



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

Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **483 573 725#**

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

Members of the public may also watch the live video feed and view the video after the meeting at the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>

**AGENDA**  
**June 10, 2024**  
**9:30 AM**

**APPLICATIONS FOR REVIEW:**

- 24-23 Robert W. Joiner – Administrative Setback Variance  
25939 Worton Lynch Road, Worton – Third Election District – Zoned Agricultural Zoning District (AZD)

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Administrative Hearing may be held in closed session under the authority of the MD Open Meetings Law. Meetings are subject to audio and video recordings.

Applicants will be given the time necessary to assure full public participation and a fair and complete review of all projects. Items on this Agenda are subject to change due to cancellation of projects.

If you require communication assistance, please contact the Maryland Relay Service at [www.mdrelay.org](http://www.mdrelay.org) or 7-1-1 Voice/TDD.

PLEASE PLACE THE FOLLOWING IN THE KENT COUNTY NEWS: May 30, 2024

BILL SHOULD BE SENT TO: Kent County Department of Planning, Housing, & Zoning  
c/o Beth Grieb  
400 High Street  
Chestertown, MD 21620  
mgrieb@kentgov.org

ANY QUESTIONS, CALL: Carla Gerber @ 410-778-7474  
cgerber@kentgov.org

#### **NOTICE OF PUBLIC HEARING**

On **Monday, June 10, 2024, at 9:30 a.m.**, the Kent County Deputy Director of Planning, Housing, and Zoning will hold a public hearing in the County Commissioners' Hearing Room, 400 High Street, Chestertown, Maryland, on the following matters:

**Robert Joiner** requesting an administrative setback variance to construct an addition to a pole building. The property is located at 25939 Worton Lynch Road, Worton.

Members of the public may attend the meeting in-person or observe and/or comment by phone.

If you have any questions, please contact the Department at 410-778-7423. If you need communication assistance, please contact the Maryland Relay Service at [www.mdrelay.org](http://www.mdrelay.org) or 7-1-1 for voice/TDD.

**To:** Carla Gerber, AICP, Deputy Director of Planning, Housing and Zoning  
**From:** Rob Tracey, AICP, Associate Planner  
**Date:** June 10, 2024  
**Subject:** #24-23 – Robert Joiner  
Administrative Variance – Front Yard Setback

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

Mr. Joiner requests a 16-foot variance from the 75-foot front yard setback to construct a 16-foot by 24-foot pole shed for additional storage needs. The property is located at 25939 Worton Lynch Rd, Worton, and is zoned Agricultural Zoning District (AZD).

### RELEVANT ISSUES

#### I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 1. 4 of the *Kent County Land Use Ordinance* outlines the permitted accessory uses and structure within the Agricultural Zoning District.
- B. *Staff and TAC Comments:* The applicant is proposing to construct a 16-foot by 24-foot pole shed for additional storage needs.

#### Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Law:* Article V, Section 1.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements in the Agricultural Zoning District (AZD).

#### Minimum Yard

Front	75 feet
Side	15 feet
Rear	30 feet

#### B. *Staff and TAC Comments:*

- The surrounding property is encumbered by a Maryland Agricultural Land Preservation Foundation (MALPF) easement.
- The 1.0890-acre parcel, lot two, is a child's lot, which is improved with a single-family dwelling, a 24 by 32-foot garage, and a 20 x 24-foot pole building. The applicant proposes to construct a 16 x 24-foot addition to the existing 32 by 24-foot garage for additional storage capacity (total size of the structure will be 1, 116 square feet).
- A 16-foot variance from the 75-foot front yard setback requirement is requested.

#### II. Variance

- A. *Applicable Law:* Article IX Section 2.1 of the *Kent County Land Use Ordinance* authorizes the Planning Director, or the Planning Director's designee, to grant variances from the yard (front, side, or rear) requirements in an amount that does not exceed 50% of the required yard for the applicable zoning district so as to relieve practical difficulties or other injustices arising out of the strict application of the provision of the Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the

granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Planning Director, or the Planning Director's designee, must find all 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. ...
- g. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, 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 Planning Director, or the Planning Director's designee, 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 Planning Director, or the Planning Director's designee, 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 practical difficulty for this case is not a result of the applicant's actions; instead, it is due to the placement of the septic system along the southeast portion of the property and the location of the well on the southwest portion of the property. Based on the applicant's site plan and other materials, it appears these features would prevent the applicant from building in another location.
- There are no known substantial detriments to adjacent or neighboring properties that will be caused by the variance.
- There are no known houses of worship, schools, public structures, or other places of public gathering immediately adjacent to the property.
- There are no known impacts on community facilities and services.
- The Comprehensive Plan is neutral on this matter.
- The proposal is consistent with the intent of the Ordinance.

**STAFF RECOMMENDATION**

Staff recommends approval of a 16-foot variance from the minimum 75-foot front yard setback requirement with the following conditions:

That the variance hereby granted would lapse after one year if no substantial construction in accordance with the plans herein presented were to occur.

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)

Robert William Joiner
25939 Worton Lynch Rd, Worton MD 21678
443-480-2579
Email: Buds230@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: Buds230@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:

X Variance Special Exception Determination of Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 25939 Worton Lynch Rd

In the 03 Election District of Kent County.

Size of lot or parcel of Land: 1.0890
Map: 0028 Parcel: 0014 Lot #: 2 Deed Ref: 00703 00438

List buildings already on property: One story frame dwelling, 24x32 pole building garage, 20x24 pole building

Subdivision name and address, if applicable:

PRESENT ZONING OF PROPERTY: Agricultural

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Requesting a variance of 75 foot front yard setback to 59 feet to extend the existing 24x32 pole building garage to 24x48 (1,152 square feet). Addition to be used as a garage for a truck that requires a 10 foot door. Existing structure not engineered to accommodate a 10 foot door.

Present owner of property: Robert W Joiner + Heather A Joiner Telephone: 443-480-2579

DEPARTMENT OF PLANNING, HOUSING & ZONING
RECEIVED 4/24/24
pleg

If Applicant is not owner, please indicate your interest in this property: N/A

Has property involved ever been subject to a previous application? \_\_\_\_\_

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: Plain View Farms LLC

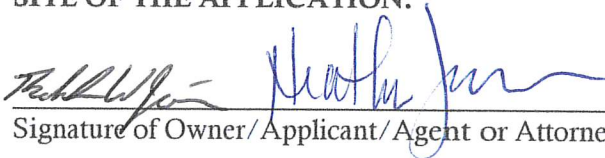
Owner(s) on the South: Dorothy Schnoor Joiner

Owner(s) to the East: Dorothy Schnoor Joiner

Owner(s) to the West: Dorothy Schnoor Joiner

Homeowners Association, name and address, if applicable: N/A

**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.**

  
Signature of Owner/Applicant/Agent or Attorney

April 24 2024  
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.**

S 50°09'44" W 145.00'

PROPOSED 35' WIDE PRIVATE ROAD

N 50°09'44" E 180.00'

35.00'

N 39°50'16" W 263.53'

S 39°50'16" E 263.53'

S 50°09'44" W 180.00'



32.00'  
1 inch

EXISTING DRIVEWAY

59.00'

16.00'

32.00'

75.00'

24.00'

Proposed Addition

EXISTING METAL GARAGE

24.00'

51.97'

EXISTING ONE STORY FRAME DWELLING

EXISTING SEPTIC TANK

10,000 G.P.T. SEPTIC RESERVE AREA

85.7'

EXISTING Pole Building

EXISTING WELL



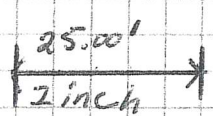
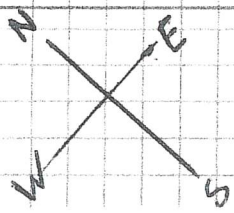
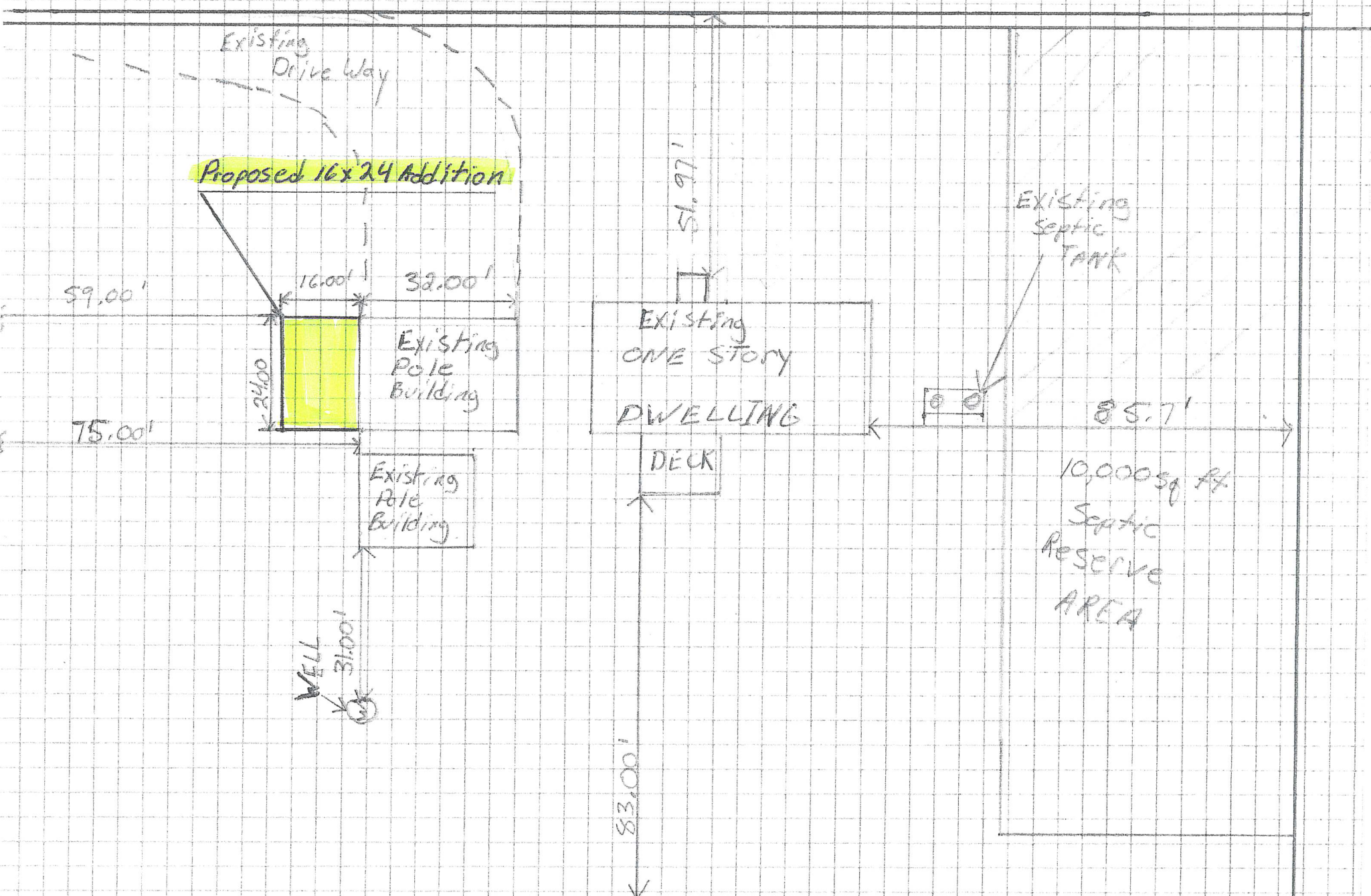
31.00'

DECK

83.0'

LOT 2  
1.089 AC±

263.53'







25939

ROBERT W  
& HEATHER  
A JOINER