variance (Side Yard Setback)</p> <p>The applicants are requesting a 14-foot variance from the required 15-foot side yard setback to demolish an existing dwelling and replace it with a small, single-family residence that will be one (1) foot from the side property line. They are also requesting a 12-foot variance from the required 15-foot side yard setback to remove a portion of an existing patio and replace it with a small swimming pool that will be three (3) feet from the opposite side property line.</p> <p>The property is located at 25171 Wymont Park Road in the Third Election District and is zoned Critical Area Residential (CAR).</p> <p>The Kent County Planning Commission sent a favorable recommendation to the Board of Appeals in regards to this application.</p> <p><u>Applicant/Representative</u> William Crowding, surveyor, appeared on behalf of the applicant.</p> <p>Mr. Crowding was sworn in and presented his case.</p> <p><u>Planning Staff</u> Carla Gerber, Deputy Director, was sworn in.</p> <p>No correspondence was received.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate Member (observing)</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Michael Pelletier, Clerk</p>	<p>Mr. Massey moved to approve the side yard setback variance with the following condition:</p> <p style="padding-left: 40px;">The variance will lapse after 1 year if no substantial construction is undertaken in accordance with the plans presented.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

<p>#21-66 Beechwood Glen HOA – Variance (Pier Length)</p> <p>The applicant is requesting a variance from the 150-foot pier length limit and side yard setback requirements in order to construct a replacement pier. The applicant is proposing to construct a 256-foot pier for use by the Beechwood Glen Homeowners Association. A variance of 106 feet is needed to exceed the 150-foot pier length limit and variances of 1.5 feet and 2.5 feet are needed for the side setbacks for the T-head at the end of the pier.</p> <p>The 0.46-acre property is located at the mouth of Swantown Creek on the Upper Sassafras River in the First Election District and is zoned Critical Area Residential (CAR).</p> <p>The Kent County Planning Commission sent a favorable recommendation to the Board of Appeals in regards to this application.</p> <p><u>Applicant/Representative</u> Corey Downer, Dockmaster, Beechwood Glen HOA appeared on behalf of the applicant.</p> <p>Mr. Downer was sworn in and presented his case.</p> <p><u>Planning Staff</u> Carla Gerber, Deputy Director, was sworn in.</p> <p>No correspondence was received.</p>		<p>Ms. Horsey moved to approve the pier length and side yard setback variances with the following conditions:</p> <p>The variance will lapse after 1 year if no substantial construction is undertaken in accordance with the plans presented.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>
<p>MINUTES: December 13, 2021</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>Board Agenda Discussion</p> <p>Dr. Townshend requested that the rules of procedure and public notice be read only at the beginning of the</p>		<p>Staff will research further into implementing a potential change in procedure and will advise the Board.</p>	<p>N/A</p>

<p>hearing for all applications as opposed to being repeated separately with each individual application so as to avoid unnecessary repetition of the content. He is of the opinion that it would save a lot of time during future proceedings.</p> <p>The Board also informed Staff that they were impressed with the Executive Summary and contended that it would be beneficial for Executive Summaries to be provided for future applications.</p>			
<p>Update from Counsel for the Board</p> <p>Mr. Drummond updated the Board on the status on the Public Utility Commission Law judge’s project approval determination on the Morgnec Road Solar matter on Thursday.</p> <p>Mr. Drummond discussed the overall challenges that multiple jurisdictions face regarding public utilities law and the ability of the Commission to preempt County land use laws and decisions.</p> <p>Mr. Drummond also updated the Board on the status of the current Circuit Court proceeding in the American Legion/Minary’s Dream Alliance matter.</p>			
<p>Adjourn</p>		<p>Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; the motion passed with all in favor. The meeting adjourned at 6:13 p.m.</p>	<p>Unanimous Approval</p>

/s/ Albert Townshend
Dr. Albert Townshend, Chairman

/s/ Michael Pelletier
Michael Pelletier, Clerk