



MINUTES

October 21, 2024

5:00 PM

Video recordings of the Kent County Board of Appeals meetings are available online for viewing on the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

The Board of Appeals met on October 21, 2024, at 5:00 p.m. in the County Commissioners' Hearing Room. Board members in attendance were Chair Dr. Albert Townshend, Member John Massey, and Alternate Member David Hill. Member Joan Horsey had called ahead that she was recusing herself from both items.

Thomas N. Yeager, Esq., Board Attorney; William Mackey, AICP, DPHZ Director; Carla Gerber, AICP, Deputy Director; Rob Tracey, AICP, Associate Planner; and Beth Grieb, Office Manager, serving as Clerk were in attendance.

Mr. Shane Bender represented himself at the meeting. No members of the public spoke on this matter.

Representatives for Great Oak Manor included Lance Young, Esq., Macleod Law Group, LLC; Kevin Shearon, P.E., LEED AP, DMS & Associates; Werten F. W. Bellamy, Jr, property and business owner; Werten F. W. Bellamy, III, Director of Operations; and Calin Taralunga, general manager.

Members of the public who spoke regarding Great Oak Manor included Stephen Neuberger, Bronwyn Fry, Hannah Henn, and Miles Barnard.

Members of the public who signed in but who did not speak included Alexa Fry, Gaye Cox, Dennis Cox, Dan Richardson, and George Besack.

The meeting was called to order at 5 pm by Chair Dr. Townshend.

APPLICATIONS FOR REVIEW

*24-44 Shane Bender/SNK Holdings LLC - Amendment of Special Exception
516 Morgnec Road, Chestertown - zoned Intense Village (IV)*

The applicant requested an amendment to an existing special exception for auto repair to include emergency towing services twenty-four hours per day, seven days per week. The applicant currently operates during regular business hours from 8:00 AM to 5:00 PM and wishes to expand to provide emergency towing services primarily for State police calls. The towed vehicles would be stored in the existing fenced rear parking lot until they can be moved to body shops or other facilities.

Mr. Tracey presented the staff report, noting a favorable recommendation by the Planning Commission. Mr. Hill moved to amend SNK Holdings LLC's special exception to add towing services to their business located at 516 Morgnec Road, Chestertown, Maryland, 21620, making the motion based on the findings

Adopted on November 18, 2024

of fact both oral and written, including the September 6th letter from the Kent County Planning Commission. Mr. Massey seconded. The motion passed unanimously.

*24-28 Freedom Properties GOM, LLC - Special Exception - Redesignation as a Retreat
10568 Cliff Road, Chestertown - zoned Critical Area Residential (CAR)*

The applicant, represented by Lance Young, Esq. and Werten Bellamy, Jr., President, Freedom Properties, requested redesignation of Great Oak Manor from a Country Inn to a Retreat to allow for construction of a demonstration kitchen and yoga studio. There are currently 13 guest rooms in the manor house. The applicant discussed the proposed new use for the property as a destination focused on new experiences, learning, and wellness. The only new use proposed for the property is the kitchen and yoga studio.

The Board of Appeals discussed the project with the applicant. Counsel for the Applicant reviewed the nature of special exceptions in the State of Maryland.

Board of Appeals Attorney and Planning staff opined on the particular application of Maryland special exceptions, as implemented and regulated by the specific provisions within the Kent County Land Use Ordinance (LUO). The LUO requires that all buildings and structures to be approved must be included on those drawings submitted with applications. In this case, only the demonstration kitchen and yoga studio are shown; no other new buildings were included.

Key discussion points included concern about potential future expansions of up to 40 rooms, which could be allowed under the Retreat designation; private road maintenance issues on Cliff Road and Great Oak Landing Road; and the applicant's offer to contribute funds annually for private road maintenance.

The following members of the public spoke:

Steve Neuberger of 10736 Cliff Road raised concern about the application form, noting that an HOA does exist but this is not checked off on the application form; expressed concern about potential increases in traffic along Cliff Road and Great Oak Landing Road; and highlighted a possibility of safety related to an existing, topographical dip in the road, where two cars may not be able to pass in certain circumstances.

Bronwyn Fry of 10650 Cliff Road asked questions about the existing Country Inn use and its allowance for onsite dining for a limited number of people and inquired about why this couldn't accommodate cooking demonstrations.

Hannah Henn of 10631 Cliff Road questioned the necessity of the Retreat redesignation for operating the demonstration kitchen and yoga studio; raised concern about whether Retreat designation appropriately describes the proposed use; and asked for clarification on why the current Country Inn designation couldn't accommodate the proposed uses.

Miles Barnard of 10810 Cliff Road discussed the current informal arrangements for road maintenance, which he personally manages by arranging for estimates and then collecting money from the neighbors.

Board Attorney Yeager and Planning staff clarified the technical differences in the law between Country Inn designation and Retreat designation, noting that a Retreat allows for additional accessory structures and activities beyond what is permitted under the Country Inn designation. Board members concurred.

Mr. Mackey noted that only buildings and structures shown on submitted drawings could be approved as part of the County's special exception process. Although Retreat uses could allow up to 40 units on an approved site plan, as part of a Retreat use; additional units are not depicted on any drawings; therefore, the applicants must amend the special exception and return to the Board for any such units in the future.

Counsel for the Applicant noted his objection to Zoning Administrator/Planning Director's interpretation of the Land Use Ordinance related to the analysis of how special exceptions are granted in the County.

Board Attorney Yeager opined that he agreed conceptually with Counsel for the Applicant but, in this case, because of Article VII, Section 7, § 49 (s), Board Attorney Yeager agreed with staff's interpretation that only those buildings and structures included on the plans submitted may be approved by the Board. Attorney Yeager recommended for clarity that the Board include a condition to limit the number of units.

Applicant's representatives presented closing remarks, noting though the applicant would prefer to have approval without conditions, the applicant would abide by conditions, if they are adopted by the Board.

Mr. Massey moved, that based on the findings of facts presented here tonight both written and oral, and the September 6th letter from the Planning Commission, to grant Freedom Properties/Great Oak Manor LLC located at 10568 Cliff Road, a change to their special exception designation from a County Inn to a Retreat. This designation comes with the following conditions: no more than 15 guest rooms permitted without prior approval to expand the Retreat use; no parking for events is permitted on Cliff Road; no maintenance facilities or equipment is visible from outside of the property; the applicant shall negotiate in good faith with the neighboring property owners with respect to a road maintenance agreement for Cliff Road, which is a shared use private road; and landscaping for the overflow parking shall be provided. Mr. Hill seconded. The motion passed unanimously.

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Mr. Massey moved to approve the minutes for September 23, 2024. Chair seconded the motion. The motion passed unanimously.

ADJOURN

Mr. Massey moved to adjourn. Mr. Hill seconded. The motion passed unanimously. The meeting was adjourned at 7:30 p.m.

/s/ Albert S. Townshend
Dr. Albert Townshend, Chairman

/s/ W. A. Mackey
William A. Mackey, AICP, Director DPHZ

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