



**ADMINISTRATIVE HEARING  
COUNTY COMMISSIONERS HEARING ROOM  
400 HIGH STREET  
CHESTERTOWN, MARYLAND**

**AGENDA**

Monday, October 28, 2024  
10:00 AM

**APPLICATIONS FOR REVIEW**

- 24-50 David Schirmer – Administrative Special Exception – Large Accessory Structure  
205 Lee Avenue, Galena – First Election District – Zoned Community Residential
- 24-51 Michael and Grace Boylan – Administrative Special Exception – Acc. Structure in Front Yard of  
Waterfront Property  
24188 Kinnairds Point Drive, Worton – Third Election District – Zoned Critical Area Residential
- 24-52 John and Elizabeth Herrera – Administrative Special Exception – Large Accessory Structure  
6075 Broadneck Road, Chestertown – Seventh Election District – Zoned Critical Area Residential
- 24-55 Steven Milby – Administrative Special Exception – Large Accessory Structure  
5370 Crosby Road, Rock Hall – Fifth Election District – Zoned Critical Area Residential

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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: **609 943 676#**

PHONE PARTICIPATION – Members of the public are asked to mute their phones/devices, until the Administrator opens the floor for comment. Please note that phone participation is dependent on service carriers and internet providers, this option may not be available for all meetings or be available during the entire meeting. In-person attendance is always recommended.

ONLINE VIEWING – Please note that although many meetings are recorded, the availability of video online is dependent on internet availability and functionality. Some members of the public may be able to watch a live video feed and/or view the video after the meeting at the County’s YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

PROTOCOL – Meetings are conducted in open session unless otherwise indicated. All or part of the meetings can be held in closed session under the authority of the MD Open Meetings Law. Breaks are at the call of the Administrator. Meetings are subject to audio and video recordings. All applicants 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.

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT**

PLEASE PLACE THE FOLLOWING IN THE KENT COUNTY NEWS: October 24, 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, October 28, 2024, at 10:00 a.m.**, the Kent County 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:

**David Schirmer** requesting an administrative special exception to construct a 1,664 square foot pole building with a median height greater than 17 feet. The property is located at 205 Lee Ave, Galena.

**Michael and Grace Boylan** requesting an administrative special exception to install a 192-square-foot accessory structure in the front yard of a waterfront property. The property is located at 24188 Kinnairds Point Dr, Worton.

**John and Elizabeth Herrera** requesting an administrative special exception to construct a 2,400-square-foot accessory building with a mean height of approximately 19 feet. The property is located at 6075 Broadneck Rd, Chestertown.

**Steven Milby** requesting an administrative special exception to construct a 2,100-square-foot accessory building and lean-to. The property is located at 5370 Crosby Rd, Rock Hall.

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:** William Mackey, Planning Director  
**From:** Carla Gerber, Deputy Director  
**Date:** October 23, 2024  
**Subject:** 24-50 – David Schirmer  
Administrative Special Exception – Accessory Storage Structure

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

The applicant is requesting an administrative special exception to construct a 48-foot by 28-foot pole building on a property less than 5 acres. The wall height will be 16 feet, and the peak of the roof will be 20.5 feet. The building will also have an 8-foot-wide porch that extends 24 feet on the long side and 16 feet on the gable end side. It will have one 14-foot by 14-foot overhead door in the gable end facing the street. The proposed use is for the storage of boats, an RV, and miscellaneous equipment. The 1.006-acre property is improved with a single-family dwelling and is located at 205 Lee Avenue near Galena in the First Election District. It is zoned Community Residential.

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

Special exception uses are allowed and presumed to be compatible with other permitted uses in a zoning district; however, a review process is required to evaluate whether the particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zoning district; and to ensure that development complies with the Comprehensive Plan, the Land Use Ordinance, and various agency requirements, thereby promoting the health, safety, and general welfare of Kent County's residents.

The Planning Director, or his designee, must consider the impacts of the specifically proposed special exception use as indicated on the submitted site plan upon neighboring uses and the surrounding area of that particular location. The Planning Director, or his designee, may place conditions and restrictions authorized by the Land Use Ordinance to limit the special exception use to address the identified impacts on neighbors and the area. The Planning Director, or his designee, may also place conditions and restrictions to ensure that the special exception use that is granted does not exceed the reasonable expectations of that specific and particular use as proposed on the concept site plan.

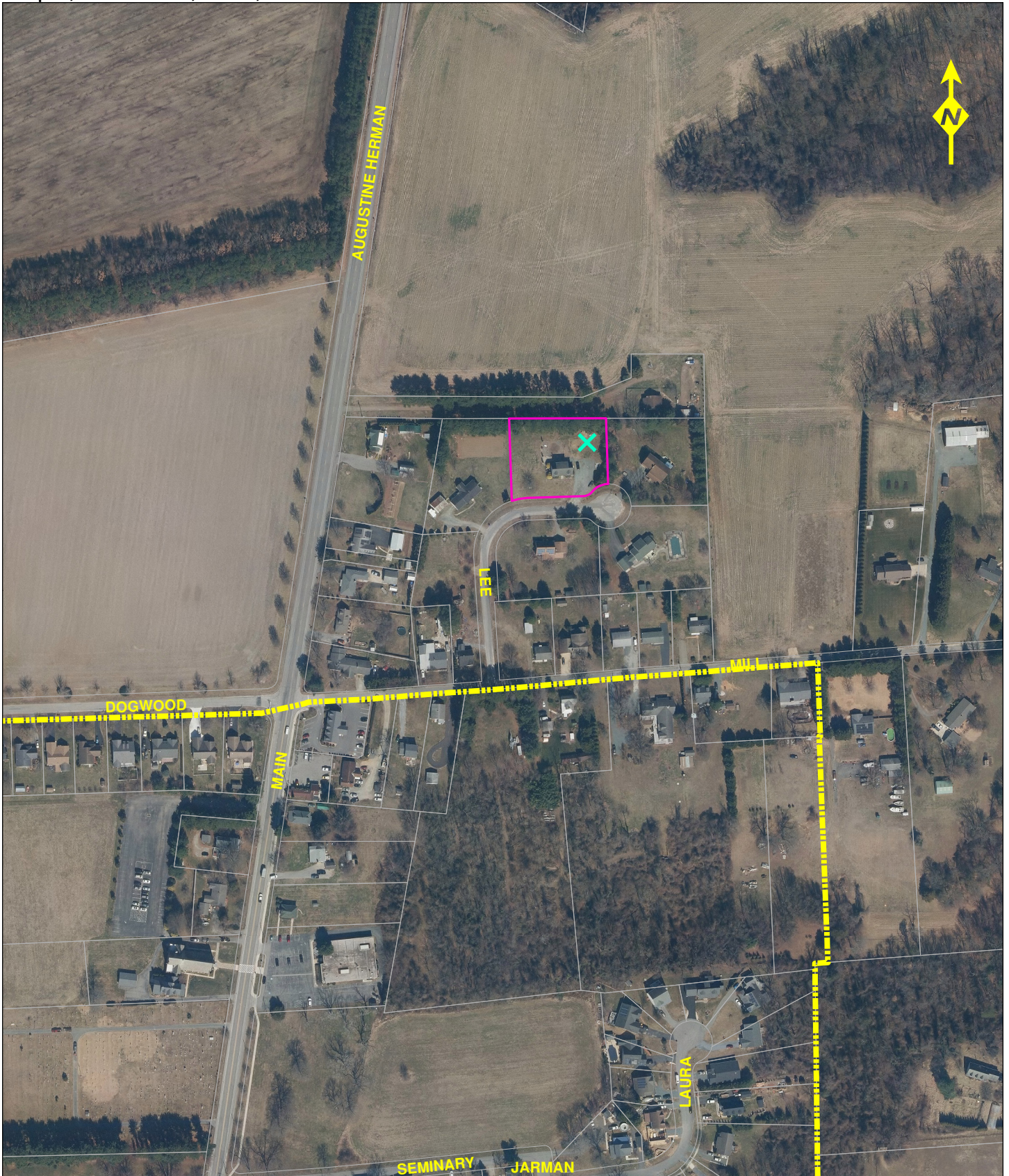
- A. *Applicable Law:* Article VII, Section 2 of the Kent County *Land Use Ordinance* establishes the Special Exception standards and requires the Planning Director to make findings on the following where appropriate:
1. The nature of the proposed site, including its size and shape and the proposed size, 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 building will be located in the rear yard. It will be approximately 30 feet from the rear property line and 38 feet from the closest side property line.
  - The property is on a cul-de-sac with five other houses on the northern boundary of Galena.
  - A hedgerow separates the lot from the closest neighboring house. The hedgerow extends along the back property line as well.
  - There are no known impacts to community facilities and services.
  - There are no known adverse impacts on the property values of adjacent properties or the neighborhood.
  - There are no known impacts to fish, wildlife or plant habitats.
  - 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.

David Schirmer  
205 Lee Avenue, Galena  
Map 7, Parcel 351, Lot 2, 1.006 acres



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

1 inch = 300 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)**

David Schirmer  
205 Lee Ave  
Galena, MD 21635  
**Email:** cowgirlz.2010@yahoo.com

| For Office Use Only: |              |
|----------------------|--------------|
| Case Number:         | <u>24-50</u> |
| 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 \_\_\_\_\_ 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.) 205 Lee Avenue

In the 01 Election District of Kent County.

**Size of lot or parcel of Land:** 1.0 AC  
Map: 0007 Parcel: 0351 Lot #: 2 Deed Ref: 661/158

List buildings already on property: House

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

**PRESENT ZONING OF PROPERTY:** Residential

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires the Appeal Hearing.) Add detached garage with porch to property. 48x28x16 with 40'x8' porch. To store personal property and keep it cleaner.

**Present owner of property:** David Schirmer Telephone: 410 708 0447

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 9/11/24 XB

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

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date: N/A

**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: Long View Farms

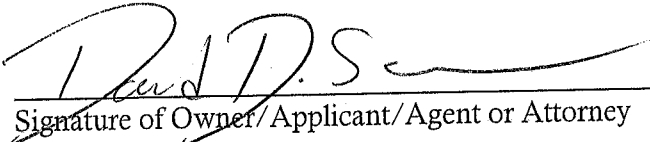
Owner(s) on the South: Maloney, Joseph + Rebecca

Owner(s) to the East: Early, Clifford T

Owner(s) to the West: Counce II, Palmer F

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

9/7/24  
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.**

David Schirmer

205 Lee Avenue  
Galena, MD 21635

} Kent County Planning, Housing, and Zoning

400 High Street  
Chestertown, MD 21620

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**To Whom it May Concern**

This letter is regarding the attached application to construct a detached garage with a porch on my property at 205 Lee Avenue in Galena, MD. I bought the property 24 years ago; had a cape cod house built and raised my three children on that lot. At this point in my life, my children have grown, and it is my wife, Belinda, and myself in the house with our dogs.

We really enjoy quite a few outdoor activities and if you look in our driveway and yard it is obvious. They currently contain the truck we use to drive to work every day and our other two cars. There is also a 40-foot motorhome, two closed in trailers used for our motorcycles, a landscape trailer for the Kubota, and a generator for the "next" hurricane.

I would really like to gain your special approval to build a 48'x28'x16' detached garage. It will have an 8'x40' porch attached to it to not only help make the garage mor aesthetic, but to also help it become a particularly useful outside area of the garage. The building will also use the same colors as our house to aid with appearance.

Building the garage will not require us to remove trees around our yard and it will not affect the surrounding environment. Our street sits behind some houses that face route 213 and the garage will only be visible from 213 if someone takes the time to stop and really look for it. Two sides of the property are surrounded by our trees and the building will sit to the right of the house and be placed so that it is also behind the back line of it. The visibility of the garage will really depend on where someone is standing to be able to see it, but we honestly believe that looking at the building will prove to be much more pleasant to look at than all of our belongings.

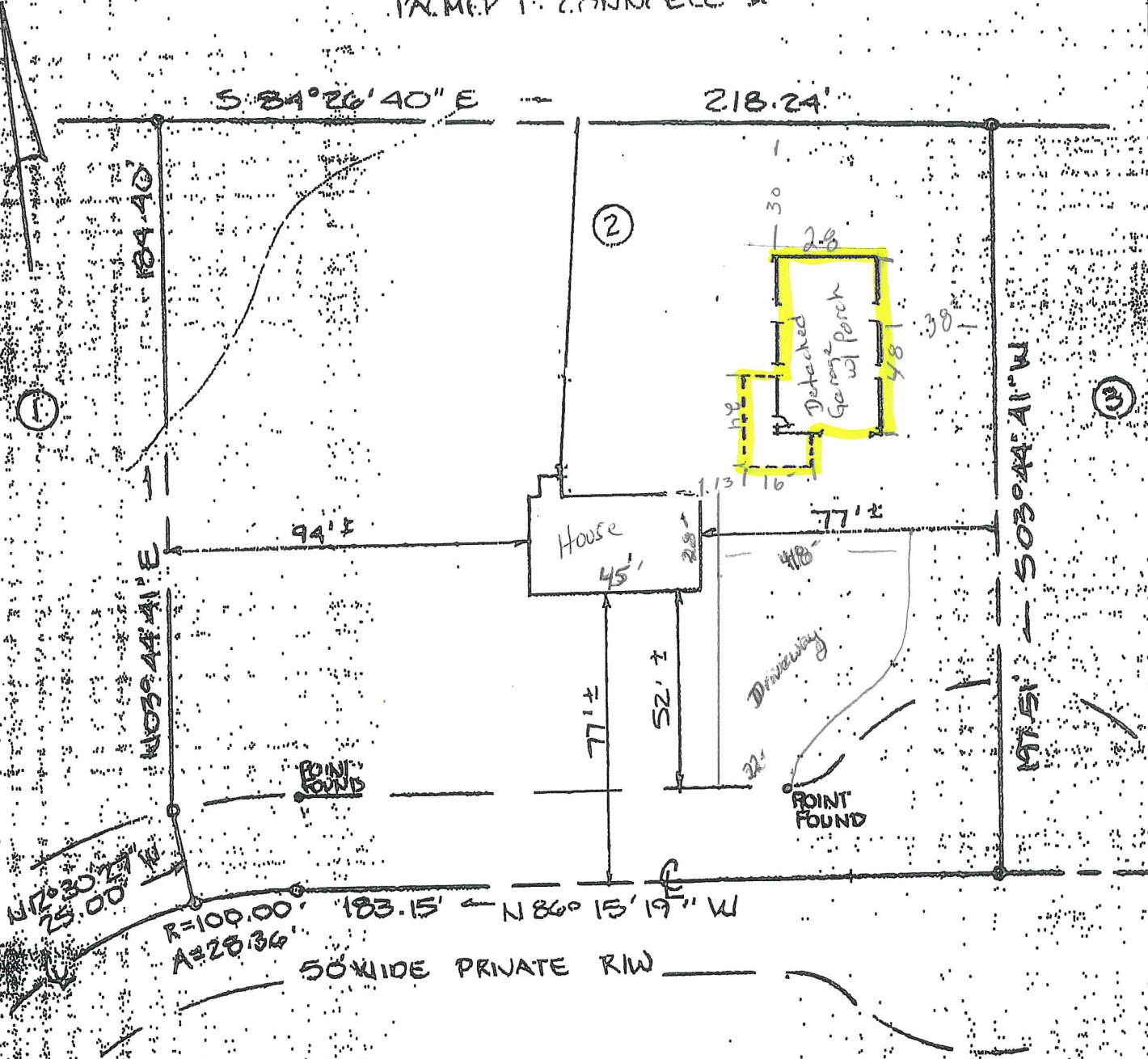
Thank you for your consideration on this matter,



David Schirmer  
September 10, 2024



LANDS N/A  
PALMER T. CONNELL II



LOCATION PLAN  
FOR  
BELINDA SCHIRMER  
LOT 2 SUBDIVISION OF William M. Willis  
1ST ELECTION DISTRICT  
NEAR GALENA  
KENT COUNTY MARYLAND

# HOPEWELL CONSTRUCTION

(484) 748-1770  
133 NEW ROAD  
RISING SUN, MD 21911

Proposal

PROPOSAL NO. \_\_\_\_\_  
SHEET NO. \_\_\_\_\_  
DATE \_\_\_\_\_

PROPOSAL SUBMITTED TO:

WORK TO BE PERFORMED AT:

|  |               |
|--|---------------|
| NAME<br><u>David Shirmer</u>                               | ADDRESS       |
| ADDRESS<br><u>205 Lee Ave</u>                              | DATE OF PLANS |
| PHONE NO.<br><u>Glenan MD 21635</u><br><u>410-708-0447</u> | ARCHITECT     |

We hereby propose to furnish the materials and perform the labor necessary for the completion of Quote for a 28x48x16  
pole barn w/ an 8x8x40 porch.  
Building gets 1 36" 9 lite door,  
4 36x48 windows w/ grills, 1 14x14 garage door w/ insula  
5" concrete w/ wire and vapor barrier over 3" of stones  
5" gutters and down spouts  
3' wainscoting, double bubble on roof  
28 ga metal on roof and sides  
26 ga Metal on ceiling of Building & porch  
Building <sup>will</sup> be built w/ 2x6 <sup>3ply</sup> posts w/ protectors  
2x8 treated bandboard, 2x4 perkins and sidegirts 2' O.C.  
2x12 headers, 8/12 pitch trusses  
Porch will be built w/ 2x6 rafters, 2x8 headers

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Fifty three thousand and two hundred  
Dollars (\$ 53,200 ) with payments to be made as follows.

Any order from above shall be subject to change in price and costs will be as shown on order and will be on an extra charge over and above the estimate. All payments contingent upon strike, war, or other conditions and our call.

Respectfully submitted Hopewell Construction

Per Malin Blank

Note — this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

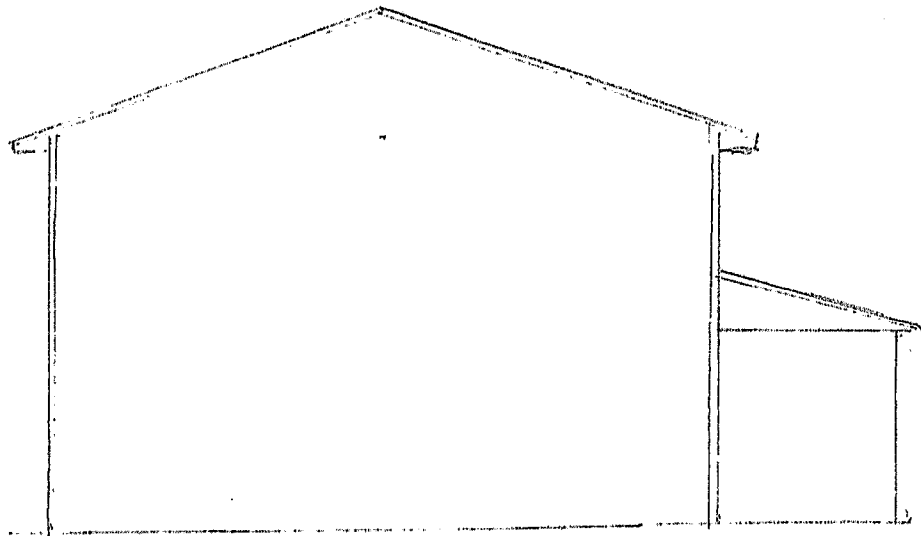
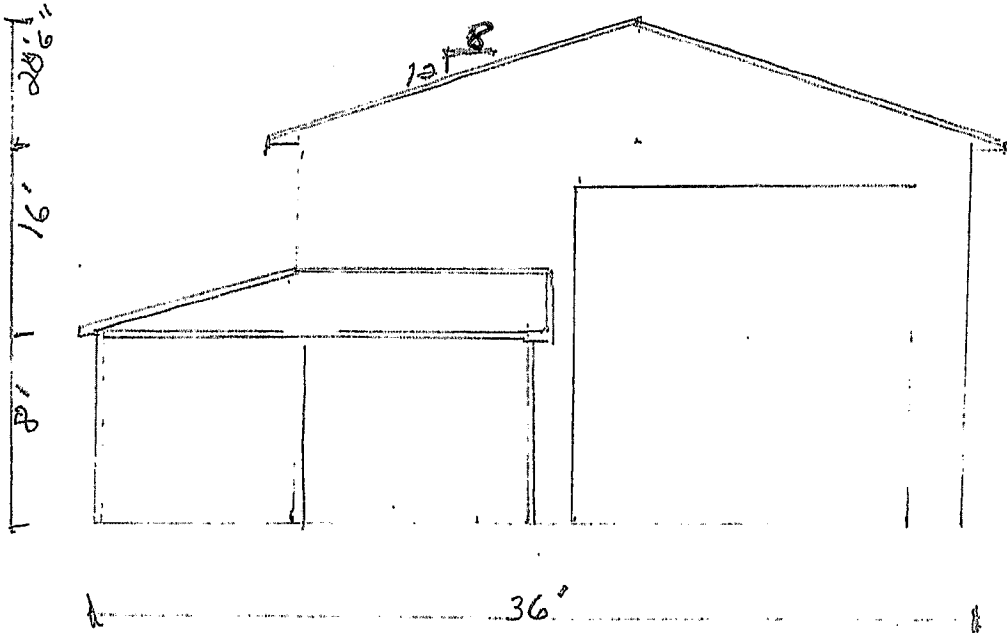
### ACCEPTANCE OF PROPOSAL

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

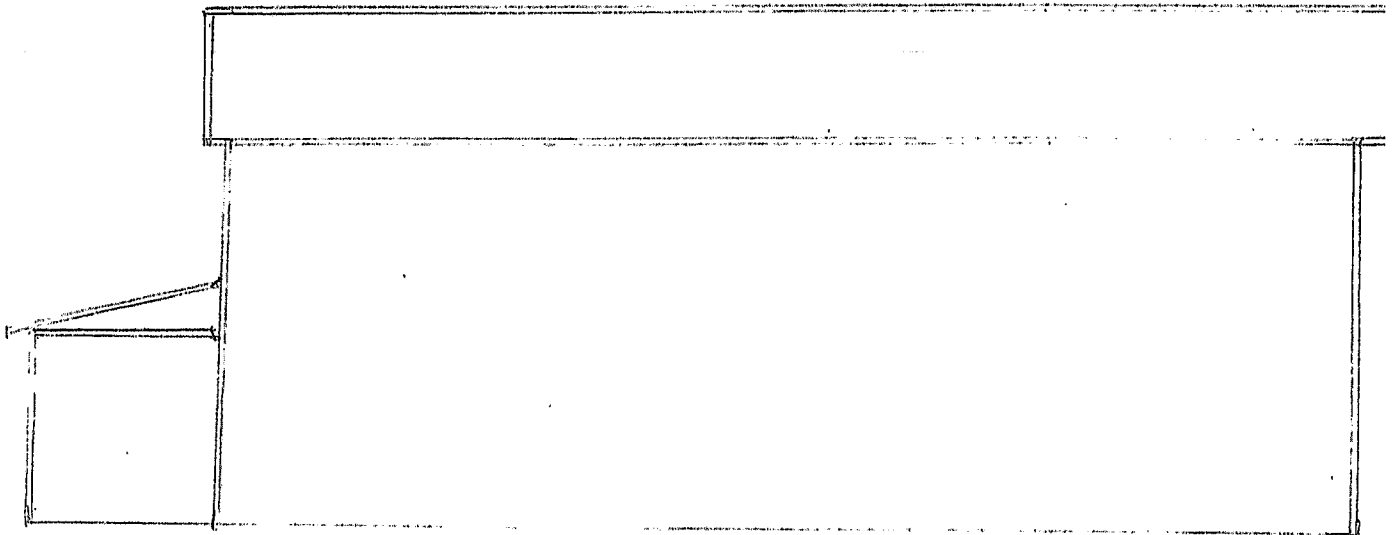
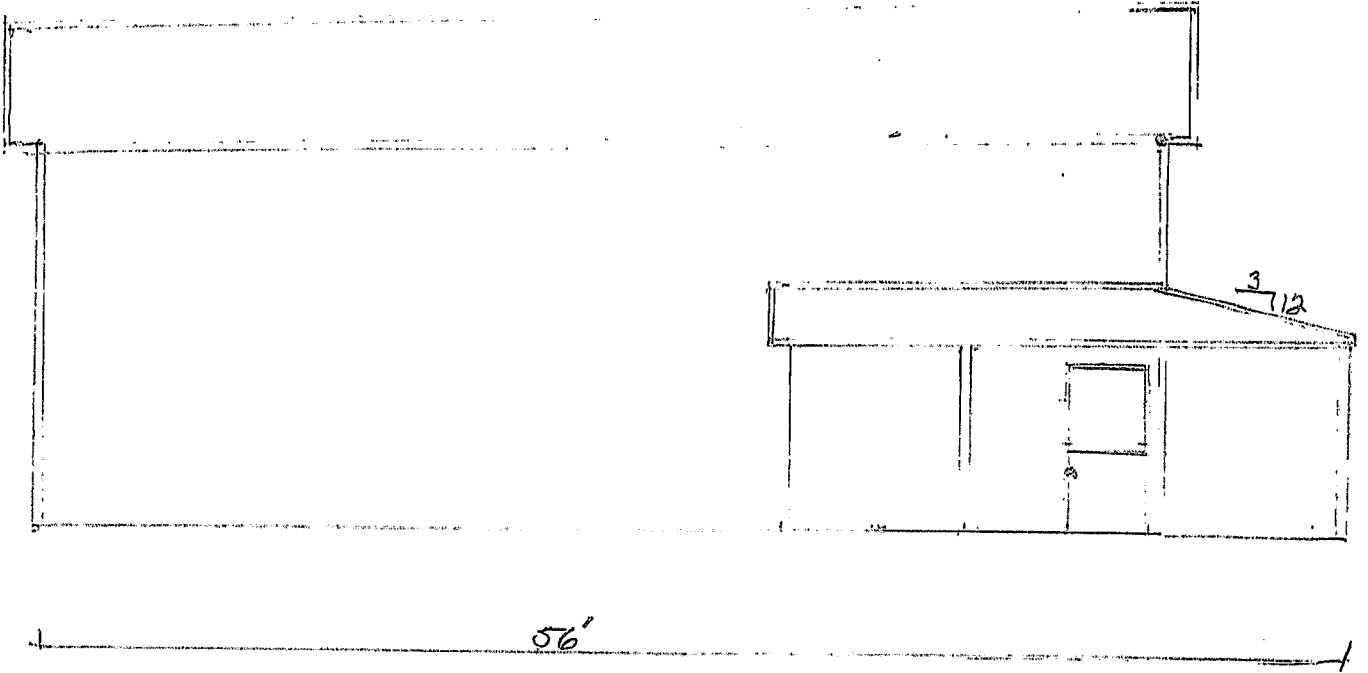
Signature David Shirmer

Date 6/5/24

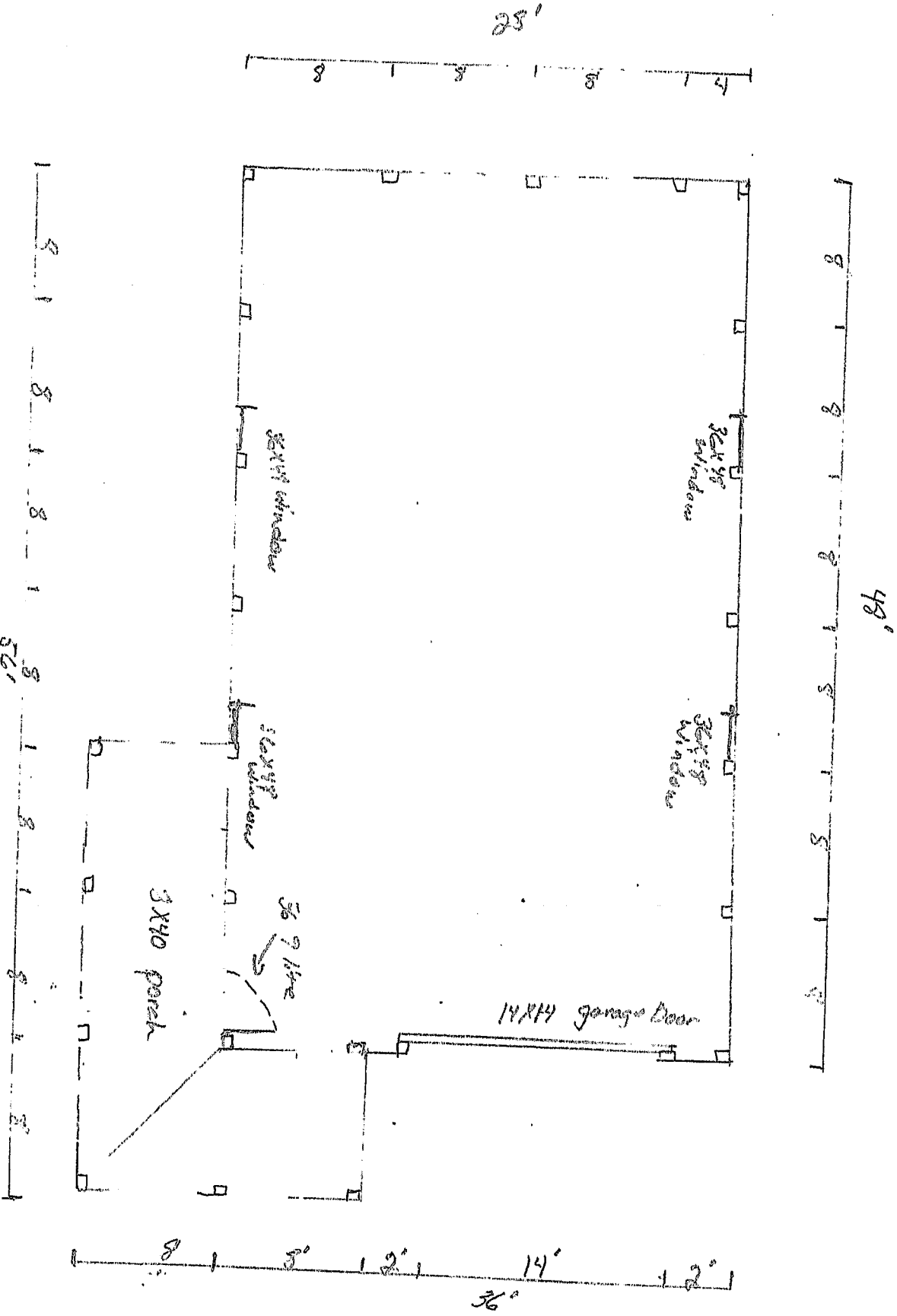
Signature \_\_\_\_\_



Left Eave



Load Carrier  
28x48x16



**To:** William Mackey, AICP, Planning Director  
**From:** Mark Carper, Associate Planner  
**Date:** October 21, 2024  
**Subject:** 24-51 – Michael and Grace Boylan  
Administrative Special Exception – Accessory Structure in Front Yard of Waterfront Parcel

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

Mr. and Mrs. Boylan are requesting an administrative special exception to install a 192-square-foot accessory structure in the front yard of a waterfront property. The 2.59-acre property is located at 24188 Kinnairds Point Drive, Worton, in the Third Election District and is zoned Critical Area Residential (CAR).

### RELEVANT ISSUES

#### I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 5.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Critical Area Residential (CAR) Zoning District.
- B. *Staff and TAC Comments:* The applicant is proposing to install a 192-square-foot accessory structure in the front yard of a waterfront property. Accessory structures in the front yard requirement of waterfront parcels require an administrative special exception.

#### II. Special Exception – General Standards

Special exception uses are allowed and presumed to be compatible with other permitted uses in a zoning district; however, a review process is required to evaluate whether the particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zoning district; and to ensure that development complies with the Comprehensive Plan, the Land Use Ordinance, and various agency requirements, thereby promoting the health, safety, and general welfare of Kent County’s residents.

The Planning Director, or his designee, must consider the impacts of the specifically proposed special exception use as indicated on the submitted site plan upon neighboring uses and the surrounding area of that particular location. The Planning Director, or his designee, may place conditions and restrictions authorized by the Land Use Ordinance to limit the special exception use to address the identified impacts on neighbors and the area. The Planning Director, or his designee, may also place conditions and restrictions to ensure that the special exception use that is granted does not exceed the reasonable expectations of that specific and particular use as proposed on the concept site plan.

- 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 2.59-acre property is improved with a single-family dwelling, a driveway, shoreline revetment, and a pier.
- Neighboring parcels are also residential, waterfront properties of a size similar to that of the applicant.
- The area is a mixture of lawn and woods, and the applicant property is screened on the sides by existing vegetation.
- The closest neighboring residential structure is approximately 100 feet to the east of the proposed accessory structure and is screened by an existing hedgerow.
- The applicant's Homeowners Association has approved the proposed shed.
- The nearest public facilities and houses of worship are approximately 4 miles away in Worton.
- No adverse impacts to the environment, property values, or character of the neighborhood are anticipated.
- A buffer enhancement plan has been submitted and meets the required mitigation for the increase in lot coverage.
- The lot coverage will remain within that allowed by Critical Area Law.
- The Health Department and the SHA have no issues or concerns with the application.
- There are no known impacts on community facilities or 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  
410-778-7475 (phone) • 410-810-2932 (fax)

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

MICHAEL + GRACE BOYLAN

24188 KINNAIRDS POINT DRIVE

WOOLTON, MD 21678

Email: gmboylan@gmail.com  
215.534.6525

**For Office Use Only:**

Case Number: 24-51  
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 \_\_\_\_\_  
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.) Kinnaids Point Drive

In the 3<sup>RD</sup> Election District of Kent County.

Size of lot or parcel of Land: 2.59 ACRES

Map: 11 Parcel: 57 Lot #: 57 Deed Ref: 338/135

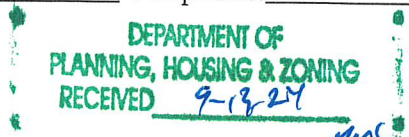
List buildings already on property: HOME AND ATTACHED GARAGE

Subdivision name and address, if applicable: KINNAIRDS POINT

**PRESENT ZONING OF PROPERTY:** Residential

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires the Appeal Hearing.) WE WOULD LIKE TO INSTALL A 12' x 16' PRE BUILT shed IN FRONT YARD OF WATERFRONT PROPERTY ON LIMITED AVAILABLE SURFACE.

**Present owner of property:** MICHAEL & GRACE BOYLAN Telephone: 215.534.6525





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: WATERFLOOT

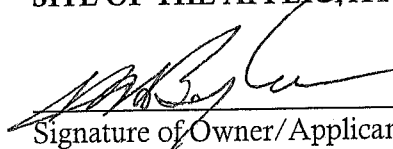
Owner(s) on the South: STREET

Owner(s) to the East: CHUCK & EDDY CROSS

Owner(s) to the West: KINNAIRDS POINT COMMUNITY ACCESS ROAD

Homeowners Association, name and address, if applicable: KINNAIRDS POINT PROPERTY ASSOC.  
("KPPOA")

**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

9/13/24  
\_\_\_\_\_  
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.

Amish Country Farmers Market  
(https://goo.gl/maps/W9BjzN61xtST56n6)  
(https://dutchhome.com/location/amish-country-farmers-market-in-easton-maryland/)  
(tel:4108348170)

Dutch Country Farmers Market  
(https://goo.gl/maps/Rx9G8AaCFE2Eokrm6)  
(https://dutchhome.com/location/dutch-country-farmers-market-in-middle-town-de/)  
(tel:3022004314)

(https://www.google.com/maps/place/Westtown+Amish+Market/@39.9213881,-75.5792693,17z/data=!4m6!3m5!1s0x89c6f07772b12e8f:0x1fe6f12ea9e2b3a3!8m2!3d39.921384!4d-75.576689!16s%2Fg%2F11cjhslOvv?entry=tts&shorturl=1)  
(https://dutchhome.com/location/westtown-amish-market-in-west-chester-pa/)  
(tel:6104675844)

[About Us](#)

[Blog](#)

[Sales](#)

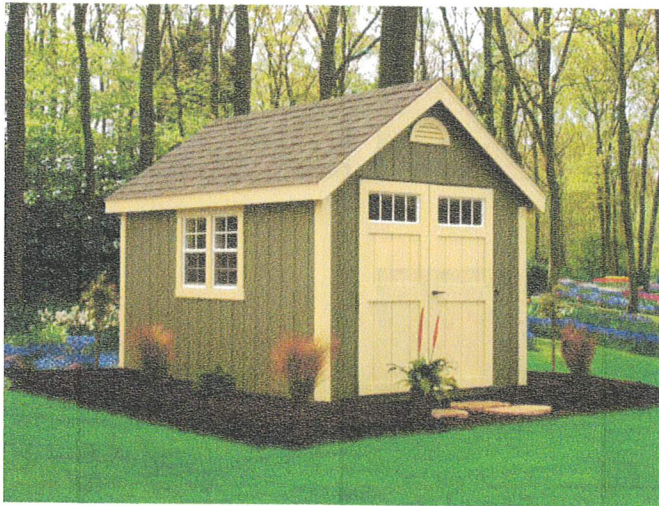
[Indoor](#)

**Dutch Home** Outdoor  
(https://dutchhome.com)

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Home (https://dutchhome.com/) » Products (https://dutchhome.com/products/) » Sheds (https://dutchhome.com/products/sheds/) » Duratemp Sheds (https://dutchhome.com/products/sheds/duratemp-sheds/) » Deluxe Classic - Duratemp Shed



(https://dutchhome.com/wp-content/uploads/2023/06/Classic-8x12-style-shed.jpg)

*Color will House.*

## Deluxe Classic – Duratemp Shed

Category [Duratemp Sheds](#)

(https://dutchhome.com/products/sheds/duratemp-sheds/)

Our Deluxe Classic features our steepest roof pitch and has a 6' sidewall to accommodate the steeper roof. Paired with our New England Deluxe trim package, the Deluxe Classic becomes a statement of style.

Size

Choose an option

**Add to Quote**

**Product Details**

**Delivery & Site Prep**

- Pressure Treated 4"x4" Skids
- Pressure Treated 2"x4" Floor Joists
- 5/8" Plywood Floor
- 2"x4" Wall Studs - 16" o.c. (72" high)
- 5/8" Duratemp Siding (your color choice)
- New England Doors, (2) 18"x27" Aluminum Windows
- 5" Composite Wood Trim, (rot resistant) (your color choice)
- Tech Shield LP Roof Sheathing
- 9/12 Pitch Roof
- 30-Year Architectural Shingles (your color choice)
- Choice of doors and window placement

There is more to buying a shed than choosing the style and colors. Obtaining building permits, preparing a shed pad, and making sure the desired location is accessible are important parts of getting your new outdoor structure.

### Prepare for Your Shed

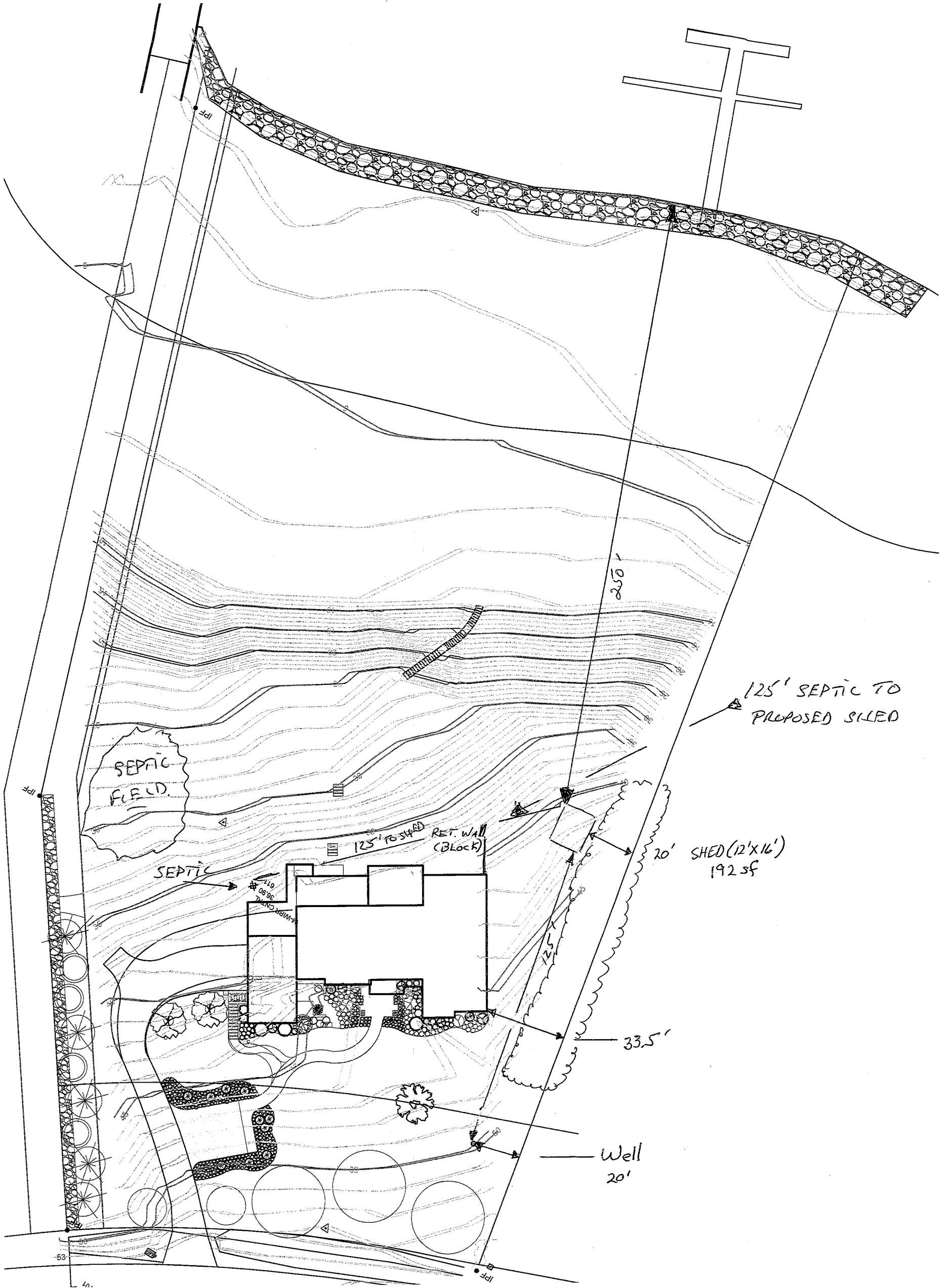
| Roof   | Siding & Trim | Doors & Windows | Options |
|--|---------------|-----------------|---------|
| <h3>Architectural 30 Year Shingles</h3> <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div style="text-align: center;">  <p>Bark</p> </div> <div style="text-align: center;">  <p>Black</p> </div> <div style="text-align: center;">  <p>Cedar</p> </div> <div style="text-align: center;">  <p>Charcoal</p> </div> <div style="text-align: center;">  <p>Gray</p> </div> <div style="text-align: center;">  <p>Green</p> </div> <div style="text-align: center;">  <p>Slate</p> </div> </div> |               |                 |         |

## Free Local Delivery

We offer free delivery within a 20-mile radius of our stores. Some restrictions do apply. Contact us to see if your purchase is eligible!

[Contact Us](#)





KINNAIRDS POINT DRIVE

**MINOR BUFFER ENHANCEMENT/MANAGEMENT PLAN**

Please attach site plan.

Property Owner MICHAEL + GRACE BOYLAN  
 Address of property 24188 KINNAIRDS POINT DRIVE  
 Election District 3<sup>rd</sup> Map 11 Grid 0002E Parcel 0057 Lot 57  
 Size of property 2.5900 Acres

Total area of new lot disturbance: 192 square feet

Total area of tree/vegetation removal: \_\_\_\_\_ square feet X 2= \_\_\_\_\_ square feet  
 Understory to be removed (See the Mitigation Requirements on the back of this sheet to calculate replacement requirements).

Canopy trees to be removed (See the Mitigation Requirements on the back of this sheet to calculate replacement requirements).

In accordance with the Critical Area Program Habitat Protection Area requirements, the buffer, if not fully forested or is not fully established in woody or wetland vegetation, shall be established to the extent required in the following table (if the buffer is fully established, an area onsite or offsite must mitigated; a fee in lieu will be considered only if planting options do not exist and the fee has been established at \$1.50/square foot):

| Development Category  | Extent of buffer establishment required                                       |
|---|---|
| New development on a vacant lot (prior to April 12, 1988)       | Establish the buffer based on total lot coverage outside the buffer           |
| New development on vacant lot (after April 12, 1988)            | Fully establish the buffer  |
| New subdivision or new lot                                      | Fully establish the buffer  |
| New lot with an existing dwelling unit                          | Establish the buffer based on total lot coverage outside the buffer           |
| Conversion of a land use on a parcel or lot to another land use | Fully establish the buffer  |
| Addition or accessory structure                                 | Establish the buffer based on net increase in lot coverage outside the buffer |
| Substantial alteration  | Establish the buffer based on total lot coverage                              |

Signature Grace Boylan Printed name GRACE BOYLAN  
 Mailing address 1710 Hollow Rd, Collegeville, PA 19426  
 Email address: gmboylan@gmail.com Daytime phone 215-534-6525

DEPARTMENT OF  
 PLANNING, HOUSING & ZONING  
 RECEIVED 10-21-27

## BUFFER ENHANCEMENT/MANAGEMENT PLAN MITIGATION REQUIREMENTS

In accordance with the applicable activity located within the buffer, the following mitigation ratios apply (measurements based upon canopy calculation or square footage of disturbance):

| Activity   | Mitigation Ratio      |                       |
|--|-----------------------|-----------------------|
|  | Permanent Disturbance | Temporary Disturbance |
| Septic on a lot created before local program approval if located in existing grass or if clearing is not required      | Not applicable        | 0                     |
| Septic system in a forest or developed woodland on a lot created before local program approval of clearing is required | 1 :1                  | Not applicable        |
| Shore erosion control  | 1:1                   | 1:1                   |
| Riparian water access  | 2:1                   | 1:1                   |
| Development or redevelopment of a water-dependent facility   | 2:1                   | 1:1                   |
| Variance   | 3:1                   | 1:1                   |
| Violation  | 4:1                   | Not applicable        |

The following planting credits for the type and size of the vegetation may be calculated as follows:  
<http://www.nativeplantcenter.net/>

| Vegetation Type       | Minimum Size Eligible for Credit   | Maximum Credit Allowed (Square Feet) | Maximum Percent of Credit |
|-----------------------|--|--------------------------------------|---------------------------|
| Canopy tree           | 2-inch caliper   | 200                                  | Not applicable            |
| Canopy tree           | 3/4-inch caliper   | 100                                  | Not applicable            |
| Understory tree       | 3/4-inch caliper   | 75                                   | Not applicable            |
| Large shrub           | 3 feet high  | 50                                   | 30                        |
| Small shrub           | 18 inches high   | 25                                   | 20                        |
| Herbaceous perennial* | 1 quart or based on the area covered by plugs or seed mix                      | 2                                    | 10                        |
| Planting Cluster 1*   | 1 canopy tree; and 3 large shrubs or 6 small shrubs of sizes listed above      | 300                                  | Not applicable            |
| Planting Cluster 2*   | 2 understory trees; and 3 large shrubs or 6 small shrubs of sizes listed above | 350                                  | Not applicable            |

\* These options are available only for buffer establishment and buffer mitigation of less than 1/2 acre. 100% dead does not require replanting. Area must be stabilized with native vegetation or ground cover.

**PROPOSED MAINTENANCE PLAN**

Area to be planted within two growing seasons on or before Fall 2025 per approved plan and maintained thereafter.

Large/small shrubs to be planted (you may also list any herbaceous perennials here):

4 large shrubs  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Canopy trees to be planted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Kent County Department of Planning and Zoning Critical Areas Lot Coverage Checklist

Following is a list of items meant to simplify lot coverage calculations on permits for building in Critical Areas. Any development item must be listed as existing or proposed as restrictions apply to new lot coverage created in a Critical Area. See acreage calculations listed below for lot coverage limits on your parcel.

|  | Existing<br>Lot Coverage<br>(sq. ft.) | Proposed<br>Lot Coverage (sq.<br>ft.) | Total<br>Lot Coverage (sq.<br>ft.) |
|--|---------------------------------------|---------------------------------------|------------------------------------|
| New or Existing Single Family Dwelling (including roof overhangs)    |                                       |                                       |                                    |
| Decks/porches (without spaces to allow water to pass through freely) |                                       |                                       |                                    |
| Driveway/sidewalks (gravel, dirt, paved)                             |                                       |                                       |                                    |
| Detached/attached garage   |                                       |                                       |                                    |
| Outbuildings (sheds, gazebos, boat houses)                           |                                       | 192                                   | 192                                |
| Swimming pools (including any concrete areas or decking)             |                                       |                                       |                                    |
| Tennis courts  |                                       |                                       |                                    |
| Other (barbeque pits, concrete slabs)                                |                                       |                                       |                                    |
| Guest or tenant houses   |                                       |                                       |                                    |
| Proposed additions   |                                       |                                       |                                    |
| <b>Totals:</b><br><i>permit # 21-406</i>                             | <i>6,696</i>                          | <i>192</i>                            | <i>6,888</i>                       |

Lots Created prior to July 1, 2008

| Lot Coverage Limit | Lot Size                  |
|--------------------|---------------------------|
| * 15%              | (36,301 sq. ft. or more)  |
| * 5,445 sq. ft.    | (21,781 - 36,300 sq. ft.) |
| * 31.25%           | (8,001 - 21,780 sq. ft.)  |
| *25%               | (8,000 sq. ft. or less)   |

Lots Created after July 1, 2008

Lot Coverage Limit: 15%



**To:** William Mackey, AICP, Planning Director  
**From:** Mark Carper, Associate Planner  
**Date:** October 21, 2024  
**Subject:** 24-52 – John and Elizabeth Herrera  
Administrative Special Exception – Accessory Storage Structure

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

Mr. and Mrs. Herrera are requesting an administrative special exception to construct a 2,400-square-foot accessory building with a mean height of approximately 19 feet on a property less than 5 acres. An attached, 500-square-foot covered porch is also proposed. The proposed use is for the storage of boats, an RV, and miscellaneous equipment. The 1.79-acre property is located at 6075 Broadneck Road, Chestertown, in the Seventh Election District and is zoned Critical Area Residential (CAR).

### RELEVANT ISSUES

#### I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 5.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Critical Area Residential (CAR) Zoning District.
- B. *Staff and TAC Comments:* The applicant is proposing to construct a 2,400-square-foot accessory building with attached 500-square-foot covered porch with a mean height of approximately 19 feet on a property 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

Special exception uses are allowed and presumed to be compatible with other permitted uses in a zoning district; however, a review process is required to evaluate whether the particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zoning district; and to ensure that development complies with the Comprehensive Plan, the Land Use Ordinance, and various agency requirements, thereby promoting the health, safety, and general welfare of Kent County's residents.

The Planning Director, or his designee, must consider the impacts of the specifically proposed special exception use as indicated on the submitted site plan upon neighboring uses and the surrounding area of that particular location. The Planning Director, or his designee, may place conditions and restrictions authorized by the Land Use Ordinance to limit the special exception use to address the identified impacts on neighbors and the area. The Planning Director, or his designee, may also place conditions and restrictions to ensure that the special exception use that is granted does not exceed the reasonable expectations of that specific and particular use as proposed on the concept site plan.

- 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 property is improved with a single-family home and gravel drive.
  - The proposed structure will be placed in the rear yard approximately 14.5 feet from the rear property line.
  - An 800-square-foot apron in front of the building's overhead doors is proposed.
  - A 2,225 square-foot gravel drive to the accessory structure is proposed.
  - SHA has approved the entrance for the proposed drive to the accessory structure.
  - The nearest public facilities are approximately 10 miles away and a house of worship is approximately 6 miles away.
  - No adverse impacts to the environment, property values, or character of the neighborhood are anticipated.
  - The lot coverage will remain within that allowed by Critical Area Law.
  - The Health Department and the SHA have no issues or concerns with the application.
  - 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.

Special Exception

# 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)**

John & Elizabeth Herrera  
17427 Astoria Lane  
Silver Spring, Maryland 20905  
Email: liz1961@comcast.net

**For Office Use Only:**

Case Number: 24-52  
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: Ciscoelectricervice@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.) 6075 Broadneck Rd. Chestertown, MD 21620

In the 07 Election District of Kent County.

**Size of lot or parcel of Land:** \_\_\_\_\_

Map: 52 Parcel: 0116 Lot #: \_\_\_\_\_ Deed Ref: \_\_\_\_\_

List buildings already on property: House, (shed-to be removed soon)

Subdivision name and address, if applicable: N/A

**PRESENT ZONING OF PROPERTY:** Residential

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires the Appeal Hearing.) Place a pole building at the back of our property to store our RV, boat, tractor, tools, etc.

Present owner of property: Elizabeth Herrera

Telephone: 443-995-9769



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

Has property involved ever been subject to a previous application? N/A

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: State road & FRED WEHden

Owner(s) on the South: HERRERA

Owner(s) to the East: Fred wehden & HERRERA

Owner(s) to the West: State road

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.**

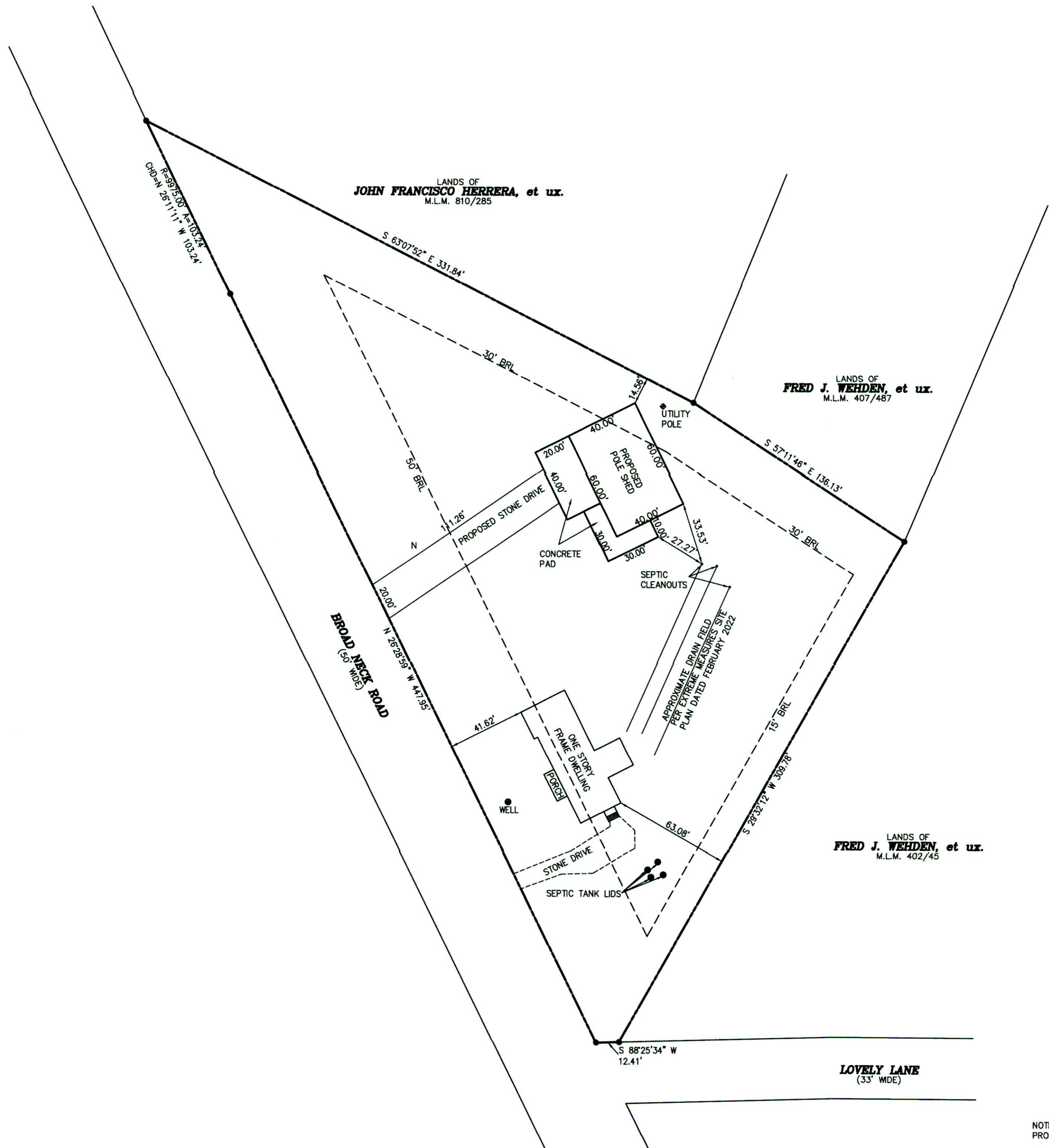
*Elbert Herrera*  
Signature of Owner/Applicant/Agent or Attorney

9/9/2024  
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.**



NOTES:  
 PROPERTY ADDRESS: 6075 BROAD NECK ROAD  
 CHESTERTOWN, MD., 21620  
 FOR DEED REF. SEE: M.L.M. 810/285  
 BRL - DENOTES BUILDING RESTRICTION LINE

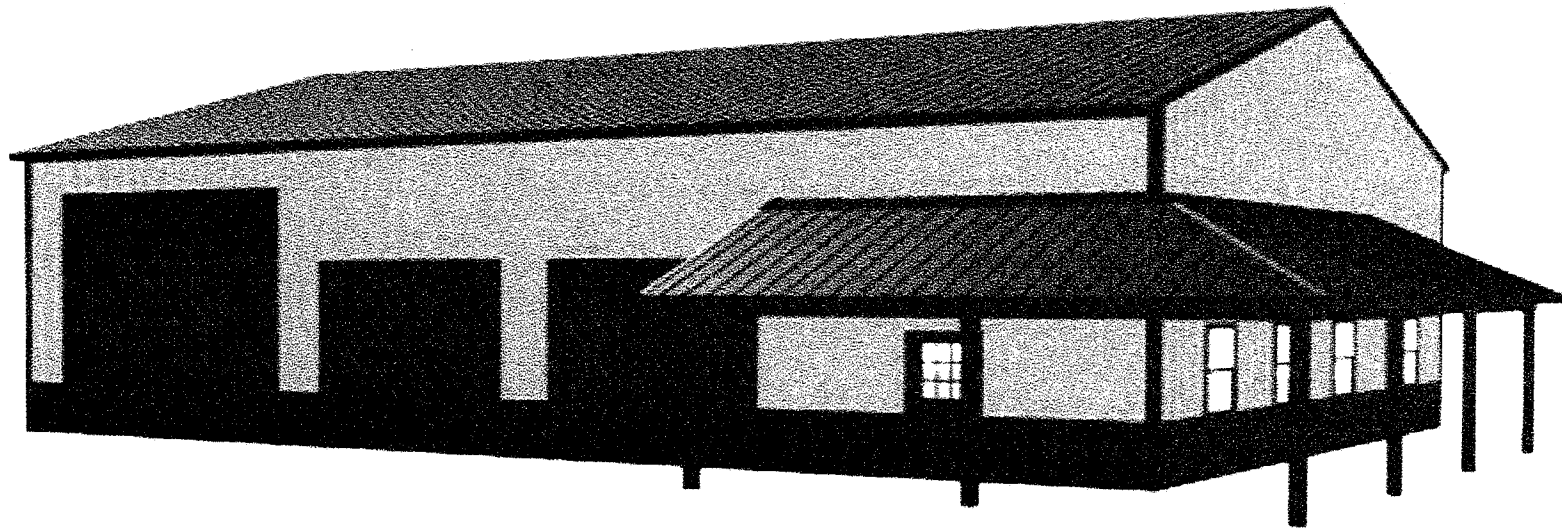
|            |          |
|------------|----------|
| SCALE      | 1" = 40' |
| DATE       | 8-27-24  |
| JOB NO.    | 7826     |
| FOLDER REF | K-784    |
| DATE       |          |
| DRAWN BY   | JWB      |
| REVISION   |          |

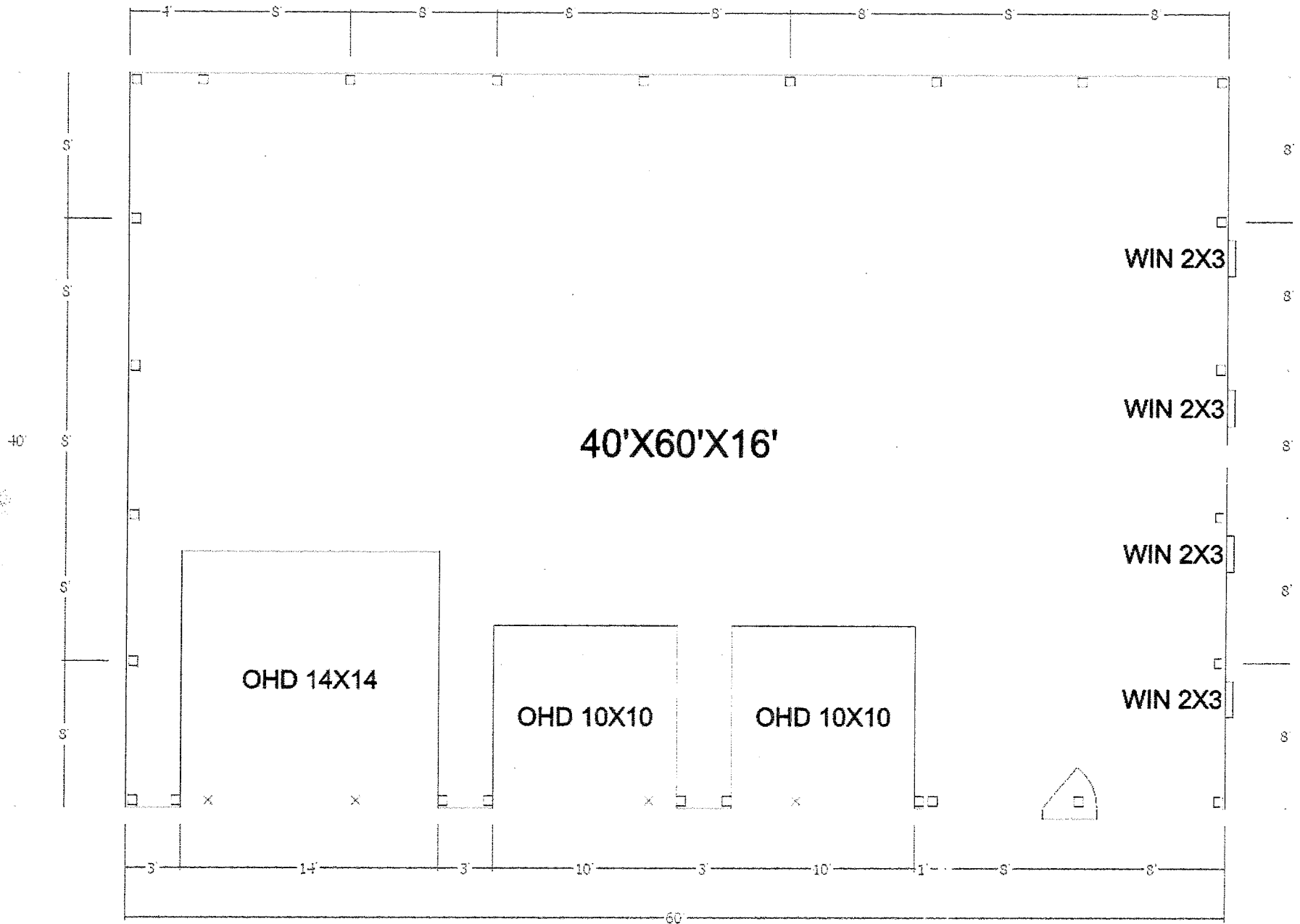
PROPOSED POLE BARN  
 ON THE LANDS OF  
**JOHN FRANCISCO HERRERA, et ux.**  
 SEVENTH ELECTION DISTRICT, KENT COUNTY, MARYLAND  
 PREPARED FOR: JOHN HERRERA

DWG. NAME — 7826

**MICHAEL SCOTT INC.**  
 400 S CROSS ST STE 3, CHESTERTOWN, MD 21620 (410)778-2310  
 DEPARTMENT OF PLANNING, HOUSING & ZONING  
 RECEIVED 10/23/24

DATE \_\_\_\_\_ SEAL \_\_\_\_\_





**CB Structures**  
<https://conestogabuildings.com/>

**Customer: Herrera**  
**Salesman: Andy Wiker**

**To:** William Mackey, AICP, Planning Director  
**From:** Mark Carper, Associate Planner  
**Date:** October 21, 2024  
**Subject:** 24-55 – Steven Milby  
Administrative Special Exception – Accessory Storage Structure

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

Mr. Milby is requesting an administrative special exception to construct a 2,100-square-foot accessory building and lean-to on a property less than 5 acres. The 0.93-acre property is located at 5370 Crosby Road, Rock Hall, in the Fifth Election District and is zoned Critical Area Residential (CAR).

### RELEVANT ISSUES

#### I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 5.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Critical Area Residential (CAR) Zoning District.
- B. *Staff and TAC Comments:* The applicant is proposing to construct a 2,100-square-foot accessory building and lean-to on a property 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

Special exception uses are allowed and presumed to be compatible with other permitted uses in a zoning district; however, a review process is required to evaluate whether the particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zoning district; and to ensure that development complies with the Comprehensive Plan, the Land Use Ordinance, and various agency requirements, thereby promoting the health, safety, and general welfare of Kent County’s residents.

The Planning Director, or his designee, must consider the impacts of the specifically proposed special exception use as indicated on the submitted site plan upon neighboring uses and the surrounding area of that particular location. The Planning Director, or his designee, may place conditions and restrictions authorized by the Land Use Ordinance to limit the special exception use to address the identified impacts on neighbors and the area. The Planning Director, or his designee, may also place conditions and restrictions to ensure that the special exception use that is granted does not exceed the reasonable expectations of that specific and particular use as proposed on the concept site plan.

- 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 property is improved with a single-family home, a detached garage in the rear yard, and a gravel drive.
- The proposed structure will be placed in the rear yard approximately 120 feet from the rear property line, 18 feet from the right side property line, 60 feet from the left property line, and 190 feet from the front property line.
- A 500 square-foot gravel drive to the accessory structure is proposed. The proposed drive is not depicted on the submitted site plan.
- The nearest public facilities are approximately 2 miles away and a house of worship is approximately 0.2 miles away.
- It appears that the lot coverage will remain within that allowed by Critical Area Law. The remaining area available following completion of the project will be approximately 93 square feet.
- It's unknown whether any removal of vegetation is proposed. If so, a Critical Area Forest Clearing Plan is required, which must include a minimum 1:1 mitigation ratio.
- No adverse impacts to the environment, property values, or character of the neighborhood are anticipated.
- The Health Department and the SHA have no issues or concerns with the application.
- 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 conditions:

1. Inclusion of the proposed gravel drive to the site plan.
2. Approval of a Critical Area Forest Clearing plan if any vegetation is to be removed.
3. 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  
410-778-7475 (phone) • 410-810-2932 (fax)

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

Steven Milby  
5370 Crosby Rd.  
Rockhall, MD 21601  
Email: Smilby29@ Hotmail.com

**For Office Use Only:**

Case Number: 24-53  
Date Filed: 10/1/24  
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 05 Section 05.3 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.) Crosby Rd

In the 05 Election District of Kent County.

Size of lot or parcel of Land: 0.93 ac.

Map: 0051 Parcel: 0134 Lot #: \_\_\_\_\_ Deed Ref: 01014/00078

List buildings already on property: House, detached garage

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.) Accessory building 2100 sqft.

Present owner of property: Steven Milby Telephone: 410 708 0563

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.

**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.**

\_\_\_\_\_  
Signature of Owner/Applicant/Agent or Attorney

\_\_\_\_\_  
Date

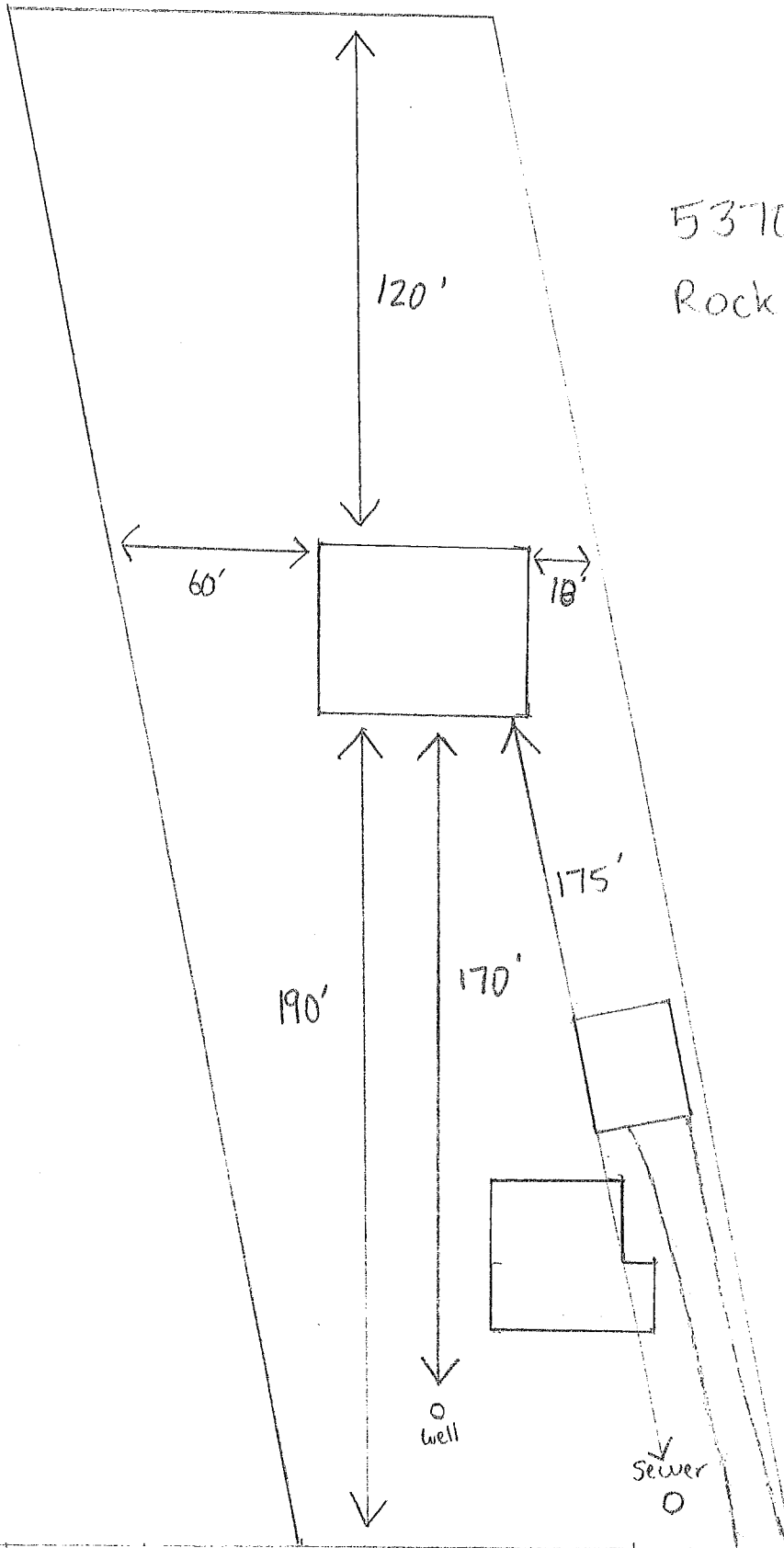
Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the County Commissioners of Kent County. If you have any questions, contact the Kent County Department of Planning, Housing and Zoning.

**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.**

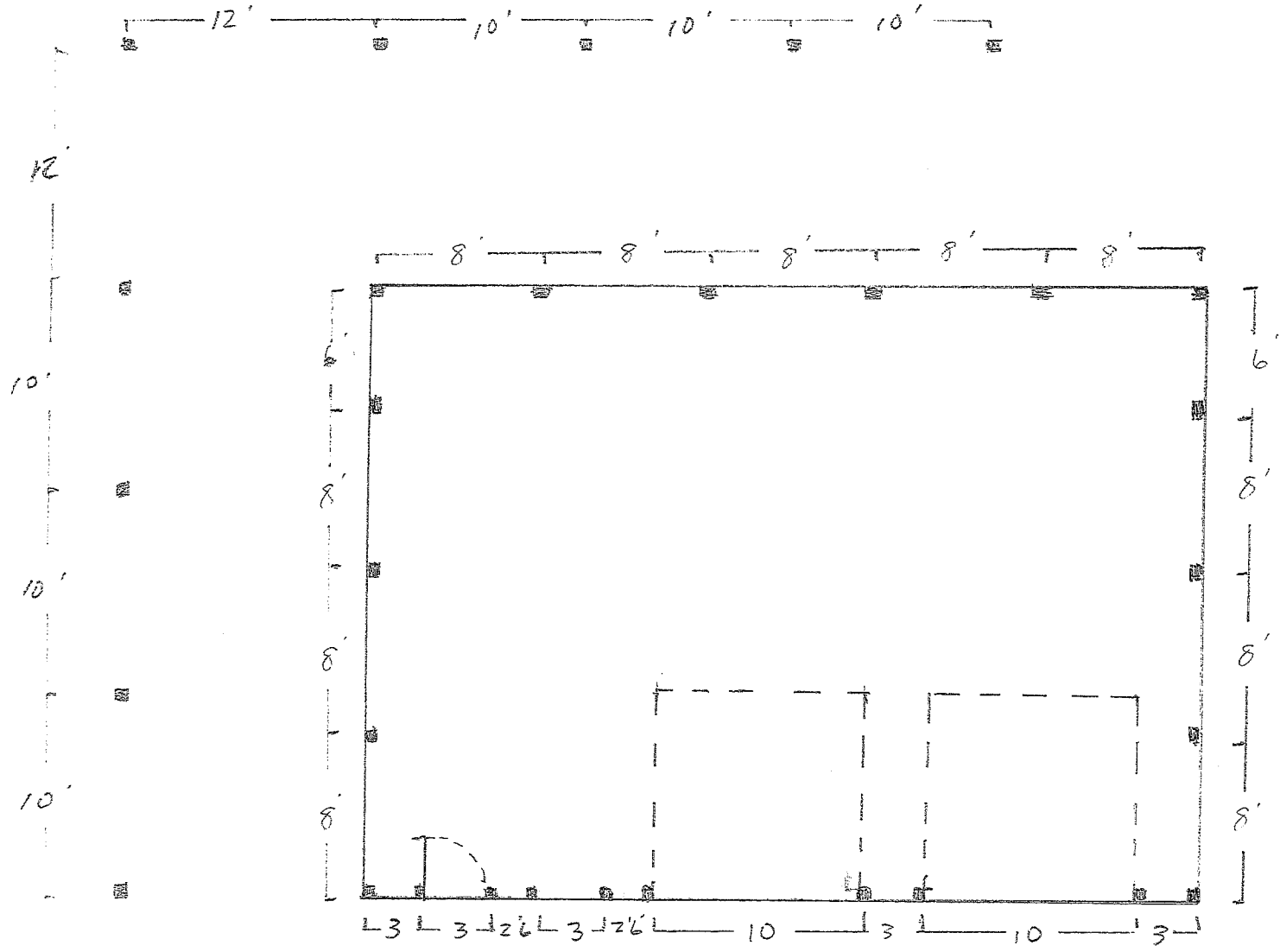
$$3/32 = 4'$$

5370 Crosby Rd.  
Rock Hall, MD 21661

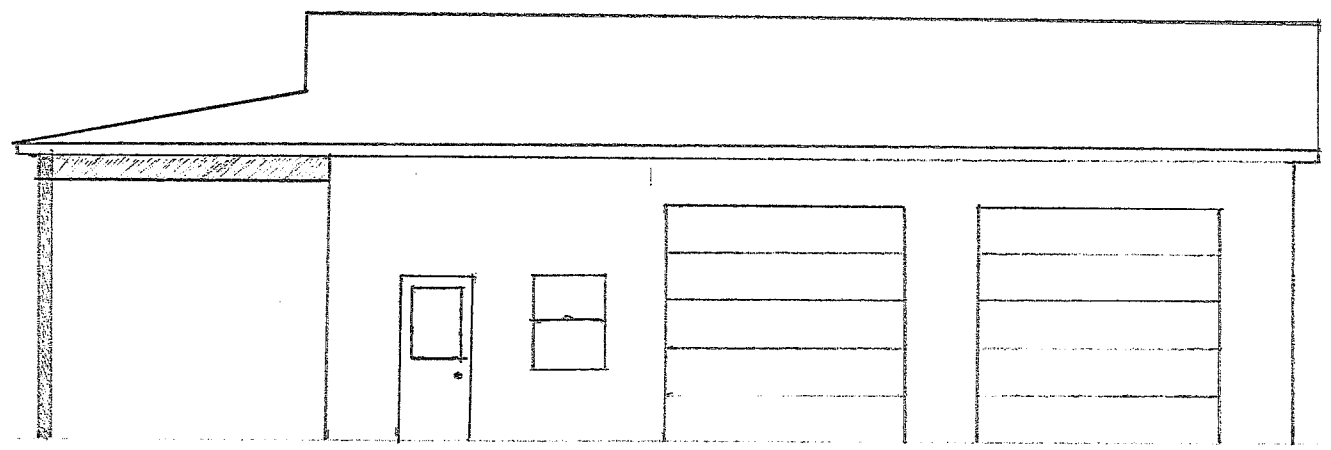
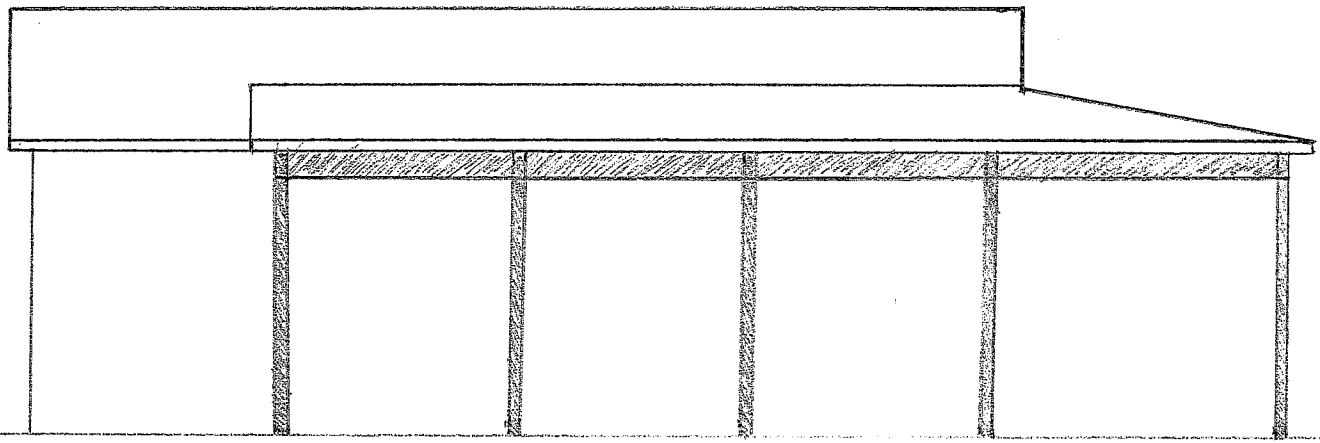


Crosby Rd.

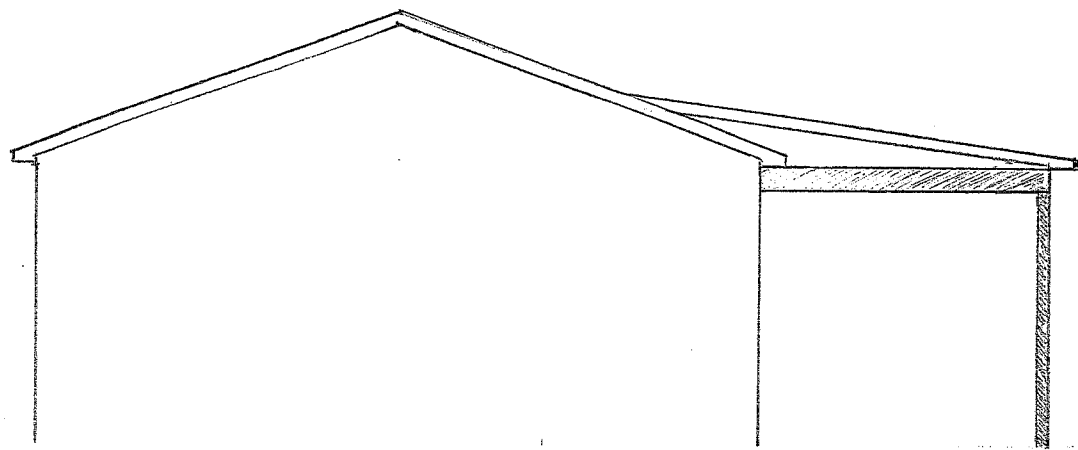
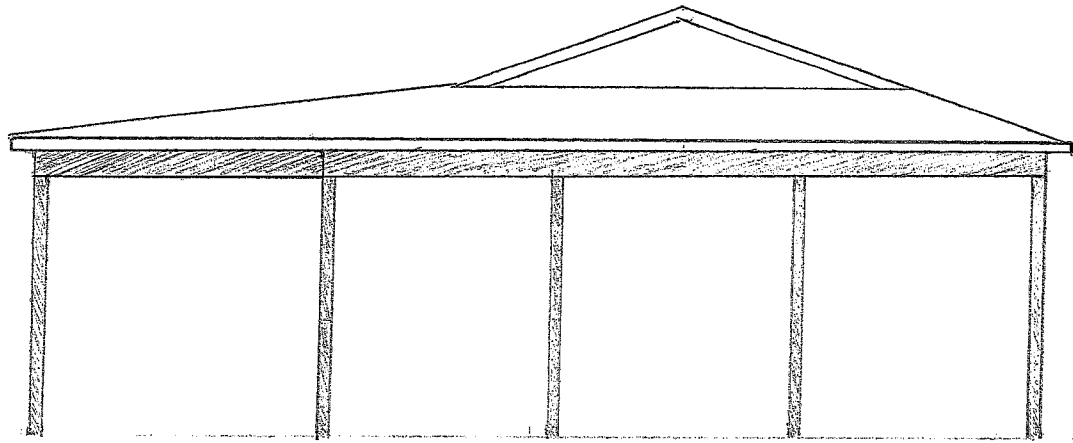
$\frac{1}{8} = 1'$



1/8" = 1'



1/8" = 1'



$\frac{1}{4}'' = 1'$

Purlins: 2x4 SPF #2

Sub fascia: 2x6 SPF #2

Corner Post: Treated 4x6 Post

Intermediate Post: Treated 4x6 Post (8' o.c.)

Carrier Boards: 2x12 w/ 4-3" fastenmaster lags at each post

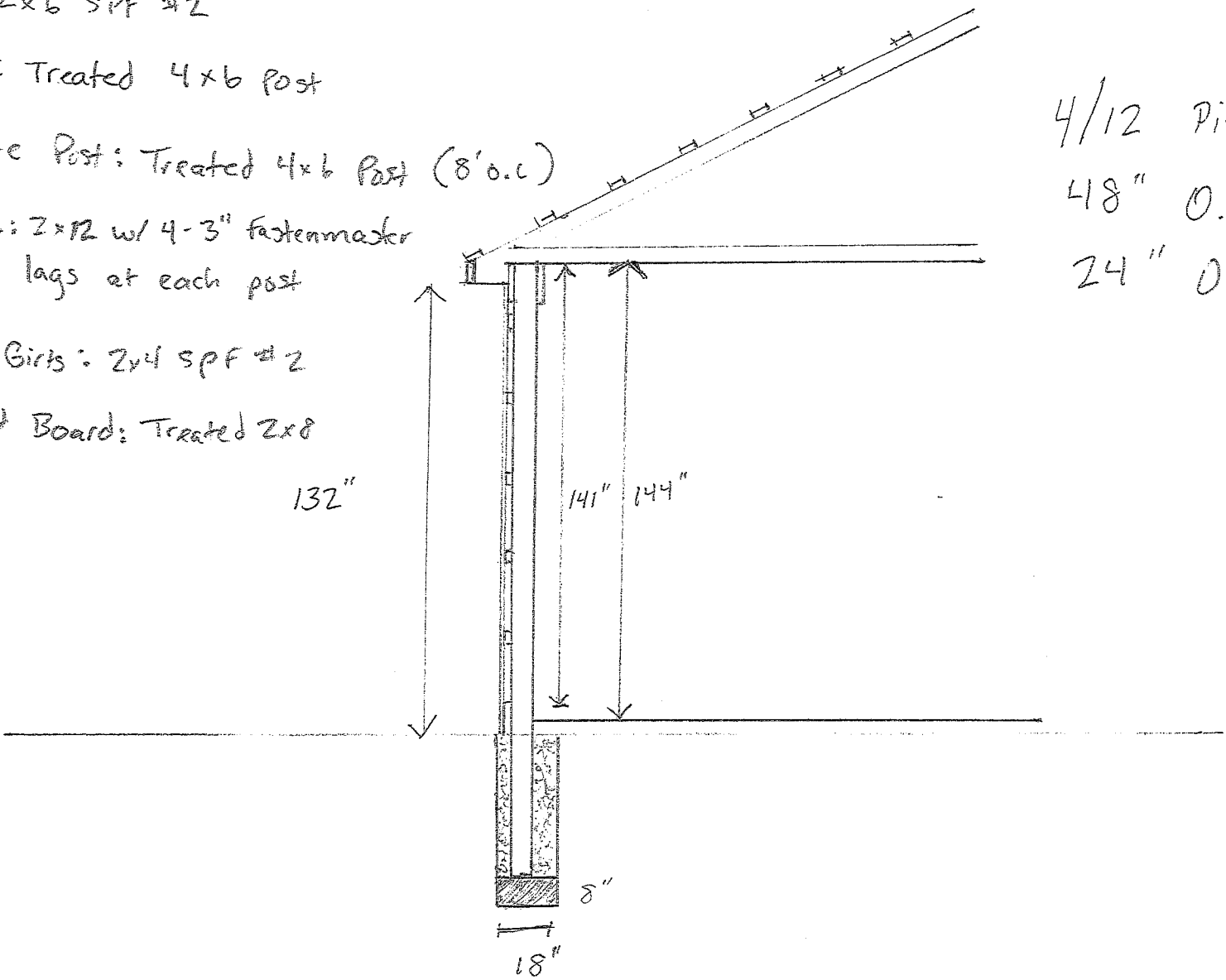
Exterior Wall Girts: 2x4 SPF #2

Exterior Skirt Board: Treated 2x8

4/12 Pitch Trusses

48" O.C. w/

24" O.C. 2x4 Purlin







**Kent County Department of Planning and Zoning  
Critical Areas Lot Coverage Checklist**

*Following is a list of items meant to simplify lot coverage calculations on permits for building in Critical Areas. Any development item must be listed as existing or proposed as restrictions apply to new lot coverage created in a Critical Area. See acreage calculations listed below for lot coverage limits on your parcel.*

|  | <b>Existing<br/>Lot Coverage<br/>(sq. ft.)</b> | <b>Proposed<br/>Lot Coverage (sq.<br/>ft.)</b> | <b>Total<br/>Lot Coverage (sq.<br/>ft.)</b> |
|--|--|--|---|
| New or Existing Single Family Dwelling (including roof overhangs)    | 1400sqft                                       |  | 1400sqft                                    |
| Decks/porches (without spaces to allow water to pass through freely) |  |  |   |
| Driveway/sidewalks (gravel, dirt, paved)                             | 1140sqft<br>220sqft                            | 500sqft  | 1860sqft                                    |
| Detached/attached garage   | 624sqft  | 2100sqft                                       | 2724sqft                                    |
| Outbuildings (sheds, gazebos, boat houses)                           |  |  |   |
| Swimming pools (including any concrete areas or decking)             |  |  |   |
| Tennis courts  |  |  |   |
| Other (barbeque pits, concrete slabs)                                |  |  |   |
| Guest or tenant houses   |  |  |   |
| Proposed additions   |  |  |   |
| <b>Totals:</b>   | <b>3384sqft</b>                                | <b>2600sqft</b>                                | <b>5984sqft</b>                             |

Lots Created prior to July 1, 2008

- |                           |                           |
|---------------------------|---------------------------|
| <i>Lot Coverage Limit</i> | <i>Lot Size</i>           |
| * 15%                     | (36,301 sq. ft. or more)  |
| * 5,445 sq. ft.           | (21,781 - 36,300 sq. ft.) |
| * 31.25%                  | (8,001 - 21,780 sq. ft.)  |
| *25%                      | (8,000 sq. ft. or less)   |

Lots Created after July 1, 2008

*Lot Coverage Limit: 15%*

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 10-2-21

*w-1*