



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

AGENDA

Friday, September 27, 2024
10:00 AM

APPLICATIONS FOR REVIEW

- 24-36 Jason and Kathryn Halpin – Administrative Variance – Front setback
27320 Morgnec Road, Chestertown – Second Election District – Zoned AZD
- 24-43 Elisabeth G. Posey – Administrative Variance – Front Yard Setback
25168 Wymont Park Road, Worton – Third Election District – Zoned Critical Area Residential (CAR)
- 24-47 Palasa Kyriakides – Administrative Variance – Rear Yard Setback
9068 Point Lane, Chestertown – Sixth Election District – Zoned Critical Area Residential (CAR)

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: **556 441 09#**

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

To: William Mackey, AICP, Director of Planning, Housing and Zoning
From: Rob Tracey, AICP, Associate Planner
Date: September 18, 2024
Subject: #24-36 – Jason and Kathryn Halpin
Administrative Variance – Front Yard Setback

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Mr. and Mrs. Halpin request a 30-foot variance from the 100-foot front yard setback requirement to construct a portico to their existing single-family dwelling. The property is located at 27320 Morgnec Road, Chestertown, in the Second Election District 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 applicants are proposing to construct a 6-foot by 8-foot portico to their existing dwelling.

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	100 feet, primary roads
Side	15 feet
Rear	30 feet

B. *Staff and TAC Comments:*

- The applicant is proposing to build a 6-foot by 8-foot front porch portico to the existing single-family dwelling.
- A 30-foot variance from the 100-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 of the following:

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
- b. That the *variance* will not change the character of the neighborhood or district.
- c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.
- e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
- f. ...
- 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 applicant's actions; instead, it is due to the topography of the site that likely influenced the construction of the dwelling prior to the adoption of our current regulatory standards.
- 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 30-foot variance from the minimum 100-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
410-778-7423 (phone) • 410-810-2932 (fax)

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

Jason Keith and Kathryn A Halpin

27320 Morgnec Rd, Chestertown, MD 21620

302-310-9237 (Jason). 302-310-9174 (Kathryn)

Email: kahalpin1@gmail.com

For Office Use Only:

Case Number: 24-36
Date Filed: 7-16-2024
Filed by: Kathryn Halpin
Applicant: Halpin, Jason + Kathryn
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: kahalpin1@gmail.com

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article 5 Section 1.5 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.) 27320 Morgnec Road, Chestertown, MD 21620

In the 02 Election District of Kent County.

Size of lot or parcel of Land: 4.1220 AC

Map: 0038 Parcel: 0003 Lot #: N/A Deed Ref: /01236/00006

List buildings already on property: There are 3 homes on the property. The center home, for which this variance is being requested, a second home to the west of the center house and a third home at the far western part of the property.

Subdivision name and address, if applicable: N/A

PRESENT ZONING OF PROPERTY: Agricultural Zoning

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Requesting a front porch portico that will extend 6 feet from the front door area of the house into the front yard setback. Currently, there is no protection from weather for entry into the home and this added feature will provide this protection.

Present owner of property: Jason Keith and Kathryn A Halpin Telephone: 302-310-9174

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: NW- Michael and Lori Kern, 27298 Morgnec Road, Chestertown; Avis and Joseph Wheatley, 10950 Saint James Newtown Road, Worton, MD

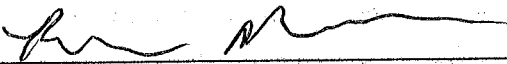
Owner(s) on the South: Jeffrey Carroll, 27335 Morgnec Road, Chestertown; Frank and Carla Gerber, 27315 Morgnec Road, Chestertown

Owner(s) to the East: Nic Vreeland, 27370 Morgnec Road, Chestertown

Owner(s) to the West: NW- Michael and Lori Kern, 27298 Morgnec Road, Chestertown

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

7-15-2021

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.



LOT 1
MORGAN CREEK FARM, LLC
M.L.M. 524/407
PLAT REF. - M.L.M. 4/77

LOT 2
MICHAEL J. KERN
& LORI K. KERN
M.L.M. 523/535
PLAT REF. - M.L.M. 4/77

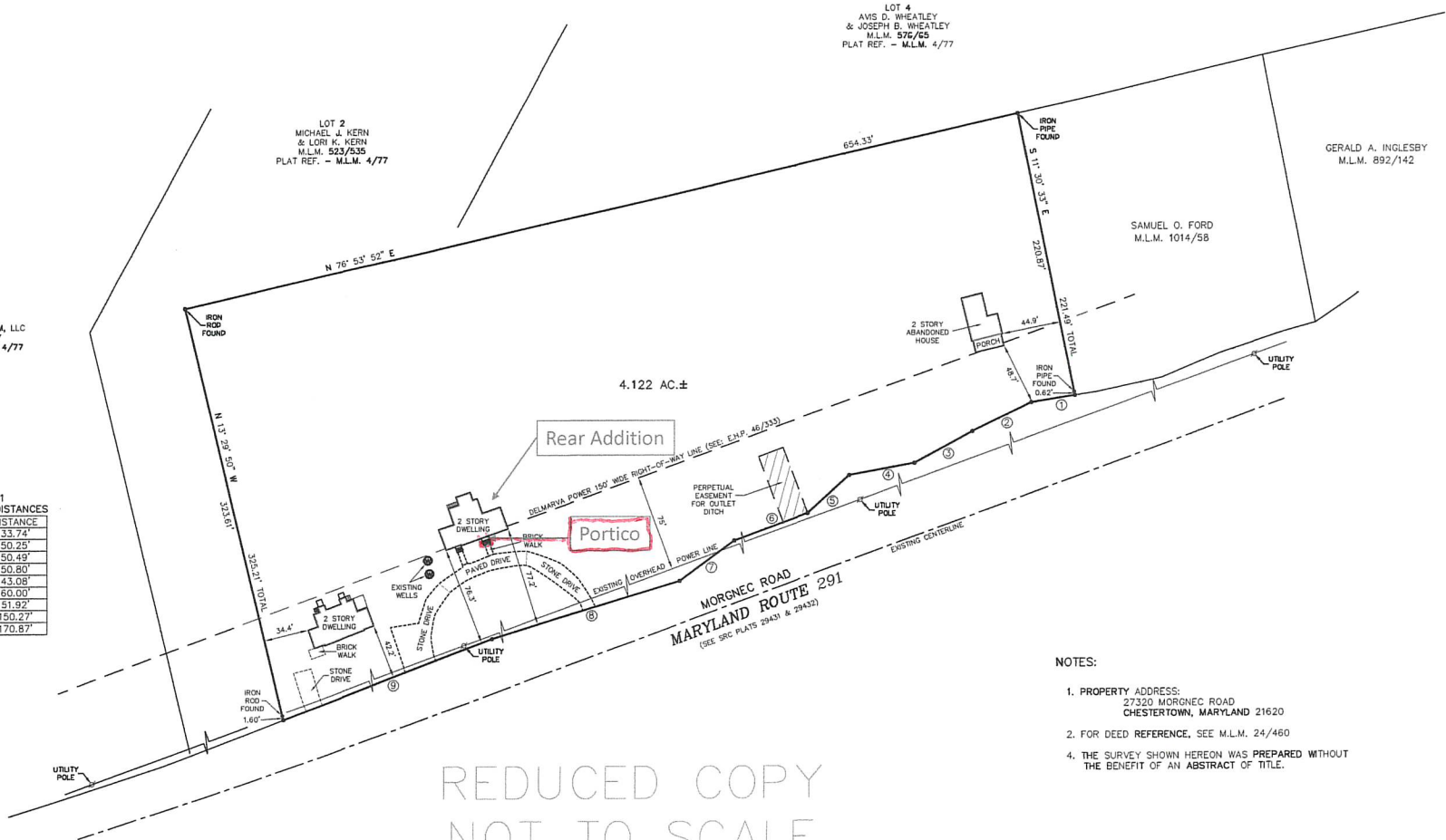
LOT 4
AVIS D. WHEATLEY
& JOSEPH B. WHEATLEY
M.L.M. 576/65
PLAT REF. - M.L.M. 4/77

GERALD A. INGLESBY
M.L.M. 892/142

SAMUEL O. FORD
M.L.M. 1014/58

MARYLAND ROUTE 291
RIGHT-OF-WAY COURSES & DISTANCES

LINE	BEARING	DISTANCE
1	S 80° 43' 02" W	33.74'
2	S 63° 41' 48" W	50.25'
3	S 61° 26' 15" W	50.49'
4	S 79° 36' 40" W	50.80'
5	S 47° 36' 21" W	43.08'
6	S 69° 24' 26" W	60.00'
7	S 53° 45' 54" W	51.92'
8	S 72° 50' 27" W	150.27'
9	S 68° 57' 46" W	170.87'



NOTES:

1. PROPERTY ADDRESS:
27320 MORGNEC ROAD
CHESTERTOWN, MARYLAND 21620
2. FOR DEED REFERENCE, SEE M.L.M. 24/460
4. THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

REDUCED COPY
NOT TO SCALE

SURVEYORS CERTIFICATION:

I, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED REGISTERED SURVEYOR AND IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION GO.13.08.12 OF THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS.

Ronald K. Schrader

RONALD K. SCHRADER
REGISTERED PROPERTY LINE SURVEYOR #148 (EXP./RENEWS 4/21/22)



SCHRADER
Surveys, LLC

120 EVELYN LANE
CHESTERTOWN, MARYLAND 21620
PHONE No. 410-778-0364
E-MAIL : rkssurveys@live.com

DATE	REVISION

BOUNDARY SURVEY
ON THE LANDS OF
ALLEN ROBERT BALDWIN, et ux.
SECOND ELECTION DISTRICT,
KENT COUNTY, MARYLAND
TAX MAP 38, GRID 1C, PARCEL 3
PREPARED FOR: JASON HALPIN

DATE	SCALE
1/19/22	1"=60'
JOB No. TM38-P3	DRAWN BY RKS
FOLDER Ref. Halpin	DESIGNED BY Halpin
SHEET No. - 1 OF 1	
CADD FILE - TM38-P3bs	

Real Property Data Search ()
Search Result for KENT COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 000261

Owner Information

Owner Name: HALPIN JASON KEITH Use: RESIDENTIAL
HALPIN KATHRYN A Principal Residence: YES
Mailing Address: 27320 MORGNEC RD Deed Reference: /01236/ 00006
CHESTERTOWN MD 21620-3118

Location & Structure Information

Premises Address: 27320 MORGNEC RD Legal Description: LOT 4.122 ACRES
CHESTERTOWN 21620-0000 27320 MORGNEC ROAD
NE OF CHESTERTOWN

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0038 0001C0003 2010001.15 0000 2024 Plat Ref: SLK6/ 0078

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1920 3,724 SF 4.1220 AC

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
2 NO STANDARD UNITSIDING/3 3 full/ 1 half

Value Information

	Base Value	Value	Phase-in Assessments	
			As of	As of
Land:	129,400	129,400	01/01/2024	07/01/2025
Improvements	131,100	175,500		
Total:	260,500	304,900	275,300	290,100
Preferential Land:	0	0		

Transfer Information

Seller: BALDWIN ALLEN ROBERT & JEAN Date: 03/09/2022 Price: \$245,000
S
Type: NON-ARMS LENGTH OTHER Deed1: /01236/ 00006 Deed2:
Seller: BALDWIN, GEORGE W JR ETAL Date: 06/29/1992 Price: \$135,000
Type: NON-ARMS LENGTH OTHER Deed1: MLM /00024/ 00460 Deed2:
Seller: BALDWIN, GEORGE W Date: 06/30/1978 Price: \$0
Type: NON-ARMS LENGTH OTHER Deed1: EHP /00081/ 00861 Deed2:

Exemption Information

Partial Exempt Assessments:Class		07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 12/11/2023

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

To: William Mackey, Planning Director
From: Rob Tracey, AICP, Associate Planner
Date: September 18, 2024
Subject: #24-43 – Elisabeth Posey
Administrative Variance – Front Yard Setback

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Ms. Posey is requesting a 14-foot variance from the 50-foot front yard setback requirement to construct a replacement single family dwelling. The 0.408 acre, or 17,772.48 square foot, property is located at 25168 Wymont Park Road, Worton, 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 applicant proposes to demolish the existing single-family dwelling to build a replacement dwelling on their property.
 - A 14-foot variance from the 50-foot front yard setback requirement is requested.

- II. Variance
 - A. *Applicable Law:* Article e 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 of the following:

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
- b. That the *variance* will not change the character of the neighborhood or district.
- c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:

- i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.
- e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
- f. ...
- 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 is due to the size and depth of the parcel. The subject property is rectangular in shape, with a lot width of 125-feet and a lot depth of 150-feet. Staff finds that the 17,772-square-foot site is less than the minimum area requirement of 21,780 square feet. Additionally, while the lot exceeds the minimum width requirement of 75 feet, it is less than the model lot dimensions of 75 feet by 290 feet.
- The variance is not a result of action from the property owner.
- 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 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 variance.

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)
Elisabeth G. Posey
547 Lewisville Rd.
Lincoln University, Pa. 19352
Email: 646-243-1759

For Office Use Only:
Case Number: 24-43
Date Filed: 8/7/24
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: crowdingbill@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.) 25168 Wymont Park Road

In the Third Election District of Kent County.

Size of lot or parcel of Land: 0.408 Acres

Map: 12 Parcel: 279 Lot #: Resulting Lot 5 Deed Ref: 1049/47 Plat M.L.M. 5/265

List buildings already on property: Single Family Residence (to be removed and replaced), Frame Shed

Subdivision name and address, if applicable: Wymont Park

PRESENT ZONING OF PROPERTY: C.A.R. (Critical Area Residential)

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Variance of 14 feet from the front yard requirement of 50 feet in order to construct a replacement single family residence.

Present owner of property: Elisabeth G. Posey Telephone: 646-243-1759

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: Justin H. Bitter

Owner(s) on the South: Wymont Park Road

Owner(s) to the East: Marie and David Sloan

Owner(s) to the West: Christian and Erica Kaufman

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

03/06/24
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.

NO TITLE EXAMINATION PERFORMED OR REQUESTED

THIS DEED, made this 13th day of March, 2020, by and between
ELISABETH G. POSEY, of Lincoln University, Pennsylvania, Grantor and
ELISABETH G. POSEY, of Lincoln University, Pennsylvania, Grantee.

WITNESSETH, that in consideration of the sum of Zero Dollars (\$0.00) and
other good and valuable considerations, the receipt whereof is hereby acknowledged,
the said Elisabeth G. Posey does hereby grant and convey unto Elisabeth G. Posey,
her heirs, personal representatives and assigns, in fee simple,

ALL that piece or parcel of land situate, lying and being in the Third Election District
of Kent County, Maryland containing 0.4082 acres of land, more or less, and being
designated as *Resulting Lot 5* as shown on a plat entitled "Lot Line Adjustment of Lots 1, 3,
5 & 7, Section B, Wymont Park" made by Schrader Surveys, LLC dated July 25, 2019 and
recorded among the Land Records for Kent County, Maryland in Plat Book M.L.M. No. 5,
folio 265.

BEING the same land conveyed by Gertrude Rhoades Fowler to Elisabeth G. Posey
by Deed dated December 27, 2018 and recorded among the Land Records for Kent County,
Maryland in Liber M.L.M. No. 981, folio 230.

ALSO BEING the remaining land conveyed by Gertrude Rhoades Fowler to
Elisabeth G. Posey by Deed dated December 27, 2018 and recorded among the Land
Records for Kent County, Maryland in Liber M.L.M. No. 981, folio 259.

SUBJECT, HOWEVER, to the covenants and restrictions set forth in the Deed from
Henry Wyble, widower, to Jacob G. Zensen and Margaret C. Zensen, husband and wife,
dated February 26, 1953 and recorded among the Land Records for Kent County, Maryland
in Liber W.H.G. No. 28, folio 11; and in the Deed from Henry Wyble, widower, to Grover
C. Thompson and Ann E. Thompson, husband and wife, dated May 6, 1946 and recorded
among the Land Records for Kent County, Maryland in Liber R.A.S. No. 39, folio 219.

I hereby certify as of 3/16/20, taxes
are paid on the property, covered by this deed,
as well as any other charges which should be
collected before transfer of same, pursuant
to the Real Property Article Title 3 Section 104
of the Annotated Code of Maryland

Patricia Norrett
Collector of Taxes for Kent County, MD
03-005283

KENT COUNTY CIRCUIT COURT (Land Records) MLM 1049, p. 0047, MSA_ce57_1561, Date available 03/27/2020. Printed 06/24/2024.

LAW OFFICES
RASIN, WOOTTON &
HURD, LLC
207 COURT STREET
CHESTERTOWN, MARYLAND 21620

NOTE: provisions contained in any instrument which restrict the sale, rental or use of property because of race, color, religion, sex, handicap, familial status, or national origin are invalid and unenforceable.

ALSO SUBJECT to a right-of-way to The Chesapeake and Potomac Telephone Company of Baltimore City dated December 16, 1924 and recorded among the Land Records for Kent County, Maryland in Liber R.R.A. No. 6, folio 373.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of Elisabeth G. Posey, her heirs, personal representatives and assigns, in fee simple.

AND the said Grantor hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property granted and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor.

Michael Russell
Witness

Elisabeth G. Posey [SEAL]
Elisabeth G. Posey

DEED 111 NORTH

LANDS OF
CHRISTIAN KAUFMAN & ERICA KAUFMAN
M-L-M. 1168/188
PLAT BOOK M-L-M. 5/508

LANDS OF
JUSTIN H. BITTER
M-L-M. 501/241
PLAT BOOK M-L-M. 4/493

LANDS OF
MARIE SLOAN & DAVID SLOAN
M-L-M. 804/199



AREA = 0.408 ACRES +

LEGEND:
1. I.R.F. DENOTES IRON ROD FOUND.

- NOTES:
1. PROPERTY ADDRESS: 25168 WYMONT PARK ROAD
 2. PROPERTY IS ZONED C.A.R. (CRITICAL AREA RESIDENTIAL)
 3. THE PROPERTY IS LOCATED ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 4. THE DWELLING ON THE LOT SHOWN HEREON APPEARS TO EXIST WITHIN FLOOD ZONE "X UNSHADED" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SCALED FROM F. E. M. A. COMMUNITY PANEL No. 2400450155D. NO ON SITE ELEVATION TAKEN TO VERIFY CONDITIONS.
 5. THIS SURVEY AND PLAT HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ARE SUBJECT TO THE FINDINGS THEREIN. DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SURVEYED PROPERTY REFLECTED HEREON INCLUDING BUT NOT LIMITED TO EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS AND PLAT RESTRICTIONS.

SURVEYORS CERTIFICATION:
I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED REGISTERED SURVEYOR AND IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION 09-13-06-12 OF THE MINIMUM STANDARDS FOR SURVEYORS.

William M. Crowding

PROPERTY LINE SURVEYOR
EXPIRES 11-03-2024



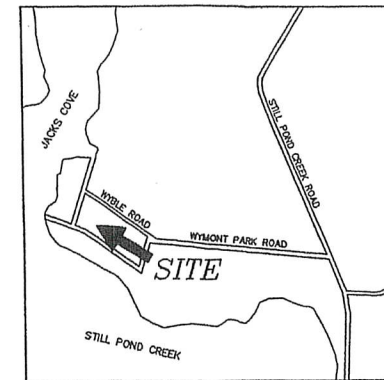
PROPOSED CONDITIONS PLAT
ON THE LANDS OF
ELISABETH G. POSEY
THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
SCALE 1" = 30' AUGUST 2024

WILLIAM M. CROWDING SURVEYS, LLC
REGISTERED SURVEYOR
WORTON, MARYLAND
410-778-2622

REVISED 09-19-2024

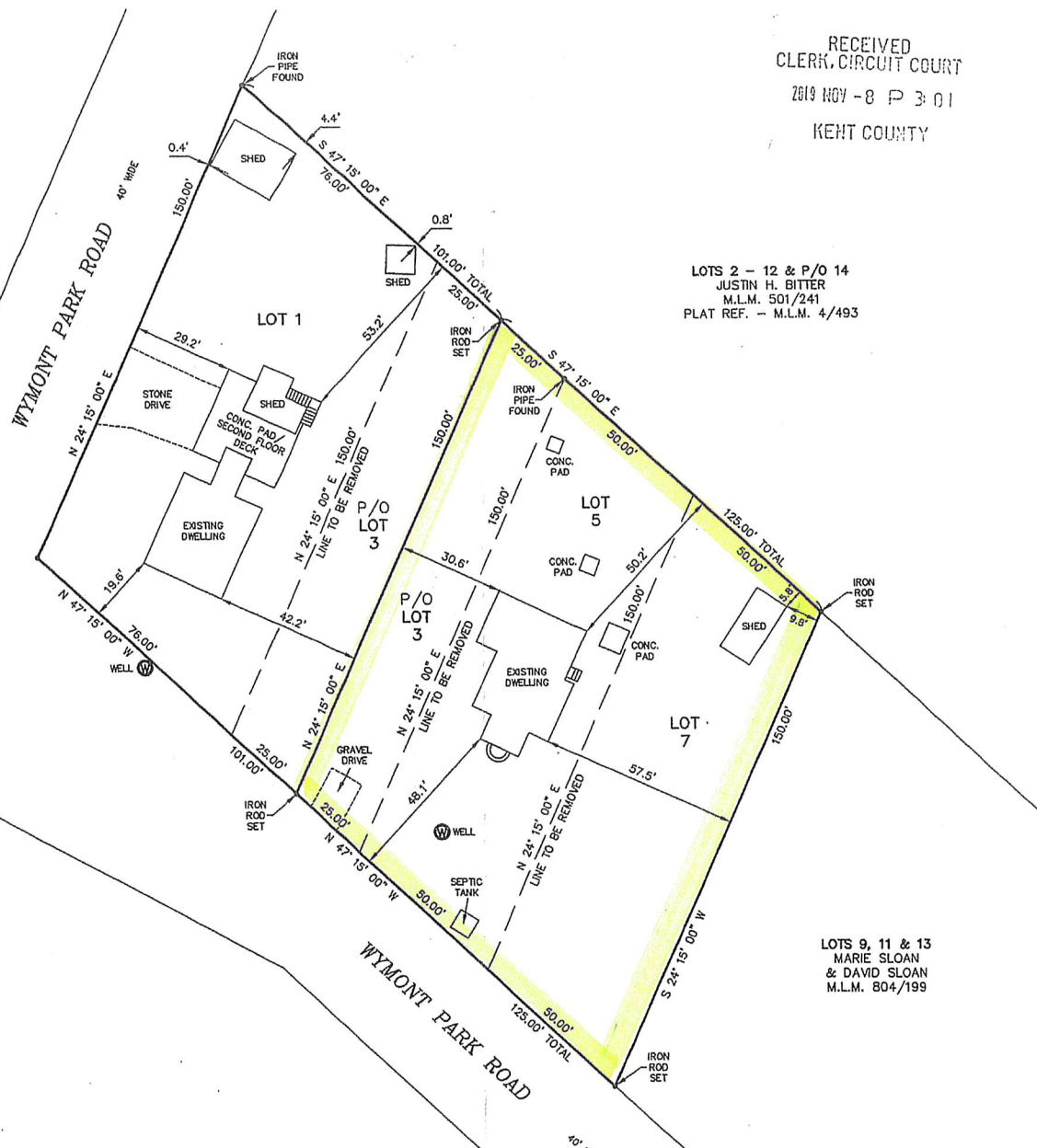
I.F. - Plat Fee - 12.00
 (Separate)
 Posey: HLN 5/265
 Total: 12.00
 11/08/2019 02:59
 #12075836 CC0213
 Kent County/CORR - 03-01
 - Registrar 01

RECEIVED
 CLERK, CIRCUIT COURT
 2019 NOV - 8 P 3:01
 KENT COUNTY



VICINITY MAP

LOTS 2 - 12 & P/O 14
 JUSTIN H. BITTER
 M.L.M. 501/241
 PLAT REF. - M.L.M. 4/493



RIGHT TO FARM STATEMENT
 KENT COUNTY HAS ADOPTED A RIGHT TO FARM LAW THAT PROTECTS AGRICULTURAL OPERATIONS IF SUCH OPERATIONS ARE CONDUCTED IN ACCORDANCE WITH GENERAL ACCEPTED AGRICULTURAL PRACTICES. THIS SUBDIVISION IS LOCATED ADJACENT TO OR NEAR AGRICULTURAL OPERATIONS AND THE OWNERS OF THESE LOTS MAY BE SUBJECT TO INCONVENIENCES ARISING FROM SUCH OPERATIONS.

LOT AREA CALCULATIONS

EXISTING LOTS 3, 5 & 7 = 0.4899 AC.± OWNED BY ELIZABETH G. POSEY
 EXISTING LOT 3 = 0.1633 AC.±
 EXISTING LOT 5 = 0.1633 AC.±
 EXISTING LOT 7 = 0.1633 AC.±

 EXISTING LOT 1 = 0.2482 AC.± OWNED BY MARK R. KOLLER, et ux.
 EXISTING LOT 1 = 0.2482 AC.±

 PROPOSED LOTS 1/2 OF 3, 5 & 7 = 0.4082 AC.± (RESULTING LOT 5)
 PROPOSED LOTS 1 & 1/2 OF 3 = 0.3299 AC.± (RESULTING LOT 1)

NOTES:

- PROPERTY OWNER - LOTS 3, 5 & 7 - ELIZABETH G. POSEY
- PROPERTY ADDRESS: 25168 WYMONT PARK ROAD WORTON, MD 21678
- FOR DEED REFERENCE SEE, M.L.M. 981/230 & M.L.M. 981/259
- FOR PLAT REFERENCE SEE, W.H.G. 15/430A
- PROPERTY OWNER - LOT 1 - MARK R. KOLLER, et ux.
- PROPERTY ADDRESS: 25136 WYMONT PARK ROAD WORTON, MD 21678
- FOR DEED REFERENCE SEE, M.L.M. 305/234
- FOR PLAT REFERENCE SEE, W.H.G. 15/430A
- CURRENT ZONING: CRITICAL AREA RESIDENTIAL
- THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

APPROVED:

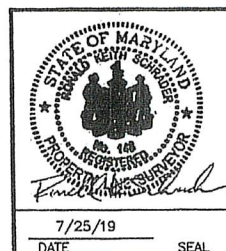
Kent County Health Dept. Approving Authority 11/5/19 Date

 Kent County Director of Planning 11/5/19 Date

SURVEYORS CERTIFICATION:

I, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED REGISTERED SURVEYOR AND IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION 09.13.08.12 OF THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS.

RONALD K. SCHRADER
 REGISTERED PROPERTY LINE SURVEYOR #148 (EXPIRES 4/21/20)



SCHRADER
Surveys, LLC
 120 EVELYN LANE
 CHESTERTOWN, MARYLAND 21620
 PHONE No. 410-778-0364
 E-MAIL: rkssurveys@live.com

DATE	REVISION
9/20/19	PER COUNTY COMMENTS DATED 9/5/19

LOT LINE ADJUSTMENT
 OF LOTS 1, 3, 5 & 7, SECTION B
WYMONT PARK
 IN THE THIRD ELECTION DISTRICT
 KENT COUNTY, MARYLAND
 TAX MAP 12, GRID 3B, PARCEL 279 (LOTS 1, 3, 5 & 7)
 PREPARED FOR: MARK R. KOLLER, et ux. & ELIZABETH G. POSEY

DATE	SCALE
7/25/19	1"=30'
JOB No. TM12-P279	DRAWN BY RKS
FOLDER Ref. Posey	DESIGNED BY
SHEET No. - 1 OF 1	
CADD FILE - TM12.P279(1a)	

P234668

Filed on 11/08/2019 in Plat Book MLM 5 Page 265

MSA C2123-3665

C2123/61910



To: William Mackey, Director of Planning, Housing and Zoning
From: Mark Carper, Associate Planner
Date: September 20, 2024
Subject: #24-47 – Palasa Kyriakides
Administrative Variance – Rear Yard Setback

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Ms. Kyriakides is requesting a 15-foot variance from the 30-foot rear yard setback in order to replace an existing dwelling with a 2,016 square foot dwelling and associated 168 square foot porch and 228 square foot patio. The property is located at 9068 Point Lane, Chestertown, 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
Waterfront	100 feet minimum

B. *Staff and TAC Comments:*

- The property is within a modified buffer area, in which an existing dwelling may be expanded if it existed as of April 12, 1988, opportunities for expansion outside of the buffer have been exhausted, new construction is not closer to mean high tide or the average line of neighboring properties, and mitigation of natural vegetation equal to three times the expansion footprint is planted in the 100-foot buffer.
- According to SDAT, the existing home was built in 1943.
- The buildable area on this property is very constrained, and the proposed construction will not be closer to the mean high tide or the average line of neighboring properties, which is 56.9 feet from mean high water.
- The proposed 1,294 square feet of expansion will require a minimum of 3,882 square feet of plantings within the buffer. A buffer management plan is required, including a depiction on the site plan as to where the vegetation is to be installed.

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 property is along a short, narrow peninsula with limited area for building between a slope extending toward the Chesapeake Bay and a road along the rear yards. Adjacent homes are as close or closer to the road than the construction proposed.
- The practical difficulty is due to the size and shape of the property and is not of the making by the applicant.
- There are no anticipated adverse impacts to adjacent properties or the character of the neighborhood.
- 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 15-foot variance from the 30-foot rear yard setback in order to replace an existing dwelling with a 2,016 square foot dwelling and associated 168 square foot porch and 228 square foot patio with the following conditions:

- The installation of SMARTFence silt fence between the slope extending toward the Bay and the existing structure to be demolished as well as for construction of the new dwelling.
- 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
410-778-7423 (phone) • 410-810-2932 (fax)

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

25555 Pines RD, Worton MD 21678
410 708 7164
Email: dr0025@yahoo.com

For Office Use Only:
Case Number: 24-49
Date Filed: 9/25/24
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: dr0025@yahoo.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.) 9068 Point Lane, Chestertown MD 21620
In the 6th Election District of Kent County.
Size of lot or parcel of Land: 23,320 Sq. ft.
Map: 035B Parcel: 422 Lot #: 2 Deed Ref: 01082/00106
List buildings already on property: House

Subdivision name and address, if applicable: Palasa Kyriakides-9068 Point Lane, Chestertown MD 21620

PRESENT ZONING OF PROPERTY: Critical Area

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Variance-The homeowner would like to combine two parcels-Parcel # 2 (Lot 5) and Parcel # 1 (Lot # 4) into one parcel in order to set a 31.6' x 64' custom modular home w attached garage.

Present owner of property: Palasa Kyriakides Telephone: 203 246 3748

If Applicant is not owner, please indicate your interest in this property: I, Paul Roberts, Principle of Paul Roberts Homes, LLC, the builder to buy and set the custom Modular Home for homeowner.

Has property involved ever been subject to a previous application? Not to the best of my knowledge

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: Robert and Mary Siebert
9088 Point Lane, Chestertown MD 21620

Owner(s) on the South: Alan and Deborah Zametkin
9058 Point Lane, Chestertown MD 21620

Owner(s) to the East: Jeffery and Lisa Thomas
9050 Point Lane, Chestertown MD 21620

Owner(s) to the West: Water

Homeowners Association, name and address, if applicable: Tolchester Community Assoc.

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.

Paul Robert
Signature of Owner/Applicant/Agent or Attorney

8/28/24
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.

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 8/28/24

HARDSHIP VARIANCE REQUEST

9068 Point Ln

Chestertown, MD 21620

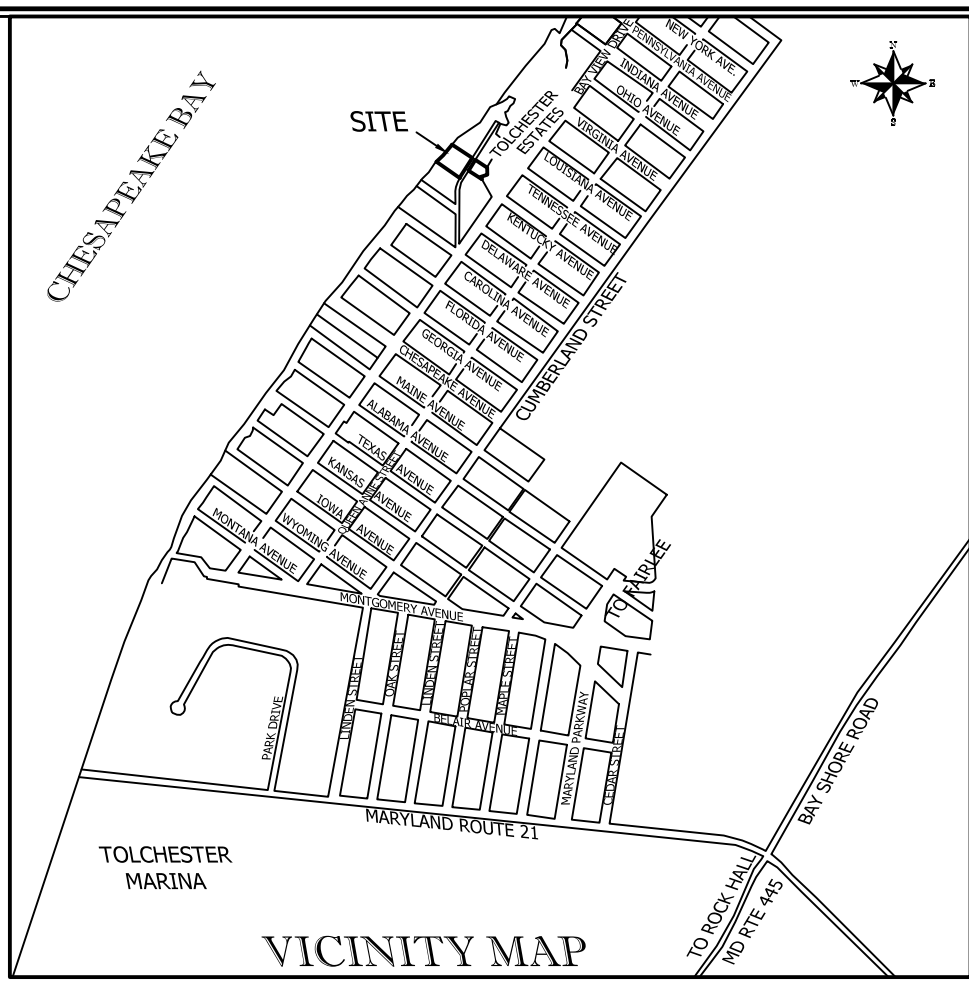
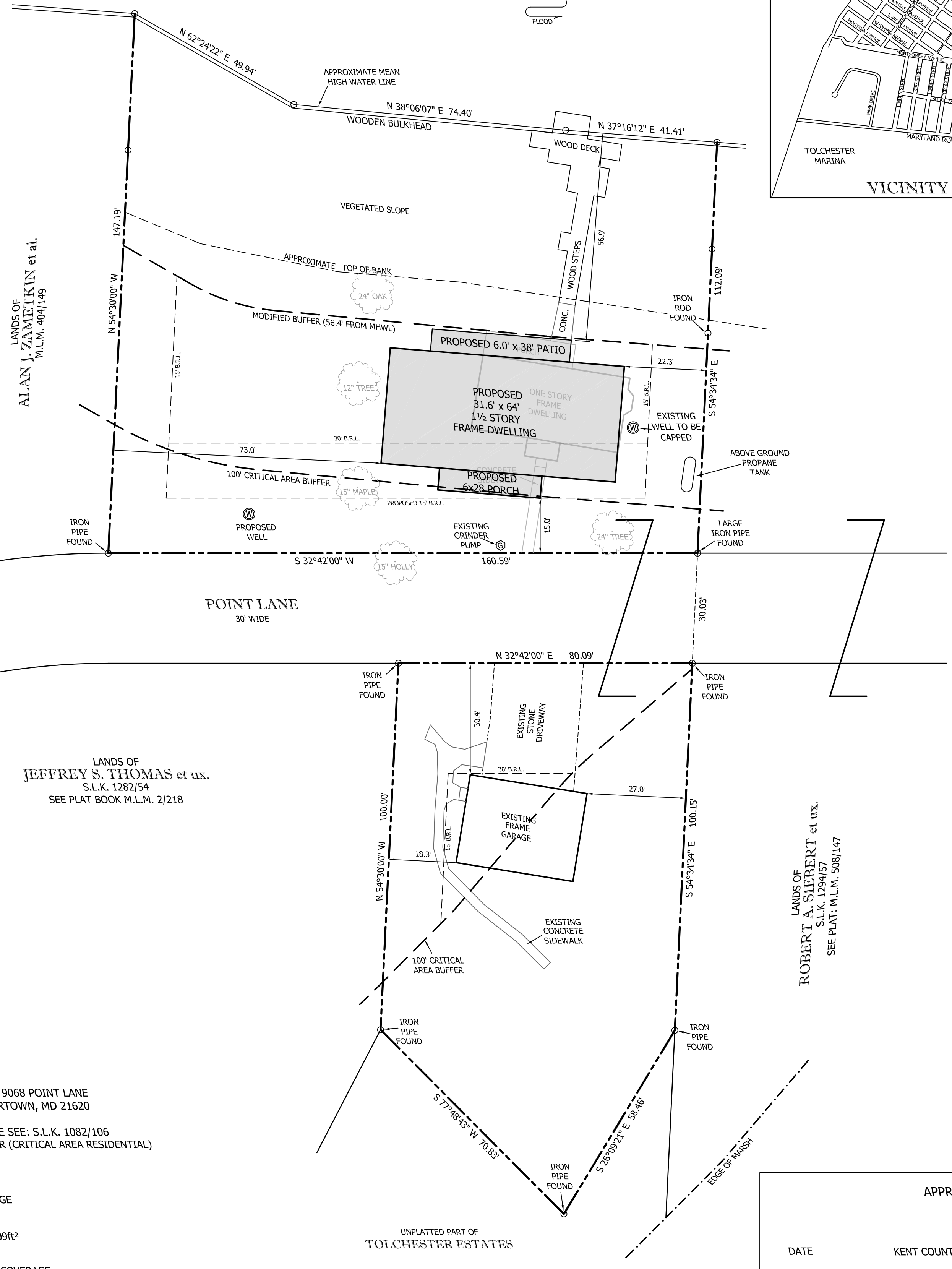
Map 35B, Parcel 0422, District 06

A Hardship Variance is respectfully requested for the residential single-family property located at 9068 Point Ln, Chestertown per UDC Sec. 1304.03. A larger home with an attached garage will replace the existing 800 sq. ft. home as the primary residence of the owner. The parcel is located in the Modified Buffer Area and the current house is entirely within the 100-foot buffer. Point Ln separates the existing garage from the house. The hardship exists due to the configuration of the property having 3 distinct section which in the current form does not allow access to the garage without crossing Point Ln. Please see attached survey and site plan.

The adjacent properties are both single family homes, also in the Modified Buffer area and within the 100-foot buffer.

A lot line adjustment application will also be filed to combine the two lots along the water which will allow for the required setbacks of the new structure.

Thank you for your consideration.



LANDS OF
ALAN J. ZAMETKIN et al.
M.L.M. 404/149

LANDS OF
JEFFREY S. THOMAS et ux.
S.L.K. 1282/54
SEE PLAT BOOK M.L.M. 2/218

LANDS OF
ROBERT A. SIEBERT et ux.
S.L.K. 1294/57
SEE PLAT: M.L.M. 508/147

PROPERTY ADDRESS: 9068 POINT LANE
CHESTERTOWN, MD 21620

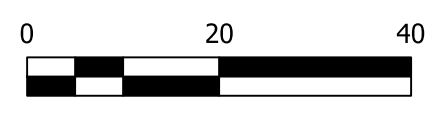
FOR DEED REFERENCE SEE: S.L.K. 1082/106
CURRENT ZONING - CAR (CRITICAL AREA RESIDENTIAL)

EXISTING AREA:
29,578ft² (0.679ac±)

EXISTING LOT COVERAGE
ROOFTOP = 1,906ft²
CONCRETE = 421ft²
STONE DRIVEWAY = 809ft²
TOTAL = 3,052ft²

PROPOSED TOTAL LOT COVERAGE
ROOFTOP = 2,971ft²
CONCRETE = 338ft²
STONE DRIVEWAY = 809ft²
PATIO = 228ft²
TOTAL = 4,346ft²

LOT COVERAGE ALLOWED = 5,445ft²



APPROVED:	
DATE	KENT COUNTY DIRECTOR OF PLANNING
APPROVED:	
DATE	KENT COUNTY HEALTH DEPT. APPROVING AUTHORITY

SITE PLAN
OF THE LANDS OF,
PALASA KYRIAKIDES
SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
LOTS 4 & 5, BLOCK M, PART OF BLOCK P, PLAT 2
TAX MAP 35-B, PARCEL 422

SCALE
1"=20'
DRAWN BY
RAN
DATE
8/28/24
JOB NO.
1150-A
REVISIONS

EXTREME MEASURES
LAND SURVEYORS
Chestertown, MD 21620
PHONE 410-778-0147
www.extrememeasuresllc.com

Maria Grieb

From: Paula Kyriakides <paulakyriakides@outlook.com>
Sent: Thursday, August 29, 2024 11:40 AM
To: Maria Grieb
Cc: Darlene Roberts; Palasa Kyriakides
Subject: Authorization to submit applications 9068 Point Ln

You don't often get email from paulakyriakides@outlook.com. [Learn why this is important](#)

ATTENTION!

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

- KCIT Helpdesk

Ms. Grieb,

I, Palasa Kyriakides, give authorization to Darlene and Paul Roberts to apply for Lot Line Adjustment and Variance applications as well as any other related requirements for my property located at 9068 Point Ln, Chestertown.

With Kindest Regards,
Palasa (Paula) Kyriakides