

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: May 16, 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 |
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| <p>22-20 Hall Properties, LLC and Alexys Biggs – Variances – Side Setback and Minimum Lot size</p> <p>The applicants are requesting a 5.6-foot variance from the minimum 8-foot side yard setback requirement for an existing dwelling located at 28036 Creamery Street. As part of the same application, Hall Properties LLC is requesting a 3,329 square foot variance from the minimum 9,500 square foot lot size requirement for the adjacent parcel, 28040 Creamery Street.</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> Michael A. Scott, surveyor, appeared on behalf of the applicant.</p> <p>Mr. Scott was sworn in and presented a summary of his case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Carla Gerber, Deputy Director, 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, Alternate Member (observing)</p> <p>Carla Gerber, Acting Clerk</p> | <p>Mr. Massey moved to approve the application by Hall Properties, LLC and Alexys Biggs at 28036 and 28040 Creamery Street in Kennedyville, Parcels 63 and 64, granting a 5.6-foot variance from the side yard setback requirement of Parcel 64; a 3,329-square-foot variance from the minimum lot size requirement for Parcel 63; that all surveys are corrected; and that this variance will lapse after the expiration of one year, if these conditions are not met.</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>22-22 Marci Tarrant Johnson – Variance – Pier Length</p> <p>The applicant is requesting a variance to remove and replace a nonconforming, 95-foot pier that has been determined to exceed 25% of the waterway. In accordance with the method for measurement of waterway width, as specified in the Kent County Land Use Ordinance (LUO), the proposed replacement would exceed the allowable 25% of the waterway width. The LUO prohibits in-kind replacement for nonconforming structures that are voluntarily removed by the property owner.</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> Marci Tarrant Johnson, the applicant, was sworn in and presented summary of her case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Mark Carper, 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>Carla Gerber, Acting Clerk</p> | <p>Ms. Horsey moved to approve the application of Marci Tarrant Johnson requesting a variance to remove and replace the nonconforming 95-foot pier that has been determined to exceed 25% of the waterway located at 22059 Harrington Park Road in Rock Hall; the variance will lapse after one 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: April 18, 2022</p> | | <p>Mr. Massey moved to approve the minutes. Ms. Horsey seconded the motion; with note to correct a typo, the motion passed with all in favor.</p> | <p>Approved</p> |
| <p>General Discussion</p> <p>Per the previous request by the Board of Zoning Appeals, the Department of Planning, Housing, and Zoning is preparing an application for a zoning text amendment to clarify “area of use” for utility-scale solar energy systems in the Agricultural Zoning District (AZD) and Resource Conservation District (RCD).</p> | | <p>The Board was in favor of language that explicitly limits the area of use to those components of the energy system that are within the boundaries of the required perimeter security fence, all of which could not exceed 5 acres.</p> | |

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| Multiple proposals as to the specific language for the text amendment were presented, and the Planning Staff is seeking input from the members of the Board of Appeals. | | | |
| Adjourn | | 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 6:02 p.m. | Unanimous Approval |

 Dr. Albert Townshend, Chairman

/s/ Mark Carper
 Mark Carper, Associate Planner