



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: **927 287 263#**

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

May 1, 2024

11:00 AM

APPLICATIONS FOR REVIEW:

- 24-15 Darlene Wiggers – Administrative Variance – front and side yard setback
326 Cypress Street, Millington – First Election District – Zoned Critical Area Residential (CAR)
- 24-19 James A. and Mary M. Plunkert – Administrative Special Exception – Large Accessory Structure
Map 51, Parcel 405, Lot 13 (Fithian Drive) – Fifth Election District – Zoned Community Residential (CR)

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 or 7-1-1 Voice/TDD.

To: William Mackey, Planning Director
From: Mark Carper, Associate Planner
Date: April 24, 2024
Subject: #24-15 – Darlene Wiggers
Administrative Variance – Front and Side Yard Setback

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Ms. Wiggers is requesting an 11-foot variance from the 50-foot front yard setback for the addition of a front landing to the dwelling and a 2.5-foot variance from the 15-foot side yard setback for the installation of an American with Disabilities Act compliant access ramp to the dwelling. The 10,500 square foot property is located at 326 Cypress Street, Millington, and is zoned Critical Area Residential (CAR).

RELEVANT ISSUES

I. Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Law:* Article V, Section 5.5 of the Kent County *Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements in the Critical Area Residential (CAR).

Minimum Yard

Front	50 feet
Side	15 feet
Rear	30 feet

B. *Staff and TAC Comments:*

- The existing structure is 42.5 feet from the front property line, 9 feet from the west side property line, and 16.5 feet from the east side property line. The structure is considered non-conforming.
- The new front landing places the structure 39 feet from the front property line. The ADA access ramp, which is connected to the dwelling, places the principal structure 12.5 feet from the east side property line.
- An 11-foot variance from the 50-foot front yard setback requirement and a 2.5-foot variance from the 15-foot side yard setback requirement are 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:

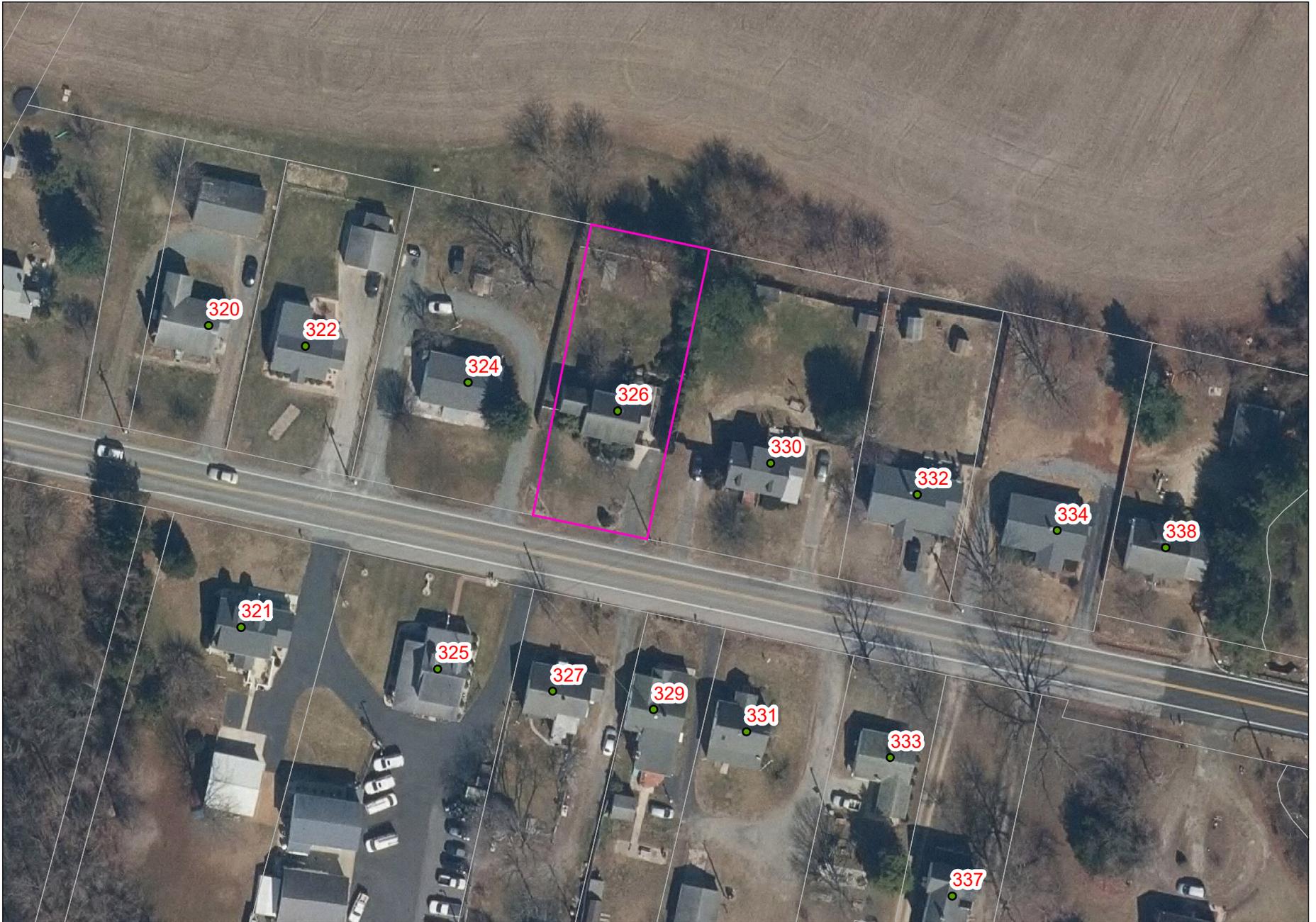
- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
- b. That the *variance* will not change the character of the neighborhood or district.
- c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
- 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:*

- MDOT/SHA has reviewed the application and has no concerns with County approval.
- The Kent County Health Department has no objections.
- The practical difficulty is due to construction of the dwelling prior to the adoption of our current bulk standards and the linear orientation, leaving no room for the ADA compliant ramp and the expansion of the front access under current standards. The practical difficulty was not caused by the applicants' own actions.
- Many homes along the street are similar in their close proximity to the front property line, and many of the parcels are narrow and not in compliance with current regulations.
- 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. The Asbury Methodist Church Cemetery and Rob Vanary Park are approximately 600 to 700 feet, respectively, eastward of the applicant property.
- There are no known impacts on community facilities and services.
- The lot coverage is in compliance with Critical Area Law.
- The Comprehensive Plan is neutral on this matter.
- The proposal is consistent with the intent of the Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the proposed variances.



Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2022. Map prepared April 2024.

1 inch = 75 feet

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)**

Darlene L. Wiggers
326 Cypress St. PO Box 384
Millington, MD 21651
Email: wiggersdarlene@gmail.com

For Office Use Only:

Case Number: 24-15
Date Filed: 3/4/2024
Filed by: Darlene Wiggers
Applicant: Darlene Wiggers
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: wiggersdarlene@gmail.com

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article 9
Section 2 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.) Cypress St. (291)

In the 01 Election District of Kent County.

Size of lot or parcel of Land: 10,500 SF

Map: 32 Parcel: 58 Lot #: — Deed Ref: 00729/00355

List buildings already on property: SFD 1,310 SF, storage shed 8'x10'

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.) extend front landing ^{forward by} to 5' to form new front porch

Present owner of property: Darlene L. Wiggers Telephone: 410-928-3950

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: Good Hope Family Farm % Joseph Maloney
121 Millington RD

Owner(s) on the South: SE Charles William (Bill) Jones, Jr 327 Cypress St.
SW Starkey Mechanical 325 Cypress St.

Owner(s) to the East: John Hill 330 Cypress St.

Owner(s) to the West: Michael Pipozar

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.

Barlene J. Wiggins _____ March 8, 2024
Signature of Owner/Applicant/Agent or Attorney 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.





To: William Mackey, AICP, Planning Director
From: Rob Tracey, AICP, Associate Planner
Date: April 24, 2024
Subject: 24-19 – James and Mary Plunkert
Administrative Special Exception – Accessory Storage Structure

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Mr. and Mrs. Plunkert are requesting an administrative special exception to build a 1,600 square foot accessory structure with 16-foot walls and a max roof peak of 22 feet, or mean roof height of 19 feet, on a parcel less than 5 acres. The proposed use of the structure is for the storage of their RV, boat, and other equipment. The property is unimproved; however, the applicant has submitted a building permit for both the house and garage. The 0.5-acre property is located on Fithian Drive Road in the Fifth Election District and is zoned Community Residential (CR).

RELEVANT ISSUES

- I. Permitted and Accessory Uses
 - A. *Applicable Law:* Article V, Section 6.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Community Residential Zoning District.
 - B. *Staff and TAC Comments:* The applicant is proposing to build a 1,600 square foot accessory structure with 16-foot walls and a max roof peak of 22 feet for the storage of their RV, boat, and other equipment on a parcel less than 5 acres. Accessory structures with a floor area over 1,200 square feet and/or a median height over 17 feet on a parcel less than 5 acres require an administrative special exception.
- II. Special Exception – General Standards
 - A. *Applicable Law:* Article VII, Section 2 of the Kent County *Land Use Ordinance* establishes the Special Exception standards and requires the Planning Director to 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.

B. *Staff and TAC Comments:*

- The proposed accessory building will be located in the rear yard. According to the applicant's site plan, the proposed accessory building will be approximately five feet from the west property line, 44 feet from the east and south property line and 136 feet from the north property line.
- The existing 0.5-acre parcel is currently unimproved and according to aerial imagery is largely wooded. The applicant proposes to build a 28 foot by 54-foot new single-family dwelling, with a 6 foot by 28-foot covered porch and a 12-foot by 20-foot patio.
- There are no known houses of worship, schools, public structures, or other places of public gathering immediately adjacent.
- 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 with the following condition:

1. That the special exception 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
410-778-7423 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant)

James A. & MARY M. PLUNKERT
1559 Brehm Rd, Westminster MD 21157
James.A.PLUNKERT@WSSC.WATER.COM
Email: dir tft mary @ AOL.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: _____

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article VII Section 7 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.) Fithian Dr

In the 5 Election District of Kent County.

Size of lot or parcel of Land: 1.5 acre
Map: 51 Parcel: 405 Lot #: 13 Deed Ref: 1334/227

List buildings already on property: NONE. VACANT building lot

Subdivision name and address, if applicable: Robins Way

PRESENT ZONING OF PROPERTY: CR community Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) REQUEST Special exception to build 1600 sft., 16 ft walls max height 22 ft to roof peak. The purpose of the pole building is to store our RV and boat and other equipment

Present owner of property: JAMES A. PLUNKERT Telephone: 410 804 0940
MARY M. PLUNKERT 410 804 8278

LEAVE Blank per Clerk

If Applicant is not owner, please indicate your interest in this property: _____

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. *county has plans*

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: _____

Owner(s) on the South: _____

Owner(s) to the East: _____

Owner(s) to the West: _____

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.

Jan R... / Mary M... Clerk

Signature of Owner/Applicant/Agent or Attorney

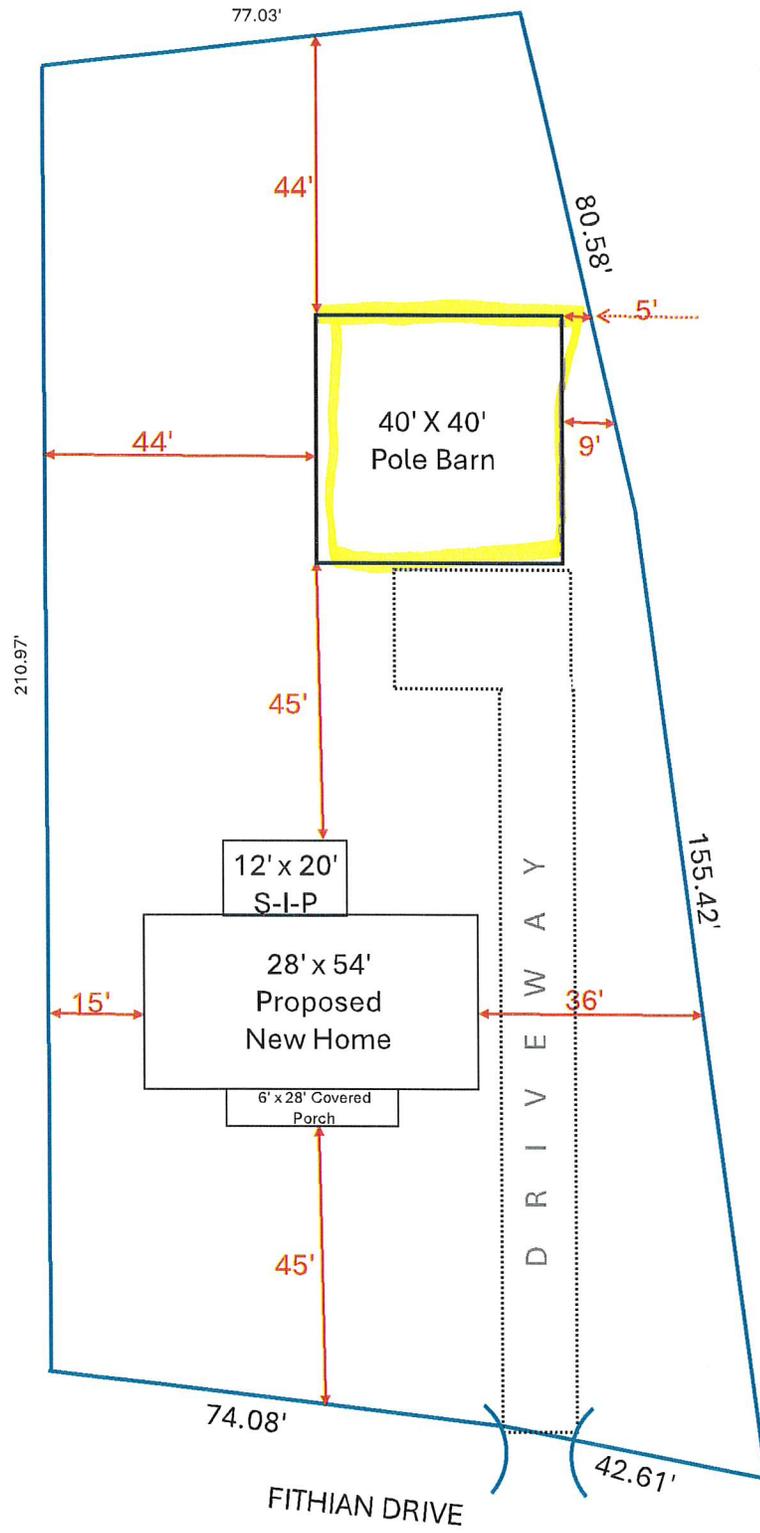
3-22-2024

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.

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1" = 20'



REVIEW OF THESE PLANS DOES
NOT RELIEVE THE OWNER OR
CONTRACTOR FROM BUILDING
IN ACCORDANCE WITH ALL
APPLICABLE SECTIONS OF
THE KENT COUNTY BUILDING CODE
PLANS CHECKED BY:

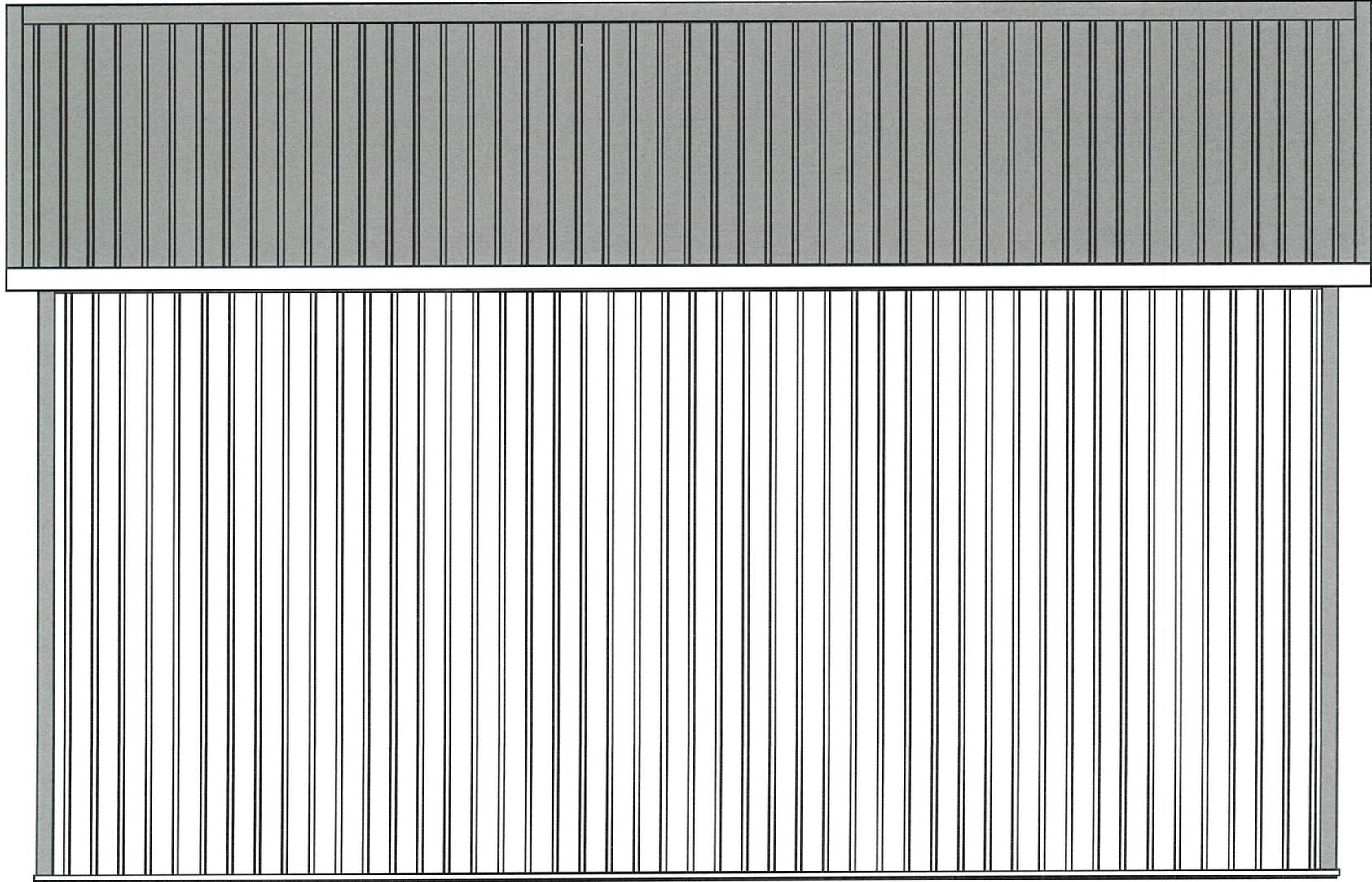
[Signature] 3/19/24

EAVE 2 ELEVATION

NAME: *Plunkert*

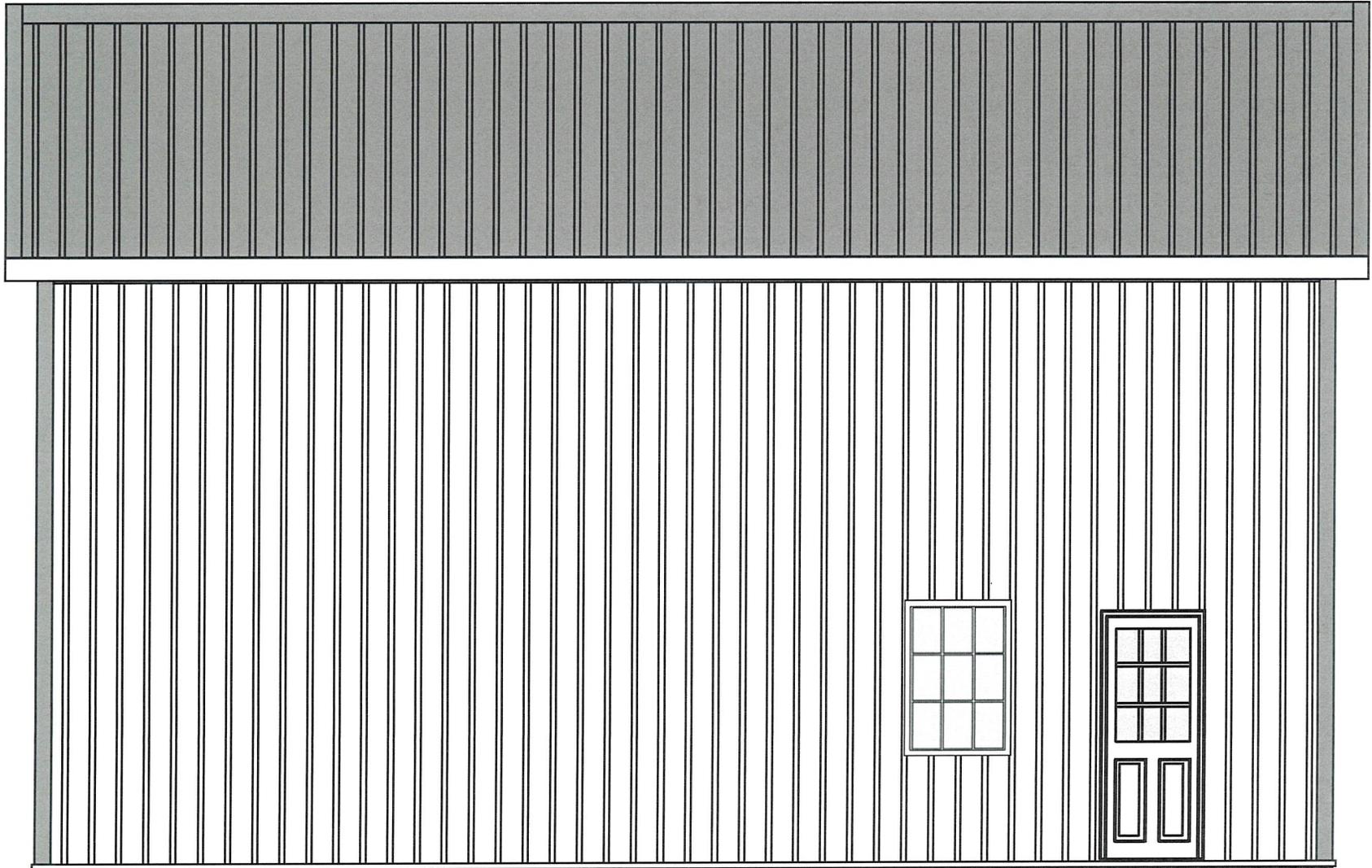
APPLICATION #: *24-98*

**'KEEP PLANS AT JOB SITE AT
ALL TIMES.
POST PERMIT & PROTECT FROM
THE WEATHER.'**



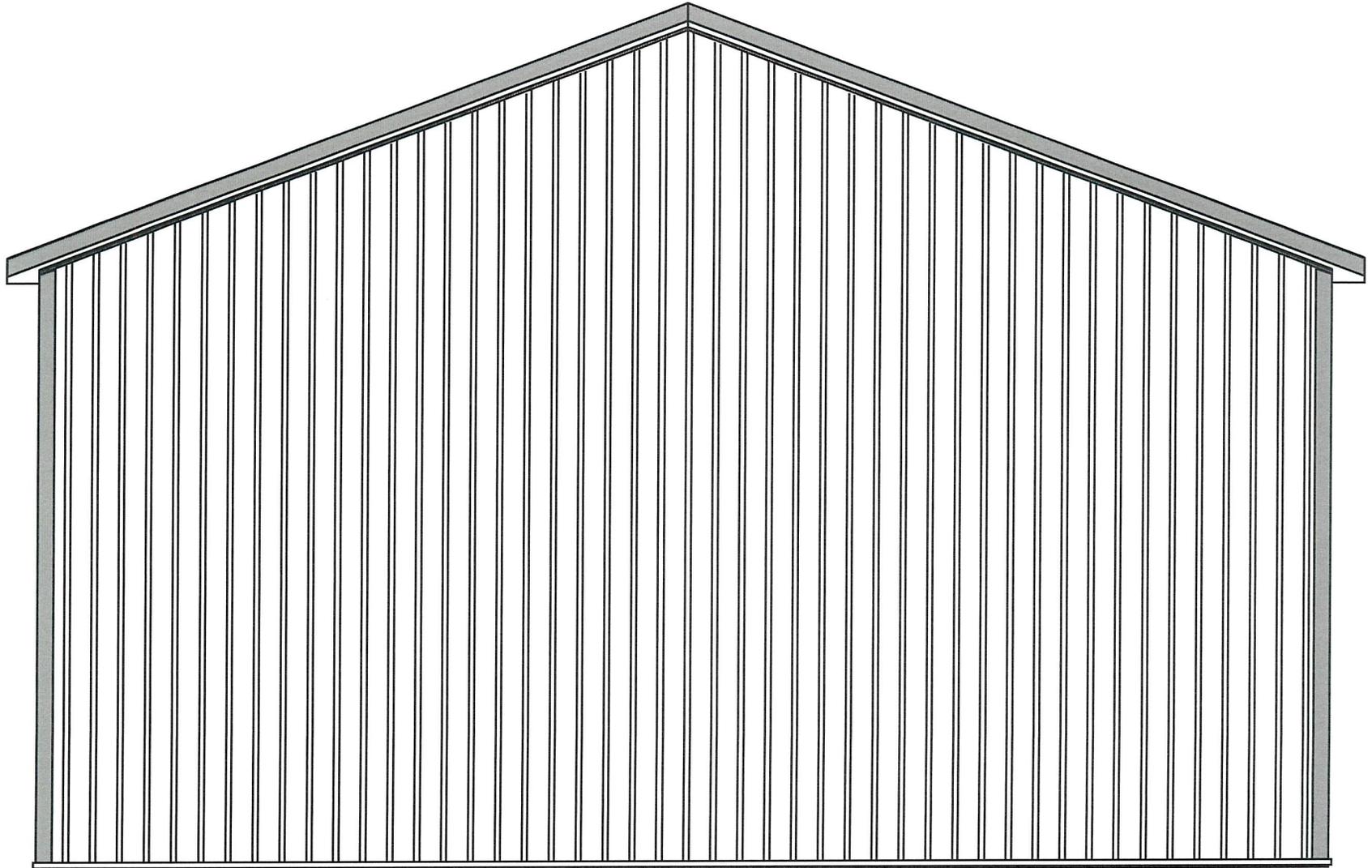


EAVE 1 ELEVATION



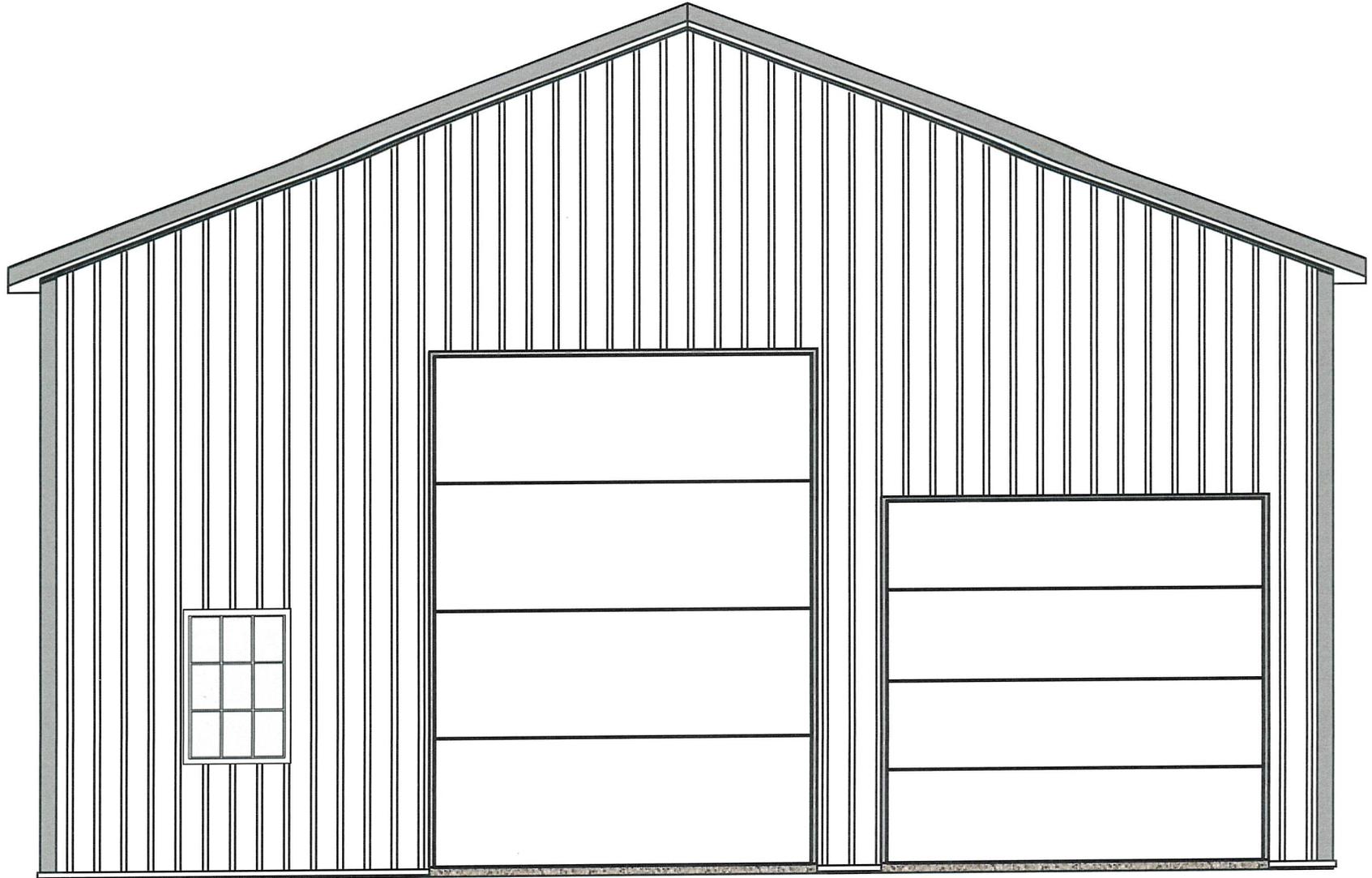


GABLE 2 ELEVATION





GABLE 1 ELEVATION

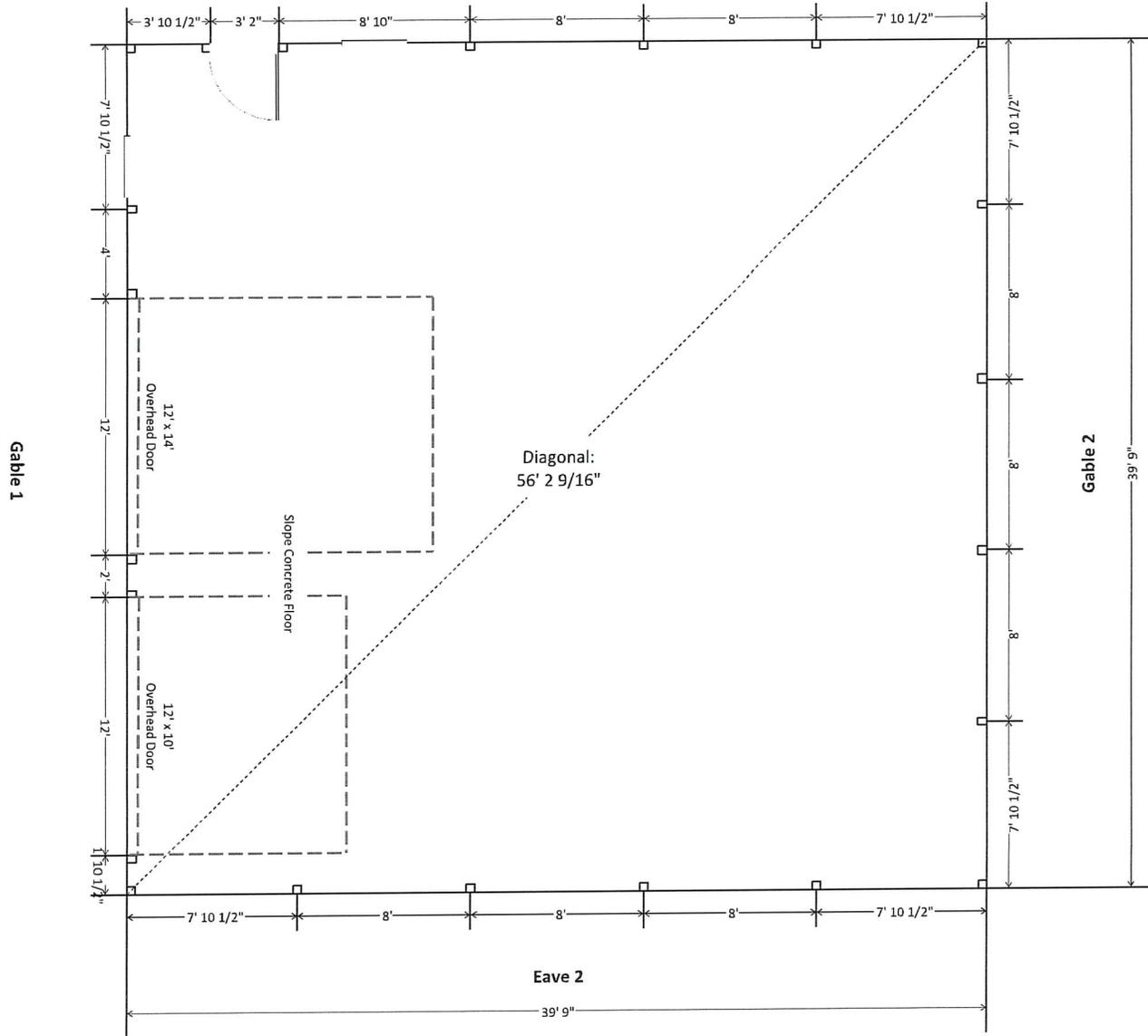




POLE LAYOUT

Residential Use, 1600 sq. ft.

Eave 1



CROSS SECTION

ROOF LAYER 1: RFOIL BUBBLE WHITE/FOIL 750 1/8 IN X 72 IN X 125 FT
 ROOF LAYER 2: G-RIB STEEL PANEL

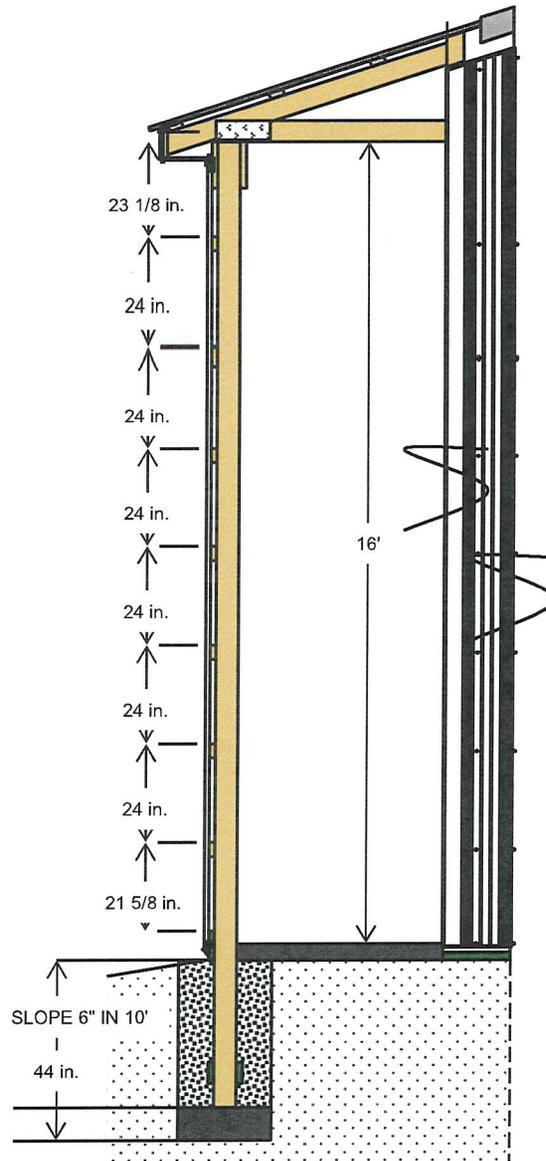
PURLINS: 2 X 4 SPF #2/BETTER FASTENED LAYING FLAT
 SUB FACIA: 2 X 8 SYP #1
 FACIA COVERING: STEEL 1 1/2 IN. X 7 1/2 IN. ANGLE 8 X 10 FT
 UNDEREAVE: VINYL CENTER VENT SOFFIT 12 IN X 12 FT

CORNER POSTS: 3 PLY 4.5 X 5.25
 INTERMEDIATE POSTS: 3 PLY 4.5 X 5.25 SPACING 8 FT O.C.
 EXTERIOR CARRIER: SYP #1 2 X 12
 INTERIOR CARRIER: SYP #1 2 X 12
 EXTERIOR WALL GIRTS: SPF #2/BETTER 2 X 4
 WALL LAYER 1: G-RIB STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED 2 X 8

SIDING BEGINS 4 1/8 IN. BELOW THE TOP OF SKIRT BOARD

EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF SKIRT BOARD



4/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL
 (HEEL HEIGHT: 0-5-12 OR 5 3/4 IN.)
 TRUSS SPACING: 48 IN. O.C.
 TRUSS LOADING INFORMATION: TCCL/TCDL/BCCL/BCDL
 20-5-0-5
 TOTAL TRUSS LOADING = 30 P.S.F.
 BRACE PER TRUSS MANUFACTURER'S
 RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 3 1/4 IN.
 BELOW THE TOP OF THE SKIRT BOARD
 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -
 3500 P.S.I.
 UNDISTURBED SOIL OR COMPACTED SAND FILL
 BACKFILL HOLE WITH SAND/GRAVEL FILL & COMPACT
 PIER FOOTING USING REDI-MIX CONCRETE
 WITH MINIMUM STRENGTH/2500 P.S.I.

BARRIER BETWEEN SIDE METAL AND TREATED SKIRT
 BOARD
 POST CLEATS: TREATED 2 X 6 ON EACH SIDE OF POST
 STARTING 6 IN. ABOVE THE FOOTING