



County Commissioners Hearing Room  
400 High Street  
Chestertown, Maryland

**AGENDA**

July 7, 2022

1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call. Please note that the County’s live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **946 088 608#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

**MINUTES**

June 2, 2022

**APPLICATIONS FOR REVIEW**

- #22-17 William & Valerie Ashmore – Site Plan (Final).....PC Decision  
Private Destination/Residence Club, Southeast corner of the intersection of Skinners Neck Road  
and Kelly’s Park Road – Fifth Election District – Marine (M)
- 22-27 Tucker White – Special Exception – Oversized Accessory Structure.....Rec to BOA  
21779 Sunnyside Avenue – Fifth Election District – Critical Area Residential (CAR)
- 22-28 Chen Residence – Variance – development within the 100-foot buffer.....Rec to BOA  
4833 Deep Point Drive – Seventh Election District – Resource Conservation District (RCD)

**GENERAL DISCUSSION**

**STAFF REPORTS**

**ADJOURN**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission 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.

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.



**MINUTES**

June 2, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, June 2, 2022, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, County Commissioner President P. Thomas Mason, William Sutton, James Saunders, and Ray Strong. Cynthia L. McCann, Esq., Planning Commission Attorney was in attendance via Teams. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; and Mark Carper, Associate Planner.

County representatives, Myra Butler, Director of Parks and Recreation, and Kat Stork Blaher of Shore Strategies LLC attended to present an item. Members of the public included John Massey; Anthony Kupersmith, Esq.; Cory McCandless; Tylor Jones; and Bruce Wilson (remotely).

Chair Hickman called the meeting to order at 1:30 p.m.

**MINUTES**

Mr. James Saunders moved to accept the minutes of May 5, 2022, without correction. Mr. William Sutton seconded the motion. The motion passed with all in favor.

**PUBLIC HEARING**

**#22-31 Zoning Text Amendment**

**Solar Energy System, utility scale special exception on farms in AZD and RCD**

**Clarification of language**

Cynthia McCann, Esq., read the public notice published in the Kent County News on May 26, 2022. Mr. Mackey presented an overview of the staff report. The application for the zoning text amendment was submitted by the Department of Planning, Housing, and Zoning at the request of the Kent County Board of Zoning Appeals.

Mr. Anthony Kupersmith, Esq., spoke on behalf SGC Power of Elkridge, Maryland, which submitted an application for a community solar array that was denied by the Board of Appeals at the same meeting when the Board requested the zoning text amendment to clarify the language of the Land Use Ordinance. Mr. Kupersmith addressed savings in the costs of power for eligible low- and moderate-income families via community solar projects. Mr. Kupersmith also requested that the Planning Commission consider altering the second sentence of sub-section j. to read "measured ~~as to include~~ the area within the solar panel array's security fence."

Discussion ensued regarding the location of the transformer which was confirmed to be inside the security fence. It was confirmed that solar panels were individually grounded, and a subterranean mesh was not used. Concern was expressed over the application of the 10% rule and treating solar arrays differently than other uses. The issue of camera surveillance was confirmed, as there would be a single camera planned for the entrance. The benefits to Kent County were discussed as tax revenue and the opportunity for citizens who are customers of

Delmarva Power & Light to sign up for the more affordable community solar power. It was clarified by the representatives of SGC Power that Choptank customers were not eligible for community solar, since under Maryland law, Choptank, as a co-operative, is not required to participate.

The Planning Commission discussed the maximum percentage of property in lots (10% rule) and the area of use being limited to five acres. It was asked and confirmed the area of land being leased by SGC Power is five acres. It was clarified by SGC Power that COMAR prohibits community solar on adjacent properties, and staff clarified that the Kent County Land Use Ordinance would allow applications for any property zoned AZD to be considered for a special exception for a solar panel array. It was noted by the Planning Commission that five acres would not likely be an economically viable area if the landscaping buffer were to be included within the five acres. Staff noted that the proposed zoning text amendment was intended to clarify the requirements and not change them.

Chair Hickman moved a favorable recommendation to the County Commissioners for the proposed zoning text amendment with the elimination of the proposed phrase “by erecting solar panel arrays in close proximity to each other” in the second sentence of sub-section j. and supporting staff’s recommendation in sub-section k. Mr. Sutton seconded the motion. The motion passed 5-0.

## **APPLICATIONS FOR REVIEW**

### **Draft 2022 Land Preservation, Parks and Recreation Plan**

Ms. Myra Butler, Director of Parks and Recreation, and Ms. Kat Stork Blaher of Shore Strategies LLC presented an overview of the draft 2022 LPPRP. The plan includes a needs assessment and is supported by a focus group and a survey of County residents. The plan is required to be updated every five years and supports parks and recreation activities, agricultural preservation, and natural resource conservation. A current plan is required to receive certain Program Open Space funds and to participate in other State-funded parks and recreation programs. The goal of the plan is to ensure a wide variety of opportunities for citizens. The survey and focus group revealed the desire that the County continue to maintain its existing facilities and expand with new features in existing facilities.

Mr. Sutton moved a highly favorable recommendation for adoption by the County Commissioners, noting the LPPRP’s inclusion of maintaining Turners’ Creek Park. Mr. Strong seconded. The motion passed 5-0.

### **Brent Nelson, Map 31, Parcel 5 – Comprehensive Water and Sewerage Plan Amendment**

Ms. Carla Gerber presented the staff report for the application forwarded by the Department of Public Works. The applicant is requesting to connect to a denied access line for a vacant property with connected houses on either side. Staff recommended that the Planning Commission make a finding of consistency with the Comprehensive Plan and the Land Use Ordinance, since this is the specific charge in the Comprehensive Water & Sewerage Master Plan for the Planning Commission. The situation represented by the applicant’s request is considered unique since the vacant parcel is located next to houses with access and the County needs more connections to support the system.

Chair Hickman moved a favorable recommendation to the County Commissioners for the application of Brent Nelson for Map 31, Parcel 5, to address the consistency of the Comprehensive Plan and Land Use Ordinance with the Water & Sewerage Master Plan to grant a single sewer allocation for a single-family dwelling. This will not change the character of the neighborhood. It will not affect ag operations. It will not intensify development materially in this area. The Chesterville Forest Extension has capacity and will increase the operating efficiency of the wastewater treatment plant. The property served is contiguous to the right-of-way. Only one allocation will

ever be granted for this property. The Planning Commission found this consistent with the Comprehensive Plan and the Land Use Ordinance in allowing the use of this property. Mr. Saunders seconded. The motion passed 5-0.

#### **STAFF REPORTS**

Mr. Mackey reported on the upcoming Comprehensive Rezoning Update Task Force meeting in July. The goal is to provide materials in advance of the meeting as requested. The meeting will focus on signs and nonconformities. Also, the Land Use Ordinance is a unified development code, and there are a variety of non-zoning chapters that need to be addressed by staff as part of the overall Land Use Ordinance update, and this will take additional time.

Ms. Gerber reported on the 17 agricultural easements received and the review and ranking process. DPHZ is also starting to digitize files for permanent storage. The team is looking forward to the Project Specialist joining in July.

Mr. Carper reported on the workload for planning projects, which the new Planning Specialist will handle in future.

Ms. McCann reported on signature changes being made to the model forest conservation easement document.

#### **GENERAL DISCUSSION**

There was no general discussion.

#### **ADJOURN**

Vice Chair Ruge moved to adjourn. Mr. Strong seconded. The meeting adjourned at approximately 3:55 pm.

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Francis J. Hickman, Chair

*/s/ W. A. Mackey*  
William A. Mackey, Director





TO: Kent County Planning Commission  
FROM: Carla Gerber, Deputy Director  
MEETING: July 7, 2022  
SUBJECT: William and Valerie Ashmore – Major Site Plan – Private Destination/Residence Club (Final)

**Executive Summary**

**Request by Applicant**

Mr. and Mrs. Ashmore are requesting final site plan approval for the construction of a private destination/residence club with three guest suites and one owner’s suite.

**Public Process**

Per 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**

Mr. and Mrs. Ashmore are proposing to construct a private destination/residence club on their 0.45-acre parcel located at the southeast corner of the intersection of Skinners Neck Road and Kelleys Park Road near Rock Hall. The residence club will have three guest suites and one owner’s suite. The parcel is zoned Marine (M) and the surrounding area is a mix of residential and marine uses.

The application complies with the standards of the Land Use Ordinance.

**Recommendation**

Staff recommends granting final approval. Staff suggests the following conditions for final approval:

- Submission of all required sureties for stormwater management, sediment and erosion control, and landscaping.
- Recordation of the slip agreement.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: William and Valerie Ashmore – Major Site Plan – Private Destination/Residence Club (Final)  
DATE: June 30, 2022

**DESCRIPTION OF PROPOSAL**

Mr. and Mrs. Ashmore are proposing to construct a private destination/residence club on their 0.45-acre parcel located at the southeast corner of the intersection of Skinners Neck Road and Kelleys Park Road near Rock Hall. The residence club will have three guest suites and one owner’s suite. The parcel is zoned Marine (M) and the surrounding area is a mix of residential and marine uses.

**Relevant Issues**

I. Uses

A. *Comprehensive Plan:*

- “Retain and promote existing businesses and assist in their growth.” (page 8)
- “Promote Kent County as a boating center.” (page 16)
- “Enhance and expand locally based tourism that is rooted in the unique natural, cultural, and historic features and qualities of Kent County.” (page 18)

B. *Applicable Law:* Article V, Section 13.2, #8.5 of the Kent County Land Use Ordinance permits private destination/residence clubs in the Marine District with the following conditions:

- a. The aggregate Marine zoned property shall consist of 4 or more acres.
- b. The facilities for such overnight accommodations shall pay the appropriate county taxes, including taxes payable under Article III or Chapter 152 of the Code of Public Local Laws if Kent County.
- c. The facilities for overnight accommodations shall use a reservation system.
- d. Permitted accessory uses may include clubhouse, restaurants, cafés or other dining facilities; bars, pubs or taverns; recreational facilities, such as tennis courts, swimming pools, and spas and other accessory uses that are customarily associated with a lodging facility. The permitted accessory uses shall not include trap, skeet, clay birds, paint ball, or other similar firearm activities. The applicant shall describe all proposed accessory uses in the application for site plan. Recreational facilities shall be at least twenty-five (25) feet from the nearest property line.
- e. Where they exist, listed historic structures shall be incorporated into the overall project.
- f. Significant view corridors, both from the site and onto the site, shall be preserved as far as possible.
- g. The height of all structures shall not exceed thirty-eight (38) feet.
- h. Parking lots shall be landscaped as required for commercial developments in Article V, Section 11 of this Ordinance.
- i. The approval of a facility for overnight accommodations shall not impose restrictions that will preclude the use of the marina and property for commercial marine uses permitted in the Marine Zoning District, including boat building, storage, and repair; however, the continuation of these uses shall not be required. The maintenance and continuation of boat slips will be required.
- j. The County may require connection to a public sewer system, if and when such system is available.
- k. Campgrounds, mobile homes, recreational vehicle and manufactured home parks shall not be considered private destination or residence clubs.

C. *Staff and TAC Comments:* Although the subject parcel is less than 4 acres, the aggregate area of adjacent parcels zoned Marine is approximately 8.3 acres. The parcel is vacant, and no accessory uses are proposed. The applicant is proposing low level landscaping and the proposed structure will resemble a single-family dwelling which will have minimal effect on view corridors. A landscaping plan has been submitted. An agreement for the use of three slips at the adjacent marina, also owned by the applicant, has been approved by the County Attorney. The property has access to public sewer.

II. Density, Area, Height, Width and Yard Requirements

A. *Applicable Law:* Article V, Section 13.5 of the Kent County Land Use Ordinance requires the minimum yard:

Front	30 ft (there is a front yard of 15 feet on the side street or a corner lot)
Side	8 ft (when adjacent to M)
Rear	10 ft (when adjacent to M)
Waterfront	Minimum 100 ft buffer

B. *Staff and TAC Comments:* The proposed improvements meet the setback requirements. Although this parcel isn't waterfront, the 100-foot buffer extends onto the property. There are no site improvements within the buffer.

III. District Environmental Standards

A. *Applicable Law:* Article V, Section 13.6 in the Kent County Land Use Ordinance establishes the Marine Environmental Design Standards, which include stormwater and Critical Area standards. The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specifically, it is the overall goal of the County to maintain the quality of the County's ecosystem in the face of continuing activity, growth and change.

Within the Land Use Ordinance, Article VI, Section 7 addresses Floodplain Management, Section 9 addresses Erosion and Sediment Control, and Section 10 addresses Stormwater Management.

B. *Staff and TAC Comments:*

Stormwater and sediment and erosion control plans are under review. Sureties are required.

Marine is an Intense Development Area within the Chesapeake Bay Critical Area. Lot coverage limits do not apply; however, all development must reduce pollutant loadings coming off the site by at least 10%. Stormwater management computation worksheets have been submitted showing compliance with the 10% reduction rule.

The applicants are proposing to use fill to raise the base for the foundation approximately 4 feet. The Base Flood Elevation is 6 feet, and the concrete slab for the garage will be 8.25 feet. The first-floor elevation will be 18.25 feet. As required by the floodplain regulations, the engineer for the applicant has stated in the attached letter that flooding risk will not increase to adjacent properties as existing drainage patterns will be maintained and there will be no measurable impact on increased flooding.

IV. Parking and Loading Requirements

A. *Applicable Law:* Article VI, Section 1.3 of the Kent County *Land Use Ordinance* establishes the parking standards. Lodging facilities require 1 space per guest unit, plus 1 per employee.

B. *Staff and TAC Comments:* The site plan has four parking spaces on the Skinners Neck Road side of the

property. The applicant has acknowledged that boat trailer parking will be allowed by the users of the public landing on the west side of Skinners Neck Road across from the proposed driveways and a note has been added to the site plan.

#### V. Landscaping

- A. *Applicable Law:* Article V, Section 13, #8.5.h of the Land Use Ordinance requires parking lots for private destination/residence clubs to be landscaped as required for commercial developments in Article V, Section 11. Article V, Section 13.7, #4 and 5 establishes the general landscaping and screening requirements in the Marine district.
- B. *Staff and TAC Comments:* The driveway/parking area is fully landscaped with holly shrubs lining the edges and landscape beds on the sides with single elm trees and perennials and a landscape bed between the garage doors with shrubs and perennials. Kelleys Park Road is screened with a mix of understory trees, evergreens, shrubs and perennials.

#### VI. Site Plan Review

- A. *Comprehensive Plan:* "Implement thorough design review for new development and major renovations." (Page 33)
- B. *Applicable Law:* Article VI, Section 5.3 of the Kent County *Land Use Ordinance* establishes site plan review procedures. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
  - a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
  - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
  - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
  - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
  - e. Reasonable demands placed on public services and infrastructure.
  - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
  - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
  - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
  - i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
  - j. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
  - k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.
- C. *Staff and TAC Comments:*
  - The proposal is consistent with strategies and goals of the Comprehensive Plan.

- The property is served by public sewer and private well.
- Public works has approved the project.
- Stormwater management and erosion and sediment control plans have been submitted for review.
- Sufficient parking is provided on the property.
- The landscaping meets the requirements.
- Reasonable demands will be placed on public services and infrastructure.
- Proposed building elevations have been submitted. While the building is large, it contains features and colors compatible with existing waterfront development in the County.
- Exterior lighting will be attached to the building and will be dark sky compatible.
- No signs are proposed at this time.
- The proposed building complies with the setback requirements.
- A citizen participation conference call was held on April 12, 2022.

### **Staff Recommendation**

Staff recommends granting final approval contingent upon:

- Submission of all required sureties for stormwater management, sediment and erosion control, and landscaping.
- Recordation of the slip agreement.



William and Valerie Ashmore  
Skinners Neck Road/Kelleys Park Road



Source: Kent County Department of Planning, Housing, and Zoning.  
Aerial taken Spring 2019. Map prepared April 2022.

1 inch = 100 feet

NO TITLE EXAMINATION  
NO CONSIDERATION

DECLARATION OF BOAT SLIP AGREEMENT

This Declaration of Boat Slip Agreement (“Easement and Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between William R. Ashmore and Valerie L. Ashmore (collectively and hereinafter the “Owners”).

RECITALS:

WHEREAS, the Owners are the fee simple owners of the property situate, lying and being in the Fifth Election District of Kent County, Maryland, located on Kent County Tax Map 55, Parcel 128 containing 19,166 square feet, more or less, being the same lands described in a deed recorded among the Land Records for Kent County, Maryland in Liber No. 1079, folio 197 (the “Residence Club Property”); and

WHEREAS, the Owners are the fee simple owners of the property situate, lying and being in the Fifth Election District of Kent County, Maryland, located on Kent County Tax Map 55, Parcel 5, containing 23,827 square feet, more or less, being the same lands described in a deed recorded among the Land Records for Kent County, Maryland in Liber No. 783, folio 310 (the “Marina Property”); and

WHEREAS, the Owners currently operate a commercial marina with approximately thirty one (31) boat slips at the Marina Parcel and the Owners contemplate establishing a Private Destination/Residence Club upon the Residence Club Property as currently defined in the Kent County Zoning Ordinance in section 13.2(8.5); and

WHEREAS, the Owners, in furtherance of the establishment of a Private Destination/Residence Club, seek to hereby provide for the use of three boat slips of the Marina Parcel by guests of the Private Destination/Residence Club operating upon the Residence Club Parcel, upon seventy two (72) hours’ prior notice to the owner of the Marina Parcel, and in exchange for certain payment for such use of three boat slips upon the terms and conditions stated herein; and

WHEREAS, these recitals are not merely prefatory but form a substantive part hereof this Agreement.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00) but other valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Owners do hereby establish, in gross, an agreement upon the following terms and conditions:

1. The Marina Property shall permit the use of three boat slips upon the Marina Property for use by guests of the Residence Club Property only for so long as the Residence Club Property is used as a Residence Club. The use of the three boat slips shall only be for paying guests of the Residence Club Property and are limited to three boat slips. The use does not include or apply to any boat slips rented to long term slip renters. Any use of the boat slip shall be on a first come-first served basis, shall require seventy two (72) hours’ prior notice to the Owner of the Marina Property. Any use of a boat slip by a guest of the Residence Club Property shall require payment of the applicable market rate for such transient boat slip rental upon the Marina Property. The use of a boat slip is limited to three boat slips per all the guests of the Residence Club Property at any given time.

2. The use of any boat slip upon the Marina Property by the Residence Club Property guests shall be limited to and not exceed the duration of such guest's stay at the Residence Club Property. The guests using the Marina Property boat slips shall have access to the public areas of the Marina Property for use in common with other boat slip renters but such use of said common areas shall not interfere with any other operation of the Marina Property or the other boat slip renters or customers of the Marina Property.

3. The use of the boat slips by guests of the Residence Club Property, their licensees, invitees, guests, agents, employees and contractors, shall be at their own risk. The Owners of the Residence Club Property agree to indemnify and hold harmless all other Owners against any and all liability for injury to person or damage to property, when such injury or damage results from, arises out of, or is attributable to the use of the boat slips or Marina Property by the guests of the Residence Club.

4. This Agreement shall terminate without demand or notice upon the cessation of the Residence Club Property being used as a Residence Club. This agreement shall be binding on and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns and shall run with the land.

IN WITNESS WHEREOF, the Owners have caused this instrument to be properly executed and sealed as of the day and year first above written.

WITNESS/ATTEST: OWNERS:

\_\_\_\_\_  
William R. Ashmore (SEAL)

\_\_\_\_\_  
Valerie L. Ashmore (SEAL)

STATE of MARYLAND, COUNTY of \_\_\_\_\_, to wit:

I HEREBY CERTIFY, that on this \_\_\_ day of \_\_\_\_\_, 2022, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared William R. Ashmore and Valerie L. Ashmore, husband and wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, that they executed the foregoing Declaration of Boat Slip Agreement for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My Commission expires:



## PROJECT NARRATIVE

### **GRAYS INN Private Destination / Residence Club Skinners Neck Road Rock Hall, Maryland**

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

**Name and address of the landowner, the developer and/or representative, if different from the owner**

The property is owned by Mr. & Mrs. William Ashmore. They are the property owners and the developers.

**Street address, tax map, parcel number, and subdivision if any**

The site is located at the southeast corner of the intersection between Skinners Neck Road and Kellys Park Road near Rock Hall, Maryland. The property is identified as Tax Map 55 Parcel 128, Lot 1. A subdivision is not needed as part of this project.

**Zoning of the site**

The site is zoned Marin (M). The surrounding properties to the north, east, south, and west are also zoned Marine and account for a combined zoning district greater than four acres.

**Current and proposed use of the property**

The property is currently vacant. A Private Destination / Residence Club with three guest suites and one owner suite is proposed on the property. The club will be developed and operated in accordance with the conditions noted in the Land Use Ordinance, Section 13.2(8.5) which include:

- a. The aggregate Marine zoned property shall consist of 4 or more acres.  
*The Marine zone in this area consists of approximately 8.3 acres.*
- b. The facilities for such overnight accommodations shall pay the appropriate county taxes, including taxes payable under Article III or Chapter 152 of the Code of Public Local Laws if Kent County.  
*It is understood that the overnight accommodations associated with this club will pay all applicable taxes.*
- c. The facilities for overnight accommodations shall use a reservation system.  
*A reservation system will be used to book overnight accommodations.*

- d. Permitted accessory uses may include clubhouse, restaurants, cafés or other dining facilities; bars, pubs or taverns; recreational facilities, such as tennis courts, swimming pools, and spas and other accessory uses that are customarily associated with a lodging facility. The permitted accessory uses shall not include trap, skeet, clay birds, paint ball, or other similar firearm activities. The applicant shall describe all proposed accessory uses in the application for site plan. Recreational facilities shall be at least twenty-five (25) feet from the nearest property line.  
*At this time no accessory uses are proposed. Should an accessory use be added later, the approval of such will be done so following review by the county.*
- e. Where they exist, listed historic structures shall be incorporated into the overall project.  
*There are no historical structures on the property.*
- f. Significant view corridors, both from the site and onto the site, shall be preserved as far as possible.  
*View corridors have been preserved to the extent possible. Only 1,940-sf of structure is proposed on the 0.45 acre parcel. The landscaping has been designed to be low-level.*
- g. The height of all structures shall not exceed thirty-eight (38) feet.  
*The height of the proposed structure is less than 38-ft as defined by the code.*
- h. Parking lots shall be landscaped as required for commercial developments in Article V, Section 11 of this Ordinance.  
*Landscape screening has been provided at the edge of the proposed parking area.*
- i. The approval of a facility for overnight accommodations shall not impose restrictions that will preclude the use of the marina and property for commercial marine uses permitted in the Marine Zoning District, including boat building, storage, and repair; however, the continuation of these uses shall not be required. The maintenance and continuation of boat slips will be required.  
*The proposed club with overnight accommodations will not impede the rights of others to conduct permitted activities within the Marine Zoning District. An agreement has been drafted designating three boat slips at the nearby marina owned by the Ashmores for use by the paying guests of the Residence Club. The agreement will be recorded prior to final site plan approval.*
- j. The County may require connection to a public sewer system, if and when such system is available.  
*As indicated on the site plan, the club will be connected to the existing public sewer system adjacent to the site.*
- k. Campgrounds, mobile homes, recreational vehicle and manufactured home parks shall not be considered private destination or residence clubs.  
*The proposed club is not classified as any of the above mentioned uses.*

**An explanation of viewshed, open space, and conservation analysis undertaken during the design of the site plan**

The placement of the proposed building will be near the intersection of Skinners Neck Road and Kelly’s Park Road. It is located outside of the Critical Area 100-ft buffer. Only 1,940-sf of structure is proposed on the 0.45 acre parcel.

**How the proposed development complies with the Comprehensive Plan and the design and environmental standards of the Ordinance**

The development complies with the Comprehensive Plan in that it promotes tourism and lodging in the area.

**Proposed type of water and sewer service**

The site will be served by public sewer. A private well will be used for potable water as public water is not available in the area.

**Number of employees**

It is anticipated that one employee will be needed for this club.

**The proposed development schedule and phases of development for all proposed construction**

This project is intended to be constructed and operational upon receipt of all necessary permits. The construction will not be phased.

**Statement of provisions for ultimate ownership and maintenance of all parts of the development including streets, structures, and open space.**

The property is intended to remain in the ownership of and maintained by Mr. & Mrs. Ashmore.

**Water dependent uses in the Critical Area**

n/a

**Critical Area density calculations**

n/a

**Citizen Participation Plan**

A conference call is scheduled for Tuesday, April 12, 2022 at 6pm. Notification to property owners in the area was mailed along with a reduced-scale site plan. A report will be provided to the Planning Office following the conference call.



# FINAL SITE PLAN FOR GRAYS INN PRIVATE DESTINATION CLUB

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SHEET C-4	-	SEDIMENT AND EROSION CONTROL DETAILS AND SPECIFICATIONS
SHEET L-1	-	LANDSCAPE PLAN

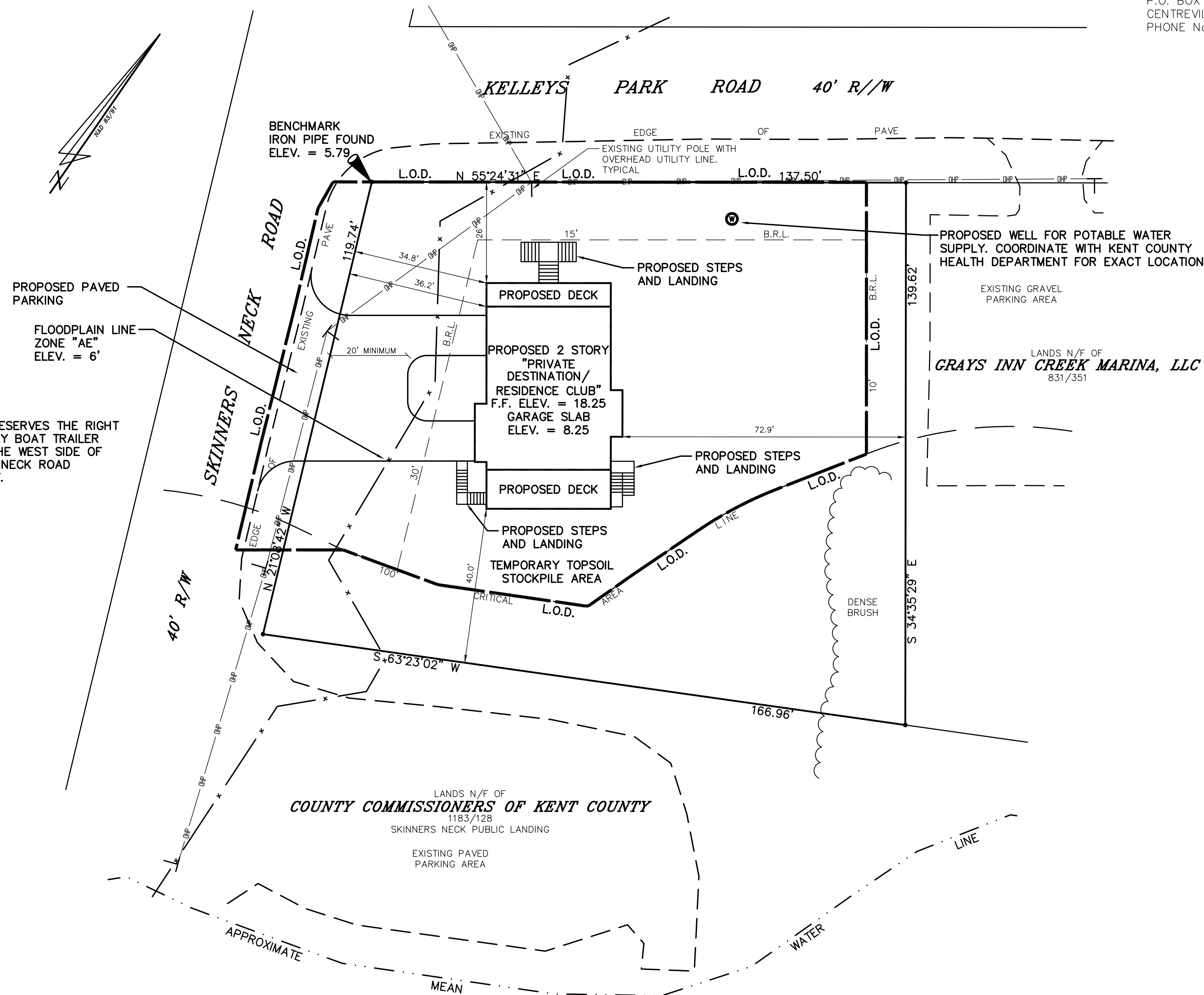
### SITE STATISTICS

SITE AREA	=	0.449 ac.± (19,549 sq. ft.±)
CRITICAL AREA	=	0.449 ac.± (19,549 sq. ft.±)
AREA WITHIN 100 Yr. FLOODPLAIN	=	0.39 ac.±
LOT COVERAGE (EXISTING) ( 0.0%)	=	0,000 sq. ft.± (0.000 ac.±)
LOT COVERAGE (PROPOSED) (16.2%)	=	3,173 sq. ft.± (0.073 ac.±)
DWELLING	=	1,425 sq. ft.±
DECKS	=	516 sq. ft.±
DRIVEWAYS	=	1,225 sq. ft.±
CONCRETE PAD	=	7 sq. ft.±

### NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM A PLAT ENTITLED "TOPOGRAPHIC SURVEY OF THE LANDS OF WILLIAM R. ASHMORE, et ux" PREPARED BY EXTREME MEASURES, LLC, IN JANUARY, 2022. HORIZONTAL DATUM IS NAD 83/91.
- FOR DEED REFERENCE, SEE LIBER M.L.M. 1079, FOLIO 197.
- CURRENT ZONING CLASSIFICATION - (M) MARINE.
- THE PROPERTY IS LOCATED ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION - IDA.
- SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0380D. (ZONE "AE") (ELEV. = 6')
- SOILS ONSITE CONSIST OF "MpA" MATAPEX FINE SANDY LOAM AS SCALED FROM <http://websoilsurvey.nrcs.usda.gov> FOR KENT COUNTY, MARYLAND.
- EXISTING IMPROVEMENTS SHOWN HEREON ARE THE RESULT OF A FIELD RUN SURVEY BY EXTREME MEASURES, LLC IN JANUARY, 2022. HORIZONTAL DATUM IS NAD 83/91.
- EXISTING TOPOGRAPHY SHOWN HEREON IS THE RESULT OF A FIELD RUN SURVEY BY EXTREME MEASURES, LLC IN JANUARY, 2022. VERTICAL DATUM IS NAVD 88.
- PUBLIC SEWER AND PRIVATE WELL WATER WILL BE UTILIZED FOR SEWAGE DISPOSAL AND POTABLE WATER SUPPLY.
- STORMWATER MANAGEMENT FOR THE SITE HAS BEEN ADDRESSED VIA THE IMPLEMENTATION OF ENVIRONMENTAL SITE DESIGN (ESD) TO THE MAXIMUM EXTENT PRACTICABLE (MEP).
- ALL PROPOSED LIGHTING SHALL BE DARK SKY COMPATIBLE
- NO SIGNAGE IS PROPOSED FOR THIS PROJECT.
- SETBACK AND HEIGHT REQUIREMENTS:  
FRONT YARD = 30'  
SIDE YARD = 8'  
REAR YARD = 10'  
MAXIMUM BUILDING HEIGHT = 38'

NOTE:  
THE COUNTY RESERVES THE RIGHT TO ALLOW DAILY BOAT TRAILER PARKING ON THE WEST SIDE OF THE SKINNERS NECK ROAD RIGHT-OF-WAY.



### STATEMENT OF PURPOSE AND INTENT

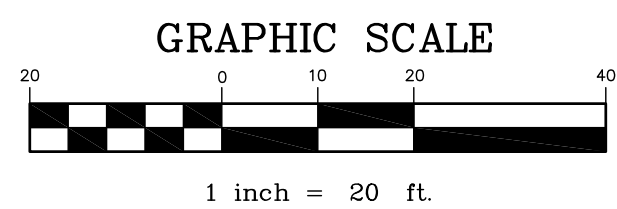
THIS SITE IS LOCATED ON THE SOUTH SIDE OF KELLEYS PARK ROAD AND EAST SIDE OF SKINNERS NECK ROAD NEAR THE TOWN OF ROCK HALL. THE PROPERTY IS CURRENTLY VACANT. THE PURPOSE OF THIS SITE PLAN IS TO CONSTRUCT A NEW BUILDING TO BE USED AS A PRIVATE DESTINATION / RESIDENCE CLUB.

THE INTENT OF THIS SITE PLAN IS TO RECEIVE APPROVAL FROM KENT COUNTY PLANNING AND ZONING FOR THE PROPOSED PLAN.

L.O.D. - DENOTES LIMITS OF DISTURBANCE  
AREA = 0.32 acres± (14,133 sq. ft.±)

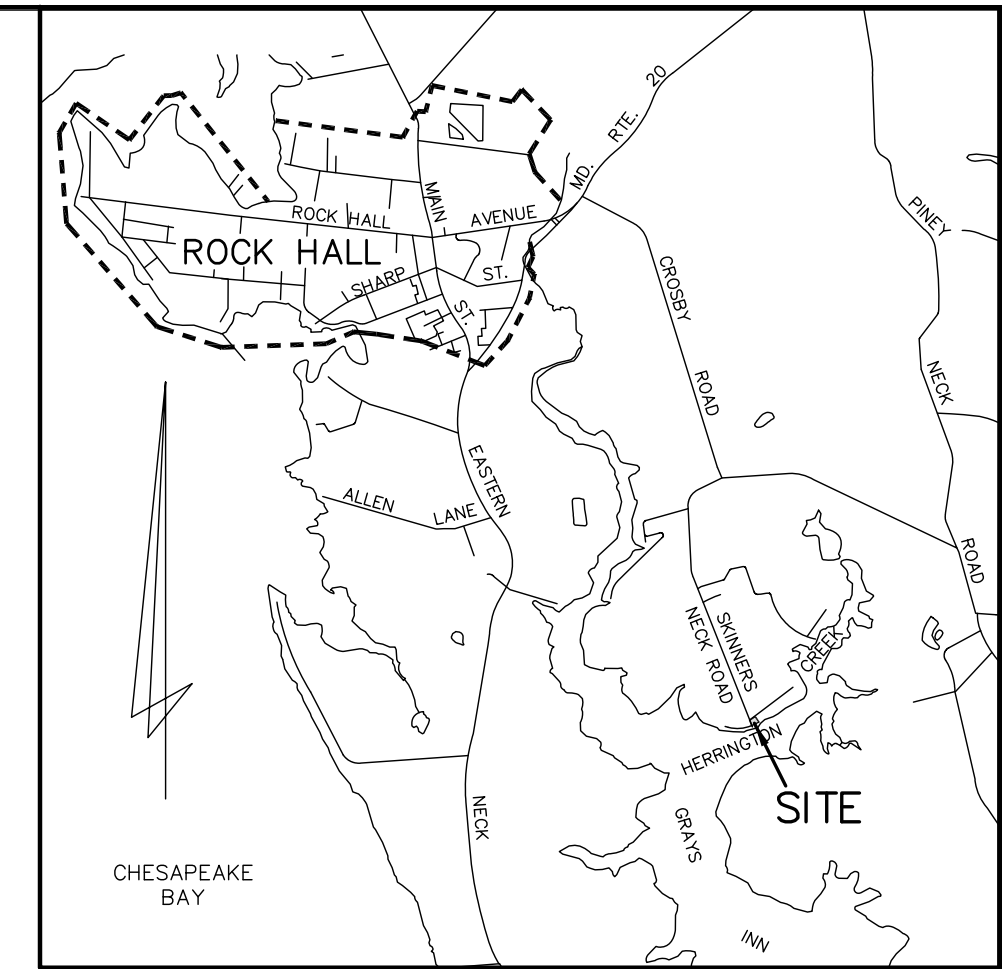
NOTE:  
FOLLOWING INITIAL DISTURBANCE, PERMANENT OR TEMPORARY, STABILIZATION SHALL BE COMPLETED WITHIN 3 CALENDAR DAYS ON ALL PERIMETER CONTROLS AND SLOPES GREATER THAN 3:1 AND 7 DAYS ON ALL OTHER DISTURBED AREAS ON THE SITE.

NOTE:  
SEDIMENT AND EROSION CONTROL WILL BE STRICTLY ENFORCED



**OWNER/DEVELOPER:**  
WILLIAM R. & VALERIE L. ASHMORE  
21979 KELLEYS PARK ROAD  
ROCK HALL, MARYLAND 21661  
PHONE No. 1-410-778-3648

**ENGINEER:**  
DMS & ASSOCIATES, LLC  
c/o KEVIN J. SHEARON, P.E. LEED  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE No. 1-443-262-9130



VICINITY MAP  
SCALE 1" = 4000'

### GENERAL NOTES

- These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
- The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:  
Delmarva Power & Light Company 1-800-375-7117  
Miss Utility 1-800-441-8355  
DMS & Associates, LLC 1-443-262-9130  
Dept. Public Works - Engineering 1-410-778-7407  
Dept. of Public Works - Water/Wastewater 1-410-778-3287  
Kent Co. Sediment Control Inspector 1-410-778-7457  
Maryland Department of the Environment 1-410-631-3510
- All construction shall be marked for traffic and pedestrian safety.
- The Contractor shall provide all equipment, labor, and materials for any miscellaneous or test pit excavations required by the Engineer.
- The owner is responsible for the acquisition of all easements, both permanent and temporary.
- The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
- All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
- All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
- Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
- Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
- The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
- All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
- All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
- All water valves, boxes and hydrants shall be set and adjusted to finish grade.
- Wherever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
- Minimum cover over the sewer main shall be 42".
- All below grade sewer installation including piping, tanks, electrical wiring shall be inspected by the Department of Public Works Water/Wastewater Division prior to backfilling. Prior notice of 48 hours over two business days shall be provided to schedule any inspections required by the Department of Public Works Water/Wastewater Division.
- All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2, unless otherwise specified.
- All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
- Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
- Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

### LEGEND

	DEPCTS DEED POINT (UNLESS OTHERWISE NOTED)
	EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINE
	EXISTING BRUSH
	FLOODPLAIN LINE
	LIMITS OF DISTURBANCE

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_

KENT SOIL AND WATER CONSERVATION DISTRICT

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

- ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.
- ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
- IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE: \_\_\_\_\_ DATE: 6/16/22

21979 Kelleys Park Rd, Rock Hall, MD 21661 ADDRESS CARD No. \_\_\_\_\_

PHONE No. 859-322-1093

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY HEALTH DEPARTMENT

KENT COUNTY HEALTH DEPARTMENT

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**

ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE: 1-443-262-9130  
FAX: 1-443-262-9148

DATE: FEBRUARY 22, 2021

JOB No. 2021186

TOLDER Ref. 55-2021186

SHEET No. - C-1

CADD FILE - 21186-C1

SCALE: 1" = 20'

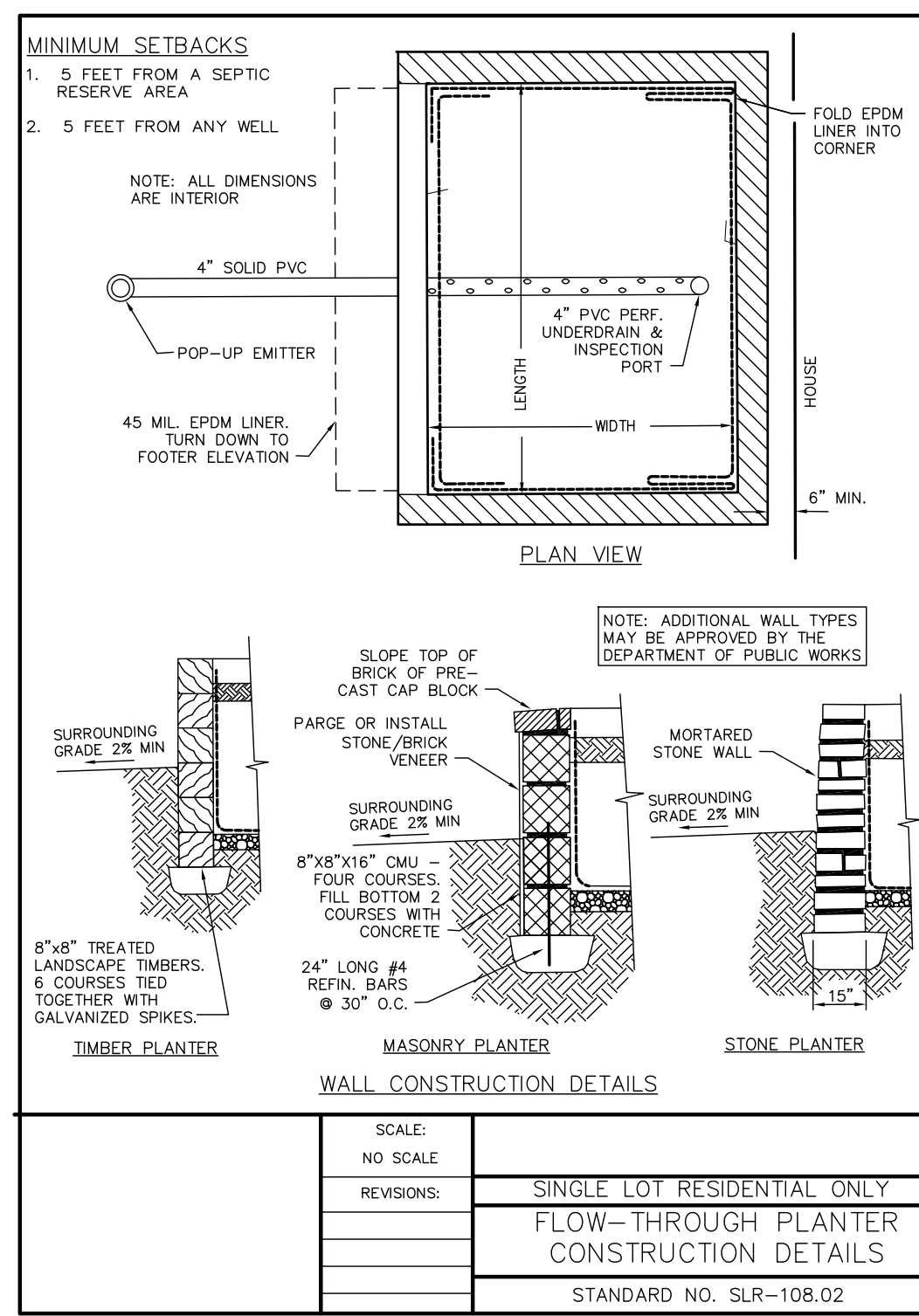
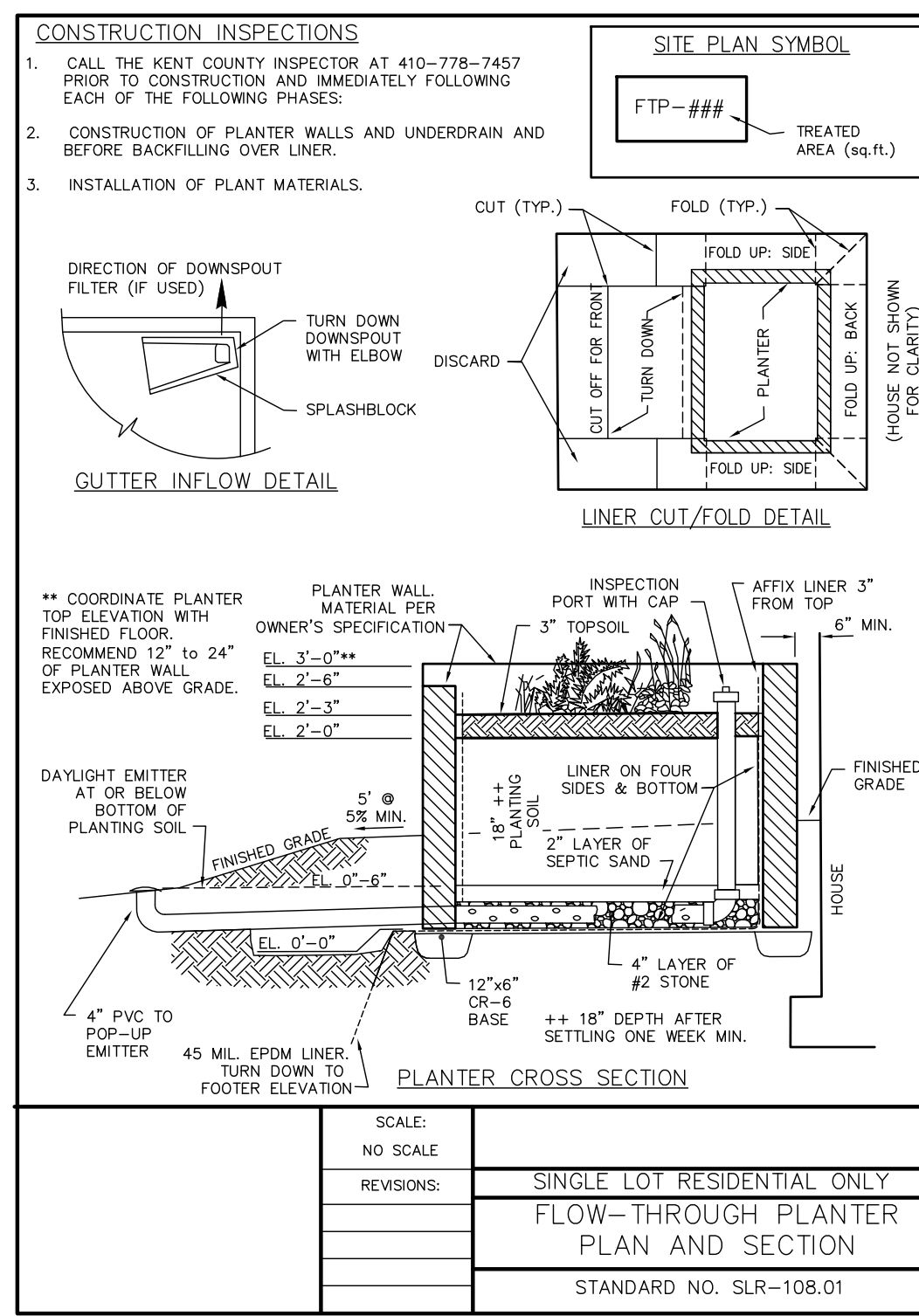
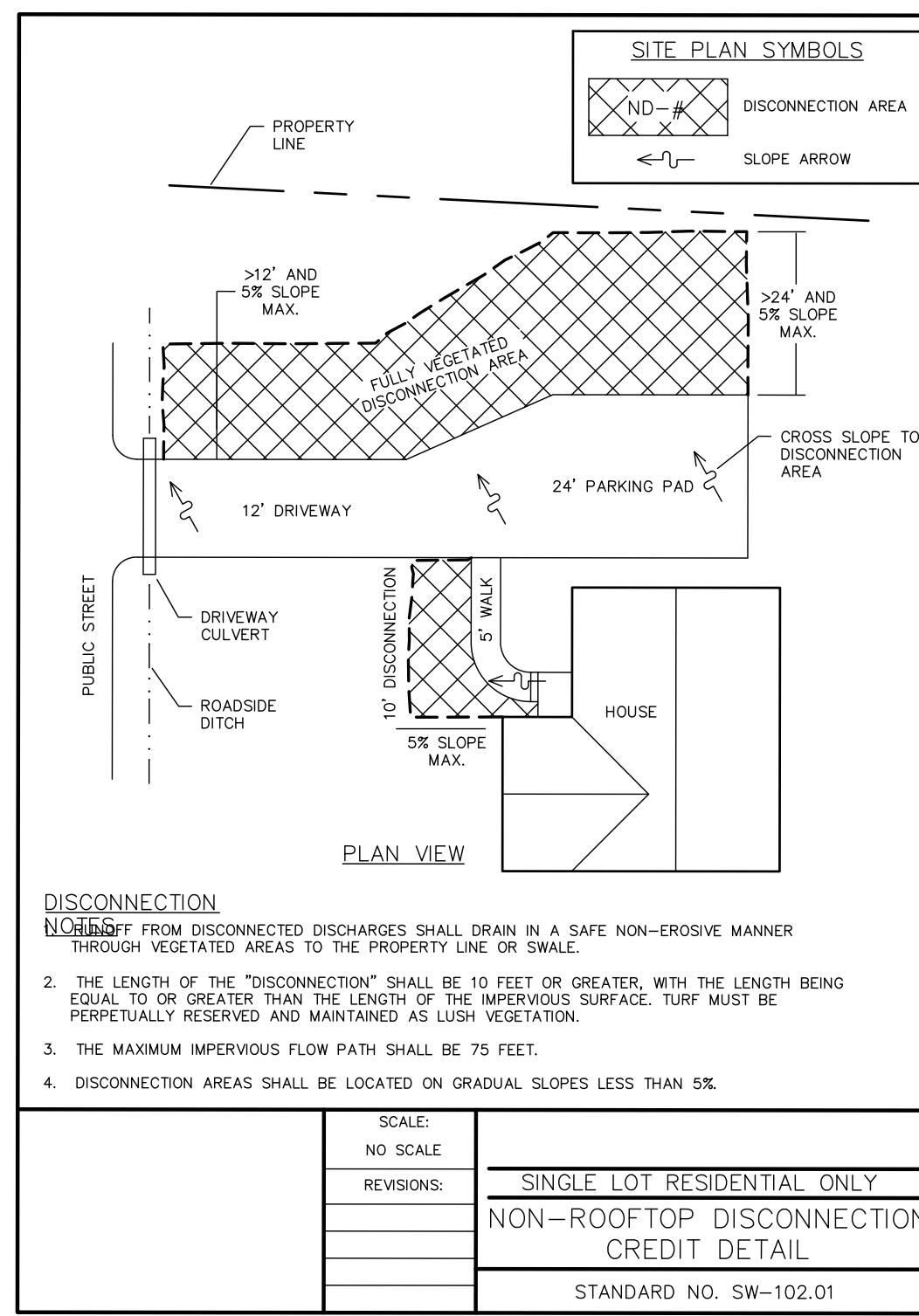
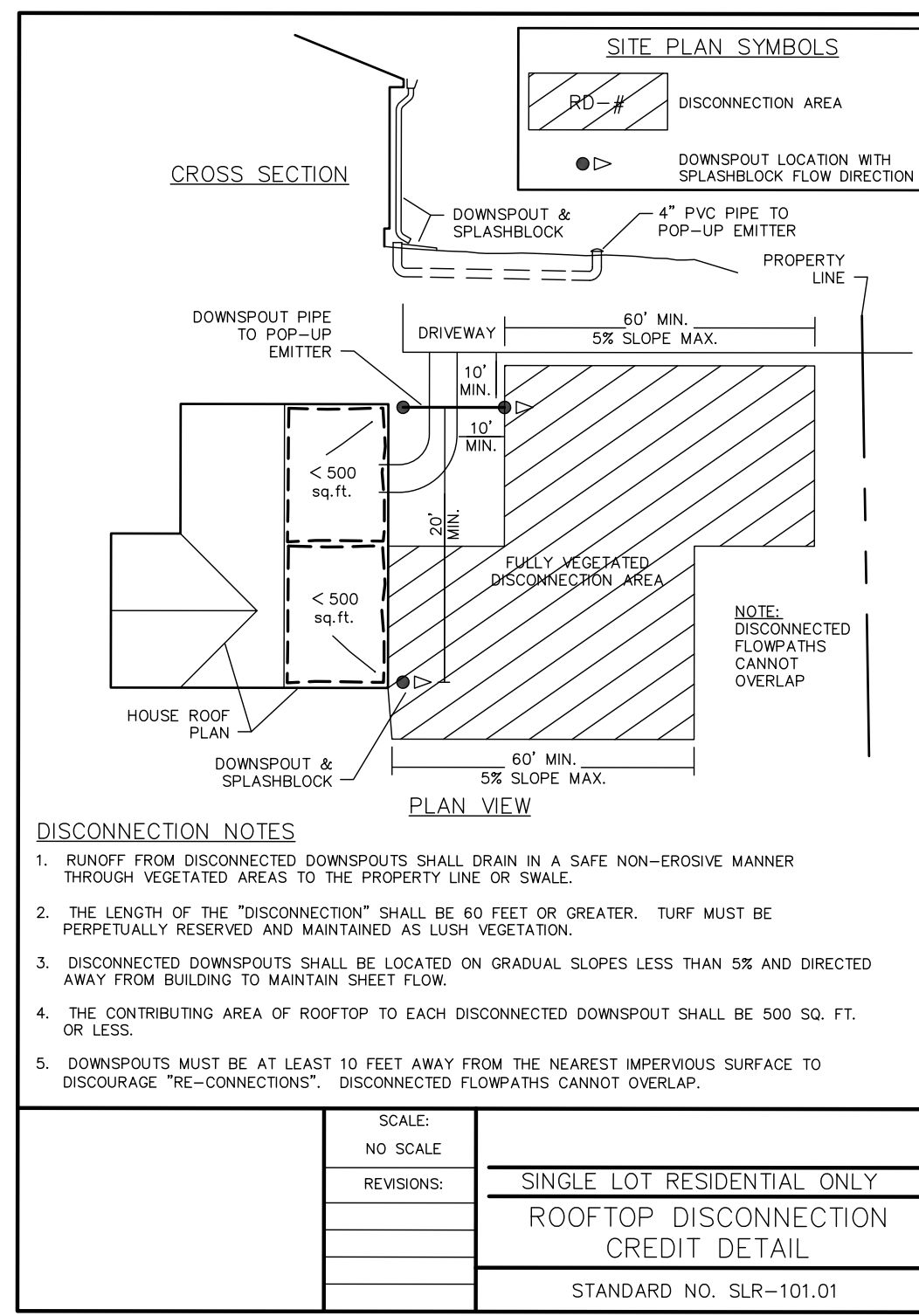
DRAWN BY: WJM

DESIGNED BY: KJS

OVERALL SITE PLAN FOR GRAYS INN ON THE LANDS OF WILLIAM R. & VALERIE L. ASHMORE NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT TAX MAP - 55, GRID - 1C, PARCEL - 128







**PLANT SELECTION**

- THE HOMEOWNER IS ENCOURAGED TO WORK WITH A REGISTERED LANDSCAPE ARCHITECT OR NURSERY TO CREATE AN ATTRACTIVE AND FUNCTIONAL MIX OF NATIVE PLANT SPECIES THAT ARE TOLERANT OF BOTH SATURATED AND DRY CONDITIONS.
- INFORMATION ON APPROPRIATE SPECIES IS AVAILABLE BY TYPING "BAYSCAPES NATIVE PLANTS" INTO YOUR FAVORITE SEARCH ENGINE.
- THE SCHEDULE AND TYPICAL DETAIL BELOW CAN BE USED AS A BASIS FOR PLANT SELECTION AND GROUPINGS, IF DESIRED.

**CONSTRUCTION NOTES**

- PLANTERS SHALL BE CONSTRUCTED AFTER EXTERIOR SIDING HAS BEEN INSTALLED.
- LANDSCAPING MATERIALS SHOULD BE INSTALLED DURING THE SPRING OR FALL FALL IF POSSIBLE.
- GUTTER SCREENS AND/OR DOWNSPOUT FILTERS SHALL BE PROVIDED TO PRE-TREAT ANY ROOF AREAS THAT FLOW INTO A PLANTER. DOWNSPOUT FILTERS SHALL BE INSTALLED SO LEAVES AND DEBRIS FALL OUTSIDE THE PLANTER. (TYPE "DOWNSPOUT FILTERS" IN YOUR FAVORITE SEARCH ENGINE TO FIND EXAMPLES FOR PURCHASE.)

**FLOW-THROUGH PLANTER LANDSCAPE SCHEDULE**

BOTANICAL NAME	COMMON NAME	SIZE	PLANTER SIZE (sq.ft.)		
			70	140	210
SHRUBS:			QTY.	QTY.	QTY.
ILEX GLABRA (MALE ONLY)	INKBERRY	2 GAL.	PICK ONE	PICK TWO	PICK TWO
ARONIA MELANOCARPA	BLACK CHOKEBERRY	2 GAL.	PICK ONE	PICK TWO	PICK TWO
MYRTICA CARPENA	BAYBERRY	2 GAL.	PICK ONE	PICK TWO	PICK TWO
GROUND COVER:					
ANDROPOGON VIRGINICUS	BROOMSEDGE	PLUG	3	4	6
DIARRY SPICATA	BLACKBERRY STAR	PLUG	0	2	3
SEMPERVIVUM GLOEFERUM	HENS & CHICKS	PLUG	3	4	6

**SOIL SPECIFICATIONS**

- THE PLANTING SOIL SHALL HAVE A COMPOSITION OF 50% SAND, 20% COMPOSTED LEAVES, AND 30% TOPSOIL.
- TOPSOIL SHALL BE OF UNIFORM COMPOSITION, FREE OF STONES, DEBRIS, STUMPS, ROOTS OR SIMILAR OBJECTS LARGER THAN ONE INCH.
- TOPSOIL SHALL BE FREE OF PLANTS OR PLANT PARTS OF BERMUDA GRASS, QUACK GRASS, JOHNSON GRASS, MAIWORT, NUTSEDGE, POISON IVY, CANADIAN THISTLE.

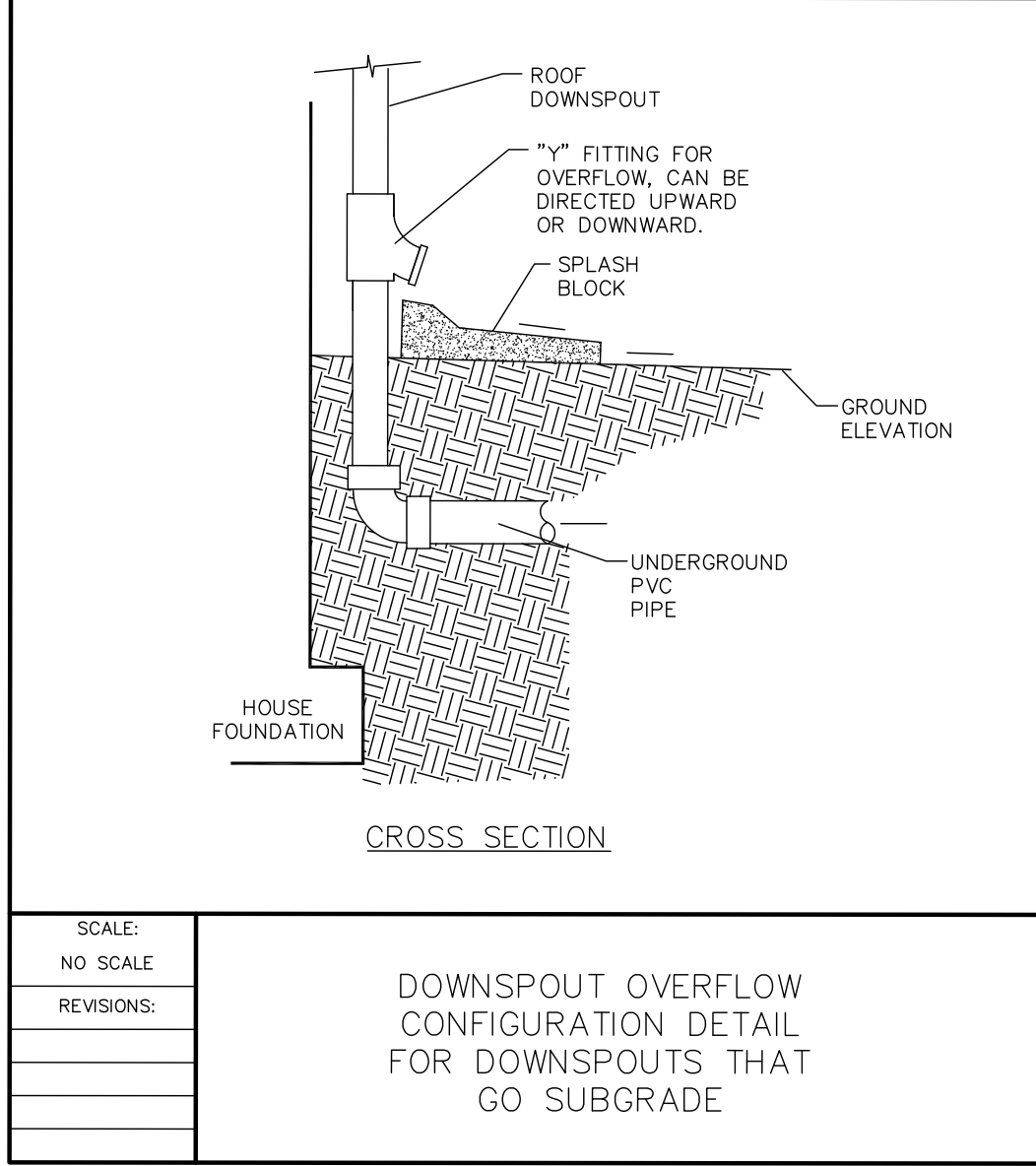
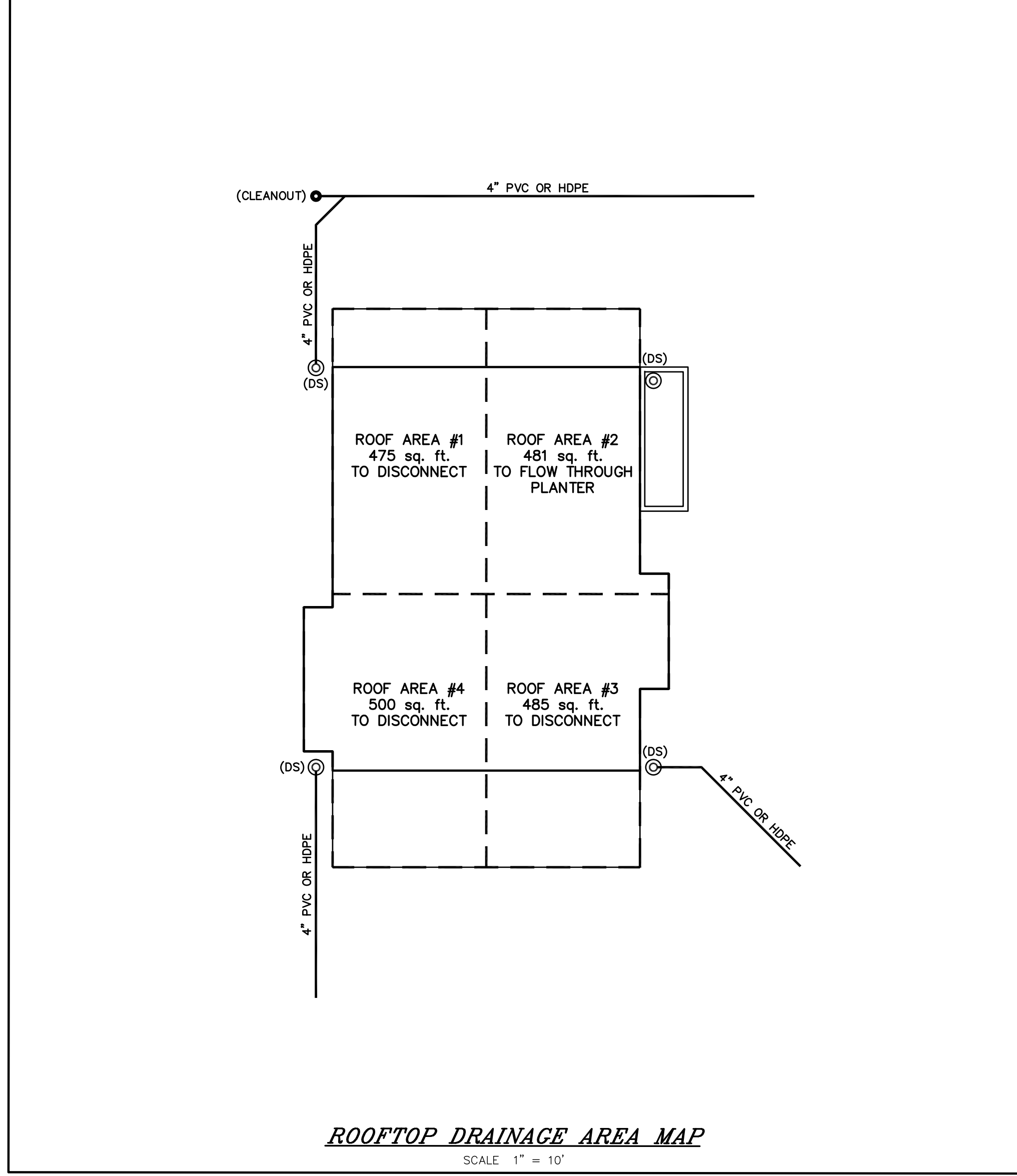
**MAINTENANCE CRITERIA**

- WATER PLANTS LIBERALLY THE FIRST GROWING SEASON AND DURING PERIODS OF DROUGHT THEREAFTER.
- REMOVE ACCUMULATED TRASH AND VEGETATIVE DEBRIS EVERY FEW MONTHS.
- PRUNE AND REMOVE DEAD VEGETATION PERIODICALLY, AS WITH ANY LANDSCAPE BED, IF SPECIFIC PLANTS ARE NOT SURVIVING, REPLACE WITH A DIFFERENT SPECIES. WATERING MAY BE REQUIRED DURING PROLONGED DRY PERIODS.
- SILT AND SEDIMENT SHOULD BE REMOVED FROM THE SURFACE OF THE FILTER BED WHEN ACCUMULATION EXCEEDS ONE INCH.
- THE TOPSOIL AND FILTER MEDIA SHOULD BE REMOVED AND REPLACED WHEN WATER Ponds FOR MORE THAN 48 HOURS. EXISTING PLANT MATERIAL CAN BE TEMPORARILY REMOVED AND RE-PLANTED IN THE NEW SOIL.

**SIZING CHART**

TREATED AREA (sq.ft.)	PLANTER AREA (sq.ft.)	SUGGESTED INTERIOR DIMENSIONS
250	10	4 x 3
500	20	7 x 3
750	30	8 x 4
1000	40	10 x 4

**SCALE:** NO SCALE  
**REVISIONS:** SINGLE LOT RESIDENTIAL ONLY  
**FLOW-THROUGH PLANTER NOTES**  
 STANDARD NO. SLR-108.03



**STORMWATER MANAGEMENT COMPUTATIONS**

DRAINAGE AREA = 0.45 acres  
 IMPERVIOUS AREA = 0.07 acres  
 % IMPERVIOUS = 16.2%  
 Rv = 0.20

WITH 'C' SOILS, Pe = 1.0 inch

**Table 5.6. ESD Sizing Factors for Rooftop Disconnection**

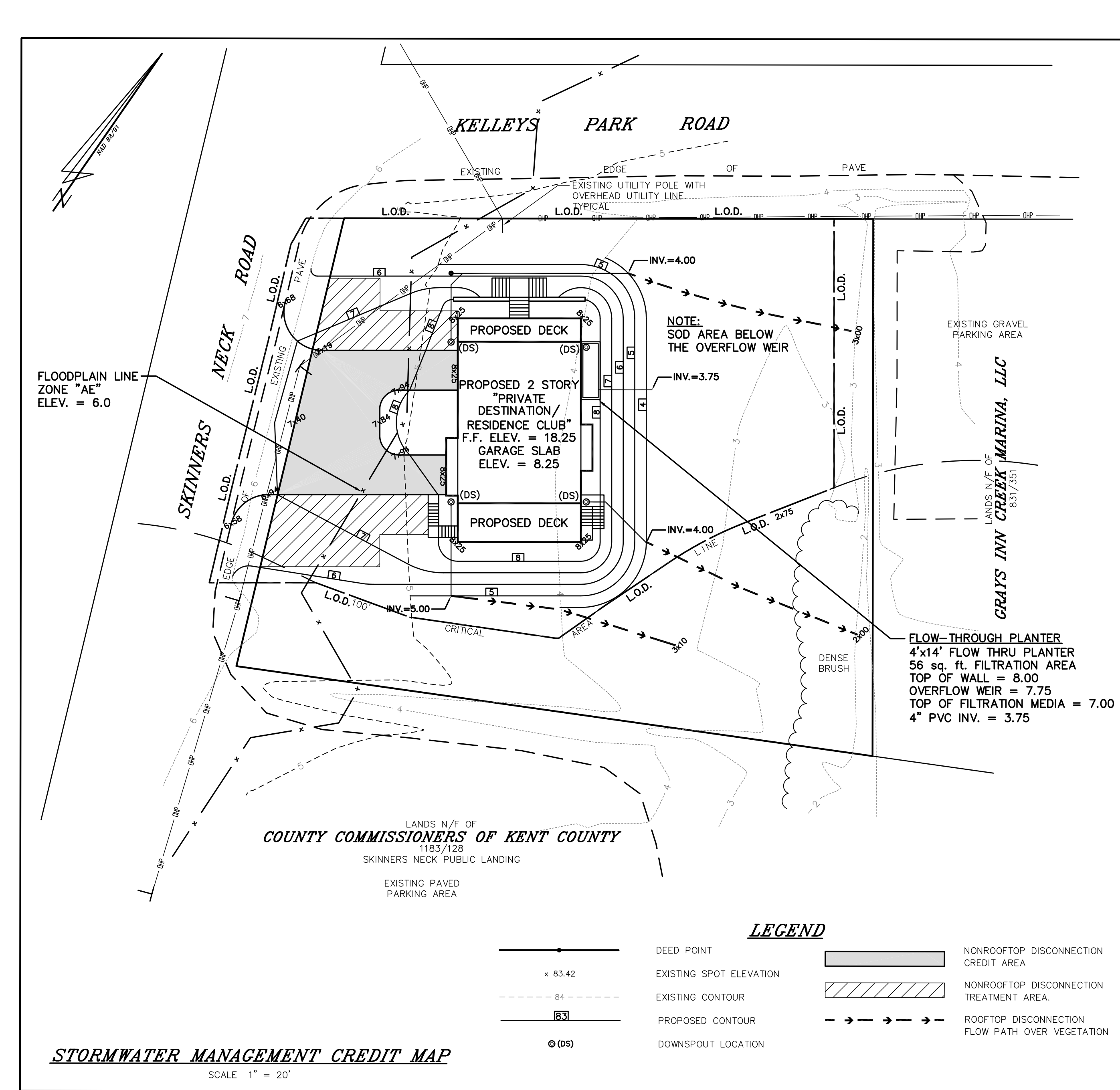
Western Shore	Disconnection Flow Path Length (ft.)				
	15	30	45	60	75
Eastern Shore	12	24	36	48	60
P <sub>r</sub> (in.) =	0.2	0.4	0.6	0.8	1.0

**Table 5.7. ESD Sizing Factors for Non-Rooftop Disconnection**

Impervious Ratio	Ratio of Disconnection Length to Contributing Length				
	0.2:1	0.4:1	0.6:1	0.8:1	1:1
Pervious Ratio	0.1:1	0.2:1	0.3:1	0.4:1	0.5:1
P <sub>r</sub> (in.) =	0.2	0.4	0.6	0.8	1.0

ALL PROPOSED IMPERVIOUS SURFACES ARE TREATED USING ROOFTOP OR NONROOFTOP DISCONNECTION, AND A FLOW THROUGH PLANTER. PER THE CHARTS ABOVE.

THE TARGET VOLUME IS 320-cf. THE DISCONNECTION PROVIDES 215-cf AND THE FLOW THROUGH PLANTER PROVIDES 115-cf FOR A TOTAL TREATMENT VOLUME OF 330-cf. THEREFORE, THIS SITE MEETS THE REQUIREMENTS OF ENVIRONMENTAL SITE DESIGN TO THE MAXIMUM EXTENT PRACTICABLE



**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
 ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
 CENTREVILLE, MARYLAND 21617  
 P.O. BOX 80  
 PHONE: 410-262-9148  
 FAX: 410-262-9148

**WILLIAM R. & VALERIE, L. ASHMORE**  
 NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT  
 TAX MAP - 55, GRID - 1C, PARCEL - 128

**GRAY'S INN**  
 ON THE LANDS OF GRAYS INN CREEK MARINA, LLC  
 LANDS N/F OF SKINNERS NECK PUBLIC LANDING

**FOR**

DATE: FEBRUARY 22, 2021  
 JOB NO.: 2021186  
 FOLDER #4: 55-2021186  
 SCALE: AS SHOWN  
 DRAWN BY: WJM  
 DESIGNED BY: KJS  
 SHEET NO.: C-3  
 CADD FILE: 21186-C3

REVISION PER TAC COMMENTS PER SW COMMENTS

DATE: 4-15-22, 6-10-22

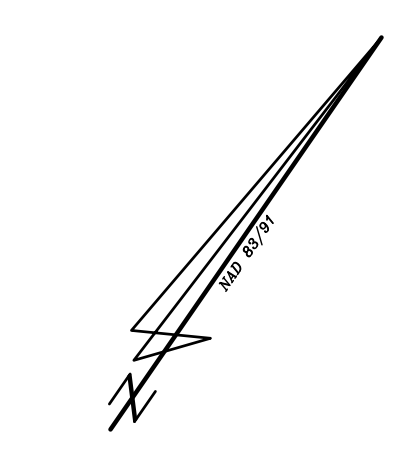
STANDARD NO. SLR-108.03

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING  
 KENT COUNTY HEALTH DEPARTMENT  
 KENT COUNTY DEPARTMENT OF PUBLIC WORKS









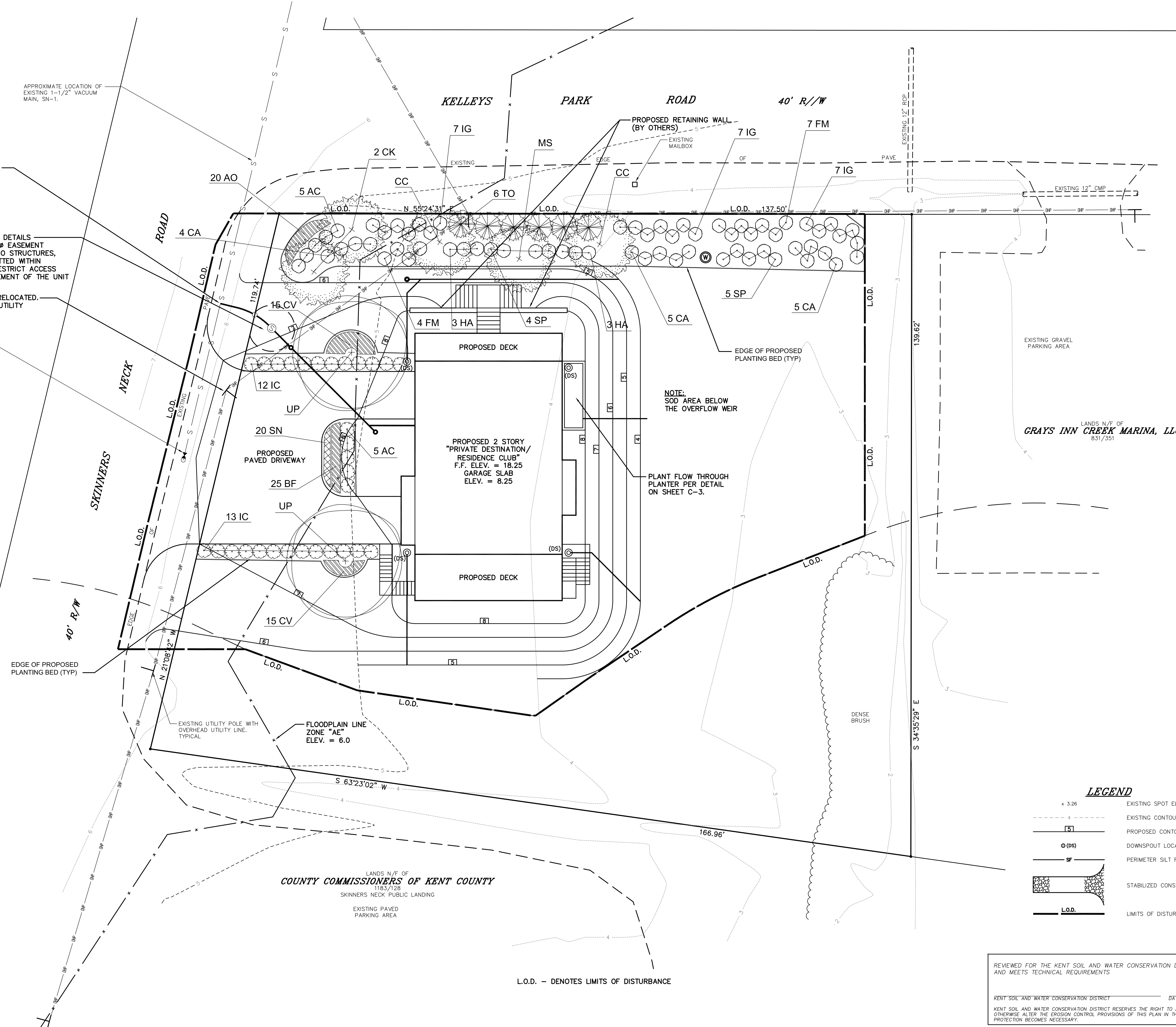
APPROXIMATE LOCATION OF EXISTING 1-1/2" VACUUM MAIN, SN-1.

PROVIDE 1-1/2" HDPE (DR-9) FORCE MAIN TO CONNECT TO EXISTING 1-1/2" FORCE MAIN, SN-1.

PROVIDE A GRINDER PUMP PER DETAILS ON SHEET C-4. PROVIDE A 10' Ø EASEMENT AROUND THE GRINDER PUMP. NO STRUCTURES, SHRUBBERY, TREES ARE PERMITTED WITHIN THE EASEMENT THAT WOULD RESTRICT ACCESS FOR MAINTENANCE OR REPLACEMENT OF THE UNIT

EXISTING UTILITY POLE TO BE RELOCATED. CONTRACTOR SHALL CONTACT UTILITY OWNER PRIOR TO RELOCATION.

APPROXIMATE LOCATION OF EXISTING TERMINAL FLUSHING CONNECTION



PROPOSED 2 STORY "PRIVATE DESTINATION/ RESIDENCE CLUB"  
 F.F. ELEV. = 18.25  
 GARAGE SLAB ELEV. = 8.25

NOTE: SOD AREA BELOW THE OVERFLOW WEIR

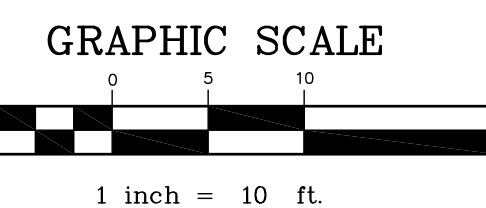
PLANT FLOW THROUGH PLANTER PER DETAIL ON SHEET C-3.

LANDS N/F OF GRAYS INN CREEK MARINA, LLC  
 831/351

LANDS N/F OF COUNTY COMMISSIONERS OF KENT COUNTY  
 1183/128  
 SKINNERS NECK PUBLIC LANDING

EXISTING PAVED PARKING AREA

L.O.D. - DENOTES LIMITS OF DISTURBANCE



**LEGEND**

	x 3.26	EXISTING SPOT ELEVATION
	4	EXISTING CONTOUR
		PROPOSED CONTOUR
		DOWNSPOUT LOCATION
	SF	PERIMETER SILT FENCE
		STABILIZED CONSTRUCTION ENTRANCE
	L.O.D.	LIMITS OF DISTURBANCE

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT \_\_\_\_\_ DATE \_\_\_\_\_

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

<p><b>DAVIS, MOORE, SHEARON &amp; ASSOCIATES, LLC</b>          CENTREVILLE, MARYLAND 21617</p>				
<p><b>HUSTEAD Landscape Architecture, LLC</b>          120 Bay Meadows Lane, Stevensville, MD, 21666          Phone: 443.988.2294          E-mail: Vhustead@Hustead.com Web: www.Hustead.com</p>				
DATE	REVISION			
4-4-22	PER TAC COMMENTS			
6-10-22	PER SIM COMMENTS			
<p>LANDSCAPE PLAN FOR GRAYS INN ON THE LANDS OF WILLIAM R. &amp; VALERIE L. ASHMORE NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT TAX MAP - 55, GRID - 1C, PARCEL - 128</p>				
SCALE	1" = 10'	DRAWN BY	WH	DATE
FEBRUARY 22		DESIGNED BY	WH	
JOB No.	2021186	CHECKED BY	WH	
FOLDER #44	55-2021186			
SHEET No.	L-1			
CADD FILE	- 21186-L1			

**LANDSCAPING SPECIFICATIONS**

OVERALL COMPLIANCE WITH THE TERMS OF THIS LANDSCAPE PLAN INCLUDING ALL MAINTENANCE AND WARRANTY REQUIREMENTS PRESCRIBED HEREON IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER. MAINTENANCE, WARRANTY AND PLANT MATERIAL SURVIVAL RESPONSIBILITIES OF THE LANDSCAPE CONTRACTOR SHALL BE AS SPECIFICALLY NEGOTIATED BETWEEN OWNER/ DEVELOPER AND CONTRACTOR.  
ALL WORK SHALL BE ACCOMPLISHED WITH QUALIFIED PERSONNEL, UTILIZING INDUSTRY STANDARD PRACTICES AND TECHNIQUES. THE CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE INSTALLATION OF ALL LANDSCAPING SHOWN OR IMPLIED ON THIS PLAN. PRIOR TO INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR PLAN PREPARER IF SITE PLANTING CONDITIONS WARRANT RE-DESIGN CONSIDERATION AND VERIFY THE RECEIPT OF MOST CURRENT APPROVED BUFFER MANAGEMENT PLAN.

**A. MATERIALS**  
(1) PLANTS SHALL BE NURSERY GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES, AND GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT. THEY SHALL HAVE BEEN ROOT PRUNED WITHIN THE LAST TWO YEARS.

THEY SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE, PEST, EGGS OR LARVAE, AND SHALL HAVE A HEALTHY, DEVELOPED ROOT SYSTEM. TREES AND SHRUBS SHALL NOT BE PRUNED BEFORE DELIVERY. ALL PLANTS WITH A DAMAGED OR CROOKED LEADER OR MULTIPLE LEADERS, ABRASIONS ON THE BARK, UNSCALD, DISFIGURING KNOTS OR FRESH CUTS OVER 1 1/2" WILL BE REJECTED. THE OWNER RESERVES THE RIGHT TO HAVE THE PLANT MATERIAL INSPECTED AND TAGGED AT THE GROWING SITE AND TO REJECT ANY DEFICIENT MATERIAL AT THE JOB SITE. THE LANDSCAPE ARCHITECT OR PLAN PREPARER SHALL REJECT ANY AND ALL PLANT MATERIAL THAT DOES NOT MEET SPECIFICATIONS, IS DISEASED, OR IS OTHERWISE UNHEALTHY.

NO CHANGE IN QUANTITY, SIZE, KIND OR QUALITY OF PLANT SPECIFIED WILL BE PERMITTED WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT/DESIGNER. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE PLANT COUNT AND IN ANY INSTANCE WHERE THERE IS A DISCREPANCY BETWEEN THE PLAN VIEW AND THE LANDSCAPE SCHEDULE, THE PLAN VIEW SHALL PRESEDE.

(2) TOPSOIL SHALL BE FERTILE, FRIABLE AND TYPICAL OF THE LOCALITY. IT SHALL BE FREE OF STONES, LUMPS, PLANTS, ROOTS, STICKS AND SHALL NOT BE DELIVERED IN A FROZEN OR MUDDY CONDITION. COMPACTED SOILS THAT CANNOT BE RESTORED TO A REASONABLE PLANTING SOIL SHALL BE REMOVED AND REPLACED WITH FRIABLE NATIVE SOILS.

(3) PLANTING SOIL (BACKFILL MIX) SHALL BE THREE PARTS NATIVE TOPSOIL AND ONE PART LEAF-GRO.

(4) STAKING MATERIALS: GUY WIRE SHALL BE PLIABLE 12 GAUGE GALVANIZED TWISTED TWO STRAND WIRE. HOSE SHALL BE A SUITABLE LENGTH OF TWO-PLY, REINFORCED BLACK RUBBER HOSE 3/4" INCH IN DIAMETER. STAKES SHALL CONFORM TO THE DETAIL ON THIS SHEET.

(5) MULCH: MULCH SHALL BE ORGANIC DOUBLE SHREDDED HARDWOOD BARK FREE OF HERBICIDES, LARGE CHUNKS AND WEEDS AND SEED AND AGED A MINIMUM OF 6 MONTHS.

**B. APPLICABLE SPECIFICATIONS AND STANDARDS:**

(1) "STANDARDIZED PLANT NAMES," LATEST EDITION AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE.  
(2) "AMERICAN STANDARD FOR NURSERY STOCK," LATEST EDITION, AMERICAN ASSOCIATION OF NURSERYMEN.

**C. PRE-DELIVERY DIGGING AND HANDLING OF PLANT MATERIALS:**

(1) IMMEDIATELY BEFORE DIGGING, SPRAY ALL EVERGREEN OR DECIDUOUS PLANT MATERIAL IN FULL LEAF WITH ANTI-DESICCANT, APPLYING AN ADEQUATE FILM OVER TRUNKS, BRANCHES, TWIGS, AND/OR FOLIAGE.  
(2) DIG BALL AND BURLAP (B&B) PLANTS WITH FIRM NATURAL BALLS OF EARTH, OF DIAMETER NOT LESS THAN THAT RECOMMENDED BY AMERICAN STANDARD FOR NURSERY STOCK, AND OF SUFFICIENT DEPTH TO INCLUDE THE FIBROUS AND FEEDING ROOTS. PLANTS MOVED WITH A BALL WILL NOT BE ACCEPTED IF THE BALL IS CRACKED OR BROKEN BEFORE OR DURING PLANTING OPERATIONS.

(3) THE LANDSCAPE CONTRACTOR SHALL PLAN DELIVER AND PLANT INSTALLATION TO MINIMIZE STRESS ON PLANT MATERIAL.  
MATERIAL TO BE STAGED ON OR OFF THE JOB SITE SHALL BE LOCATED TO MAXIMIZE PROTECTION FROM HOT SUN AND DRYING WINDS AND SHALL BE WATERED TO MAINTAIN A STRESS FREE CONDITION. THE LACK OF AVAILABLE WATER SHALL NOT RELIEVE THE CONTRACTOR OF ADEQUATE MAINTENANCE.

**D. SITE PREPARATION:**

PLANTING AREAS THAT HAVE BEEN IN CONSISTENT AGRICULTURAL PRODUCTION SHALL BE PLANTED WITH NO OTHER REQUIRED SITE PREPARATION.

PLANTING AREAS THAT ARE VEGETATED AND STABLE WITH MINIMAL WEEDS SHALL BE MOVED TO 8" OR AS REQUIRED FOR PLANTING OR SEEDLING INSTALLATION.

**E. EXCAVATION OF PLANTING AREAS:**

THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK. COORDINATE WITH OTHER CONTRACTORS ON SITE AND MISS UTILITY TO VERIFY UTILITY LOCATIONS. ANY REPAIRS TO EXISTING UNDERGROUND UTILITIES REQUIRED AS A RESULT OF ACTIONS OF THE CONTRACTOR AND/OR HIS ASSIGNS SHALL BE BORNE BY THE CONTRACTOR.

STAKE OUT ON THE GROUND LOCATIONS FOR PLANTS AND OUTLINES OF AREA TO BE PLANTED AND OBTAIN APPROVAL OF THE LANDSCAPE ARCHITECT/DESIGNER BEFORE EXCAVATION IS BEGUN. CONTRACTOR IS TO CAUTIONOUSLY TEST PIT AREAS WHERE UNDERGROUND UTILITIES (ELECTRIC, GAS, CABLE/COMMUNICATIONS LINES, WATER LINES, SEWER, ROOF LEADERS, STORM DRAIN PIPE, ETC.) ARE SUSPECTED TO EXIST AND WHERE PROPOSED TO BE PLACED ACCORDING TO PLAN TO AVOID ANY DAMAGE OR DISRUPTIONS TO SERVICES. DO NOT PLACE PLANTS DIRECTLY OVER ANY EXISTING UNDERGROUND UTILITIES. OFFSET A REASONABLE AND PRACTICAL DISTANCE TO AVOID ANY IMMINENT OR FUTURE CONFLICT.

**F. PLANTING OPERATIONS:**

DO NOT MIX OR PLACE SOILS AND SOIL AMENDMENTS IN FROZEN, WET OR MUDDY CONDITION. SUSPEND SOIL SPREADING, GRADING AND TILLING OPERATIONS DURING PERIODS OF EXCESS SOIL MOISTURE UNTIL MOISTURE CONTENT REACHES ACCEPTABLE LEVELS TO ATTAIN THE REQUIRED RESULTS. UNIFORMLY MOISTEN EXCESSIVELY DRY SOIL THAT IS NOT WORKABLE AND TOO DUSTY.

TREE PITS SHALL BE EXCAVATED TO A DEPTH THAT ALLOWS FOR THE PLANTS TO BE SET AT THE SAME RELATIONSHIP TO FINISHED GRADE AS THEY BORE TO THE GROUND FROM WHICH THEY WERE DUG. ADD 1 OZ. OF MYCOMPLY ENDO GRANULAR PER 2 CU.FT. OF BACKSOIL TO THE SIDES OF THE ROOTBALL. PLANTING PITS SHALL BE DUG A MINIMUM OF 6 INCHES BELOW THE ROOT BALL AND 2 FEET PAST THE EDGE OF THE ROOT BALL TO ALLOW ROOM FOR AN EXPANDED AREA OF PLANTING SOIL. USE PLANTING SOIL TO BACKFILL APPROXIMATELY 2/3 FULL. WATER THOROUGHLY BEFORE INSTALLING REMAINDER OF THE PLANTING SOIL TO TOP OF PIT, ELIMINATING ALL AIR POCKETS. SET PLANTS PLUMB AND BRACE RIGIDLY IN POSITION UNTIL THE PLANTING SOIL HAS BEEN STAMPED SOLIDLY AROUND THE BALL AND ROOTS. CUT ROPES OR STRINGS FROM TOP OF BALL AFTER PLANT HAS BEEN SET. LEAVE BURLAP OR CLOTH WRAPPING INTACT AROUND BALLS. TURN UNDER AND BURY PORTIONS OF BURLAP AT TOP OF BALL. FOR CONTAINER GROWN PERENNIALS, CAREFULLY REMOVE FROM CONTAINERS WITHOUT BREAKING APART PLANTS OR ROOT SYSTEMS AND GENTLY LOOSEN SOIL. PLACE IN PIT EXCAVATED TO THE DEPTH THAT ALLOWS FOR THE PLANT TO BE SET AT ITS FORMER GRADE. BACKFILL TO 2/3 FULL AND WATER THOROUGHLY. BACKFILL WITH REMAINING PLANTING SOIL TO TOP OF PIT, ELIMINATING ALL AIR POCKETS. DISPOSE OF REMOVED CONTAINERS OFFSITE AT AN APPROVED LANDFILL.

PROTECT PLANTS AT ALL TIMES FROM SUN OR DRYING WINDS. PLANTS THAT CANNOT BE PLANTED IMMEDIATELY ON DELIVERY SHALL BE KEPT IN THE SHADE, WELL PROTECTED WITH SOIL, WET MOSS OR OTHER ACCEPTABLE MATERIAL AND SHALL BE KEPT WELL WATERED. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN THREE DAYS AFTER DELIVERY. PLANTS SHALL NOT BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK OR BREAK BRANCHES. PLANTS SHALL BE LIFTED AND HANDLED FROM THE BOTTOM OF THE BALL ONLY.

MULCH ALL PITS AND BEDS WITH A TWO-INCH LAYER OF BARKMULCH IMMEDIATELY AFTER PLANTING, TO WORKED BEDS OF HERBACEOUS PERENNIALS ADD MULCH TO A DEPTH OF 2". PROVIDE AN 8-FOOT DIAMETER MULCH CIRCLE AROUND THE BASE OF ALL LARGE TREES. IN NO INSTANCE IS MULCH TO BE PILED AGAINST THE BASE OF TREE AND SHRUB TRUNKS. MULCH AREAS AROUND BASE OF EACH PLANT AND IN PLANTER AREAS. WATER ALL PLANTS IMMEDIATELY AFTER PLANTING.

**G. STAKING AND PRUNING:**

STAKE LARGE TREES IMMEDIATELY AFTER PLANTING. PLANTS SHALL STAND PLUMB AFTER STAKING. STAKES AND GUY WIRES SHALL BE OF THE SIZE AND MATERIAL SPECIFIED ABOVE AND POSITIONED AS SHOWN ON THE ACCOMPANYING PLANTING DETAIL. THEY SHALL BE REMOVED AT THE END OF THE GUARANTEE PERIOD AND DISPOSED OF OFF-SITE BY THE CONTRACTOR.

REMOVE ALL DEAD WOOD, SUCKERS, OR BROKEN BRANCHES AND PRESERVE THE NATURAL CHARACTER OF THE PLANT.

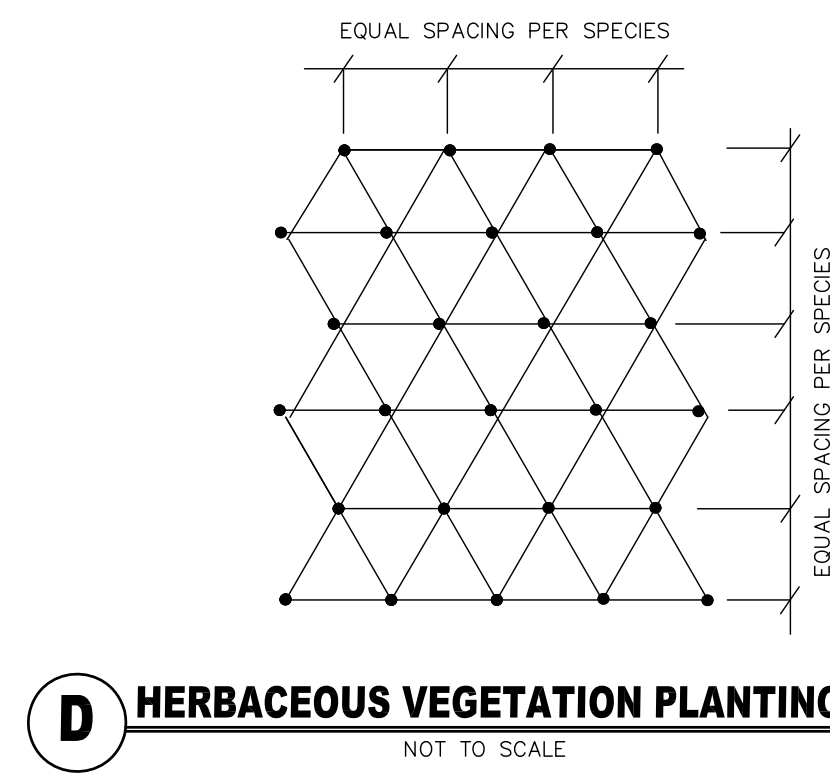
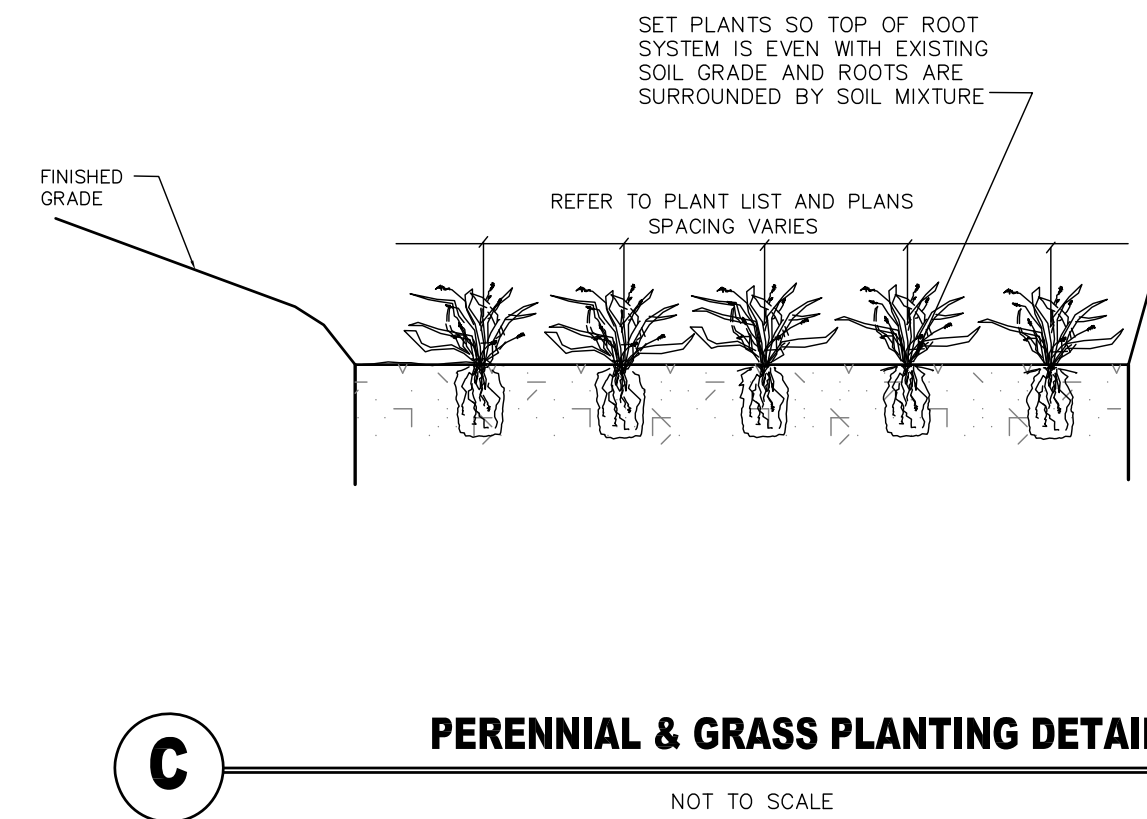
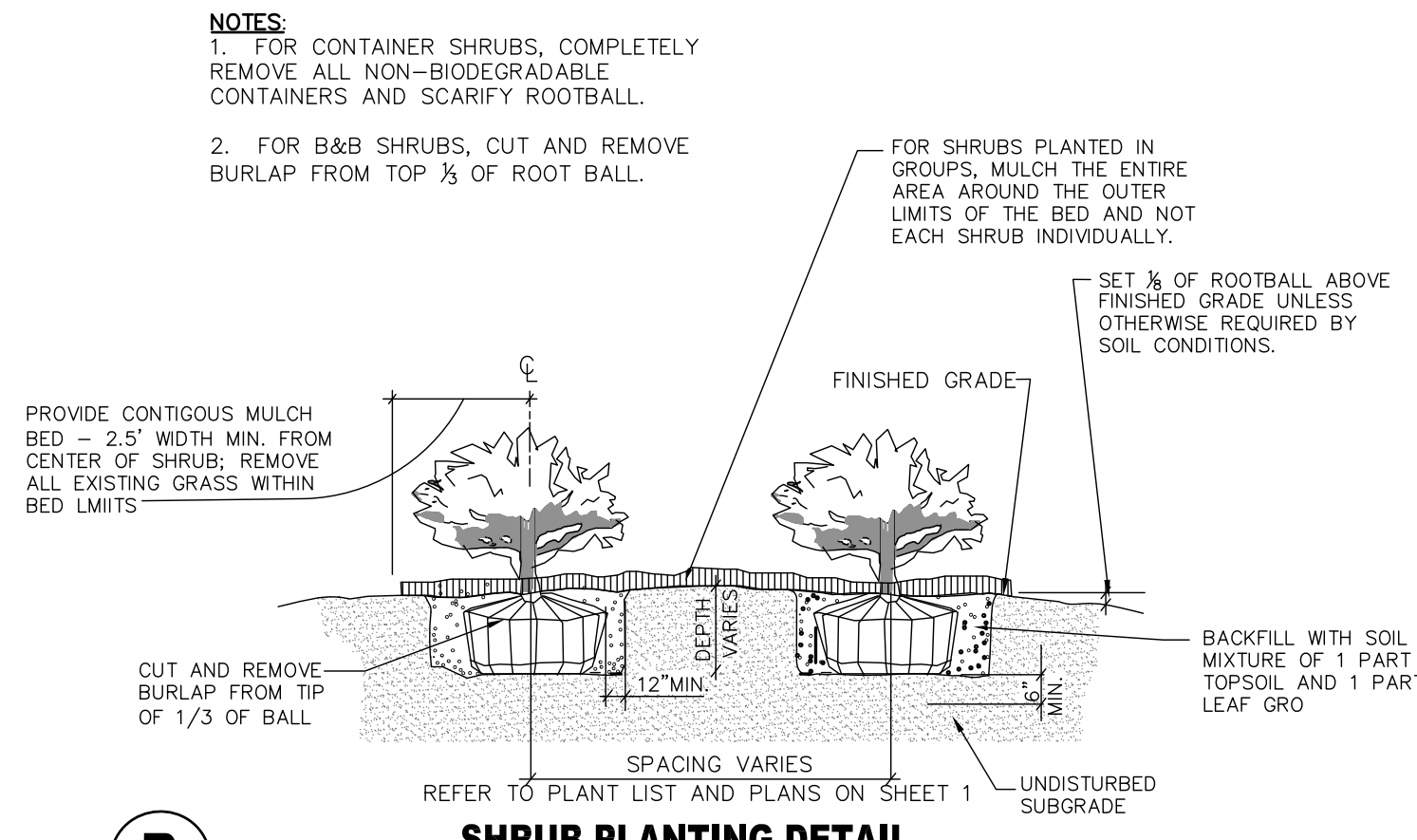
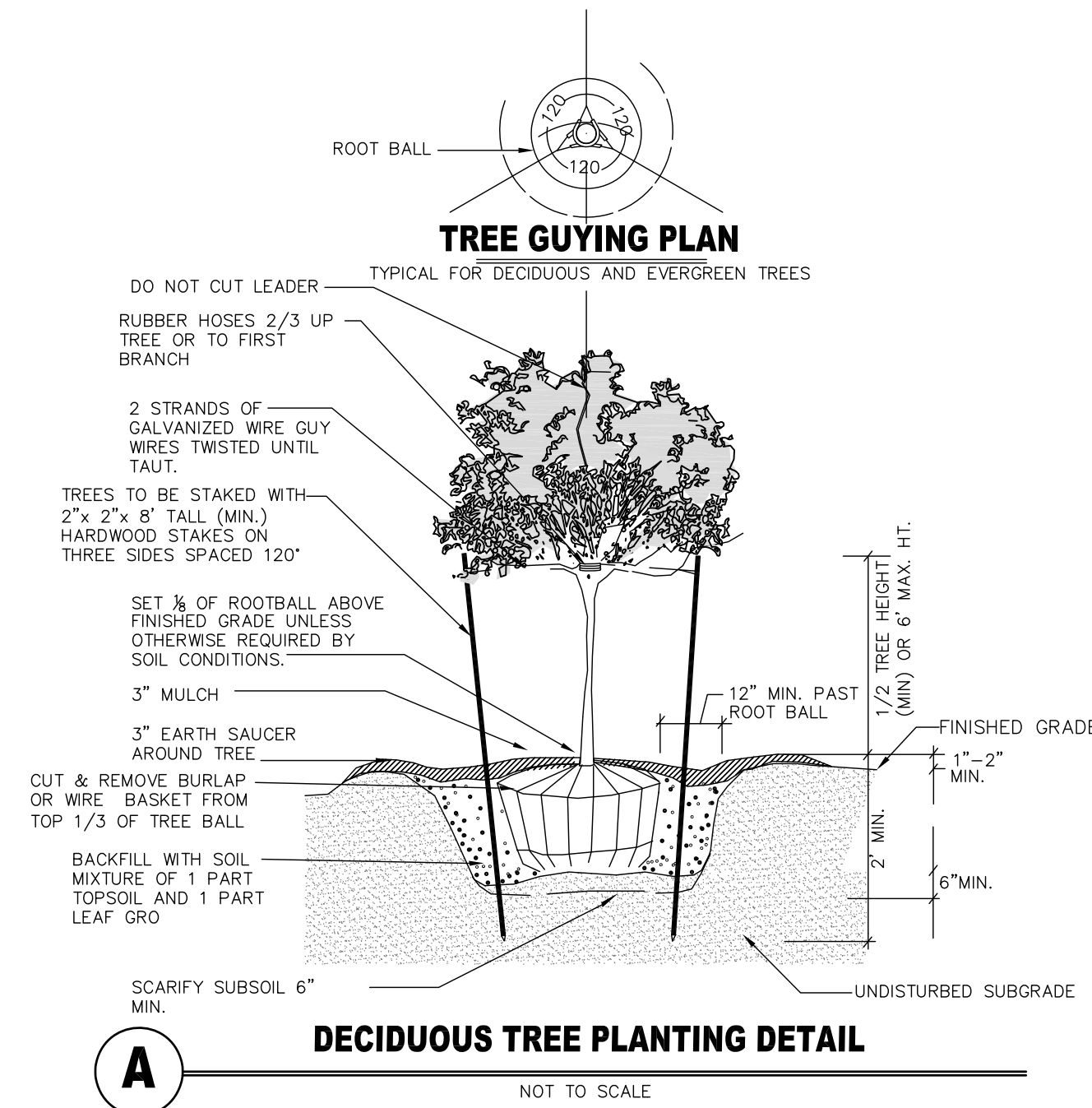
**H. POST PLANTING RESPONSIBILITIES:**

THE OWNER/DEVELOPER THROUGH HIS/HER CONTRACT WITH THE LANDSCAPE CONTRACTOR IS RESPONSIBLE AND SHALL INSURE ADEQUATE MAINTENANCE IS PROVIDED THROUGH THE INSTALLATION AND WARRANTY PERIOD AND FINAL INSPECTION BY THE COUNTY.

**I. GUARANTEE:**

TREES AND HERBACEOUS PERENNIALS SHALL BE GUARANTEED FOR TWO (2) FULL YEARS FROM THE DATE THAT THE LANDSCAPE INSTALLATION IS ACCEPTED AS COMPLETE AND HAVE A 100% SURVIVABILITY RATING AT THE END OF THE TWO YEARS. PLANT MATERIAL NOT FOUND TO BE IN A HEALTHY, VIGOROUS CONDITION AT THE BEGINNING OF THE SECOND GROWING SEASON IS TO BE REPLACED. BARE-ROOT SEEDLINGS SHALL BE GUARANTEED FOR A PERIOD OF FIVE (5) YEARS AND HAVE A 50% SURVIVABILITY RATE AT THE END OF 5 YEARS. SEEDLINGS NOT FOUND TO BE IN A HEALTHY VIGOROUS CONDITION AT THE END OF THE FIVE-YEAR PERIOD ARE TO BE REPLACED.

**PLANTING DETAILS**



**LANDSCAPING REQUIREMENTS**

**LANDSCAPE AREA REQUIREMENTS**

SITE IS REQUIRED TO HAVE A MINIMUM OF 10% LANDSCAPED AREA  
SITE AREA: 19,549 SQ.FT.  
REQUIRED LANDSCAPE AREA: 19,549 SQ.FT. x 10% = 1,955 SQ.FT.  
PROPOSED LANDSCAPE AREA: 1,966 SQ.FT.

**LANDSCAPE PARKING**

THERE ARE NO LANDSCAPE REQUIREMENTS FOR PARKING AREAS. HOWEVER, WE HAVE PROVIDED CANOPY TREES AND SHRUBS TO SHADE PARKING SPACES AND SCREEN VEHICLES

**LANDSCAPE BUFFERS & SCREENING**

THERE ARE NO BUFFER REQUIREMENTS FOR THIS DEVELOPMENT. HOWEVER WE HAVE PROVIDED PLANTING ALONG THE SIDE BOUNDARY LINE TO SCREEN THE HOUSE FROM VIEW.

**LANDSCAPING PLANT SCHEDULE**

KEY	QUA	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
<i>Canopy Tree</i>					
UP	2	Ulmus 'Patriot'	Patriot Elm	2 - 2 1/2" Cal. B&B	As Shown
<i>Understory Tree</i>					
CC	2	Cercis canadensis	Easter Redbud	1 - 1 1/2" Cal. B&B	As Shown
CK	2	Cornus kousa/Milky Way Select	Milky Way Select Dogwood	1 - 1 1/2" Cal. B&B	As Shown
MS	1	Magnolia stellata/Royal Star'	Royal Star Magnolia	1 - 1 1/2" Cal. B&B	As Shown
<i>Evergreen Conifers</i>					
TO	6	Thuja occidentalis'Emerald'	Emerald Arborvitae	3-4" Ht. B&B	As Shown
<i>Shrubs</i>					
AC	10	Abelia chinensis'Keiser'	Ruby Anniversary Abelia	36-42" Cont.	As Shown
CA	14	Calliandra americana	American Beautyberry	18 - 24" Cont.	As Shown
FM	11	Fothergilla major/Blue Shadow	Blue Shadow Fothergilla	18 - 24" Cont.	As Shown
HA	6	Hydrangea arborescens'Abetowood'	Abetowood Smooth Hydrangea	18 - 24" Cont.	As Shown
IC	25	Ilex crenata'Green Lustre'	Green Lustre Holly	36-42" Cont.	As Shown
IG	21	Ilex glabra'Densa'	Densa Inkberry	18 - 24" Cont.	As Shown
SP	9	Syringa pubescens'Miss Kim'	Miss Kim Lilac	18 - 24" Cont.	As Shown
<i>Perennials</i>					
BF	25	Agastache/Blue Fortune'	Blue Fortune Hyssop	1 Gal. Cont.	12" o.c.stag.
AO	20	Aster oblong.'October Skies	Aromatic Aster	1 Gal. Cont.	18" o.c. stag.
CV	30	Coreopsis verticillata'Zagreb'	Tickseed	1 Gal. Cont.	18" o.c. stag.
SN	20	Salvia nem.'East Friesland'	Garden Sage	1 Gal. Cont.	12" o.c.stag.

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING

KENT COUNTY HEALTH DEPARTMENT

KENT COUNTY DEPARTMENT OF PUBLIC WORKS

KENT COUNTY SOIL AND WATER CONSERVATION DISTRICT

DATE: 05.10.2022

SEAL

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
CENTREVILLE, MARYLAND 21617

**HUSTEAD Landscape Architecture, LLC**  
120 Bay Meadows Lane, Stevensville, MD, 21666  
Phone: 443.986.2294  
E-mail: Vlhustead@husteadllc.com Web: www.Husteadllc.com

DATE	REVISION
4-12-22	PER TAC COMMENTS
6-10-22	PER SWM COMMENTS

LANDSCAPE DETAILS FOR **GRAYS INN** ON THE LANDS OF **WILLIAM R. & VALERIE L. ASHMORE**

NEAR THE TOWN OF ROCK HALL, 5th ELECTION DISTRICT  
TAX MAP - 55, GRID - 1C, PARCEL - 128

SCALE	N/A
DATE	FEBRUARY 22
JOB No.	2021186
FOLDER #46	55-2021186
DESIGNED BY	VH
SHEET No.	L-2
CADD FILE	- 21186-L2

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT DATE

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

**To:** Kent County Planning Commission  
**From:** Mark Carper, Associate Planner  
**Meeting:** July 7, 2022  
**Subject:** Tucker White  
Special Exception – Oversized Accessory Structure

## Executive Summary

### **Request by Applicant**

Tucker White is requesting a special exception to construct a 1,968 square foot pole building with a mean height of approximately 22 feet on a parcel that is 22,500 square feet. The total height of the proposed building is approximately 23.5 feet. A special exception is required for proposed accessory buildings that exceed 1,200 square feet or 17 feet in height.

### **Public Process**

Per Article VII, Section 6 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for special exceptions.

### **Summary of Staff Report**

The property is located at 21779 Sunnyside Avenue in the Fifth Election District and is zoned Critical Area Residential. Staff has concerns about the possible adverse impact on the character of the neighborhood and whether it would blend harmoniously to the use, scale, and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed building. The Planning Director has requested that the application be forwarded to the Planning Commission in order to make a recommendation to the Board of Zoning Appeals.

### **Staff Recommendation**

Based on the information presented in the application, staff has no recommendation at this time.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: #22-27 – Tucker White  
Special Exception – Oversized Accessory Building  
DATE: June 17, 2022

### Description of Proposal

Tucker White is requesting a special exception to construct an oversized pole building for the storage of boats and additional items related to his profession as a waterman. The 22,500 square foot property is located at 21779 Sunnyside Avenue in the Fifth Election District and is zoned Critical Area Residential. The proposed structure will have a footprint of 1,248 square feet, but, with a second floor, the square footage of the floor area will be 1,968 square feet and the mean height will be approximately 22 feet.

### Relevant Issues

#### I. Accessory Uses

- A. Applicable Law: Article V, Section 5.4 of the Kent County Land Use Ordinance establishes the accessory uses allowed on all properties in the Critical Area Residential (CAR) District.

*Private garages, swimming pools, game courts, and other customary residential outbuildings and structures provided that accessory structures on parcels less than 5 acres do not exceed 1,200 square feet or 17 feet in height.*

- B. Staff and TAC Comments: The applicant is requesting a special exception to construct pole building with a floor area of 1,968 square feet and a mean height of approximately 22 feet on a parcel that is 22,500 square feet. The lot coverage limit for a parcel of this size is 5,445 square feet. Based on previous building permits, the existing lot coverage is 3,940 square feet. With a footprint of 1,248 square feet, the lot coverage with the proposed building would be 4,876 square feet, which is within the allowable limit.

#### II. Special Exception

- A. Comprehensive Plan: Goal: Maintain and Strengthen Natural Resources and Working Lands Based Industries. Strategy: Promote the “Kent County Economic Resource Bill of Rights” which included the right to farm, the right to fish, and the right to hunt.” (page 15) Goal: Expand and Provide More Diversity in the Size, Number, and Type of Businesses. “Strategy: Promote development of small locally owned businesses.” (page 10); “Strategy: Encourage the development of cottage and home-based industries.” (page 11)
- B. Applicable Law: Article VII, Section 6 of the Kent County Land Use Ordinance authorizes the Planning Commission to review and send a recommendation to the Board of Appeals for special exceptions.

Article VII, Section 2 of the Kent County Land Use Ordinance determines the standards for special exceptions:



The Board of Zoning Appeals, or where applicable the Planning Director, in accordance with the procedures and standards of this Ordinance may authorize *buildings, structures*, and uses as special exceptions in the specific instances and particular Districts set forth provided that the location is appropriate and consistent with the *Comprehensive Plan*, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided to protect surrounding property, *persons*, and neighborhood values, and further provided that the additional standards of this Article are specified as a condition of approval. Unless otherwise specified in this Article or as a condition of approval, the height, *yard, lot area*, design, environmental, parking, and *sign* requirements shall be the same as other uses in the district in which the special exception is located.

No special exception shall be authorized unless the Board, or where applicable the Planning Director, finds that the establishment, maintenance, or operation of the special exception meets the standards set forth in this Article. The burden of proof is on the applicant to bring forth the evidence and the burden of persuasion on all question of fact which are determined by the Board or where applicable the Planning Director.

The Board, or where applicable the Planning Director, shall make findings on the following where appropriate:

1. The nature of the proposed *site*, including its size and shape and the proposed size, shape, and arrangement of *structures*;
  2. Traffic Patterns;
  3. Nature of surrounding area;
  4. Proximity of dwellings, *houses of worship*, schools, public *structures*, and other places of public gathering;
  5. The impact of the *development* or project on community facilities and services;
  6. Preservation of cultural and historic landmarks, significant *natural features* and trees;
  7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
  8. The purpose and intent of this Ordinance as set forth in Article II;
  9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
  10. The most appropriate use of land and *structure*;
  11. Conservation of property values;
  12. The proposed *development's* impact on water quality;
  13. Impact on fish, wildlife and *plant habitat*;
  14. Consistency with the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan;
  15. Consistency with the *Critical Area* Program; and
  16. Compatibility with existing and planned land use as described in the *Comprehensive Plan*, Land Use Ordinance, and where applicable the Village Master Plan.
- C. Staff and TAC Comments: MDOT SHA has reviewed this application and has no issues or concerns with County approval. The Department of Public Works has no comments on this application. The Health Department has no objections to the proposal. Staff requests additional information as to whether there will be any tree removal, added vegetative screening, expansion of the existing driveway, or the addition of any walkways.

Staff has concerns about the possible adverse impact on the character of the neighborhood and whether the building would blend harmoniously to the use, scale, and architecture of existing

buildings in the vicinity that have a functional or visual relationship to the proposed building. The dwelling on the applicant property appears to be a 1 and ½ story structure, and many of the neighboring homes are single story. The Planning Director has requested that the application be forwarded to the Planning Commission in order to make a recommendation to the Board of Zoning Appeals.

Staff Recommendation

Based on the information presented in the application, staff has no recommendation at this time.

# ADMINISTRATIVE HEARING 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)

Tucker White  
21779 Sunnyside Ave. Rock Hall MD.  
21661 (410-708-4672)  
Email: 8twhite8@gmail.com

### For Office Use Only:

Case Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Filed by: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Date of Hearing: \_\_\_\_\_  
Parties Notified: \_\_\_\_\_  
Notice in Paper: \_\_\_\_\_  
Property Posted: \_\_\_\_\_

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: 8twhite8@gmail.com

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article \_\_\_\_\_  
Section \_\_\_\_\_ of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

\_\_\_\_\_ Variance     Special Exception    \_\_\_\_\_ Determination of Nonconforming Use

### DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) Sunnyside Ave. Rock Hall MD.

In the 5 Election District of Kent County.

Size of lot or parcel of Land: 0.516 ac.  
Map: 0051 Parcel: ~~0051~~ 450 Lot #: \_\_\_\_\_ Deed Ref: 00877/00211

List buildings already on property: Main Dwelling and shed which will be removed before new building

Subdivision name and address, if applicable: \_\_\_\_\_

PRESENT ZONING OF PROPERTY: Critical Area Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) I wish to add a 1248 square foot pole shed as accessory storage building to store my boats among other things. I need the extra height on back section to allow for me to have enough clearance under the second floor for my boat and campy. The upstairs will give me extra needed storage and a home office.

Present owner of property: Tucker White Telephone: 410-708-4672

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 4/27/22  
26 BJ

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: \_\_\_\_\_

**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: Deborah Clouser

Owner(s) on the South: Eric Orescan

Owner(s) to the East: Alex F. Burton

Owner(s) to the West: Sam Dowling

Homeowners Association, name and address, if applicable: \_\_\_\_\_

**BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.**

Stuber White  
Signature of Owner/Applicant/Agent or Attorney

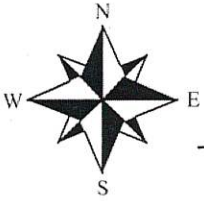
4-26-2022  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the County Commissioners of Kent County. If you have any questions, contact the Kent County Department of Planning, Housing and Zoning.

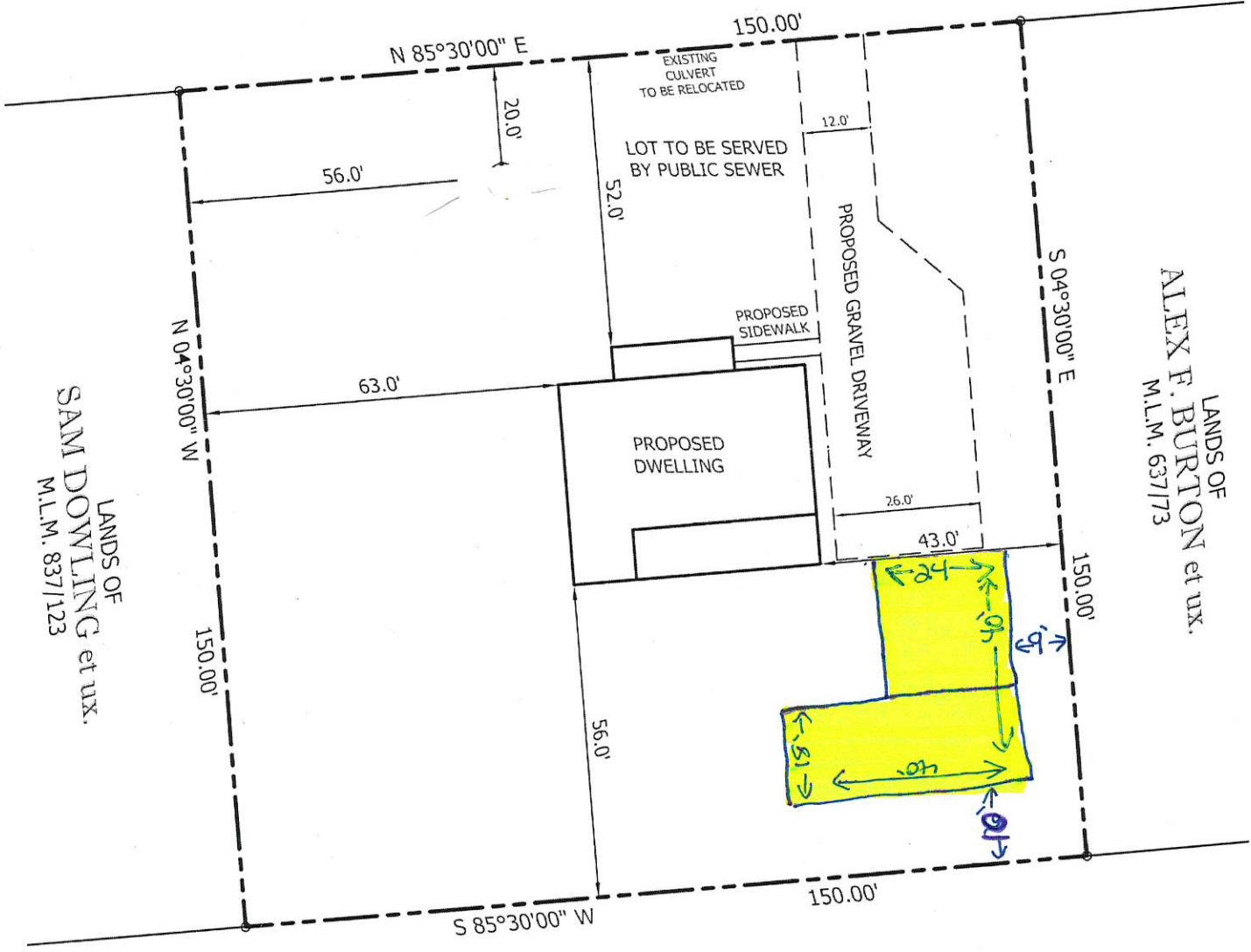
**NOTICE: The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Department assists you, they cannot be held responsible for its contents.**

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**





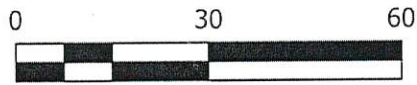
SUNNYSIDE AVENUE (40' WIDE R.O.W.)



PROPERTY ADDRESS: 21779 SUNNYSIDE AVENUE  
ROCK HALL, MARYLAND 21661

LANDS OF  
RYAN SCHEUERMANN  
M.L.M. 587/11

CURRENT ZONING: CRITICAL AREA RESIDENTIAL  
FOR DEED REFERENCE SEE: M.L.M. 877/211  
LOT COVERAGE LIMITED TO 5,445sq.ft.  
SITE IS NOT IN THE FLOODPLAIN

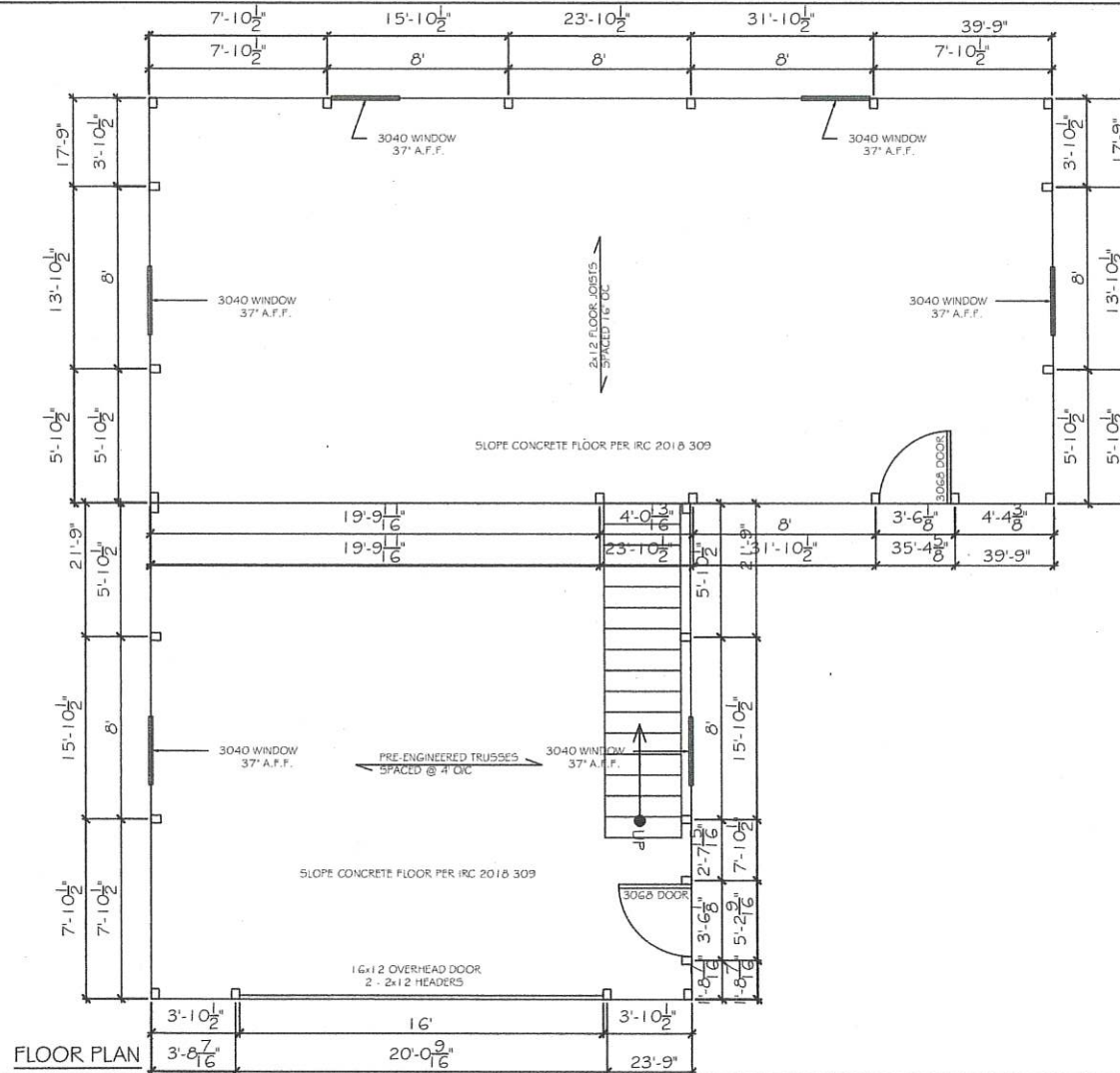


PROPOSED LOT COVERAGE  
HOUSE = 1,713ft<sup>2</sup>  
DRIVEWAY = 1,868ft<sup>2</sup>  
SIDEWALK = 47ft<sup>2</sup>  
TOTAL = 3,628ft<sup>2</sup>

PROPOSED DWELLING
ON THE LANDS OF,
TUCKER WHITE et al.
FIFTH ELECTION DISTRICT, KENT COUNTY,
MARYLAND
TAX MAP 51, PARCEL 450

**EXTREME MEASURES**  
LAND SURVEYORS  
Hagerstown, MD 21620  
PHONE 410-778-0120  
www.extrememeasuresllc.com

SCALE 1"=30
DRAWN BY RAN
DATE 9-1-16
JOB NO. 591



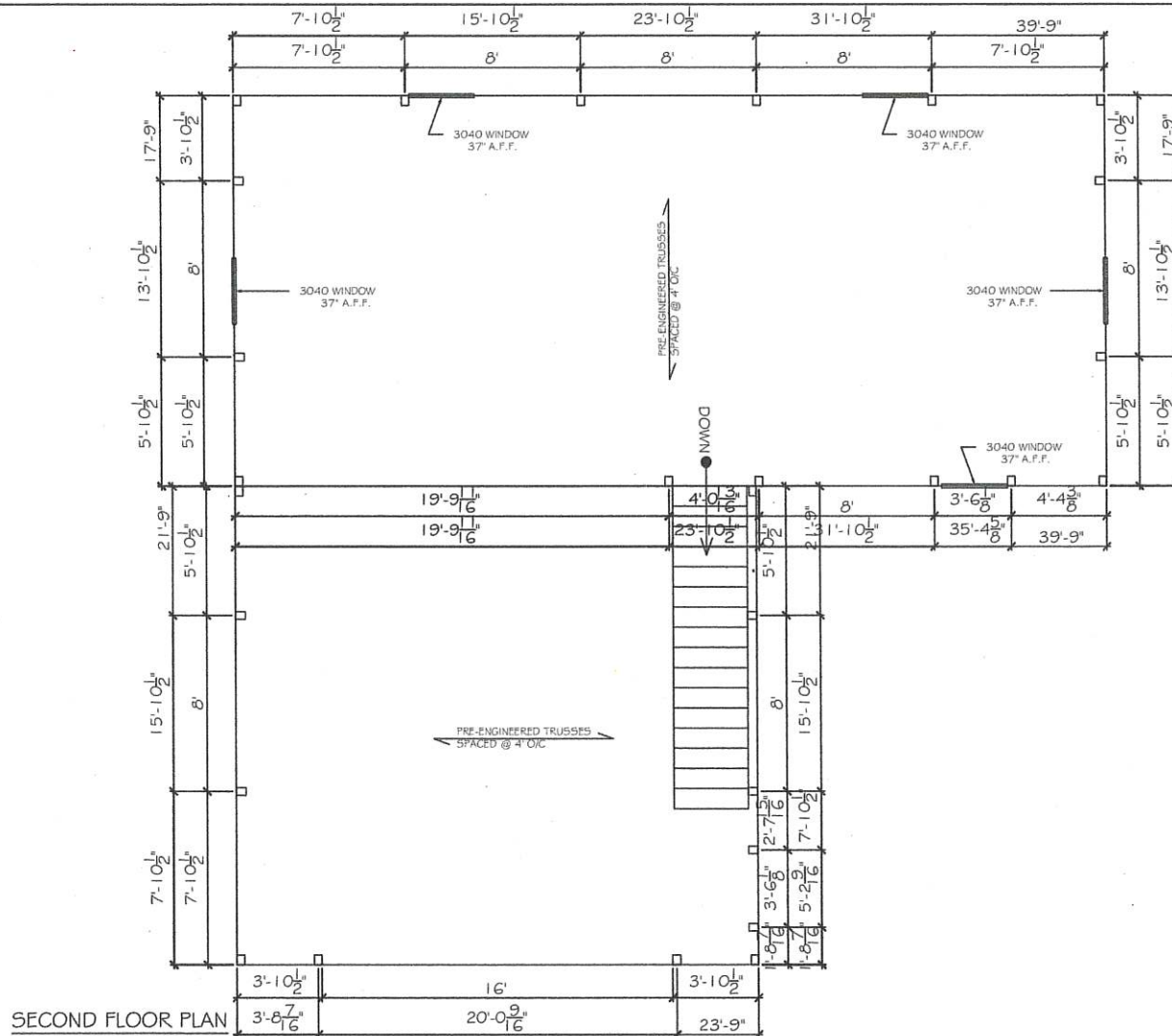
**DELMARVA**  
**POLE BUILDING SUPPLY INC.**  
 317 N. LAYTON AVE  
 WYOMING, DE 19934  
 (302) 698-3636



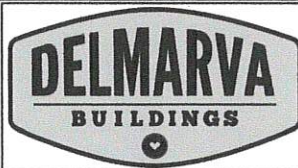
Date:	04-26-2022
Technician:	J. Stubbs
Reviewed By:	J. Stubbs
Scale:	3/16"=1'
Date:	
Modification:	

**TUCKER WHITE**  
 21776 SUNNYSIDE AVENUE  
 ROCK HALL, MD 21661

Sheet  
**A1**



**DELMARVA**  
**POLE BUILDING SUPPLY INC.**  
 317 N. LAYTON AVE  
 WYOMING, DE 19934  
 (302) 698-3636



Date: 04-26-2022  
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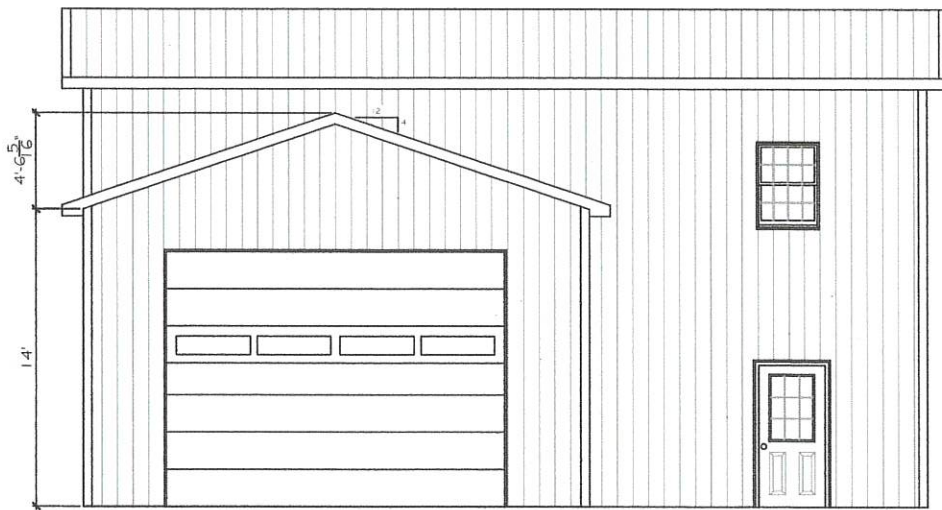
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**TUCKER WHITE**  
 21776 SUNNYSIDE AVENUE  
 ROCK HALL, MD 21661

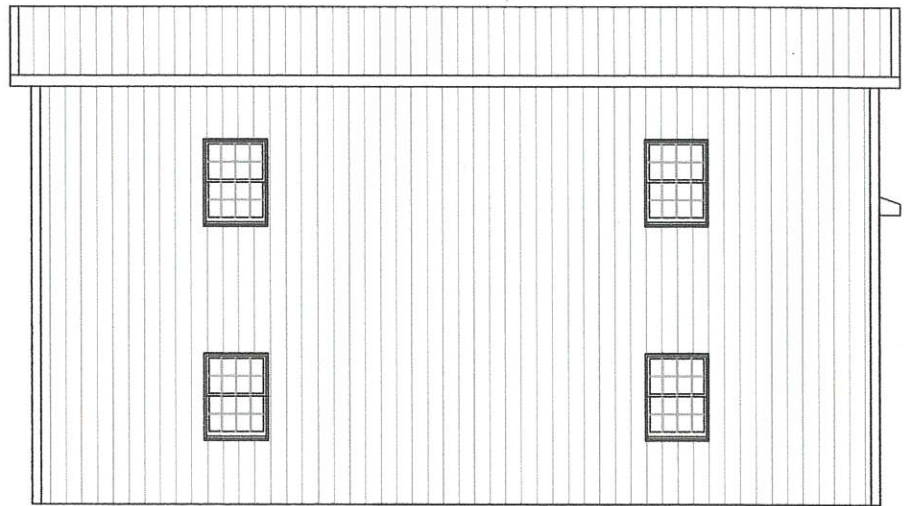
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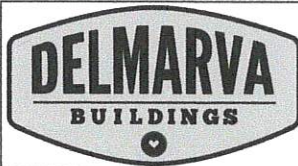


GABLE ELEVATION



EAVE ELEVATION

**DELMARVA**  
**POLE BUILDING SUPPLY INC.**  
 317 N. LAYTON AVE  
 WYOMING, DE 19934  
 (302) 698-3636



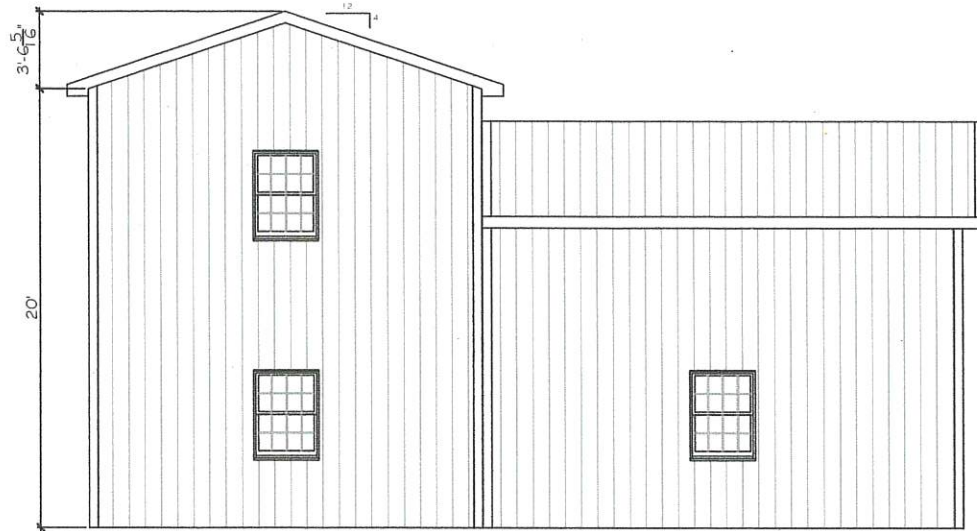
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 Technician:  
 J. Stubbs  
 Reviewed By:  
 J. Stubbs  
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Date:	Modification:

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 21776 SUNNYSIDE AVENUE  
 ROCK HALL, MD 21661

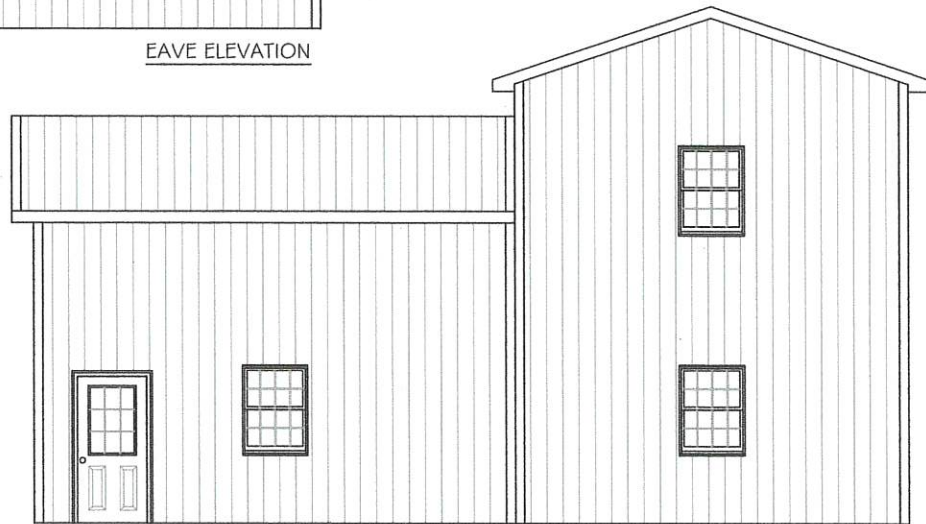
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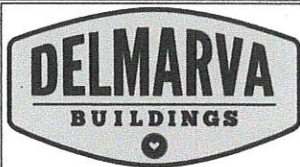


GABLE ELEVATION

EAVE ELEVATION



**DELMARVA**  
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 317 N. LAYTON AVE  
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Date:  
 04-26-2022  
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 21776 SUNNYSIDE AVENUE  
 ROCK HALL, MD 21661

Sheet

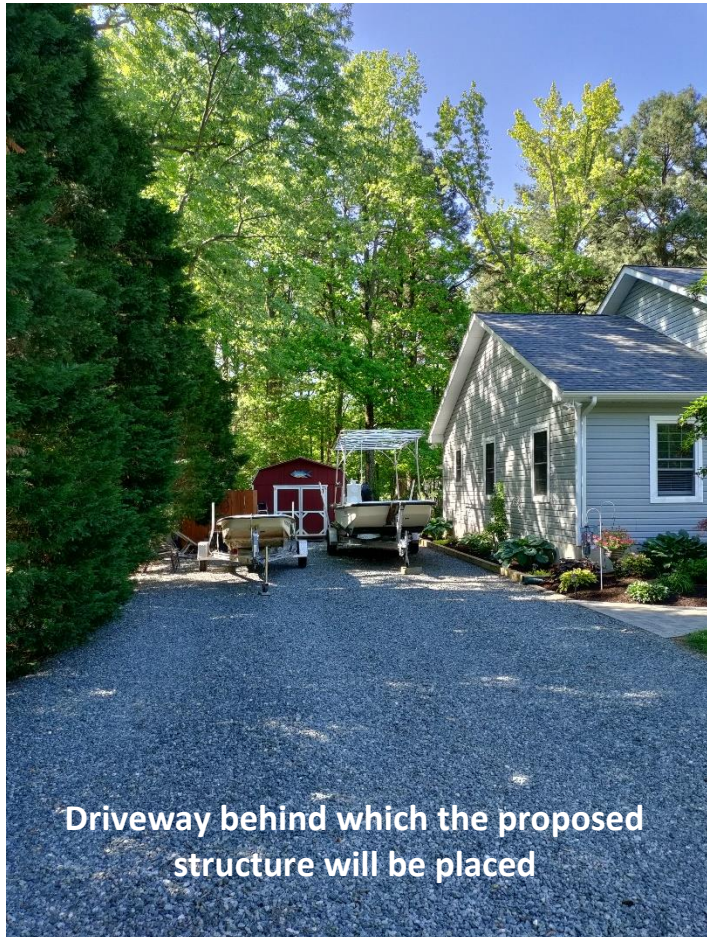
**A2**



**Tucker White Special Exception**



**21799 Sunnyside Avenue**



**Driveway behind which the proposed structure will be placed**



**House on right side**





House across street



**From:** [Jessica Burton](#)  
**To:** [Mark Carper](#)  
**Subject:** Tucker White Special Exception  
**Date:** Tuesday, June 14, 2022 3:39:08 PM

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**ATTENTION !**

**This email originated from an external source. DO NOT CLICK any links or attachments unless you recognize the sender and know the content is safe.**

*- KCIT Helpdesk*

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Hey Mark, my name is Jessica Burton and I live right next door to Tucker White. I got the letter from the County in the mail yesterday. Due to mine and my husbands work schedules, we will not be able to participate in the meeting, but we wanted to let you know that we have no issue with or objection to the special exception Tucker is applying for. We have talked to Tucker at length and understand that for primarily his business needs, the size of the building would best suit him.

Thanks!

Jessie Burton  
Village Hardware & Garden Center  
R. F. Burton, LLC -- Ace Store #17616  
5811 Chesapeake Villa  
Rock Hall, MD 21661  
410-639-7014



**To:** Kent County Planning Commission  
**From:** Mark Carper, Associate Planner  
**Meeting:** July 7, 2022  
**Subject:** Rayenne Chen / Deep Point Farm  
Variance – Buffer

## Executive Summary

### Request by Applicant

Rayenne Chen is requesting a variance to demolish an existing principal dwelling and associated improvements and to construct a new principal dwelling and associated improvements within the 100-foot shoreline buffer.

### Public Process

Per Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances. The Board of Appeals may authorize variances from ... buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

### Summary of Staff Report

The 30.398-acre property is located at 4833 Deep Point Drive in the Seventh Election District, is zoned Resource Conservation District (RCD), and is comprised of tidal wetlands, forest, and working farmland. Tidal wetlands encompass much of the southern portion of this property, and the 100-foot buffer from that as well as the shore result in a very limited area outside of the buffer where development has occurred and is proposed. The buffer and tidal wetlands combined covers approximately 36% of the property.

Along with the demolition, reconfiguration, and rebuild of the existing dwelling, three outbuildings, the brick patios and walk, a wooden ramp, and fence are to be removed; the gravel drive is to be reconfigured; the septic system is to be upgraded; and an existing smokehouse is to be relocated to inside the buffer. The “Grieb Log Smokehouse” is listed in the Maryland Inventory of Historic Properties (K-246), the structure having been relocated in 1938 from Betterton to its current location. The shoreline bulkhead and a two-story detached garage are to remain. The proposed improvements include a 1 and 1/2-story single family dwelling with porches, new walks, and steps.

### Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance with the following conditions:

- A Buffer Management Plan is submitted for review and approval.
- The log smoke house is relocated to a place outside of the buffer rather than in the buffer.
- The septic system update is approved by the Kent County Health Department.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
SUBJECT: #22-28 – Rayenne Chen / Deep Point Farm  
Variance – Buffer  
DATE: June 28, 2022

**DESCRIPTION OF PROPOSAL**

Rayenne Chen is requesting a variance to demolish an existing principal dwelling and associated improvements and to construct a new principal dwelling and associated improvements within the 100-foot shoreline buffer. The 30.398-acre property is located at 4833 Deep Point Drive in the Seventh Election District, is zoned Resource Conservation District (RCD), and is comprised of tidal wetlands, forest, and working farmland. The buffer wraps around the point where the house is located because of the tidal wetlands, and much of the existing and proposed improvement are or will be within the buffer. The buffer and tidal wetlands combined covers approximately 36% of the property.

Along with the demolition, reconfiguration, and rebuild of the existing dwelling, three outbuildings, the brick patios and walk, a wooden ramp, and fence are to be removed; the gravel drive is to be reconfigured; the septic system is to be upgraded; and an existing smokehouse is to be relocated to inside the buffer. The “Grieb Log Smokehouse” is listed in the Maryland Inventory of Historic Properties (K-246), the structure having been relocated in 1938 from Betterton to its current location. The shoreline bulkhead and a two-story detached garage are to remain. The proposed improvements include a 1 and 1/2-story single family dwelling with porches, new walks, and steps. The proposed dwelling will be approximately 20 feet further from the shoreline than the existing dwelling.

The limit of disturbance for the demolition, reconfiguration, and rebuild is to be 28,242 square feet (SF), 26,947 SF within the buffer and 1,475 SF outside of the buffer. Upgrade of the septic system is to include 3,455 SF of temporary disturbance in the buffer and 6,623 SF outside of the buffer. The exiting lot coverage is 27,728 SF, 7,077 SF are to be removed (7,051 SF in the buffer), and 8,419 SF are to be added, with a net increase of 1,342 SF. The proposed lot coverage in the buffer is 7,986 SF and outside of the buffer is 407 SF.

**APPLICABLE LAWS**

- I. Development in the Buffer
  - 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 establishes the standards for 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 water-dependent facilities that meet the criteria set forth below.
  - C. *Staff and TAC Comments*: Development activity of this nature is not permitted in the buffer; therefore, the applicant has applied for a buffer variance to demolish an existing principal dwelling

and associated improvements and to construct a new principal dwelling along with associated improvements

## II. Variance

- A. *Applicable Law*: Article IX, Section 2.2, Variances 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 adversely impact adjacent or neighboring properties, nor will it alter the character of the district. The residential portion of the property is visible only by water, and the surrounding area is comprised of woodlands, active agricultural fields, widely dispersed single-family homes, and shoreline.

The practical difficulty is derived from the buildable location outside of the tillable area being confined to an elevated portion of the shoreside point, mostly out of the 100-year floodplain and the tidal wetlands. This condition was not caused by the applicant's actions. The granting of the variance will not negatively impact water quality or adversely impact habitat. The Critical Area Commission has reviewed the application and does not oppose the variance. Strict application of the Ordinance would produce an unwarranted hardship, denying the applicant reasonable and significant use of the property. The hardship is not shared by other properties in the vicinity, and the granting of the variance would not be a detriment to adjacent properties or the character of the neighborhood.

Permanent disturbance to the buffer must be mitigated at a ratio of 3:1, and the new lot coverage outside of the buffer must be mitigated at a ratio of 1:1. Mitigation for the permanent disturbance in the buffer is 16,907 SF ((7,986 SF of lot coverage in the buffer x 3 = 23,958) – 7,051 SF of lot coverage in the buffer to be removed). Mitigation for the new lot coverage outside of the buffer is 407 SF. The total mitigation and enhancement required in the buffer is 17,314 SF. All temporary disturbances must be returned to pre-construction conditions.

#### **STAFF RECOMMENDATION**

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance to demolish, reconfigure, and rebuild a single-family dwelling along with 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. Staff further recommends the following:

- A Buffer Mitigation/Enhancement Plan is submitted for review and approval that includes species, size, spacing and schedule of plantings, maintenance of plantings to ensure survivability, and description of the measures to return the temporarily disturbed areas to pre-construction conditions. This plan should include the placement of mitigation, to the extent possible and as recommended by the Critical Area Commission, between the improvements and the shoreline. A letter of credit will be required.

- The historic “Grieb Log Smokehouse” be relocated to a place outside of the buffer rather than in the buffer, as proposed. The mitigation requirements may be adjusted in accordance with the change.
- The septic system update is approved by the Kent County Health Department.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

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

June 23, 2022

Mr. Mark Carper  
Kent County  
Department of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

**RE: Chen Residence/Deep Point Farm  
Buffer Variance Request  
4833 Deep Point Drive, Chestertown  
(Tax Map 56, Parcel 33)  
Local Case #22-28**

Dear Mr. Carper:

Thank you for submitting information regarding the project referenced above for review and comment. The applicant requests a Buffer variance to redevelop an existing single-family dwelling and the associated amenities. The proposed project is located on a grandfathered 30.4-acre parcel zoned Resource Conservation District (RCD) and located on lands designated Resource Conservation Area (RCA), the majority of which consist of tidal wetlands, forest, and working farmland. The limit of disturbance (LOD), comprising 28,422 square feet (sf), is the location of the existing and proposed dwelling and associated amenities. The LOD is located almost entirely in the Buffer, which is expanded due to tidal wetlands. Within the LOD, the existing improvements include a single-family dwelling to be demolished, reconfigured, and rebuilt, a smokehouse to be relocated outside of the Buffer, a gravel driveway to be reconfigured, a septic system to be upgraded and a shoreline bulkhead and a 2-story detached garage to remain. In addition, the existing shed, barn, brick patios and walk, wooden ramp, wire corn cribs and fence will be removed. The proposed improvements include a 1 and ½-story single-family dwelling and porches, walks and steps, and a gravel driveway. Additionally, no clearing is proposed. The existing lot coverage is 27,728 sf (2.1%). The lot coverage to be removed is 7,077 sf. The new lot coverage proposed is 8,419 sf. The proposed net lot coverage is 29,070 sf (2.2%).

We do not oppose this variance. When hearing this case, this office recommends that the Board of Appeals consider:

1. The proposed reconfigured improvements will be no further waterward from the shoreline compared to the existing improvements, and the dwelling will be the same in

Mr. Carper  
Chen/Deep Point Farm Buffer Variance  
June 23, 2022  
Page 2

size and located 20± feet further landward from the shoreline compared to the existing dwelling.

2. Trees and vegetation are located between the garage and both the existing and proposed dwelling. If the reconfiguration of improvements leads to fatally damaging or clearing of trees and/or vegetation in the expanded Buffer, mitigation is required at a ratio of 1:1 for the area damaged or cleared.
3. Due to the proximity of the dwelling and associated amenities to the shoreline, it is recommended that mitigation be emplaced between the improvements and the shoreline to the extent possible for the purposes of enhancing the expanded Buffer functions.

If the variance is approved, permanent disturbance to the expanded Buffer must be mitigated at a rate is 3:1. Additionally, new lot coverage located outside of the expanded Buffer must be mitigated at a rate of 1:1, to be emplaced within the expanded Buffer. Furthermore, all temporary impacts must be returned to pre-construction conditions. The applicant shall provide a Buffer Management Plan to the County for review and approval that includes species, size, spacing and schedule of plantings, maintenance of plantings to ensure survivability requirements, as well as a description of the measures to return temporarily disturbed areas to pre-construction conditions.

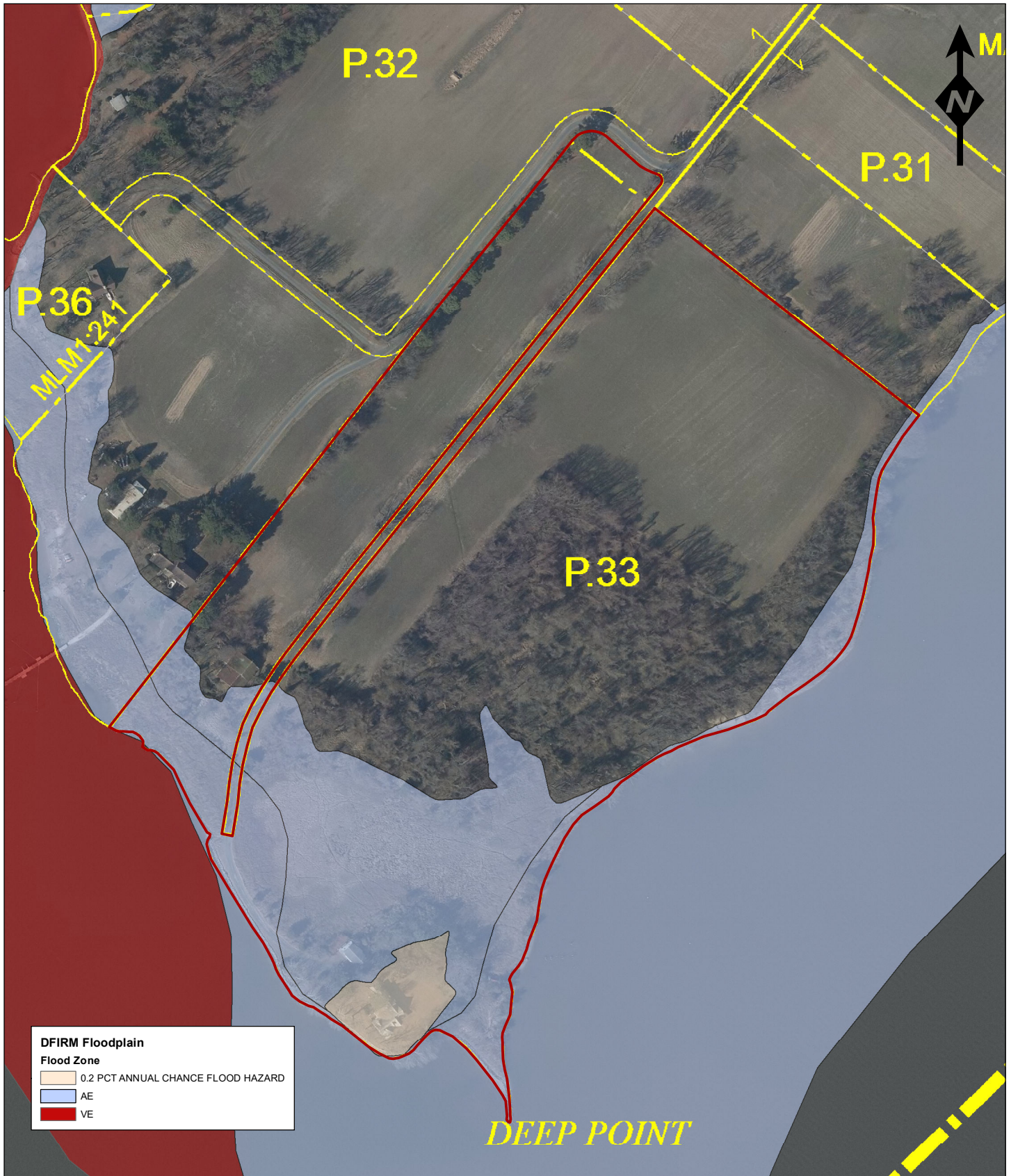
If you have any questions, please feel free to contact me at 410-260-2481 or [tay.harris@maryland.gov](mailto:tay.harris@maryland.gov). Again, thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in blue ink that reads "Tay E. Harris". The signature is written in a cursive style with a large initial "T" and "H".

Tay E. Harris  
Natural Resources Planner  
KC 218-22





Source: Kent County Department of Planning, Housing, and Zoning.  
 Aerial taken Spring 2019. Map prepared June 2022.

1 inch = 250 feet



# BOARD OF APPEALS APPLICATION

## Kent County Department of Planning, Housing and Zoning

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

### IN THE MATTER OF THE APPLICATION OF:

(Name, Address and Telephone Number of Applicant)

David W. Mallon (Agent)

619 Severn Avenue, Suite 202

Annapolis, MD 21403

410-571-3604

Email: davidm@kimmelstudio.com

### For Office Use Only:

Case Number/Date Filed: \_\_\_\_\_

Filed by: \_\_\_\_\_

Applicant: \_\_\_\_\_

Planning Commission: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Parties Notified: \_\_\_\_\_

Notice in Paper: \_\_\_\_\_

Property Posted: \_\_\_\_\_

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: davidm@kimmelstudio.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  Variance

\_\_\_\_\_ Special Exception \_\_\_\_\_ Nonconforming Use

### DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 4833 Deep Point Drive

In the 7<sup>th</sup> Election District of Kent County.

Size of lot or parcel of Land: 30.398 Ac.

Map: 56 Parcel: 33 Lot #: - Deed Ref: 1169/332

List buildings already on property: 2 Story Main Dwelling, 2 Story Garage, Run-down Sheds & Barn and wire corn cribs.

If subdivision, indicate lot and block number: N/A

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: RCD - Resource Conservation District

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) The demolition of the existing main dwelling & associated improvements and the construction of a new main dwelling and associated improvements within the 100' shoreline buffer.

If appealing decision of Zoning Administrator, list date of their decision: N/A

Present owner(s) of property: Rayenne Chen Telephone: 610-639-7993



## Variance Narrative

### Chen Residence – Deep Point Farm

4833 Deep Point Drive, Chestertown, MD, 21620

06/10/2022

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Name of Landowner: Rayenne Chen

Name of Representative: David Mallon, Kimmel Studio Architects

Tax Map: 0056      Parcel Number: 0033      Grid: 001F

Zone: RCD (Resource Conservation District)

### *Project Description:*

- The 33.3 acre property is located at the end of Deep Point Drive on the Chester River and is zoned Resource Conservation District (RCD).
- The parcel predominately consists of Agricultural farmland and Tidal Wetland and the primary dwelling and accessory storage/garage structures are currently located within the 100' buffer.
- Variance is being requested to the 100' shoreline development buffer, to raze the existing dwelling and rebuild a new dwelling within the buffer.
- The new building will match the existing dwelling in size, bedroom/bathroom count and character.
- The proposed building and covered porch will not be located closer to the water than the existing building's footprint. There will be no further expansion toward the waterline.

### *Variance Standards:*

- a. The property is mostly covered by wetlands and farmland and the proposed development area is within the existing residential development portion of the property and is only visible by water. The proposed construction will remain a small, 1 ½ story, single family residence, maintaining its current use and zoning. Authorization of such variance will not be a substantial detriment to the adjacent or neighboring properties.
- b. The proposed residence is designed with an aesthetic to be complementary with local building typology. The construction project also calls for removing the existing, damaged sheds surrounding the existing garage that are



- unusable and detract from the nature of the property and neighborhood. The building size and proportion as well as the materials selected for the construction of the project will not change or alter the character of the district.
- c. The requested Variance to the 100' Shoreline Development Buffer is consistent with the comprehensive plan and the general intent of the Ordinance. The new dwelling will be more energy-efficient, visually pleasing, and will add to the value of the tax base. In addition, it encourages the protection of the existing agricultural fields and will be developed using bay sensitive grading, stormwater management and native plantings. Within RCD, it is encouraged to re-use existing buildings. Although the variance is for a new dwelling, the applicant is keeping the existing garage. The decision was made to raze and rebuild a new dwelling due to the existing house and foundation being partially unstable and containing building materials that are beyond their effective lifespan and repair. In addition, the applicant would like to protect and re-use some of the existing historic features such as the Grieb Log Smokehouse. The relocation of the 18-th century structure will be a focal point of the property and landscape.
  - d. The practical difficulty or other injustice is caused or influenced by some of the following:
    - i. The property consists of an existing residential buildable area located on a small point of land bound by water and tidal marsh lands on all sides. The residential buildable area is confined to the point to allow for maximizing the raised, tillable area for tenant farmers.
    - ii. The prime / safest buildable area for the dwelling to avoid rising water levels and high tides is the land located on the highest elevation on the point. We are proposing moving the replacement dwelling away from the water to the furthest extent possible while maintaining a location within the high elevation area. The existing dwelling to be demolished is located 28.4' and 54.3' from MHW; the proposed dwelling will be 48.6' and 79.8' from MHW. This effectively relocates the new principal dwelling 20.2' and 25.5' further away from the water creating more impervious surface area between the house and water.

- e. The practical difficulty was not caused by the owner's own actions and existed prior to Ms. Chen purchasing the property in 2021. The existing property was developed and the primary residence built-in 1905, with later additions and improvements according to Maryland Tax Assessment Records.
  
- f. Other Site & Development factors to consider:
  - i. The property water service is currently provided via a private well. The existing well is to remain, and the proposed new dwelling is to tie-in to the existing water supply system.
  - ii. The proposed type of sewer service is by a private sewage disposal system. The system is currently comprised of a 750-gallon single compartment concrete septic tank, distribution box and a sub-surface disposal field. The existing system will be abandoned / removed as required and a new system will be installed. A new 1500 gallon BAT septic tank system will be installed (in close proximity to the new house) with a pump tank to transfer the effluent to a new conventional drain field located in the farmland, outside of the 100' buffer. Although we have received positive Perc data, the system is still under review and design with the Health Dept and the SRA needs to be platted and recorded.
  - iii. Without the variance, the applicant would be deprived of the use of land, or a structure permitted to others in accordance with the provisions of the critical area program.
  - iv. This variance will not adversely affect the water quality or adversely impact fish, wildlife, or plant habitat.
  - v. The location of the new dwelling will not increase the effect of noise, vibration, smoke, odor, fire, and glare on the neighboring properties.
  
- g. The proposed development schedule is as follows:
  - a. Summer 2022: Variance Approval – Grading & Building Permit
  - b. Fall 2022: Construction Start
  - c. Winter 2023: Landscape Start
  - d. Fall 2023: Construction complete

# CHEN RESIDENCE - DEEP POINT FARM

VARIANCE PACKAGE  
06/13/2022

KIMMEL  
STUDIO  

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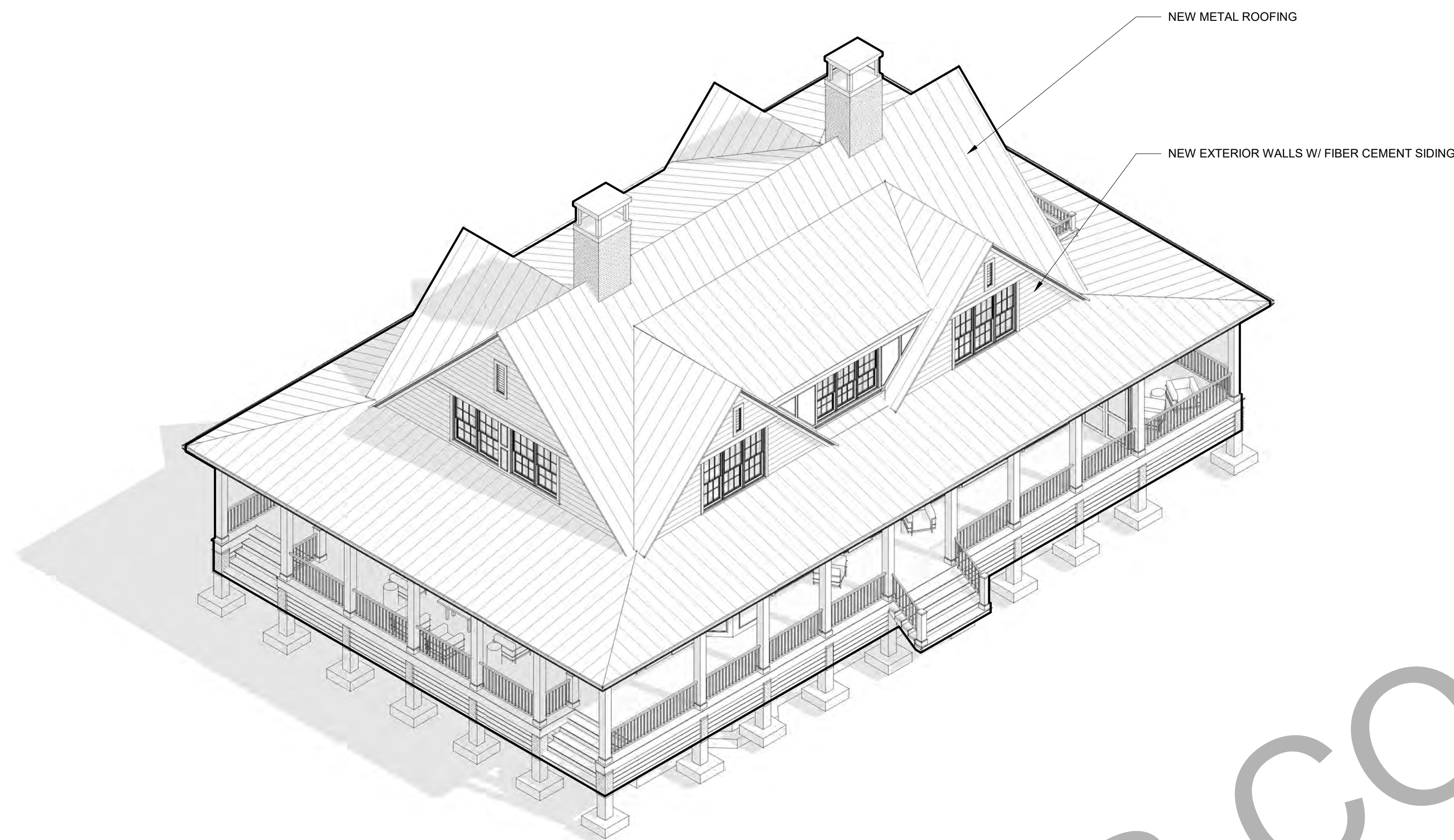
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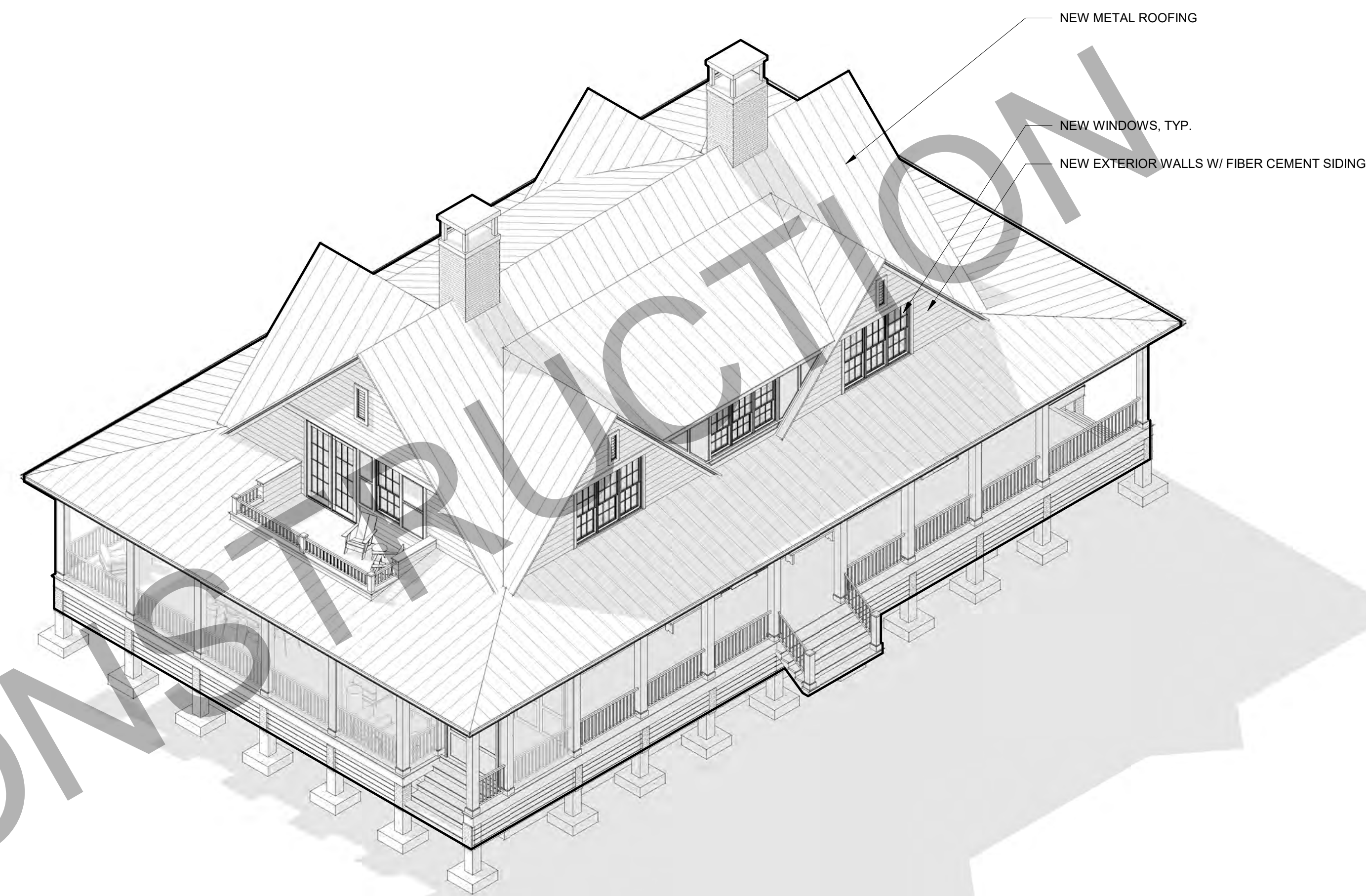


REVISIONS:

NO.	DATE	REVISION
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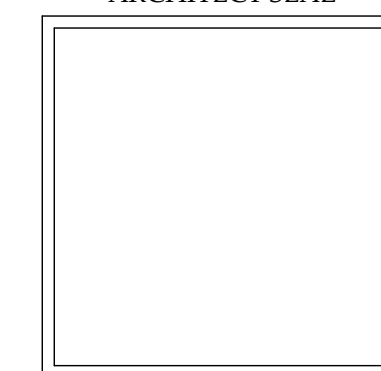
Axon - Rear

NOT FOR CONSTRUCTION

**CHEN RESIDENCE**  
DESIGN DEVELOPING / PRICING SET  
4833 DEEP POINT DRIVE  
CHESTERTOWN, MD, 21620

PROJECT NAME:

ARCHITECT SEAL



Professional Certification:  
I, Devin S. Kimmel, certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the State of MD, license number 18136, Expires 06/30/2023

PROJECT SCOPE

SCALE:

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

**G2.00**





REVISIONS:

NO.	DATE	REVISION

**CHEN RESIDENCE**  
DESIGN DEVELOPING / PRICING SET  
4833 DEEP POINT DRIVE  
CHESTERTOWN, MD, 21620

PROJECT NAME:

ARCHITECT SEAL

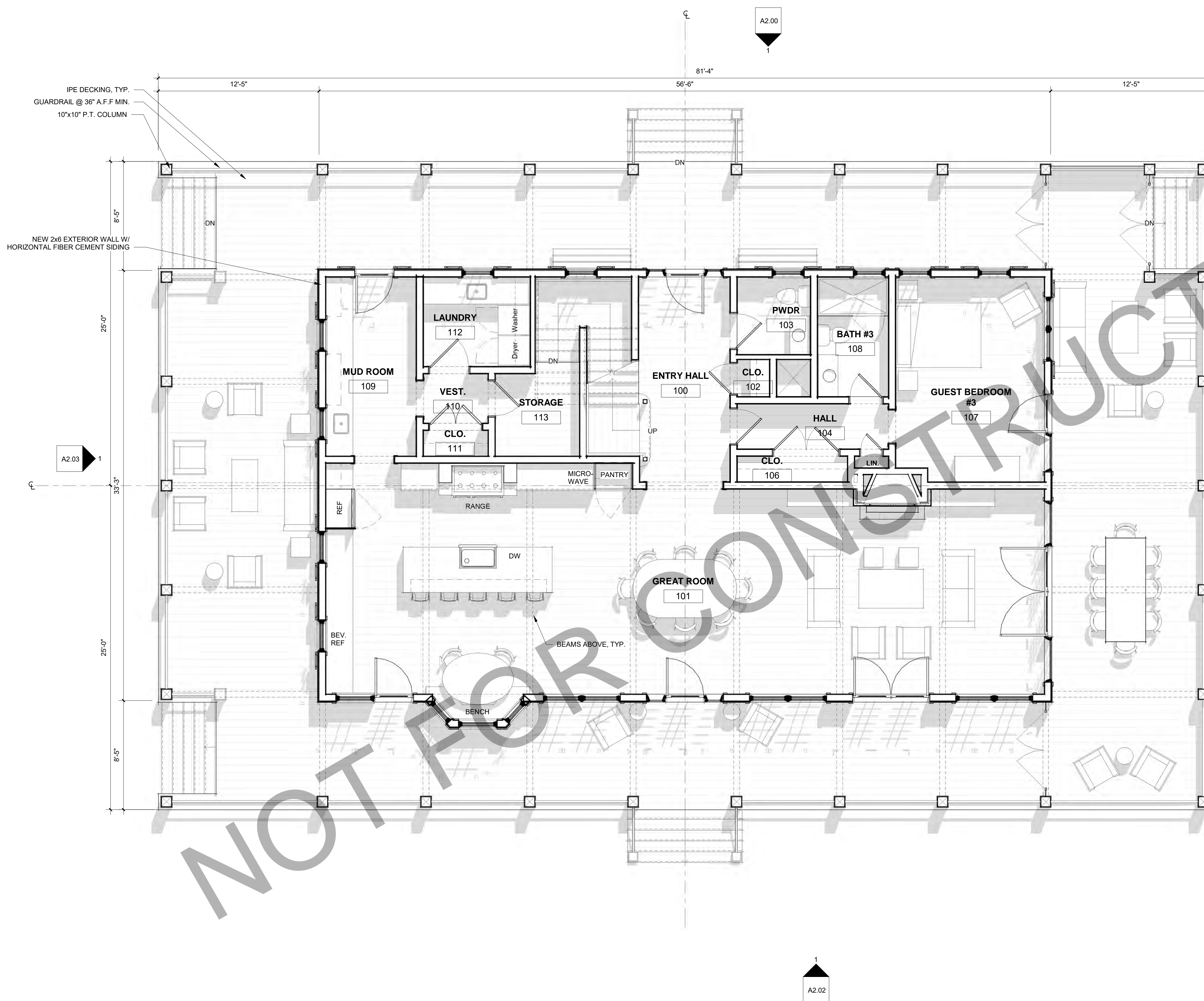
Professional Certification:  
I, Devin S. Kimmel, certify that  
these documents were prepared or  
approved by me, and that I am a duly  
licensed architect under the laws of  
the State of MD, license number  
18136, Expires 06/30/2023

FIRST FLOOR PLAN

SCALE:  
1/4" = 1'-0"

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

**A1.01**



**1**  
A1.01 FIRST FLOOR PLAN  
1/4" = 1'-0"

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REVISIONS:

NO.	DATE	REVISION

**CHEN RESIDENCE**  
DESIGN DEVELOPING / PRICING SET  
4833 DEEP POINT DRIVE  
CHESTERTOWN, MD, 21620

PROJECT NAME:

ARCHITECT SEAL

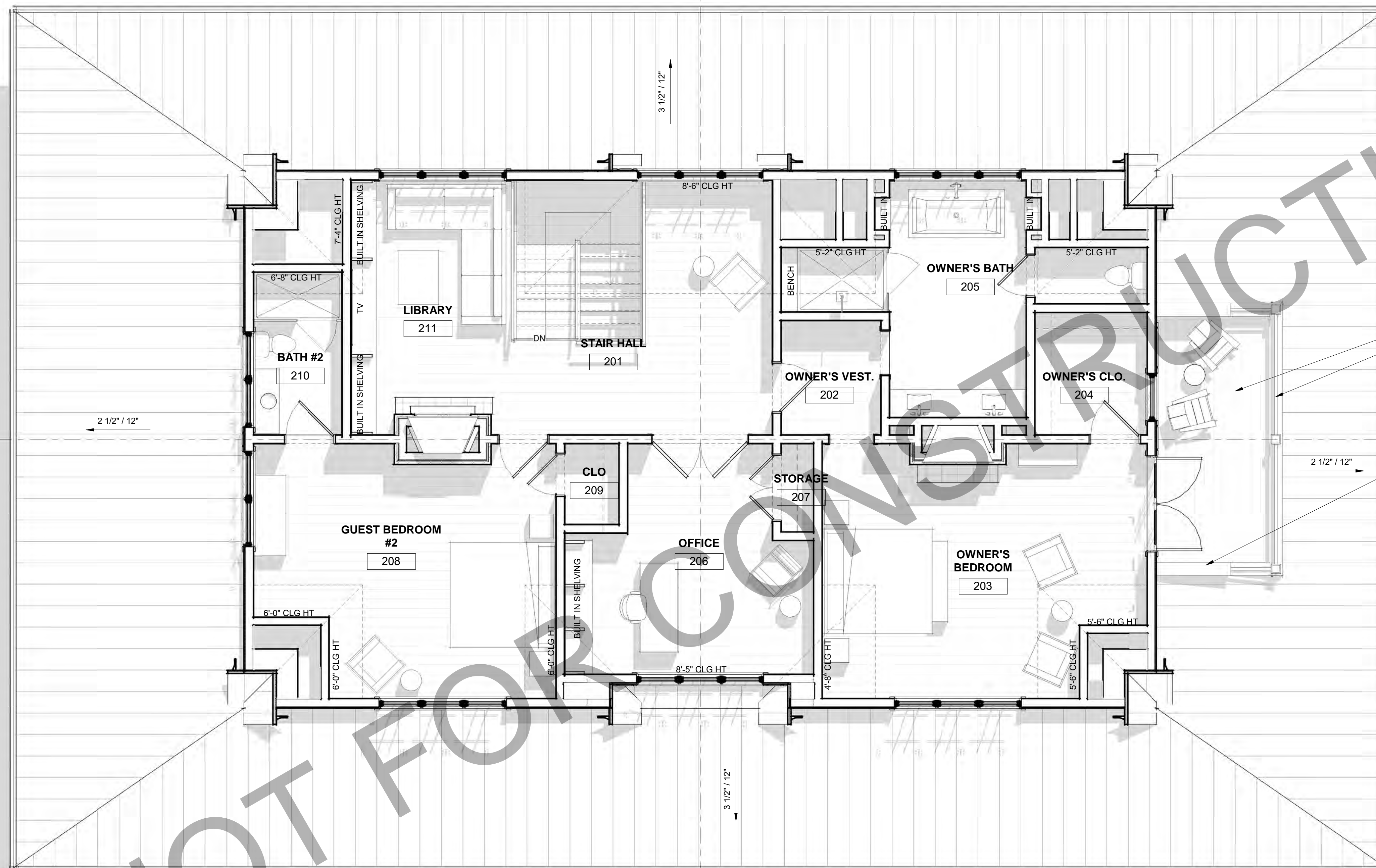
Professional Certification:  
I, Devin S. Kimmel, certify that  
these documents were prepared or  
approved by me, and that I am a duly  
licensed architect under the laws of  
the State of MD, license number  
18136, Expires 06/30/2023

SECOND FLOOR PLAN

SCALE:  
1/4" = 1'-0"

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

**A1.02**



IPE DECKING ON TAPERED JOISTS, TYP.  
T.O. GUARDRAIL TO BE 3'-0" A.F.F.

COPING AT HALF HEIGHT WALL, TYP.



REVISIONS:

NO.	DATE	REVISION
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**CHEN RESIDENCE**  
DESIGN DEVELOPING / PRICING SET  
4833 DEEP POINT DRIVE  
CHESTERTOWN, MD, 21620

PROJECT NAME:

ARCHITECT SEAL

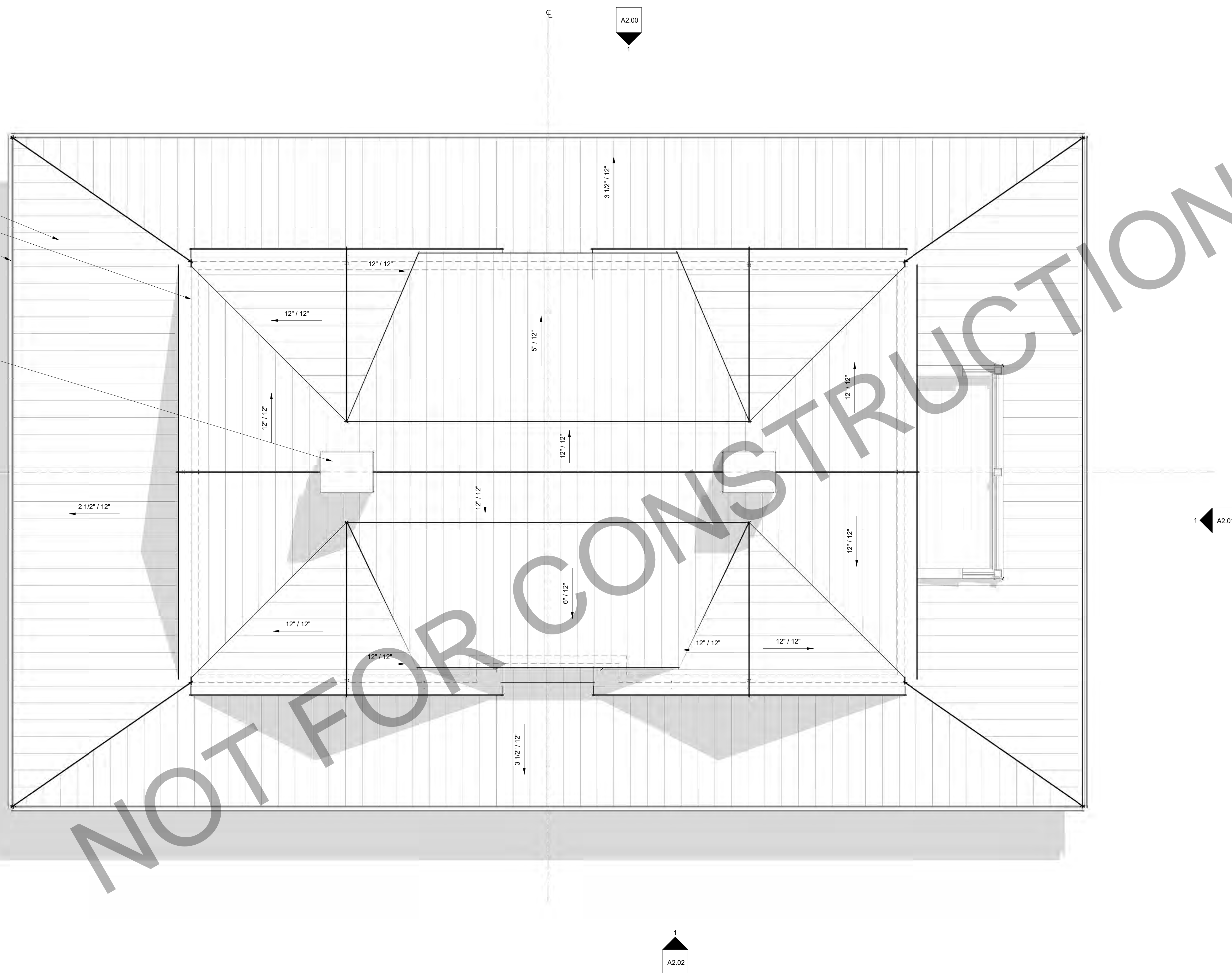
Professional Certification:  
I, Devin S. Kimmel, certify that  
these documents were prepared or  
approved by me, and that I am a duly  
licensed architect under the laws of  
the State of MD, license number  
18136, Expires 06/30/2023

ROOF PLAN

SCALE:  
1/4" = 1'-0"

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

**A1.03**



STANDING SEAM METAL ROOFING  
EXTERIOR WALL BELOW  
PAINTED ALUMINIUM GUTTER

CHIMNEY CAP

REVISIONS:

NO.	DATE	REVISION

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licensed architect under the laws of  
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EXTERIOR ELEVATION

SCALE:  
1/4" = 1'-0"

DATE:  
06/01/22

DRAWN BY:  
AS

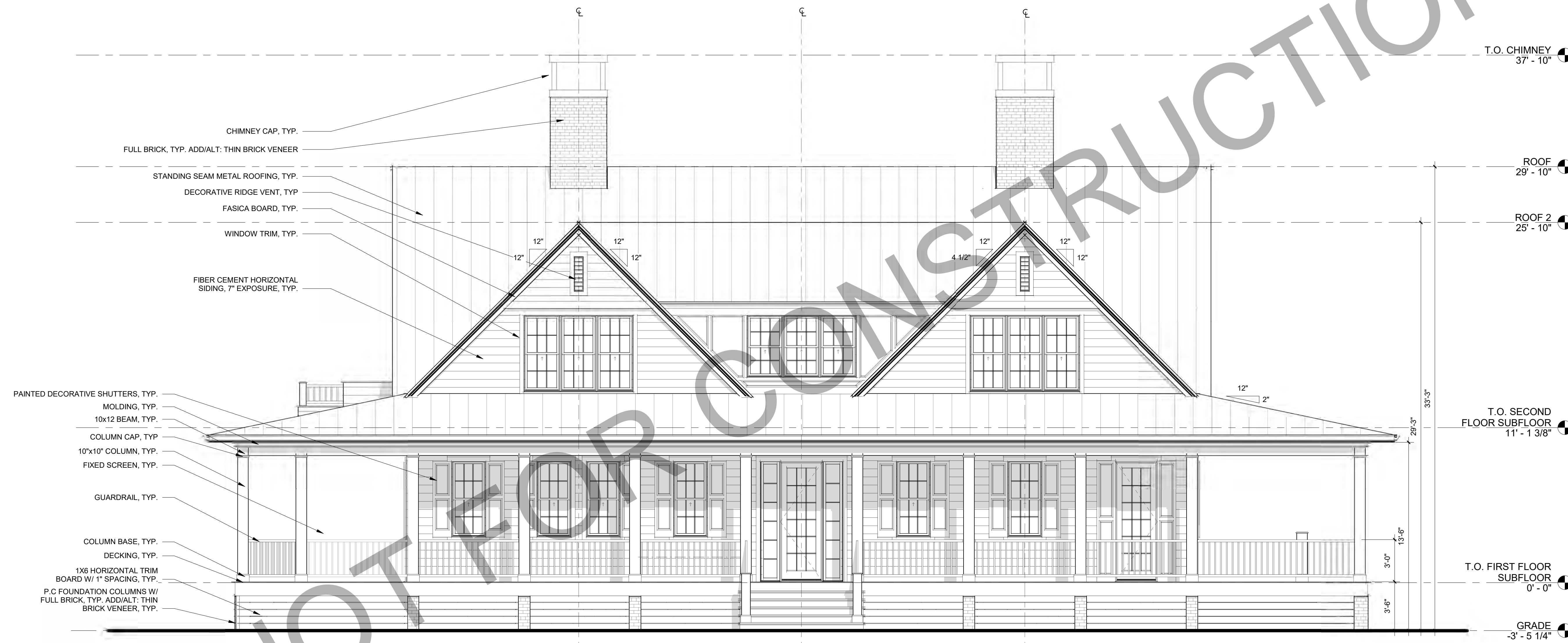
PROJECT NO.:

20210920

CHECKED BY:

DM

**A2.00**



1 NORTH ELEVATION  
A2.00 1/4" = 1'-0"

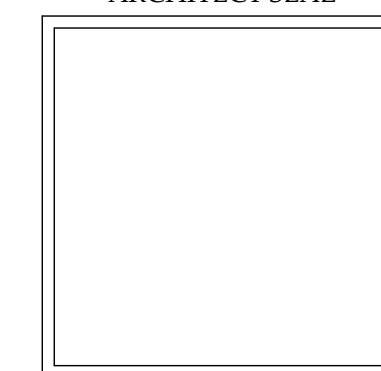
REVISIONS:

NO.	DATE	REVISION
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the State of MD, license number  
18136, Expires 06/30/2023

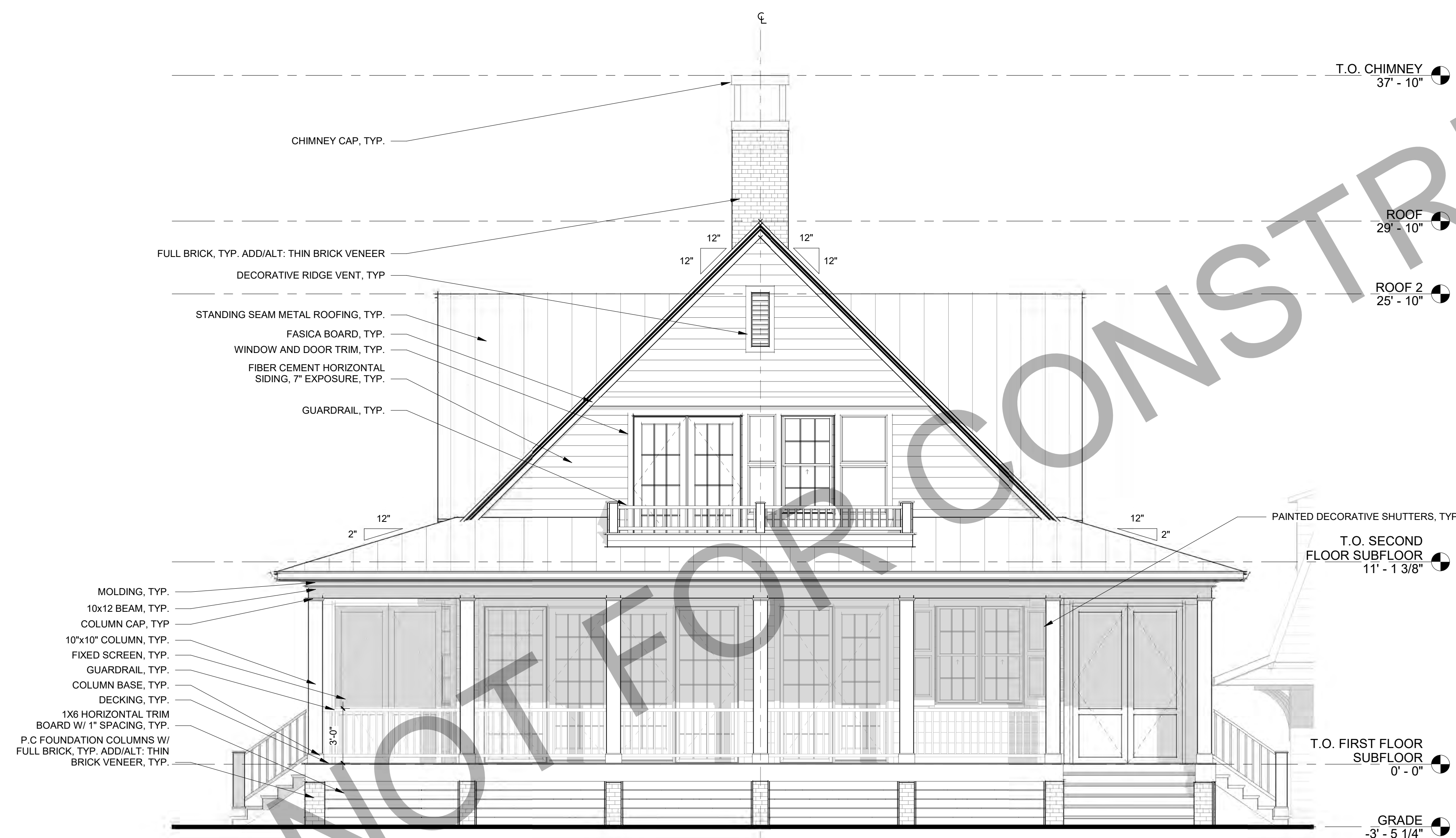
EXTERIOR ELEVATION

SCALE:  
1/4" = 1'-0"

DATE: 06/01/22 PROJECT NO.: 20210920

DRAWN BY: AS CHECKED BY: DM

**A2.01**



**1** EAST ELEVATION  
A2.01 1/4" = 1'-0"

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18136, Expires 06/30/2023

EXTERIOR ELEVATION

SCALE:  
1/4" = 1'-0"

DATE: 06/01/22	PROJECT NO.: 20210920
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**A2.02**



**1** SOUTH ELEVATION  
A2.02 1/4" = 1'-0"



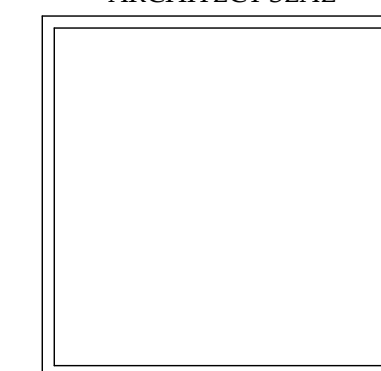
REVISIONS:

NO.	DATE	REVISION

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DESIGN DEVELOPING / PRICING SET  
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PROJECT NAME:

ARCHITECT SEAL



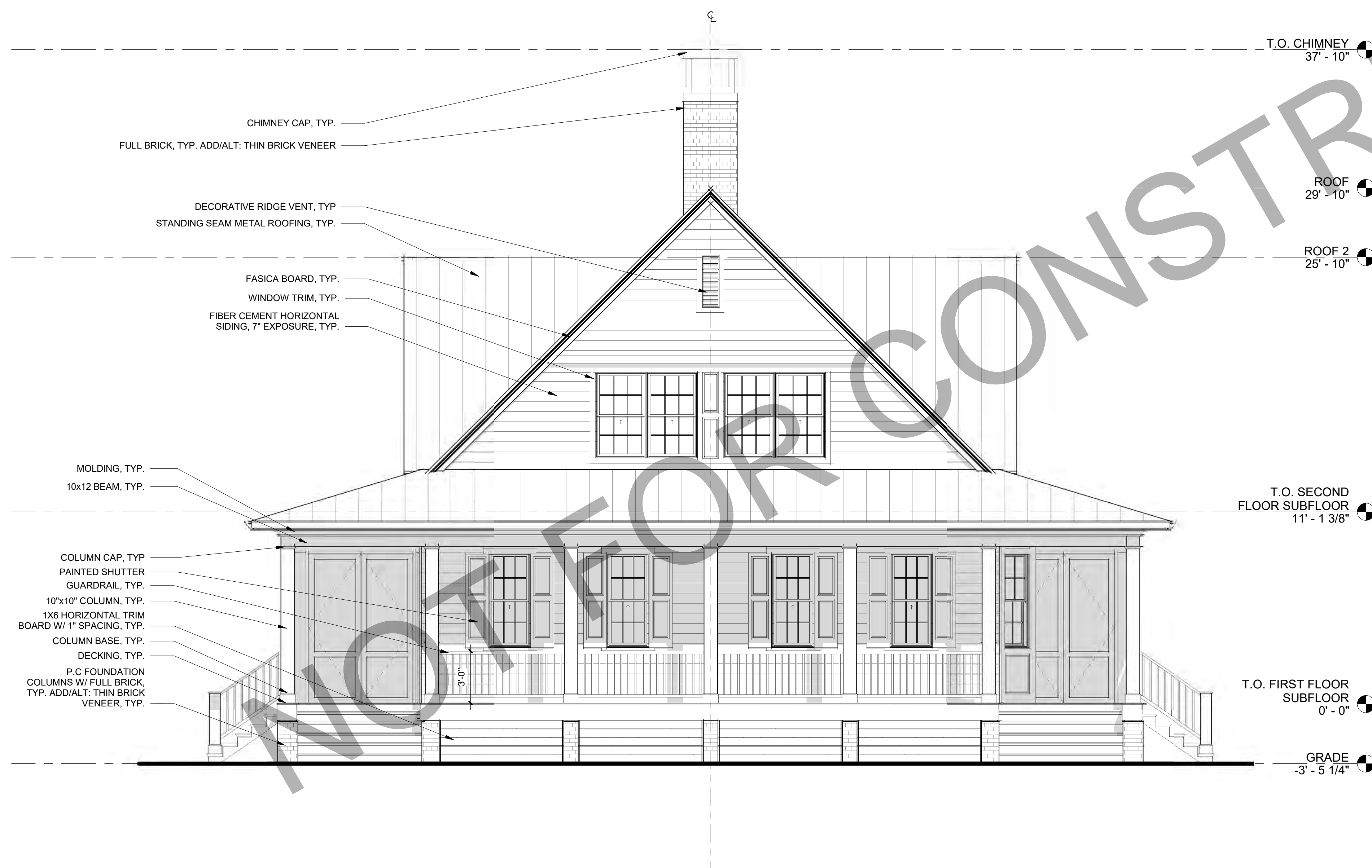
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18136, Expires 06/30/2023

EXTERIOR ELEVATION

SCALE:  
1/4" = 1'-0"

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

**A2.03**



1 WEST ELEVATION  
A2.03 1/4" = 1'-0"

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