



Kent County Board of Zoning Appeals  
Department of Planning, Housing, and Zoning  
400 High Street, Suite 130  
Chestertown, MD 21620  
410-778-7423 (voice/relay)

**County Commissioners Hearing Room  
400 High Street  
Chestertown, Maryland**

**AGENDA**

Monday, December 13, 2021

**5:00 p.m.**

Members of the public are now welcome to attend meetings in person, virtually, or via conference call. You may also listen to the meeting either online at <https://www.kentcounty.com/commissioners/meeting-live-video> OR via the audio-only phone number and conference identification number listed below. If listening to the meeting online, the way for members of the public to provide verbal comments during the meeting is via the audio-only phone number.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **520 663 694#**

Members of the public are asked to mute their phones/devices, until the Board Chair opens the floor for comment. Please note that if you are listening to the online livestream while waiting to call in to participate, there is an approximately 35-second delay. In order to avoid audio feedback issues, please mute the livestream before calling in.

**MINUTES**

November 15, 2021

**APPLICATIONS FOR REVIEW:**

**21-50 Chris and Susan Pavon – Buffer Variance**

24188 Macs Lane – Third Election District – Zoned Resource Conservation District (RCD).....BOA Decision

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT**

**APPLICANTS ARRIVING MORE THAN 10 MINUTES AFTER THE SCHEDULED HEARING WILL NOT BE HEARD AND WILL BE RESCHEDULED AT THE APPLICANT'S EXPENSE.**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Board of Appeals 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.

Projects will not be reviewed prior to their scheduled time. 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.

Other business without assigned times may be discussed during the meeting.

## MINUTES

Meeting: Kent County Board of Zoning Appeals  
 Date: November 15, 2021  
 Time: 7:00 P.M.  
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item	Sitting for the Board	Action Taken	Vote
<b>Update of Local Rules Section XII</b>	Dr. Albert Townshend, Chairman  David Hill, Member  Joan Horsey, Member  John Massey, Member  Mr. Christopher Drummond, Attorney for the Board  Beth Grieb, Clerk	Dr. Townsend made a motion to delete the sentence located in Article XII "All meetings shall begin at 7:00 p.m."  The motion was agreed to by Ms. Horsey and Mr. Massey; the motion passed with all in favor.	Unanimous Approval
<b>Update of Local Rules Section III</b>		Ms. Horsey made a motion to delete the end of the sentence located in Article III "compel the attendance of witnesses."  The motion was seconded by Mr. Massey; the motion passed with all in favor.	Unanimous Approval
<b>Request to meet in December</b>		The board agreed that the December meeting will take place on December 13 <sup>th</sup> at 5:00 p.m.	Unanimous approval
<b>Request to meet In January</b>		The board agreed that the January meeting will take place on January 10 <sup>th</sup> at 5:00 p.m.	Unanimous approval
<b>MINUTES: October 18, 2021</b>		John Massey made a motion to approve the minutes; the motion passed with all in favor.	Approved
<b>Adjourn</b>		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 7:53 p.m.	Unanimous Approval

\_\_\_\_\_  
 Dr. Albert Townshend, Chairman

\_\_\_\_\_  
 Beth Grieb, Clerk



## Kent County Department of Planning, Housing, and Zoning

To: Kent County Planning Commission  
From: Carla Gerber, Deputy Director  
Meeting: December 2, 2021  
Subject: Chris and Susan Pavon – Buffer Variance

### EXECUTIVE SUMMARY

#### **Request by Applicant**

The applicants are requesting a buffer variance in order to remodel their house which is located entirely within the expanded buffer.

#### **Public Process**

Per Maryland State Law and Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve Major Site Plans.

#### **Summary of Staff Report**

The 2.117- acre property, located at 24188 Macs Lane, is zoned Resource Conservation District and fronts onto Churn Creek. The surrounding area is a mix residential and agricultural uses. The applicants want to demolish and reconfigure an existing waterfront deck, add a small front porch, add a formal entrance to the “rear” of the house, expand the kitchen by five feet, and reconfigure an existing brick sidewalk. The proposed improvements will not be closer to the water and the top of the slope than the existing structure, and the net increase in lot coverage is only 206 square feet. The proposal complies with the lot coverage limits and a Buffer Mitigation Plan will be required.

#### **Staff Recommendation**

Staff recommends sending a favorable recommendation to the Board of Appeals.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: Chris and Susan Pavon– Critical Area Buffer Variance #21-50  
DATE: November 23, 2021

**DESCRIPTION OF PROPOSAL**

Chris and Susan Pavon are requesting a variance to the Critical Area buffer standards in order to demolish and reconfigure an existing waterfront deck, add a small front porch, add a formal entrance to the “rear” of the house, expand the kitchen by five feet, and reconfigure an existing brick sidewalk. None of the work will be closer to the water or the top of the slope, and the reconfigured deck will be farther from the water. The house was built in 1973, and due to steep slopes along the shoreline, there is an expanded buffer which completely encompasses the house.

The parcel consists of a primary dwelling, detached garage, and small shed located on the mostly wooded property. Approximately 90% of the parcel is within the expanded buffer. The surrounding area is zoned Resource Conservation District (RCD) and Agricultural Zoning District (AZD) with moderately sized parcels for waterfront homes and agriculture.

**APPLICABLE LAWS**

- I. Yard Requirements
  - A. *Comprehensive Plan*: “Insure that all new development or redevelopment meets a high standard of planning, workmanship, and design.” (Page 31)
  - B. *Applicable Law*: Article V, Section 2.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Resource Conservation District.

Front	50 ft
Side	15 ft
Rear	30 ft
Waterfront	Minimum 100-foot buffer

- C. *Staff and TAC Comments*. From the applicant’s narrative:

The Pavon’s would like to remodel and update their home by adding four features:

1. Add a formal (rear) entrance that would be 203’ from the mean high water line and create 162ft<sup>2</sup> of additional Lot Coverage.
2. Add a front porch that would be 171.8’ from the mean high water line and create 181ft<sup>2</sup> of additional Lot Coverage.
3. Expand the kitchen northerly by 5’, that would be 191.4’ from the mean high water line and create 80ft<sup>2</sup> of additional Lot Coverage.
4. Remove the existing 453ft<sup>2</sup> wood deck and construct a new 516ft<sup>2</sup> wooden deck that would be reconfigured to avoid a 24” oak that is currently surrounded by the existing deck. The proposed deck would be 171.3’ from the mean high water line. This deck would not count toward lot Coverage because of gaps in the decking boards.
5. Remove 658ft<sup>2</sup> of existing brick sidewalk and replace it with 441ft<sup>2</sup> of sidewalk in a different configuration to make for a better approach from and to the house.

Staff notes that a buffer variance is required in order to complete any of this work.

## II. Buffer Requirements

- 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 addresses 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 activities necessarily associated water-dependent facilities.
- C. *Staff and TAC Comments*: Development activity of this nature is not permitted in the buffer; therefore, the applicants have applied for a buffer variance to remodel their house.

## III. 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.

...

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 cause a substantial detriment to adjacent or neighboring properties, nor will it change the character of the district. The character of the surrounding area consists mostly of wooded, waterfront parcels with single-family dwellings.

The Comprehensive Plan encourages the protection of the buffer. A Buffer Mitigation Plan, at three times the permanent disturbance of the new construction, will be required. If there isn't enough room to plant onsite, then a fee-in-lieu will be required. Approximately 90% of the parcel is within the expanded buffer, and it is considered Forest Interior Dwelling Species habitat which has time of year restrictions for exterior construction. No vegetation removal is required for access, demolition, or construction.

The applicant's narrative indicates that lot coverage will increase by 206 square feet. A parcel of this size is allotted 15% in lot coverage, 13,833 square-feet. If the variance is granted, the lot coverage total will be 11,624 square feet, or 12.6% of their lot area. The existing lot coverage is 11,418 square-feet. With a Buffer Mitigation Plan and increased distance from the mean high water line, water quality should not be impacted.

Because the dwelling is located entirely within the expanded buffer, the applicant could not make any changes to the footprint, sidewalks, or decks without a variance being required.

The literal interpretation of the Ordinance would allow the applicants to maintain the existing deck, but not reconstruct without the granting of a variance. Waterfront decks are commonly enjoyed by other

waterfront property owners within this zoning district and is a reasonable use of the property. The other remodeling requests will allow the applicants to modernize their home. The request for the variance has not been caused by the applicants' own actions. According to the State Department of Assessment and Taxation, the dwelling was constructed in 1973, which is prior to the adoption of the Critical Area Program.

**STAFF RECOMMENDATION**

Staff recommends approval of the buffer variance to demolish and reconfigure an existing waterfront deck, add a small front porch, add a formal entrance to the "rear" of the house, expand the kitchen by five feet, and reconfigure an existing brick sidewalk. Staff further recommends mitigation of 3:1 for permanent disturbance within the Buffer in the form of Native Maryland tree and understory plantings within the Buffer or payment of a fee-in-lieu.

# BOARD OF APPEALS 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)**

Chris & Susan Pavon

24188 Mac's Lane

Worton, MD 21678

**Email:** chrisp5982@gmail.com

**TO THE KENT COUNTY BOARD OF APPEALS:** In accordance with Article \_\_\_\_\_ Section \_\_\_\_\_  
of the Kent County Zoning Ordinance, as amended, request is hereby made for:

\_\_\_\_\_ Appealing Decision of Kent County Zoning Administrator    X Variance  
\_\_\_\_\_ Special Exception    \_\_\_\_\_ Non-conforming Use

**DESCRIPTION OF PROPERTY INVOLVED:**

Located on: (Name of Road, etc.) 24188 Mac's Lane

In the 3 Election District of Kent County.

**Size of lot or parcel of Land:** 2.117 acres

Map: 11 Parcel: 39 Lot #: \_\_\_\_\_ Deed Ref: MLM 1145/278

List buildings already on property: Brick dwelling (2,037ft<sup>2</sup>) Frame Garage (521ft<sup>2</sup>) and shed

If subdivision, indicate lot and block number: \_\_\_\_\_

If there is a homeowners association, give name and address of association: Yes

President - Cindy Fulton 24284 Mac's Lane, Worton, MD 21678                      cbowersfulton@gmail.com

**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 rear entrance, front porch, expand kitchen and reconfigure deck

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

**Present owner(s) of property:** Chris & Susan Pavon Telephone: 410-708-5443

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: \_\_\_\_\_

For Office Use Only:	
Case Number/Date Filed:	_____
Filed by:	_____
Applicant:	_____
Planning Commission:	_____
Date of Hearing:	_____
Parties Notified:	_____
Notice in Paper:	_____
Property Posted:	_____



**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: Victor Fernandez 1920 Calvert St NW, Washington, DC 20009


Owner(s) on the South: Gelof Dara, Trustee 2732 Everetts Corner Road, Hartley, DE 19953

Owner(s) to the East: Churn Creek

Owner(s) to the West: Victor Fernandez 1920 Calvert St NW, Washington, DC 20009

Homeowners Association, name and address, if applicable: \_\_\_\_\_  
President - Cindy Fulton 24284 Mac's Lane, Worton, MD 21678                      cbowersfulton@gmail.com

**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

10/7/21  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals or the Planning Office is 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:

Chris & Susan Pavon  
24188 Mac's Lane  
Worton, MD 21678  
Tax Map 11, parcel 39  
Deed Reference - M.L.M. 1145/278  
Plat Book – M.L.M. 2/433  
Zoned – RCD - Resource Conservation District

Mr. and Mrs. Pavon are requesting a Buffer Variance for an expansion of their home located at 24188 Mac's Lane, Worton, MD. The current use of the property is the primary residence of Mr. and Mrs. Pavon. The property currently contains a 2,037ft<sup>2</sup> brick one story dwelling with a 428ft<sup>2</sup> wood deck, a 521ft<sup>2</sup> detached garage, shed and stone driveway which is surrounded by mature hardwoods. The property is served by private well and septic.

Finding of fact.

The Pavon property is 2.117 acres fronts on the Churn Creek and is completely within the Critical Area. The lot was created in 1972. The closest corner of the house and the deck are both 165.6' from the mean high water line. The existing Lot Coverage totals 11,418ft<sup>2</sup>, the maximum allowed (15%) is 13,833ft<sup>2</sup>. Due to steep slopes along the 100' Critical Area Buffer, an Expanded Buffer extends back as much as 312' from the mean high water line, which covers 90% of the property and completely encompasses the house.

The existing brick dwelling was built in 1973 and is in original condition. The Pavon's would like to remodel and update their home by adding four features:

1. Add a formal (rear) entrance that would be 203' from the mean high water line and create 162ft<sup>2</sup> of additional Lot Coverage.
2. Add a front porch that would be 171.8' from the mean high water line and create 181ft<sup>2</sup> of additional Lot Coverage.
3. Expand the kitchen northerly by 5', that would be 191.4' from the mean high water line and create 80ft<sup>2</sup> of additional Lot Coverage.
4. Remove the existing 453ft<sup>2</sup> wood deck and construct a new 516ft<sup>2</sup> wooden deck that would be reconfigured to avoid a 24" oak that is currently surrounded by the existing deck. The proposed deck would be 171.3' from the mean high water line. This deck would not count toward lot Coverage because of gaps in the decking boards.
5. Remove 658ft<sup>2</sup> of existing brick sidewalk and replace it with 441ft<sup>2</sup> of sidewalk in a different configuration to make for a better approach from to the house.

Total proposed Lot Coverage would be 11,624ft<sup>2</sup>. Limits of disturbance would be well under 5,000ft<sup>2</sup> and would avoid steep slopes.

The property is mostly covered in mature hardwoods and is only visible by the next door neighbors.

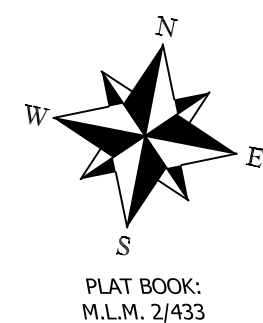
This site is approximately 3 miles north of Kent County High School and IU Episcopal Church .

This expansion will not increase the effect of noise, vibration, smoke, odor, fire and glare on the neighboring properties.

This proposal is in keeping with the neighborhood. The majority of the houses along Mac's Lane exceed 2,000ft<sup>2</sup>. We feel that this is the best use of land and structure.

This proposal will not affect water quality or fish, wildlife or plant habitat by keeping disturbance to a minimum. No trees are proposed to be removed.

The landowners along Mac's Lane have an organized Homeowners Association of which the Pavon's are members. A copy of the Construction Plans, Site Plan and this narrative will be forwarded to each member and a report will be provided before final approval.



PLAT BOOK:  
M.L.M. 2/433

LANDS OF  
PAUL A. MEID, et al  
M.L.M. 920/16  
PLAT BOOK: M.L.M. 2/433  
& W.H.G. 2/137

**EXISTING LOT COVERAGE SUMMARY**

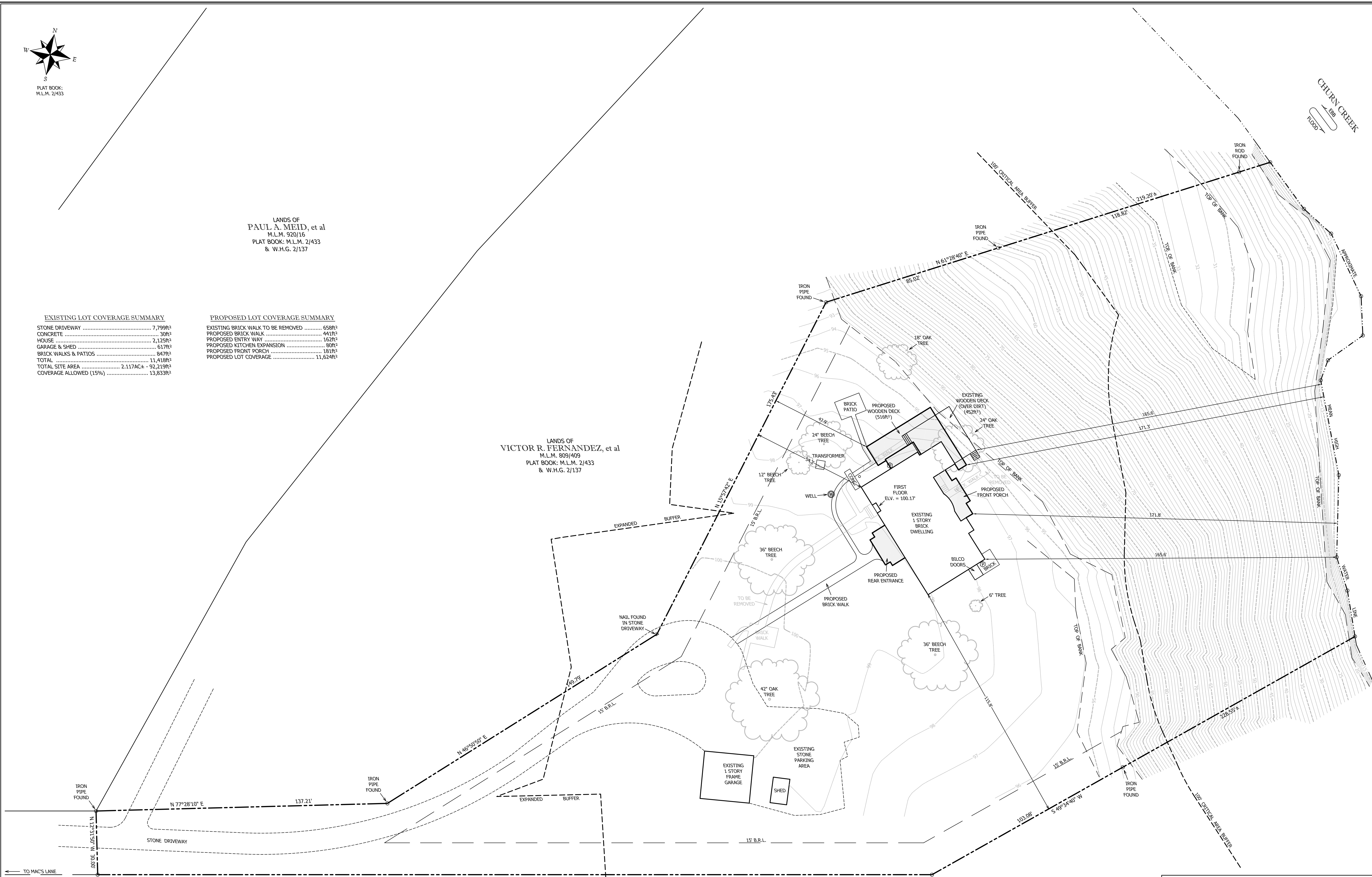
STONE DRIVEWAY ..... 7,799R<sup>2</sup>  
CONCRETE ..... 30R<sup>2</sup>  
HOUSE ..... 2,125R<sup>2</sup>  
GARAGE & SHED ..... 617R<sup>2</sup>  
BRICK WALKS & PATIOS ..... 847R<sup>2</sup>  
TOTAL SITE AREA ..... 11,418R<sup>2</sup>  
COVERAGE ALLOWED (15%) ..... 13,833R<sup>2</sup>

**PROPOSED LOT COVERAGE SUMMARY**

EXISTING BRICK WALK TO BE REMOVED ..... 658R<sup>2</sup>  
PROPOSED BRICK WALK ..... 441R<sup>2</sup>  
PROPOSED ENTRY WAY ..... 162R<sup>2</sup>  
PROPOSED KITCHEN EXPANSION ..... 80R<sup>2</sup>  
PROPOSED FRONT PORCH ..... 151R<sup>2</sup>  
PROPOSED LOT COVERAGE ..... 11,624R<sup>2</sup>

LANDS OF  
VICTOR R. FERNANDEZ, et al  
M.L.M. 809/409  
PLAT BOOK: M.L.M. 2/433  
& W.H.G. 2/137

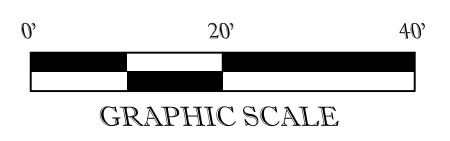
LANDS OF  
DARA GELOF, Trustee  
1156/111  
PLAT BOOK: W.H.G. 2/137



**NOTES:**  
DEED REFERENCE: M.L.M. 943/1  
PLAT BOOK: M.L.M. 2/433  
PLAT BOOK: W.H.G. 2/137  
PREMISES ADDRESS: 24188 MACS LANE  
WORTON, MD. 21678

THIS TOPOGRAPHICAL SURVEY WAS PREPARED BY A LICENSED LAND SURVEYOR OR A LICENSED LAND SURVEYOR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN COMAR 09.13.06.12.

ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM



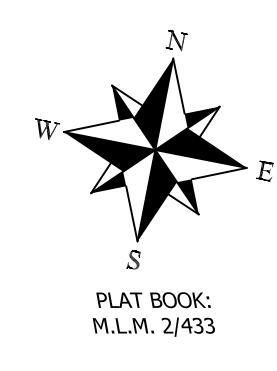
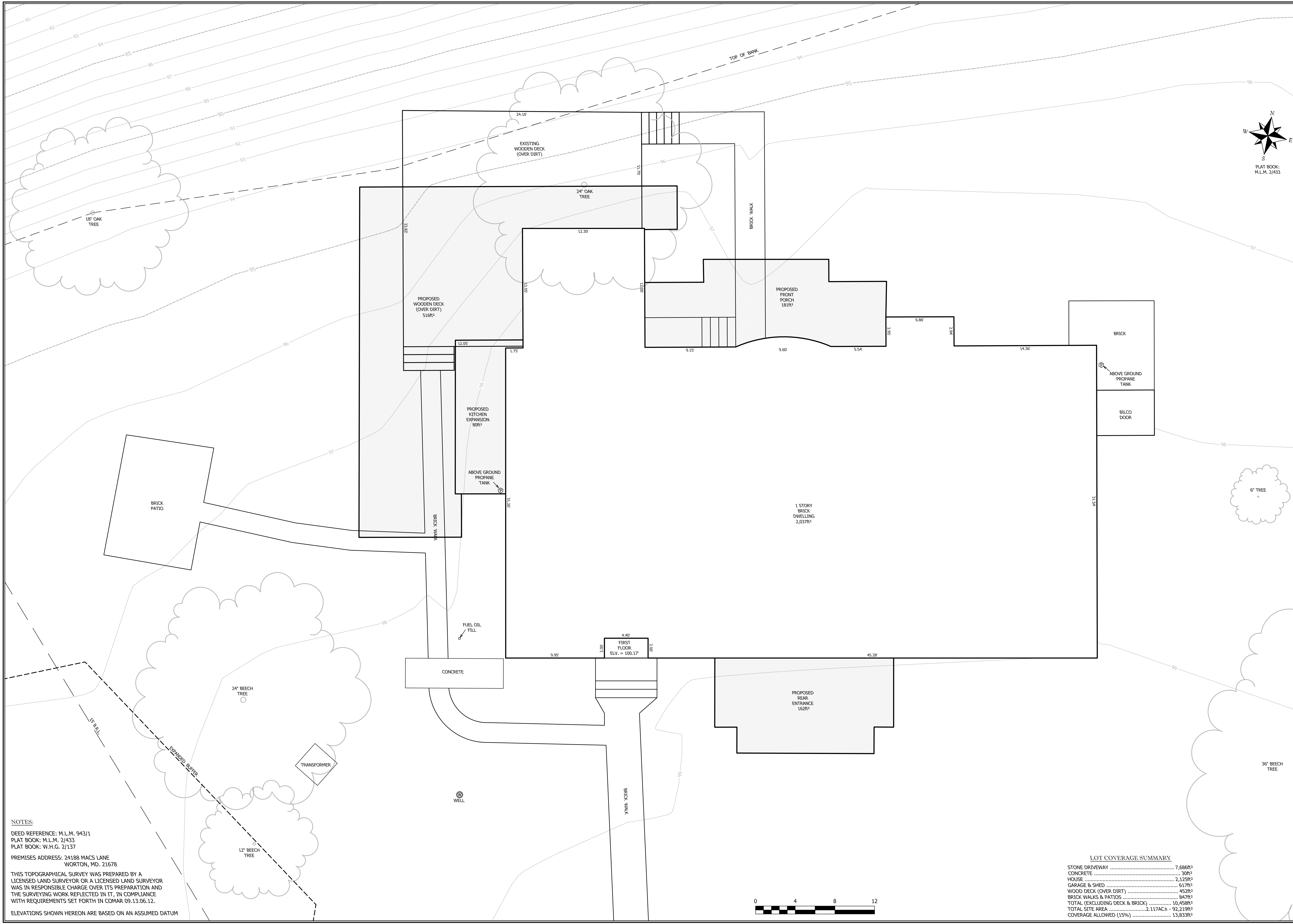
APPROVED: \_\_\_\_\_  
DATE \_\_\_\_\_ KENT COUNTY PLANNING COMMISSION

APPROVED: \_\_\_\_\_  
DATE \_\_\_\_\_ KENT COUNTY HEALTH DEPT. APPROVING AUTHORITY

**EXTREME MEASUREMENTS**  
LAND SURVEYORS  
Cheslerown, MD 21620  
PHONE: 410-778-0147  
www.extrememeasurements.com

SCALE	1"=20'
DRAWN BY	WV
DATE	10/7/21
JOB NO.	1281
REVISIONS	

**SITE PLAN**  
OF THE LANDS OF  
**D. CHRISTOPHER PAVON et ux.**  
THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND  
MAP 11 PARCEL 39  
SHEET 1 of 2



**NOTES:**  
 DEED REFERENCE: M.L.M. 943/1  
 PLAT BOOK: M.L.M. 2/433  
 PLAT BOOK: W.H.G. 2/137  
 PREMISES ADDRESS: 24188 MACS LANE  
 WORTON, MD. 21678

THIS TOPOGRAPHICAL SURVEY WAS PREPARED BY A LICENSED LAND SURVEYOR OR A LICENSED LAND SURVEYOR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN COMAR 09.13.06.12.  
 ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM

**LOT COVERAGE SUMMARY**

STONE DRIVEWAY	7,686R <sup>2</sup>
CONCRETE	30R <sup>2</sup>
HOUSE	2,125R <sup>2</sup>
GARAGE & SHED	617R <sup>2</sup>
WOOD DECK (OVER DIRT)	452R <sup>2</sup>
BRICK WALKS & PATIOS	847R <sup>2</sup>
TOTAL (EXCLUDING DECK & BRICK)	10,458R <sup>2</sup>
TOTAL SITE AREA	2.117AC+ - 92,219R <sup>2</sup>
COVERAGE ALLOWED (15%)	13,833R <sup>2</sup>

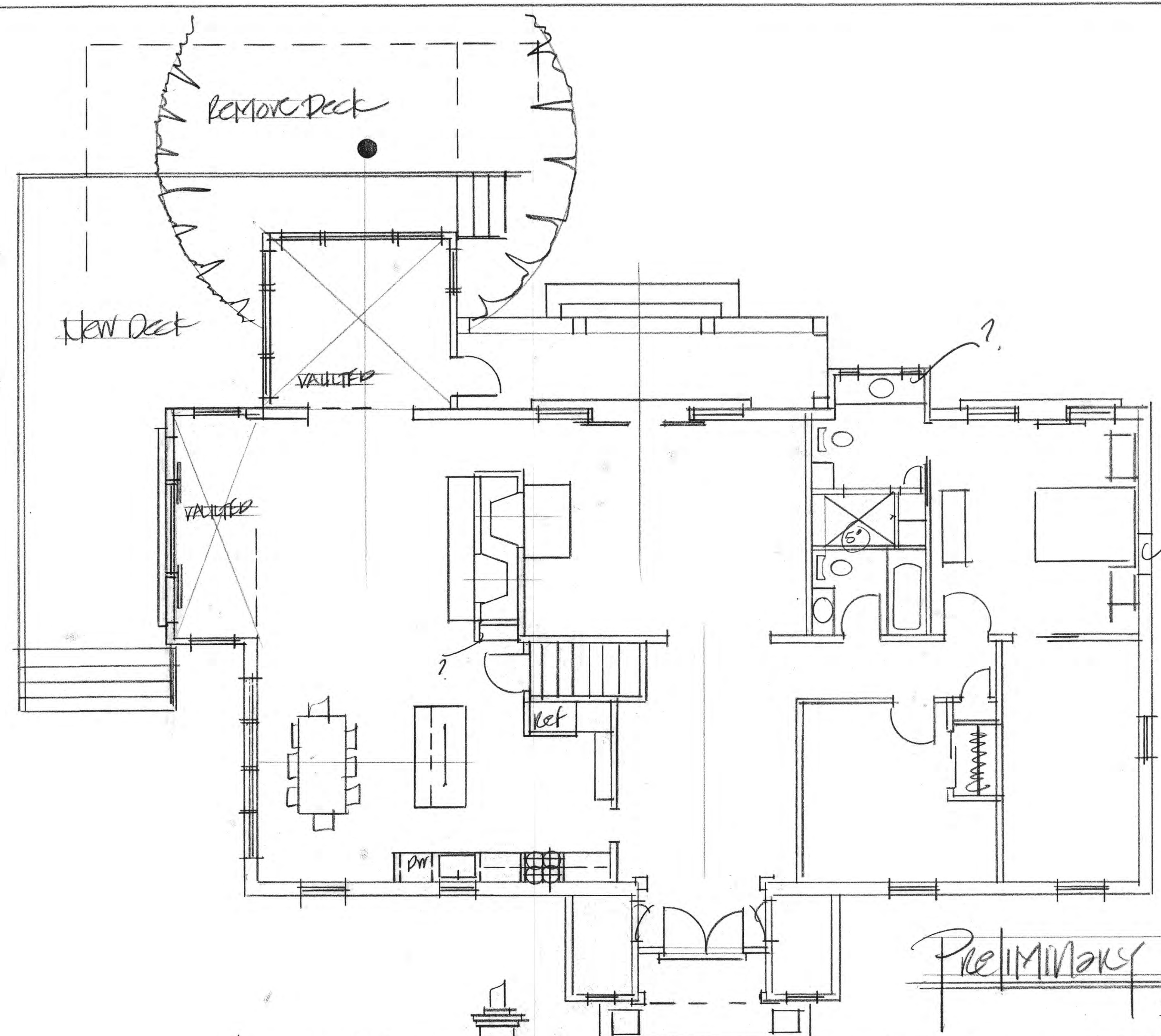


**EXTREME MEASUREMENTS LAND SURVEYORS**  
 CLUSTEROWN, MD 21620  
 PHONE: 410-778-0147  
 WWW.EXTREMEMEASUREMENTSLLC.COM

SCALE	1" = 4'
DRAWN BY	W.M.
DATE	12/10/20
JOB NO.	17051
REVISIONS	

**SITE PLAN**  
 OF THE LANDS OF  
**DANIEL CHRISTOPHER PAVON**  
 THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND  
 MAP 11 PARCEL 39  
 SHEET 2 of 2





PRELIMINARY FLOOR PLAN REVISION  
SCALE: 1/4" = 1'-0"



PRELIMINARY FRONT  
ELEVATION  
NOT FOR CONSTRUCTION

P-4

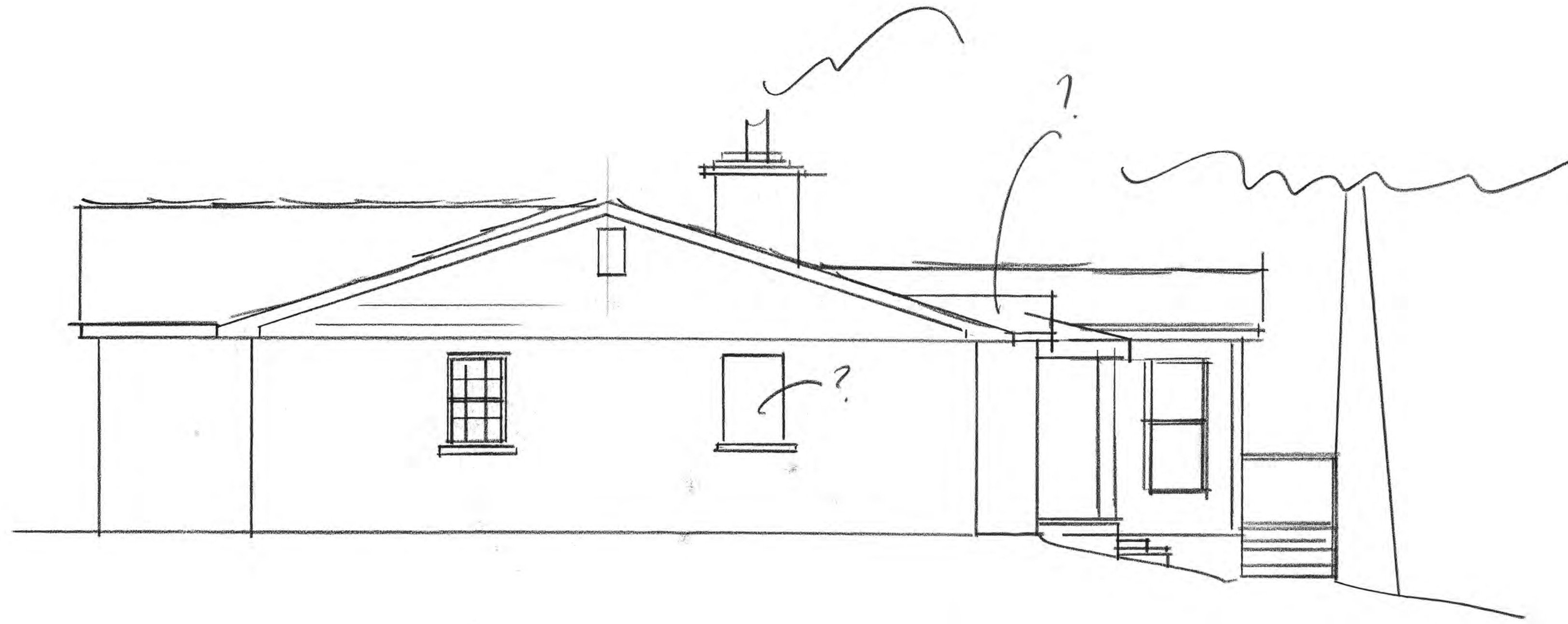
2002

PRELIMINARY PLAN FOR PARON

South & Main Designs LLC.

P.O. Box 211 CHESTER, MD 21613  
410-715-4310





Preliminary Right Elevation



Preliminary Left Elevation

Not for construction

Preliminary Plan for Porch

South & Main Designs LLC.

PO BOX 217 CHESTERFIELD MD 21710  
410-770-4300

PS

2004





Preliminary Real Elevation

NOT FOR CONSTRUCTION

P-6

Preliminary Plan for Porch

South & Main Designs LLC.

P.O. BOX 211 CHESTERDAM, MD. 21613  
410-716-4300

2021





Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor

Charles C. Deegan  
Chairman  
Katherine Charbonneau  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[dnr.maryland.gov/criticalarea/](http://dnr.maryland.gov/criticalarea/)

December 7, 2021

Ms. Carla Gerber  
Kent County  
Department of Planning, Housing and Zoning  
400 High Street  
Chestertown, Maryland 21620

Re: **Susan and Chris Pavon**  
**Buffer Variance Request (21-50)**  
**24188 Macs Lane, Worton**  
**(TM 11, P 39)**

Dear Ms. Gerber:

Thank you for submitting information regarding the project referenced above for review and comment. The applicant requests a variance for disturbance within a steep-slope expanded Buffer, in order to remodel an existing home located entirely within the expanded Buffer. The property is 2.11 acres and zoned Resource Conservation District (RCD) and located within the Resource Conservation Area (RCA). It is currently improved with a single-family dwelling, attached wooden deck, driveway, garage, shed and walkways. The proposed remodel includes expanding the kitchen, relocating the wooden deck further from the top of the bank, relocating a walkway and adding a front porch for a total lot coverage of 11,642 square feet. None of the proposed revisions will lead to any point of the home intruding further into the expanded Buffer or closer to the shoreline than the current configuration.

We do not oppose the variance request. Mitigation for Buffer disturbance is required at a 3:1 ratio. Additionally, should the Buffer disturbance lead to tree clearing, mitigation at a 1:1 ratio is required for the area of the canopy cleared. The applicant shall provide a Buffer Management Plan to the County that includes species, size, spacing and schedule of plantings for review and approval.

Thank you for the opportunity to review and provide comments. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission of the decision made in this case. If you have any questions or concerns, please contact me at (410) 260-3479.

Sincerely,

*Alexandra DeWeese*

Alexandra DeWeese  
Natural Resources Planner

File: KC 438-21



Kent County Planning Commission  
Department of Planning, Housing, and Zoning  
400 High Street, Suite 130  
Chestertown, MD 21620  
410-778-7423 (voice/relay)

December 8, 2021

Dr. Al Townshend  
Kent County Board of Appeals  
400 High Street  
Chestertown, MD 21620

RE: Chris and Susan Pavon - Critical Area Buffer Variance

Dear Dr. Townshend:

At its December 2, 2021, meeting, the Kent County Planning Commission reviewed an application submitted by Chris and Susan Pavon requesting a variance of the Critical Area buffer standards in order to remodel an existing dwelling located entirely within the expanded buffer. The proposed projects include demolishing and reconfiguring an existing waterfront deck, adding a small front porch, adding a formal entrance to the rear, non-waterfront side, of the house, expanding the kitchen by five feet, and reconfiguring an existing brick sidewalk. None of the work will be closer to the water or the top of the slope. The 2.117-acre property is located at 24188 Macs Lane, adjacent to Churn Creek in the Third Election District and is zoned Resource Conservation District (RCD).

Following discussion, the Planning Commission voted to make a favorable recommendation for a buffer variance to remodel the dwelling. The decision was based on the following findings of fact:

- Granting a variance will neither cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.
- The granting of a variance is consistent with the Comprehensive Plan and general intent of the Land Use Ordinance.
- The extraordinary topographical condition of the property whereby 90% of the property is within the expanded buffer creates an unwarranted hardship.
- The house was built prior to the adoption of the Critical Area Law.
- The granting of the variance is in harmony with the general spirit and intent of the Critical Area Law.
- The granting of the variance will not adversely affect water quality, impact fish, wildlife, or plant habitat.
- Any change to the footprint of the house would require a variance

In accordance with the Critical Area requirements, the Commission recommends that buffer mitigation occur at a rate of 3:1 for permanent disturbance or a payment of a fee-in-lieu be submitted to comply with the critical area variance planting requirements.

Sincerely,  
Kent County Planning Commission

A handwritten signature in black ink that reads "Kim Kohl". The signature is written in a cursive style with a large initial "K".

Kim Kohl  
Chairman

cc: Chris and Susan Pavon  
Buck Nickerson, Extreme Measures