

**MINUTES**

Meeting: Kent County Board of Zoning Appeals  
 Date: November 18, 2019  
 Time: 7:00 P.M.  
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

| Agenda Item/Case  | Sitting for the Board  | Action Taken   | Vote                      |
|---|--|--|---------------------------|
| <p><b>19-46 – Beverly and Jonathan Jones</b> – Requesting a variance to the Critical Area buffer standards in order to demolish and reconfigure an existing 320-square foot waterfront deck. <b>The proposed 313 square-foot deck consist of an approximate 8-foot by 27-foot covered deck and 8-foot by 13.5-foot sunroom.</b></p> <p>The property is located at 6669 Belle Grove Lane in the Seventh Election District and is zoned, Resource Conservation District “RCD”.</p> <p>Applicants:<br/>                     Jay Silcox- Engineer representing the Jones’, and Beverly and Jonathan Jones, applicants.</p> <p>Stephanie I. Jones, Environmental Planner</p> <p>All were sworn in.</p> | <p>Dr. Albert Townshend, Chairperson</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Member Observing</p> <p>Mr. Christopher Drummond Attorney for the Board</p> <p>Tonya Thomas, Clerk</p> | <p>Ms. Horsey made a motion to approve the variance based on the following fact:</p> <ul style="list-style-type: none"> <li>• Granting the variance will neither cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.</li> <li>• The granting of the variance is in harmony with the general intent of the Critical Area Law, as substantiated by the letter received from Critical Area Commission, and Kent County regulations.</li> <li>• The variance is consistent with the Comprehensive Plan.</li> <li>• The granting of the variance will not adversely affect water quality, impact fish, wildlife, or plant habitat. No removal of vegetation is proposed, lot coverage will be reduced by seven-square feet, and a portion of the proposed deck will be 2 feet further from the mean high-water line.</li> <li>• Due to the location of the dwelling being partially located within the buffer and the location of the well, septic alarms and lid, the literal enforcement and strict application of the Ordinance would result in an unwarranted hardship.</li> <li>• The reasonable use of the entire parcel has been considered.</li> <li>• Documentation has been provided by the licensed engineer that the existing deck is out of code and unsafe.</li> </ul> | <p>Unanimous Approval</p> |

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|--|---|--|---------------------------|
| <p><b>19-50 – Strong Associates, II L.P.</b><br/> Requesting a variance to the Critical Area buffer standards in order to construct a 44 square-foot bathroom and storage closet addition on the rear of an existing cottage and an 18 square-foot overhang on the north side of the cottage.</p> <p>The property is located at 2959 Eastern Neck Road in the Fifth Election District and is zoned Resource Conservation District “RCD”.</p> <p>Applicants:<br/> Robert Strong, Attorney and Co-Owner of Strong Associates, II L.P.</p> <p>Stephanie I. Jones, Environmental Planner<br/> All were sworn in.</p> | <p>Dr. Albert Townshend,<br/> Chairperson</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Member<br/> Observing</p> <p>Mr. Christopher Drummond<br/> Attorney for the Board</p> <p>Tonya Thomas, Clerk</p> | <ul style="list-style-type: none"> <li>• A literal interpretation of the Ordinance could deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County.</li> <li>• The dwelling was in existence prior to the Critical Area Program and the cause for the variance was not caused by the applicant’s own actions.</li> <li>• In accordance with the Critical Area requirements, staff further recommends that a buffer mitigation plan at a rate of 3:1 be implemented onsite to comply with the critical area variance planting requirements.</li> </ul> <p>Mr. Massey seconded the motion; all were in favor.</p> <p>Mr. Massey made a motion to Approve the variance request based on the following fact:</p> <ul style="list-style-type: none"> <li>• Granting the variance will neither cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.</li> <li>• The granting of the variance is in harmony with the general intent of the Critical Area Law, as substantiated by the letter received from Critical Area Commission, and Kent County regulations.</li> <li>• The variance is consistent with the Comprehensive Plan.</li> <li>• The granting of the variance will not adversely affect water quality, impact fish, wildlife, or plant habitat as the addition is in the location of what was an area of</li> </ul> | <p>Unanimous Approval</p> |

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|------------------|-----------------------|---|---------------------------|
|                  |                       | <p>existing bricks.</p> <ul style="list-style-type: none"> <li>• Due to the location of the dwelling being entirely located within the buffer the literal enforcement and strict application of the Ordinance would result in an unwarranted hardship. The applicant cannot construct an addition for the cottage in another location outside the buffer.</li> <li>• The reasonable use of the entire parcel has been considered and the size of the addition and overhangs are minimal.</li> <li>• A literal interpretation of the Ordinance could deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County.</li> <li>• The dwelling was in existence prior to the Critical Area Program.</li> <li>• In accordance with the Critical Area requirements, staff further recommends that a buffer mitigation plan at a rate of 3:1 be implemented onsite to comply with the critical area variance planting requirements.</li> </ul> <p>Ms. Horsey seconded the motion; all were in favor.</p> |                           |
| <b>Adjourn</b>   |                       | <p>At 7:40 PM, Dr. Townshend asked for motion; Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; all were in favor.</p>  | <p>Unanimous Approval</p> |

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Dr. Albert Townshend, Chairman

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Tonya Thomas, Clerk