



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

**AGENDA**

October 21, 2024

5:00 p.m.

**APPLICATIONS FOR REVIEW**

24-28 Freedom Properties GOM, LLC – Special Exception – Redesignation as a Retreat  
10568 Cliff Road, Chestertown – Sixth Election District – Zoned CAR

24-44 Shane Bender/SNK Holdings LLC – Amendment of Special Exception  
516 Morgnec Road, Chestertown – Fourth Election District – Zoned Intense Village

**MINUTES**

September 23, 2024

**ADJOURN**

---

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: **868 698 895#**

PHONE PARTICIPATION – Members of the public are asked to mute their phones/devices, until the Chair 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 by vote of the members. Breaks are at the call of the Chair. 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.



**DRAFT**

**Board of Zoning Appeals**  
Department of Planning, Housing, and Zoning

**MINUTES**

September 23, 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 September 23, 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 Member Joan Horsey. Alternate Member David Hill called ahead that he was unable to attend.

Thomas N. Yeager, Esq., Board Attorney; William Mackey, AICP, DPHZ Director; Carl Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; and Beth Grieb, Office Manager, serving as Clerk were in attendance.

Representatives for the Joyce variance included Miles Barnard, ASLA, RLA, South Fork Studio Landscape Architecture; John C. Hutchison, AIA, NCARB of John Hutchison Architecture; Mr. William F. Joyce, property owner; and Mrs. Linda Joyce, property owner.

No members of the public were present or online.

The meeting was called to order at 5:00 pm by Chair Dr. Townshend.

**APPLICATIONS FOR REVIEW**

*24-42 William and Linda Joyce – Variance – Steep Slope and Expanded Buffer  
29349 Glencoe Road, Kennedyville –Zoned Critical Area Residential (CAR)*

The clerk read the public notice for the hearing into the record.

Mr. Miles Barnard and Mr. John Hutchison described the project that would provide an ADA-accessible carport and entrance to the home.

Mr. Joyce thanked Mr. Barnard and Mr. Hutchison for their hard work to ensure that everything is done correctly, especially regarding the regulations related to the Maryland Critical Area.

Mr. Carper presented the staff report for a variance to construct an ADA-compliant carport, retaining wall, driveway, and wooden walkway on a slope greater than 15% and in an expanded buffer within the critical area. Staff recommended approval noting that there was no objection from the Maryland Critical Area Commission, that the Planning Commission had recommended approval, and that there was indeed an unwarranted hardship related to the request.

Adopted on [Insert date]

# DRAFT

Ms. Horsey moved to approve the variance of William and Linda Joyce to construct an ADA-compliant carport, retaining wall, driveway, and wooden walkways on a slope greater than 15% in an expanded buffer of the Critical Area on their 2.81-acre property, located at 29349 Glencoe Road, Kennedyville, second election district, mitigation being 3:1 for a total of 5,009 square feet. Mr. Massey seconded. The motion passed unanimously.

Mr. Massey moved to adopt the findings of fact in the Planning Commission letter of September 6, 2024, and the Critical Area Commission letter of September 13, 2024. Ms. Horsey seconded. The motion passed unanimously.

## MINUTES

Ms. Horsey moved to approve the minutes for August 19, 2024. Mr. Massey seconded the motion. The motion passed unanimously.

## ADJOURN

Mr. Massey moved to adjourn. Ms. Horsey seconded. The motion passed unanimously. The meeting adjourned at 5:30 p.m.

/s/ Albert S. Townshend

/s/ W. A. Mackey

Dr. Albert Townshend, Chairman

William A. Mackey, AICP, Director DPHZ

*Please note that 100% of this document was created by a human, using a transcript created by Microsoft Teams. The DPHZ team then reviewed the document prior to its distribution to the Board.*



**Planning Commission**  
**Department of Planning, Housing, and Zoning**

September 6, 2024

Dr. Al Townsend  
Kent County Board of Appeals  
400 High Street  
Chestertown, MD 21620

RE: 24-28 Freedom Properties GOM, LLC – Special Exception – Redesignation as a Retreat

Dear Dr. Townsend,

At its meeting on September 5, 2024, the Kent County Planning Commission reviewed the application from Werten Bellamy, Freedom Properties GOM, LLC, requesting to change the special exception designation of the property from a Country Inn to a Retreat. The applicant proposes to expand the amenities offered onsite to include a demonstration kitchen and yoga studio and to utilize the property for small retreat/corporate meetings in addition to operating as a luxury boutique hotel. The property is located at 10568 Cliff Road in the Sixth Election District.

Following discussion, the Planning Commission voted to send a favorable recommendation to the Board of Appeals for Great Oak Manor for their request to change a special exception from a Country Inn on their proposed 15.271-acre parcel to build an accessory structure for demonstration kitchen and yoga studio with the following conditions: That no more than 15 guest rooms are 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 the property, the limits on hours for outdoor events, and a road maintenance agreement for Cliff Road is signed by all property owners of record.

Sincerely,  
Kent County Planning Commission

Joe Hickman  
Chair

cc: Lance Young, Attorney, MacLeod Law Group, LLC  
Kevin Shearon, P.E., DMS and Associates, LLC



To: Kent County Board of Appeals  
From: Carla Gerber, Deputy Director  
Meeting: October 21, 2024  
Subject: Freedom Properties GOM, LLC  
24-28: Special Exception – Change from a Country Inn to a Retreat

## Executive Summary

### Request by the Applicant

Freedom Properties GOM, LLC (Great Oak Manor) is requesting a change of their special exception from a Country Inn to a Retreat. The applicant proposes to expand the amenities offered onsite to include a demonstration kitchen and yoga studio and to utilize the property for small retreat/corporate meetings in addition to operating as a luxury boutique hotel.

### Public Process

Per Article VII, Section 6 of the Kent County Land Use Ordinance, the Planning Commission shall review and make a recommendation to the Board of Appeals on certain special exceptions. The Board of Appeals may authorize special exceptions for retreats.

### Summary of the Staff Report

Great Oak Manor has been used as a Country Inn since 1984. The change to a retreat is to accommodate an expansion of amenities available to guests of the property for corporate retreats or small events, which may not always involve overnight lodging by attendees. No expansion in the number of guest rooms is proposed. The applicant is working with the Health Department to determine the adequacy of water and septic areas. The proposed building has been located and designed with respect to the historic nature of the site and the surrounding area. The proposed use is in conformance with the Comprehensive Plan and complies with the spirit and intent of the Land Use Ordinance.

### Staff Recommendation

Staff recommends approval and suggests that the Board of Appeals may wish to give consideration to the following conditions:

1. No more than 15 guest rooms are permitted without prior approval to expand the retreat use.
2. No parking for events is permitted on Cliff Road.
3. No maintenance facilities or equipment is visible from outside the property.
4. A road maintenance agreement for Cliff Road is signed by all property owners and recorded.
5. Limits on hours for outdoor events.

## PRELIMINARY STAFF REPORT

To: Kent County Board of Appeals  
Subject: Freedom Properties GOM, LLC  
24-28: Special Exception – Change from a Country Inn to a Retreat  
Date: October 11, 2024

### Description of Proposal

The owners of Great Oak Manor are requesting a special exception to change their existing Country Inn to a Retreat. They propose to combine the three parcels they own to create a 15.271-acre parcel and to build an accessory structure for a demonstration kitchen/yoga studio. There will be no change in the number of guest rooms, which is currently 13 rooms. The main property also has a storage shed and several small accessory structures. The house and shed that is currently on Parcel 113 will become part of the retreat property, but it will not be used for guest lodging. The property is located on Cliff Road in the 6th Election District and is zoned Critical Area Residential. The surrounding area is characterized by residential development, a marina, and agricultural land.

### History

In July 1984, the Kent County Board of Appeals approved Country Inn Special Exception Case No. 394. In September 2017, the Board of Appeals approved an amendment to the special exception to replace the original conditions with conditions that were consistent with the current requirements for country inns in the Land Use Ordinance.

### Relevant Issues

#### I. Special Exception—General Standards

- A. *Comprehensive Plan*: “Promote development of small, locally owned businesses.” (page 10)
- B. *Applicable Law*: Article V, Section 5.3.21 of the Kent County Land Use Ordinance identifies a Retreat as a Special Exception in the Critical Area Residential District.

Article VII, Section II sets general standards for Special Exceptions and directs the Board to make the following findings 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.

C. *Staff and TAC Comments:* The use, at the current size, is appropriate to the site and consistent with the Comprehensive Plan and Land Use Ordinance.

II. Special Exception—Specific Standards

A. *Comprehensive Plan:* “Promote and expand facilities, services and activities that support natural resource-based economic development.” (page 19)

B. *Applicable Law:* Article VII, Section 7.49 sets specific standards for a Retreat in AZD, RCD, RC, RR, CAR, CR, and V provided:

a. The project shall collectively consist of at least 15 acres.

b. In AZD, the retreat uses buildings that existed prior to August 1, 1989. Buildings are limited to a 50% expansion of the gross floor area of each individual building above that which existed as of August 1, 1989.

c. The retreat has at least 10 but not more than 40 guest rooms.

d. Permanent theme parks, amusement parks, and/or stadiums are prohibited.

e. Where applicable, the applicant has applied for growth allocation. Special exception approval will not be valid without the granting of growth allocation.

f. The Board shall make specific findings on the availability of public and governmental services.

g. Where they exist, historic structures shall be incorporated into the overall project.

h. Significant view corridors, both from the site and onto the site shall be preserved in so much as possible.

i. The height of all structures shall not exceed 38 feet.

j. The design of the retreat and accessory uses shall reflect and complement the rural character of the area.

k. One residential unit for use by an employee of the retreat may be provided.

l. Permitted accessory uses include kitchen and dining facilities for guests only, recreational facilities such as tennis courts and swimming pools; spas; other recreation amenities but not including trap, skeet, clay birds, paint ball or other similar firearm activities, piers; and other accessory uses that are customarily associated with a retreat. The applicant shall describe all proposed accessory uses in the application for a special exception. The Board of Appeals may deny or limit the size and extent of accessory uses.

m. The number of slips on an accessory pier may not exceed 5.

n. The retreat shall be limited to 10 buildings. In AZD, the retreat is limited to existing buildings.

o. All structures shall comply with the minimum 100-foot buffer. Primary buildings shall be 100 feet from all property lines or comply with the minimum 100-foot buffer, whichever is greater. Accessory structures may be 5 feet from the rear or side property line.

p. At least 60% of the property shall be in open space.

q. Parking lots shall be landscaped as required for commercial developments in Article V, Section 11 of this Ordinance.

r. The Board of Appeals may place additional restrictions on the following:

i. Additional yard requirements for all structures, including patios and places of public assembly

ii. Lighting

iii. Landscaping and screening

iv. Outdoor activities and outdoor music and their hours of operation

v. Access

- s. The application for a retreat shall include a sketch plan and renderings of all primary and each type of accessory building and structure.

C. *Staff and TAC Comments:*

1. Upon recordation of the adjustment of lot lines, the parcel will exceed 15 acres.
2. There are currently 13 guest rooms with no plans for additional rooms.
3. In previous decisions, the Board of Appeals has determined that public and governmental services are available and adequate. No substantial changes to the use of the property are proposed.
4. The applicant has designed the proposed building in keeping with the historic nature of the setting and with respect to the character of the neighborhood.
5. View corridors were given consideration in the placement of the proposed building, and the height does not exceed 38 feet.
6. With the exception of an existing, small wooden deck overlooking the Bay, all structures are more than 100 feet from any property line.
7. New amenities include a demonstration kitchen and yoga studio in the proposed building. Any additional amenities would require approval of an amendment to the special exception.
8. More than 60% of the site is open space.
9. Parking for lodging guests is located near the Manor House and is screened. The overflow lawn parking area is to be left as a grass field and will need to be screened from adjacent properties.
10. A site plan and building elevations for the proposed building have been provided.

*Staff Recommendation:* Staff recommends approval and suggests that the Board of Appeals may wish to give consideration to the following conditions:

1. No more than 15 guest rooms are permitted without prior approval to expand the retreat use.
2. No parking for events is permitted on Cliff Road.
3. No maintenance facilities or equipment is visible from outside the property.
4. A road maintenance agreement for Cliff Road is signed by all property owners and recorded.
5. Limits on hours for outdoor events.



# BOARD OF APPEALS 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)

Freedom Properties GOM, LLC

10568 Cliff Road

Chestertown, Maryland 21620

Email: \_\_\_\_\_

**For Office Use Only:**

Case Number/Date Filed: \_\_\_\_\_

Filed by: \_\_\_\_\_

Applicant: \_\_\_\_\_

Planning Commission: \_\_\_\_\_

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: kjs@dmsandassociates.com**

**TO THE KENT COUNTY BOARD OF APPEALS:** In accordance with Article VII Section 7.49

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator  Variance

Special Exception  Nonconforming Use

**DESCRIPTION OF PROPERTY INVOLVED:**

Located on: (Name of Road, etc.) Great Oak Manor located at 10568 Cliff Road, Chestertown, Maryland 21620

In the 6th Election District of Kent County.

**Size of lot or parcel of Land:** 15.271 acres (following lot consolidation)

Map: 26 Parcel: 76, 85, & 113 Lot #: n/a Deed Ref: 1229/131 & 1229/138

List buildings already on property: Great Oak Manor, existing dwelling (white house), accessory structures

If subdivision, indicate lot and block number: n/a

If there is a homeowner's association, give name and address of association: n/a

**PRESENT ZONING OF PROPERTY:** CAR - Critical Area Residential

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires the Appeal Hearing.) Requesting a Special Exception to classify the property as a "retreat".

If appealing decision of Zoning Administrator, list date of their decision: \_\_\_\_\_

**Present owner(s) of property:** Freedom Properties GOM, LLC Telephone: 302-559-2598

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

Has property involved ever been subject to a previous application? Yes

If so, please give Application Number and Date: #394

**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: William & Vita Pickrum

Owner(s) on the South: SHM Great Oak Landing, LLC

Owner(s) to the East: Manor Shores, LLC

Owner(s) to the West: n/a - Chesapeake Bay

Homeowners Association, name and address, if applicable: n/a

**BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.**

Kevin J. Shearon Agent - DMS & Associates, LLC 5/24/24  
Signature of Owner/Applicant/Agent or Attorney Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it 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.**

## **PROJECT NARRATIVE**

### **GREAT OAK MANOR Special Exception Use Request for Retreat and proposed Demonstration Kitchen and Yoga Studio**

#### **Chestertown, Maryland**

In accordance with Article VI, Section 5.4.B of the Kent County Zoning Ordinance, we offer the following:

**Name and address of the landowner, the developer and/or representative, if different from the owner**

The property is owned by Freedom Properties GOM, LLC. They are the property owners and the developers.

**Street address, tax map, parcel number, and subdivision if any**

The site is located at 10568 Cliff Road, Chestertown, Maryland, and is identified as Tax Map 26, Parcel 76. A lot consolidation is part of this application whereby Parcels 85 and 113 will be added to Parcel 76 bringing the overall property acreage to 15.271 acres.

**Zoning of the site**

The property is zoned Critical Area Residential (CAR). The properties to the north and east are also zoned CAR. Properties to the south are Resource Conservation District (RCD) and Marine (M). The Chesapeake Bay lies to the west.

This application proposes to combine three parcels as noted above and seek a special exception use approval from the Board of Appeals for a “retreat” in accordance with Article VII, Section 7.49. Regarding the conditions of the use approval we offer the following:

- a. The combined property will exceed the 15-acre minimum as it will total 15.271 acres following the lot line adjustment.
- b. N/A – not located in AZD
- c. The existing Great Oak Manor has a total of 13 guest rooms which falls within the 10 minimum, 40 maximum criteria.
- d. N/A – not proposing a permanent theme park, amusement park, or stadium.
- e. The existing and proposed lot coverage fall under the 15% maximum limitation and therefore, request of growth allocation is not necessary.

- f. Adequate public and governmental services exist for the property currently. A substantial change in the operations of the site is not proposed, therefore, no undue burden on public services will occur.
- g. The manor house was constructed in 1938 according to SDAT which makes it technically a historic structure. However, there are no easements on it or the overall property.
- h. View corridors have been preserved with the careful placement of the proposed structure.
- i. None of the existing structures or the proposed structure exceed 38-ft in height.
- j. The design of the existing and proposed structures compliments the rural character of the area.
- k. One residential unit for an employee is located on the property.
- l. Amenities on the property include:
  - a. Kitchen with dining room
  - b. Demonstration kitchen (proposed)
  - c. Yoga studio (proposed)
- m. N/A – the property does not contain a dock.
- n. A total of three structures will be located on the property following the construction of the proposed structure. They include the dwelling on Parcel 113, the existing Great Oak Manor, and the new structure.
- o. All primary structures comply with the 100-ft retreat setback.
- p. Greater than 60% of the site is open space.
- q. Parking areas are landscaped.
- r. We acknowledge that the Board of Appeals has the ability to place additional restrictions on various aspects of the property, however, we do not feel any are warranted.
- s. A rendering of the proposed structure is included with this submittal.

**Current and proposed use of the property**

The property is currently improved by a grand brick structure constructed in 1938 (according to SDAT) and is operated as a country inn. A two story, stand-alone structure is proposed to house a demonstration kitchen on the first floor and a yoga studio on the second floor. These facilities will be available to the guests of the bed and breakfast as well as for small gatherings of the general public by reservation and/or advanced ticketing.

**An explanation of viewshed, open space, and conservation analysis undertaken during the design of the site plan**

The proposed building will be constructed amongst a small grove of trees between the existing detached garage and the Chesapeake Bay. The building will not impact the shore buffer and not impact the views of the bay from Great Oak Manor.

**How the proposed development complies with the Comprehensive Plan and the design and environmental standards of the Ordinance**

The development complies with the Comprehensive Plan in that it promotes tourism and lodging in the area.

**Proposed type of water and sewer service**

The site is currently served by private well and septic.

**Number of employees**

Staff from the current employee group will operate the proposed structure.

**The proposed development schedule and phases of development for all proposed construction**

This project is intended to be constructed and operational upon receipt of all necessary permits. The construction will not be phased.

**Statement of provisions for ultimate ownership and maintenance of all parts of the development including streets, structures, and open space.**

The property is intended to remain in the ownership of and maintained by Freedom Properties GOM, LLC.

**Water dependent uses in the Critical Area**

n/a

**Critical Area density calculations**

n/a

**Citizen Participation Plan**

A meeting will be held in the near future.

**SITE NOTES**

- THE SITES PHYSICAL ADDRESS IS : 10568 CLIFF ROAD CHESTERTOWN, MARYLAND 21620
- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM A LOT LINE ADJUSTMENT PLAT PREPARED BY DMS & ASSOCIATES, LLC IN MAY, 2024 AND RECORDED IN PLAT BOOK LIBER S.L.K. \_\_\_\_\_, FOLIO \_\_\_\_\_
- FOR DEED REFERENCE, SEE LIBER S.L.K. 1229, FOLIO 131.
- CURRENT ZONING CLASSIFICATION IS "CAR" - (CRITICAL AREA RESIDENTIAL)
- THE PROPERTY IS ENTIRELY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION - LDA (LIMITED DEVELOPMENT AREA)
- A PORTION OF THE PROPERTY IS LOCATED WITHIN 100 YEAR FLOOD PLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY No. 24029C01400 (ZONE "AE") (ELEV. = 6) EFFECTIVE, JUNE 9, 2014. NONE OF THE EXISTING OR PROPOSED IMPROVEMENTS ARE LOCATED WITHIN THE FLOOD PLAIN.
- SOILS SHOWN HEREON WERE SCALED FROM <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
- THE EXISTING IMPROVEMENTS AND TREES SHOWN HEREON ARE TAKEN FROM A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN AUGUST, 2015, AND IN JANUARY, 2021.
- NO OTHER NATURAL RESOURCE (ie...WETLANDS, STEEP SLOPES, STREAMS, EROSION HAZARD AREAS, ENDANGERED SPECIES OR HABITAT, etc...) EXIST WITHIN THE PROJECT AREA.
- AN EXISTING PRIVATE SEPTIC RESERVE AREA WILL BE UTILIZED FOR SEWAGE DISPOSAL. A PRIVATE WELL BE UTILIZED FOR POTABLE WATER SUPPLY.
- TOPOGRAPHIC CONTOURS AND EXISTING IMPROVEMENTS SHOWN WITHIN THE DEVELOPED AREA ARE THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC. IN JANUARY, 2021.
- SITE REQUIREMENTS:  
MINIMUM BUILDING SETBACKS:  
FRONT = 50'  
REAR = 30'  
SIDE = 15'  
MAXIMUM BUILDING HEIGHT:  
PRINCIPAL = 38' (ALLOWED)  
PRINCIPAL = <40' (EXISTING & PROPOSED)

**APPROXIMATE SHORELINE COURSES AND DISTANCES**

LINE	BEARING	DISTANCE
1	N 42°51'02" E	77.00'
2	N 39°08'20" E	52.20'
3	N 42°17'53" E	60.16'
4	N 38°15'10" E	77.43'
5	N 41°25'02" E	44.82'
6	N 37°36'48" E	30.82'
7	N 36°14'06" E	28.95'
8	N 21°50'33" E	12.25'
9	N 34°58'47" E	27.86'
10	N 33°18'00" E	79.97'
11	N 35°34'59" E	75.74'
12	N 33°23'29" E	66.23'
13	N 35°18'03" E	97.43'
14	N 34°45'33" E	67.88'
15	N 56°52'18" W	4.41'
16	N 34°11'07" E	10.54'

**STATEMENT OF PURPOSE AND INTENT**

THIS SITE IS LOCATED ON THE WEST SIDE OF FAIRLEE CREEK ROAD NEAR THE VILLAGE OF FAIRLEE. IT IS THE CURRENT LOCATION OF GREAT OAK MANOR (A COUNTRY INN). THE INTENT OF THIS CONCEPTUAL SITE PLAN IS TO (a) SEEK A "RETREAT" USE THROUGH A SPECIAL EXCEPTION AND (b) CONSTRUCT A TWO STORY BUILDING WITH A DEMONSTRATION KITCHEN ON THE FIRST FLOOR AND A YOGA STUDIO ON THE SECOND FLOOR.

THE PURPOSE OF THIS CONCEPTUAL SITE PLAN IS TO SEEK REVIEW AND COMMENTS FROM KENT COUNTY PLANNING COMMISSION FOR THE PROPOSED BUILDING AND A FAVORABLE RECOMMENDATION TO THE BOARD OF APPEALS FOR A SPECIAL EXCEPTION USE AS A "RETREAT".

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

- I (WE) CERTIFY THAT:
- ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.
  - ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.
  - IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CARD No.: \_\_\_\_\_  
PHONE No.: \_\_\_\_\_

PROPOSED DEMONSTRATION KITCHEN AND YOGA STUDIO SEE SHEET C-2 FOR ADDITIONAL INFORMATION

EXISTING TREES (2) TO BE REMOVED. MITIGATION WILL BE PROVIDED

EXISTING BUILDINGS USED AS A COUNTRY INN PER KENT COUNTY BOARD OF APPEALS CASE #394

APPROXIMATE LOCATION OF EXISTING 3,000 GALLON 2 COMPARTMENT SEPTIC TANK

APPROXIMATE LOCATION OF EXISTING 2,800 GALLON 2 COMPARTMENT SEPTIC TANK

LANDS OF SHM GREAT OAK LANDING, LLC  
M.L.M. 1045/153  
ZONED - RCD & M  
CURRENT USE - COMMERCIAL

LANDS OF VITA T. & WILLIAM W. PICKRUM, TRUSTEES  
M.L.M. 1039/275  
ZONED - CAR  
CURRENT USE - RESIDENTIAL

LANDS OF VITA T. & WILLIAM W. PICKRUM, TRUSTEES  
M.L.M. 1039/275  
ZONED - CAR  
CURRENT USE - RESIDENTIAL

**SITE STATISTICS**

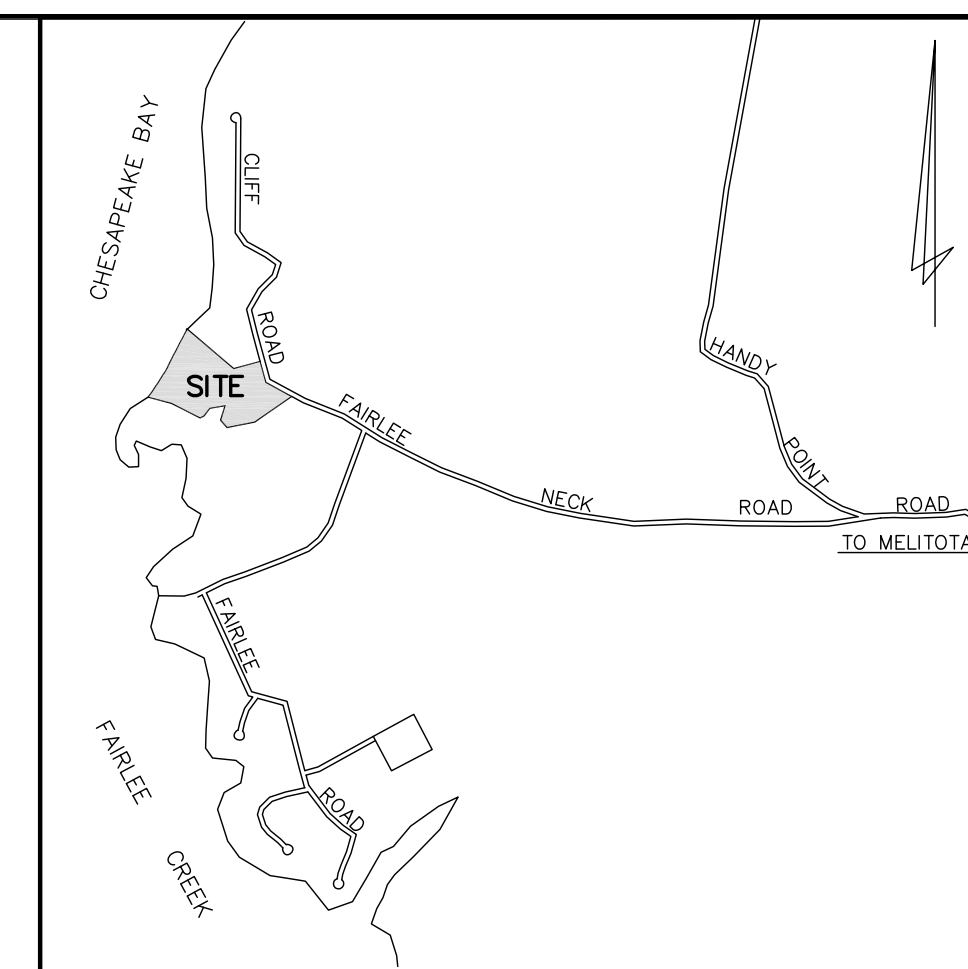
GROSS AREA	=	665,207 sq. ft.± (15.271 ac.±)
NON-CRITICAL AREA	=	20,985 sq. ft.± ( 0.482 ac.±)
CRITICAL AREA	=	644,222 sq. ft.± (14.789 ac.±)
<b>NON-CRITICAL AREA:</b>		
LOT COVERAGE (EXISTING) ( 3.9%)	=	812 sq. ft.± (0.019 ac.±)
STONE DRIVEWAY	=	812 sq. ft.±
<b>CRITICAL AREA (LDA):</b>		
MAXIMUM LOT COVERAGE ALLOWED (15%)	=	96,633 sq. ft.± (2.218 ac.±)
LOT COVERAGE (EXISTING) ( 7.8%)	=	50,093 sq. ft.± (1.150 ac.±)
BUILDING, GARAGE & OUT BUILDINGS	=	10,358 sq. ft.±
DWELLING & GARAGE	=	3,023 sq. ft.±
STONE DRIVEWAYS	=	3,158 sq. ft.±
CONCRETE/BRICK WALKS & PADS	=	4,177 sq. ft.±
LOT COVERAGE (TO BE REMOVED)	=	0,000 sq. ft.± (0.000 ac.±)
LOT COVERAGE (PROPOSED) ( 0.8%)	=	4,855 sq. ft.± (0.111 ac.±)
BUILDING	=	2,029 sq. ft.±
PATIO & STAIRS	=	1,699 sq. ft.±
CONCRETE WALKS	=	1,127 sq. ft.±
LOT COVERAGE (TOTAL) ( 8.5%)	=	54,948 sq. ft.± (1.261 ac.±)
LOT COVERAGE (REMAINING) ( 6.5%)	=	41,685 sq. ft.± (0.957 ac.±)

**PARKING REQUIREMENTS**

1 space/1 guest unit X 13 UNITS = 13 SPACES  
1 space/employee X 5 EMPLOYEES = 5 SPACES  
TOTAL PARKING (REQUIRED) = 18 SPACES\*  
TOTAL PARKING (PROVIDED) = 18 SPACES (EXISTING)

NOTE: PARKING REQUIREMENTS FOR THE PROPOSED A-SPECIFIC USE, DOES NOT EXIST UNDER ARTICLE VI, SECTION 1.3. HOWEVER, A TOTAL OF 37 LAWN PARKING SPACES HAVE BEEN PROVIDED.

PROPOSED LAWN PARKING. (NOT TO BE IMPROVED WITH A HARD SURFACE.) PROVIDED SPACES = 37



**VICINITY MAP**  
SCALE 1" = 2000'

**OWNER:**  
FREEDOM PROPERTIES GOM, LLC  
c/o WERTEN BELLAMY  
10568 CLIFF ROAD  
CHESTERTOWN, MARYLAND 21620  
PHONE No. 1-302-559-2598

**ENGINEER:**  
DMS & ASSOCIATES, LLC  
c/o KEVIN J. SHEARON, P.E. LEED  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE No. 1-443-262-9130

**SURVEYOR:**  
MICHAEL A. SCOTT, INC.  
c/o MIKE SCOTT  
400 S CROSS STREET  
CHESTERTOWN, MARYLAND 21620  
PHONE No. 1-410-778-2310

REVISION

DATE

DATE: MAY 24, 2024

SEAL

KENT COUNTY SOIL AND WATER CONSERVATION DISTRICT

KENT COUNTY PLANNING COMMISSION

KENT COUNTY HEALTH DEPARTMENT APPROVING AGENCY

**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE: 1-443-262-9148  
FAX: 1-443-262-9148

REVISION	
DATE	

OVERALL CONCEPTUAL SITE PLAN FOR DEMONSTRATION KITCHEN AND YOGA STUDIO ON THE LANDS OF FREEDOM PROPERTIES GOM, LLC

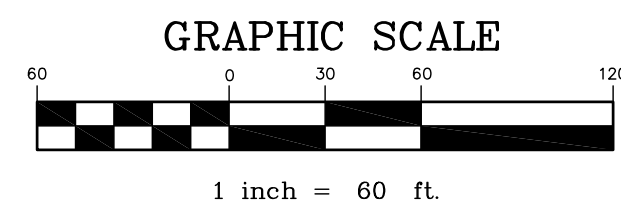
TAX MAP - 26, GRID - 2D, PARCEL - 76

SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	MAY 24
JOB No.	2022113
FOLDER Ref.	26-2022113
DESIGNED BY	KJS
SHEET No.	C-1
CADD FILE	- 22113-C1

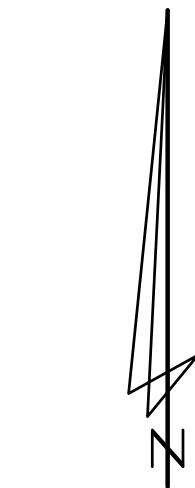
**LEGEND**

- PROPERTY LINE
- CRITICAL AREA LINE
- SOILS LINE AND TYPE
- EDGE OF EXISTING TREES
- EXISTING TREE
- EXISTING TREE TO BE REMOVED



**GENERAL NOTES**

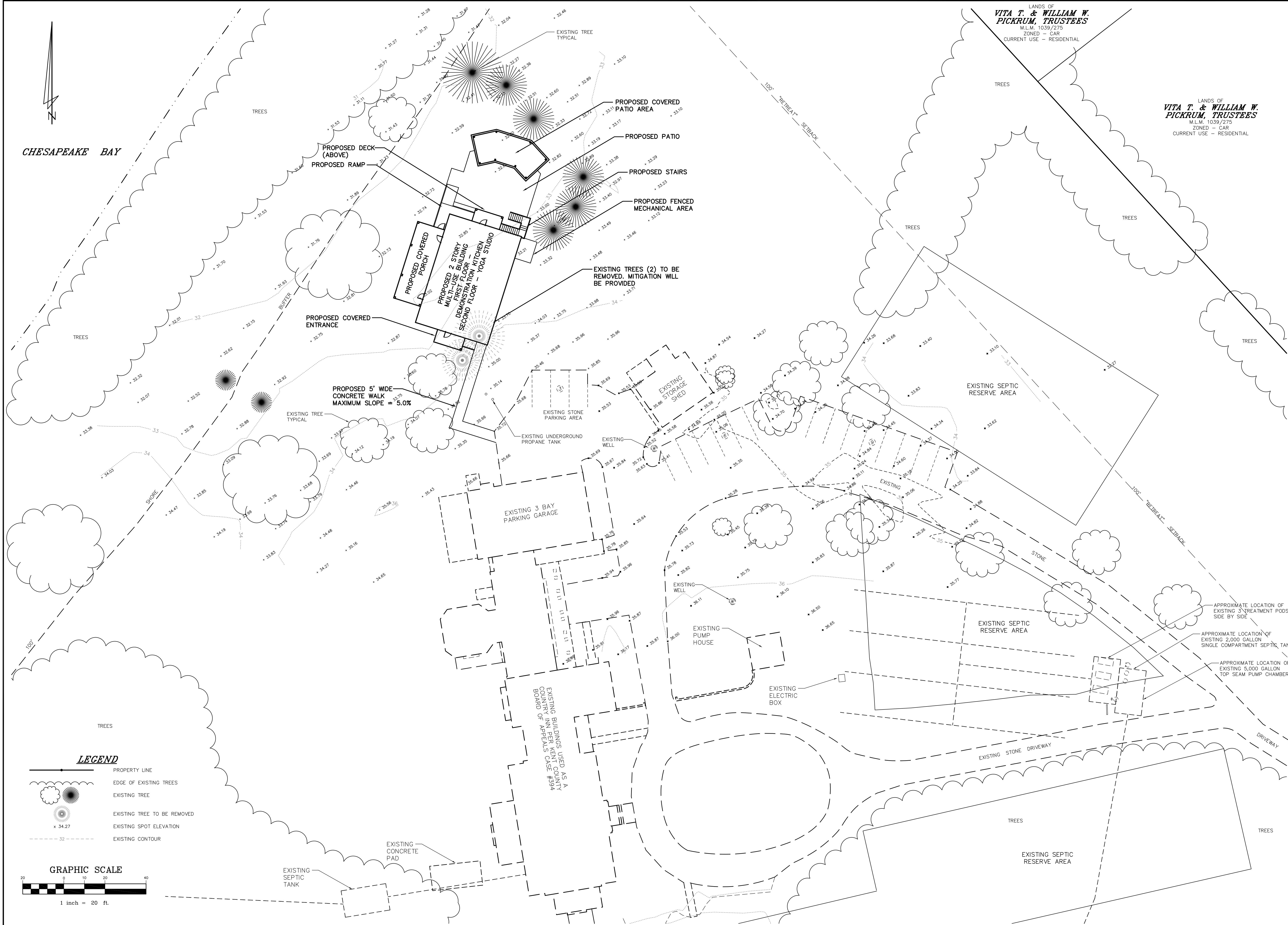
- THESE DRAWINGS SHOW INFORMATION OBTAINED FROM THE BEST AVAILABLE RECORDS REGARDING PIPES, CONDUITS, TELEPHONE LINES, AND OTHER STRUCTURES AND CONDITIONS WHICH EXIST ALONG THE LINES OF THE WORK BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITIES FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION BEING SHOWN ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. IF THE CONTRACTOR RELIES ON SAID INFORMATION, HE DOES SO AT HIS OWN RISK. THE GIVING OF THE INFORMATION ON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, TELEPHONE LINES, AND OTHER STRUCTURES.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL COORDINATE CONSTRUCTION WITH THE UTILITY COMPANIES INVOLVED:  
DELMARVA POWER & LIGHT COMPANY.....1-800-375-7117  
MISS UTILITY.....1-800-441-8355  
DMS & ASSOCIATES, LLC.....1-443-262-9130  
KENT CO. SEDIMENT & EROSION CONTROL INSPECTOR.....1-410-778-7437
- ALL CONSTRUCTION SHALL BE MARKED FOR TRAFFIC AND PEDESTRIAN SAFETY.
- THE CONTRACTOR SHALL PROVIDE ALL EQUIPMENT, LABOR, AND MATERIALS FOR ANY MISCELLANEOUS OR TEST PIT EXCAVATIONS REQUIRED BY THE ENGINEER.
- THE OWNER IS RESPONSIBLE FOR THE ACQUISITION OF ALL EASEMENTS, BOTH PERMANENT AND TEMPORARY.
- THE CONTRACTOR ASSUMES ALL RESPONSIBILITY FOR ANY DEVIATIONS FROM THESE PLANS UNLESS SAID DEVIATIONS APPROVED BY THE ENGINEER. CONTRACTOR SHALL RECEIVE WRITTEN PERMISSION FROM THE ENGINEER IF A DEVIATION OF THE PLANS IS NECESSARY.
- ALL DISTURBED AREAS SHALL BE SMOOTHLY GRADED TO PROVIDE POSITIVE DRAINAGE IN THE DIRECTION OF FLOW ARROWS HEREIN AND STABILIZED WITH TOPSOIL, SEED AND MULCH. IF SETTLEMENT OCCURS, TOPSOIL, SEEDING, AND MULCHING SHALL BE REPEATED UNTIL SETTLEMENT SUBSIDES. SEE EROSION AND SEDIMENT CONTROL SPECIFICATIONS.
- ALL TRASH, TREES, AND UNDERBRUSH ARE TO BE CLEARED AND REMOVED OFF SITE TO AN APPROVED LANDFILL BY THE CONTRACTOR.
- ANY EXCESS EXCAVATED MATERIAL SHALL BE REMOVED OFF SITE BY THE CONTRACTOR OR MATERIAL SHALL BE PLACED ON SITE AS DIRECTED BY THE ENGINEER AND/OR OWNER.
- ANY EXISTING SURVEY MONUMENTATION THAT IS DISTURBED DURING CONSTRUCTION SHALL BE REPLACED BY A REGISTERED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL CONDUCT HIS WORK IN EASEMENTS SO THAT THERE WILL BE A MINIMUM OF DISTURBANCE OF THE PROPERTIES CROSSED. ANY DISTURBED AREAS SHALL BE RESTORED TO ITS ORIGINAL CONDITION.
- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, LOCAL BUILDING CODES, AND THE STANDARD SPECIFICATIONS AND DETAILS OF KENT COUNTY.
- ALL DRAINAGE STRUCTURES AND SWALES SHALL REMAIN FUNCTIONAL DURING CONSTRUCTION UNLESS OTHERWISE INDICATED ON THE PLANS.
- ALL WATER VALVES, BOXES AND HYDRANTS SHALL BE SET AND ADJUSTED TO FINISH GRADE.
- WHENEVER SEWER OR WATER MAINS OR SERVICES RUN PARALLEL TO EACH OTHER, A MINIMUM HORIZONTAL SEPARATION OF 10' SHALL BE PROVIDED.
- MINIMUM COVER OVER THE SEWER MAIN SHALL BE 42".
- ALL CONCRETE USED FOR UTILITY WORK SHALL BE IN ACCORDANCE WITH MD SHA STANDARDS AND SPECIFICATIONS FOR MIX. NO. 2.
- ALL PAVING MATERIALS AND METHODS SHALL BE IN ACCORDANCE WITH THE LATEST MD. SHE STANDARDS AND SPECIFICATIONS AND BE SUPPLIED BY A STATE CERTIFIED PLANT.
- TRENCHES SHALL NOT REMAIN OPEN OVERNIGHT. IF IT IS NECESSARY FOR TRENCHES TO REMAIN OPEN, STEEL PLATES CAPABLE OF BEARING TRAFFIC SHALL BE USED TO COMPLETELY COVER THE TRENCH OPENINGS.
- EROSION AND SEDIMENT CONTROL WILL BE STRICTLY ENFORCED BY THE KENT COUNTY SEDIMENT AND EROSION CONTROL INSPECTOR.



CHESAPEAKE BAY

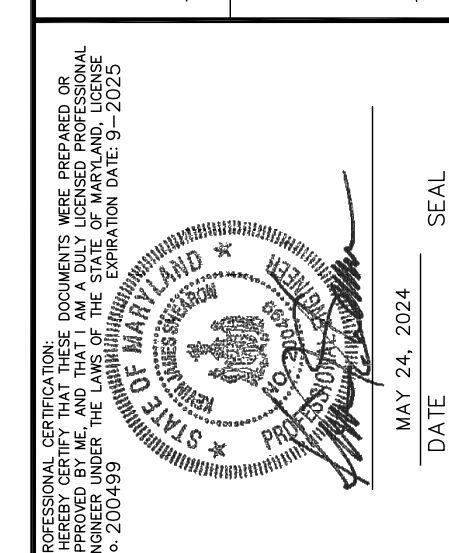
LANDS OF  
**VITA T. & WILLIAM W. PICKRUM, TRUSTEES**  
M.L.M. 1039/275  
ZONED - CAR  
CURRENT USE - RESIDENTIAL

LANDS OF  
**VITA T. & WILLIAM W. PICKRUM, TRUSTEES**  
M.L.M. 1039/275  
ZONED - CAR  
CURRENT USE - RESIDENTIAL



KENT COUNTY SOIL AND WATER CONSERVATION DISTRICT  
KENT COUNTY PLANNING COMMISSION

APPROVED FOR THE PROJECT BY THE BOARD OF APPEALS AND ZONING COMMISSION OF THE STATE OF MARYLAND  
NO. 2022113



**DAVIS, MOORE, SHEARON & ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN,  
ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE: 410-291-1111  
FAX: 1-443-262-9148

REVISION	DATE

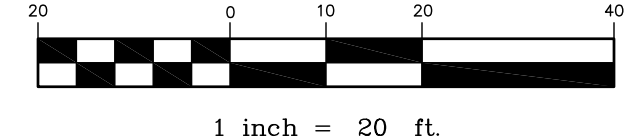
CONCEPTUAL SITE PLAN  
FOR  
**DEMONSTRATION KITCHEN AND YOGA STUDIO**  
ON THE LANDS OF  
**FREEDOM PROPERTIES COM, LLC**  
TAX MAP - 26, GRID - 2D, PARCEL - 76  
SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

DATE	SCALE
MAY 24, 2024	1" = 20'
JOB No. 2022113	DRAWN BY WJM
FOLDER #64 28-2022113	DESIGNED BY KJS
SHEET No. - C-2	
CADD FILE - 22113-C2	

**LEGEND**

- PROPERTY LINE
- EDGE OF EXISTING TREES
- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- EXISTING SPOT ELEVATION
- EXISTING CONTOUR

**GRAPHIC SCALE**



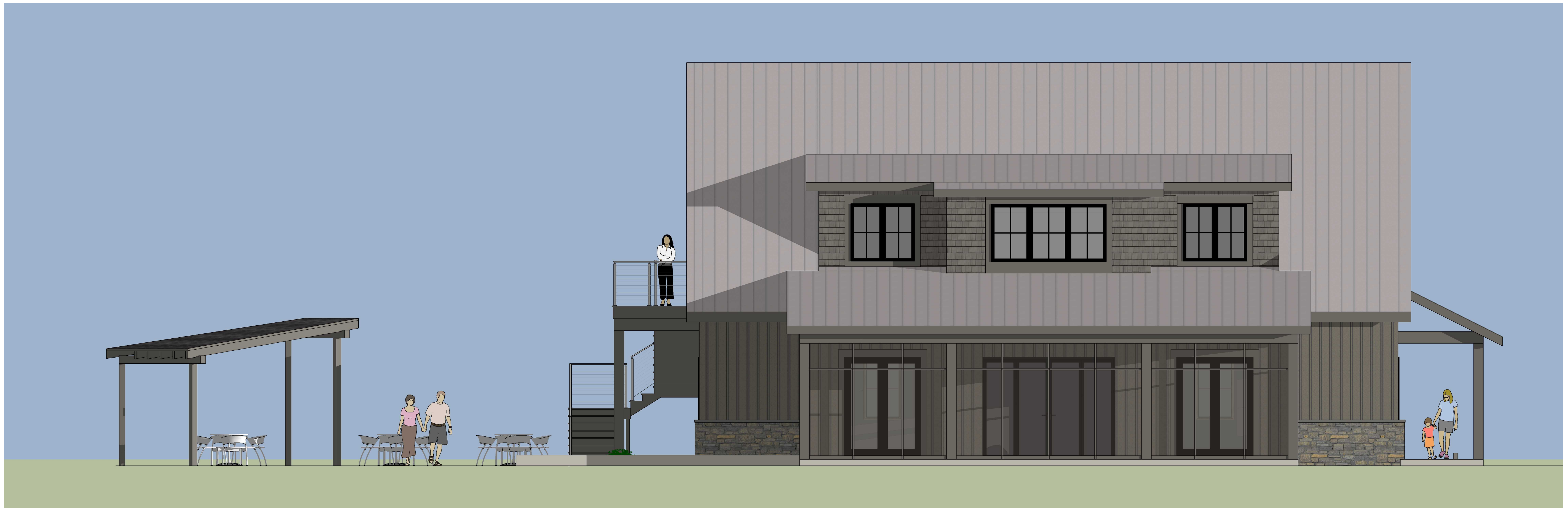


NORTH WEST PERSPECTIVE



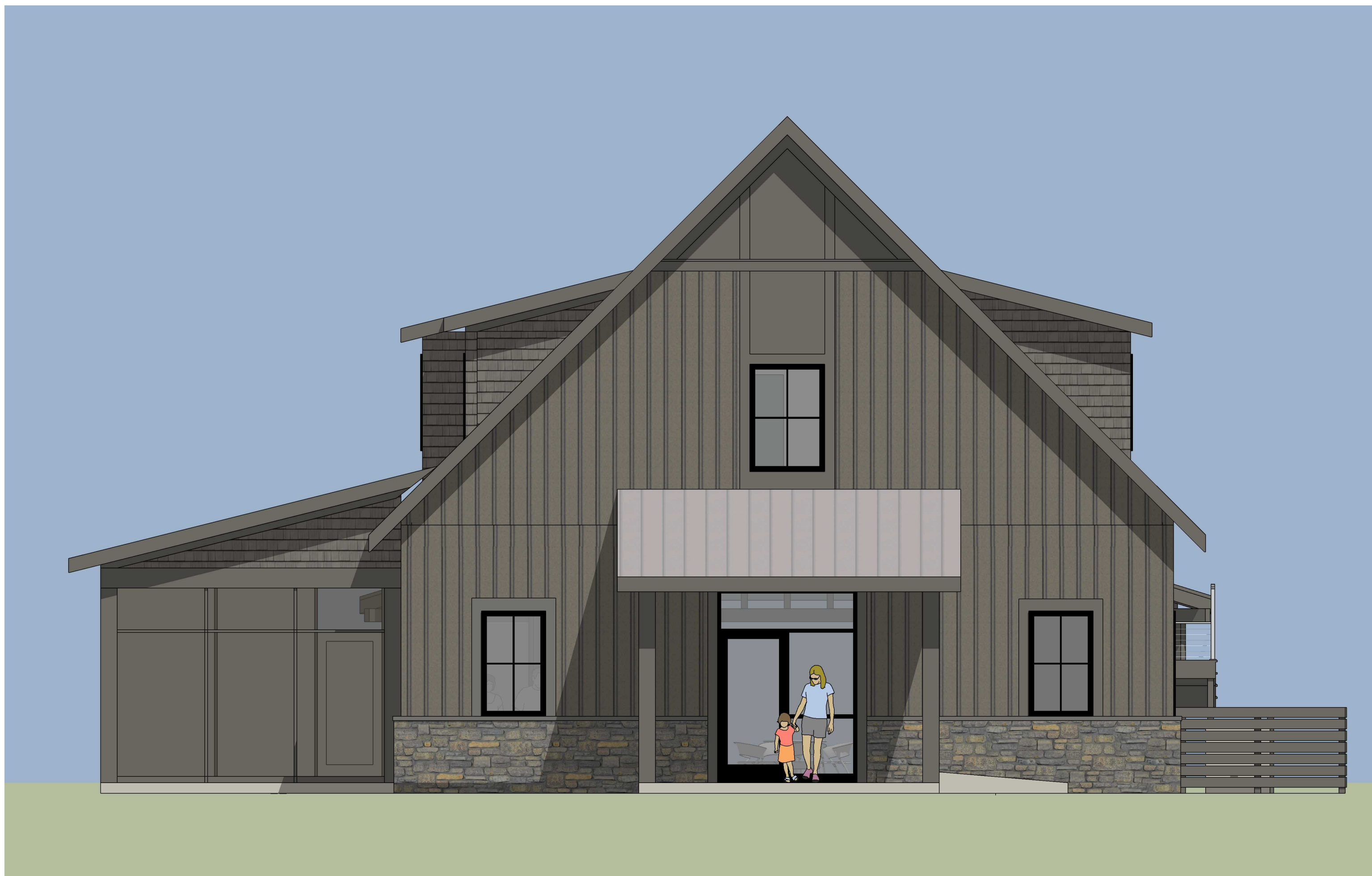
SOUTH EAST PERSPECTIVE





**WEST ELEVATION**

SCALE: 1/4"=1'-0"



**SOUTH ELEVATION**

SCALE: 1/4"=1'-0"



**ROOF PLAN**

SCALE: 1/8"=1'-0"



**EAST ELEVATION**

SCALE: 1/4"=1'-0"



**NORTH ELEVATION**

SCALE: 1/4"=1'-0"

October 14, 2024

Kent County Zoning Appeals Board  
c/o Mrs. Carla Gerber, Deputy Director  
Kent County Planning and Zoning  
400 High Street  
Chestertown, MD 21620

**Re: Freedom Properties GOM, LLC – Special Exception – Redesignation as a Retreat**

Dear Mrs. Gerber and Kent County Zoning Appeals Board,

As property owners and 46 year residents of Great Oak and Cliff Road specifically, we are writing in reference to the change in designation of Great Oak Manor from 'Country Inn' to 'Retreat'.

When we first moved to the property adjacent to Great Oak Manor in 1978, it was a quiet private residence and we shared a private single lane road. Since that time, we have moved further out Cliff Road, and the Manor House has changed from that private residence to a Bed and Breakfast, and now a Country Inn. We still share that same private single lane road.

We have experienced a variety of challenges living close to a changing commercial business in a rural private neighborhood, including noise, traffic, dangerous drivers, and wandering guests. None of which were ever intended for this rural area.

The current owners of the Manor (Werten Bellamy and Kellye Walker) have been much improved neighbors; reducing traffic, wandering visitors, and improving quiet during their renovation period.

We support their desire to build an additional single building for yoga and cooking classes on their current property, but object to the request for "Retreat" status. If Retreat Status were granted, it must be with added restrictions on any future expansion by the current or any future owners. These limitations would include no additional guest rooms beyond the current 15 allowed under the 'Country Inn' designation. Regardless of their current or future ability to add buildings and amenities to the property, we will still be sharing the care, maintenance and safety limitations of a private single lane road, which is not currently being well maintained.

We are very concerned about future owners changing the plans, goals and events focus at the Manor, and degrading the rest of our quiet rural neighborhood.

As an example of the constant change we have seen and expect to continue at Great Oak Manor we offer the following timeline:

- Don and Diane Cantor operated The Manor as a traditional (and successful) Bed & Breakfast in the late 90s and early 2000s, and lived in the main house
- John and Cassandra Fedas purchased The Manor from Don and Diane, and also operated it as a B&B, doing some weddings also. But they built an addition to the house that nearly doubled the square footage which became their living quarters and also included the large ballroom that is still there.
- Buddy Reed then purchased The Manor, continued the B&B operation, increased the wedding frequency and size, AND sought a text amendment to the Country Inn designation so he could build a special events plaza for the wedding tent setup. He received approval for the text amendment. Buddy Reed did not live on the property.

- Finally, Werten Bellemy and Kellye Walker purchased The Manor. They have continued the B&B operation, do NOT live on the property (They live in TN and Chicago) and are now seeking to change their designation from 'Country Inn' to "Retreat". They are also proposing to build a new building which will expand their capability to host outside groups in addition to their guests.

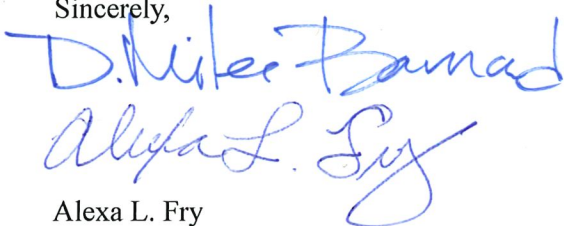
The point here is that every owner for the last 30 years has upgraded the property in some capacity to ultimately increase revenue and increase the value of the property. There will be another owner after Freedom Properties, and they will no doubt seek to expand the business. We are asking The Board of Zoning Appeals to protect our rights as neighbors and citizens and place restrictions on how the property can be improved in the future and what the process should be for seeking approval for expansions or intensifications.

We encourage you to pay special attention to Article VII – Special Exceptions, Section 2 Standards & Section 3 Conditions and Guarantees when considering the approval of this Special Exception which gives you the power to approve this request while also protecting neighbors and the character of our neighborhood for current and future generations.

Listed below are possible restrictions on further or future development we suggest to be conditions on 'Retreat' designation approval. We recognize the danger in being too specific with conditions, since this often makes it possible to loophole the intent of the conditions. The wording of conditions should be to enforce the intent, which means that clarifying what the intent actually is will be very important to this discussion. Our suggestions are:

1. No additional guest rooms beyond the 15 currently allowed as a "Country Inn"
2. All parking for events at The Manor be provided on their own current property (not on the road)
3. All maintenance facilities and equipment be located such that they are screened or hidden from outside the property
4. Written agreement with all Cliff Road property owners as to the ongoing shared costs of maintaining Cliff Road
5. Hours of operations for outdoor events
6. Noise restrictions on all events

Sincerely,



Alexa L. Fry  
D. Miles Barnard  
10810 Cliff Rd.  
Chestertown, MD 21620  
410-708-1612 (Miles)

Stephen J. Neuberger  
10736 Cliff Road  
Great Oak  
Chestertown, MD 21620

October 10, 2024

**Via E-mail Only:**  
**CGerber@kentgov.org**

Kent County Board of Zoning Appeals  
c/o Ms. Carla Gerber  
Deputy Director of Planning and Zoning  
400 High St.  
Chestertown, MD 21620

**RE: Great Oak Manor House  
Special Exemption "Retreat" Application  
Tax Map 26, Parcel 76**

Dear Board Members,

As an adjacent property owner, I write to express concern with and oppose Great Oak Manor's application while also emphasizing the importance of the five binding conditions attached by the Planning Commission last month. Those conditions – intended to protect the peace and tranquility of my quiet rural neighborhood in light of the many empty earlier promises by prior owners in recent years – are key to contextually understand the present application.

Although my time on Cliff Road is dwarfed by some of my many kind neighbors, my twelve years here have nevertheless given me a perspective that centers around three relevant considerations: traffic, noise and safety.

Access to my home is served by two private roads, one relatively wide by rural standards, one very narrow: Great Oak Landing Road and Cliff Road, respectively. Unlike the larger Great Oak Landing Road (which serves as the access road for Great Oak Marina and the neighborhood and homes behind it on or branching off of John Carvill Road), Cliff Road is privately maintained and serves only its small, limited number of residents. When I bought my home in 2012, Cliff Road was what it had long been for many decades – going back to Frank Russell in the 1940's, his later family entities in the 1960's, the Mallan family in the early 1970's, the Othoson family's late 1970's purchase of the Manor House and the "residential purposes only" to last "forever" restrictions to which they agreed in order to protect the Cliff Road neighbors, and the many additional detailed usage restrictions on the Manor House agreed to by the McKinley family in 1984 again in order to protect our Cliff Road neighbors – a narrow, private road in a small, quiet and tranquil residential neighborhood.

But from 2017 forward, there have been repeated efforts to intensify the present uses of our quiet, narrow road to the detriment of the surrounding community. The dramatically increased traffic volume, noise, intrusive lighting and related problems which resulted have

directly impacted the peace and enjoyment of our quiet, rural community. Sadly, the promises of the property's prior owners "to operate the Manor as it has been since the mid-1980s,"<sup>1</sup> assurances which led this Board to lift the longstanding usage restrictions from 1984, have come to naught.

Since that time, the increased usages have caused the Cliff Road neighbors to experience: unreasonable loud noise late at night which disturbs the quiet enjoyment of our homes; drunken golf cart rides by prior owners knocking on doors and berating neighbors for asking that this late night noise please be kept down; large commercial buses delivering loads of customers; delivery trucks and other vehicles blocking our Road; and increased, yet ever familiar, pie-crust promises from Manor House owners that these are just temporary aberrations which will go away if we simply consent to their grand plans.

Yet we have been down this 'trust me' road before. But, for example, these empty promises do not help our neighbors as they encounter giant tour buses and large delivery trucks at one particular stretch of our narrow road called "the dip," beyond which there is a drop off into a ravine on both sides of the road, with no guardrail or warning devices present. No car, pickup or ambulance can go around them.

If the current use of what was once long a quiet and neighborly Bed and Breakfast, and is much more recently now a limited Country Inn, is again changed, eventually condition #1 allows its present or future owner to, yet again, petition a later iteration of this same Board not familiar with the history to nevertheless seek to increase occupancy and usage three fold, from 13 to 40 rooms and the like, which will, yet again, continue to materially change our once quiet neighborhood, on our narrow, privately maintained road. More buildings and more rooms means more employees and more customers. More employees and more customers means more cars, large tour buses and delivery vans on our narrow, private road. From ever increasing wear and tear, to the stop and gawk visitors blocking the same, from the problems of emergency access for my neighbors who have been here for decades longer than I, to similar emergency access to assist my elderly parents who spend many months here; the Manor House's application causes a host of problems related to traffic, noise and safety that remain materially unaddressed by the applicant and only partly addressed by the Planning Commission's five conditions.

Consequently, a restriction and condition should be imposed prior to approval of the pending application which does not allow expansion under the "retreat" category from the present 13 room status quo. Additional traffic, sound and lighting should be restricted also. Otherwise, the application should be denied. Alternatively, the Planning Commission's five express conditions should be strengthened and adopted.

Under the existing Code provisions for "retreat" the present building floor space can increase 50%, aside from creating new guest room buildings later. Again, I note the significant

---

<sup>1</sup> (E-mail from Great Oak Manor House owner dated 8/31/17 to the many Cliff Road neighbors).

increase in traffic, noise and lighting in our community which will follow.

Finally, procedurally it appears that the present application is defective in that our “homeowners association” has not been notified or involved as required by your Code. The original application states that this is “not applicable” which is incorrect in that we have had a large association denominated the “Great Oak Civic Association” for some time now and to which for many years I have paid yearly HOA dues.

Very truly yours,

A handwritten signature in blue ink that reads "Stephen J. Neuberger". The signature is written in a cursive style with a long, sweeping tail on the "g".

Stephen J. Neuberger

October 11, 2024

Kent County Board of Zoning Appeals  
c/o Ms. Carla Gerber  
Deputy Director of Planning and Zoning  
400 High St  
Chestertown, MD 21620

Board of Appeals  
Kent County Planning Commission

RE: Great Oak Manor  
Special Exemption "Retreat" Application  
Tax Map 26, Parcel 76

Dear Board Members,

This correspondence is regarding the request to change the designation of Great Oak Manor from "Country Inn" to "Retreat". We oppose the application.

We oppose any change that would allow Great Oak Manor to expand beyond it's existing 15 room capacity now or in the future.

We are concerned with overdevelopment of the property.

We are against locating a parking lot along our quiet, serene and fragile lane.

We are concerned about the increased traffic on our privately maintained lane that this would create.

We are concerned about increased noise, traffic and lighting related to this proposed parking lot let alone any future expansion the change would allow for in the future.

During the meeting held at Great Oak Manor to introduce this request Mr. Bellamy explained to all the neighbors in attendance the only reason he was requesting this new designation was because he was told by his Engineering firm this was the only way he could get approval for a new kitchen and yoga studio improvement. I asked if there was any other way to accomplish his improvements i.e. (variance, text amendments, etc.) This question was asked again during the Advisory Board meeting to which Mr. Bellamy replied, "Any restrictions on the use of his property would simply be unfair". The main question I have, is this current improvement plan truly the reason Mr. Bellamy is requesting this new designation or simply a steppingstone to future development?

I'm sure you are aware that the failure rate of small businesses is very high and although Mr. Bellamy states he has no intention of the future development of his property he may not be able to control that in the future. A businessman is in business to turn a profit. If his current plan was proving to be unprofitable, he would have no choice but to adjust. We are adamantly opposed to any change to the status that would allow any opportunity for future development of this property.

As property owners and now full-time residents of Cliff Road, we ask that you refuse this request.

Respectfully submitted,  
George and Fran Besack  
10780 Cliff Rd.



Kent County Board of Zoning and Appeals  
c/o Carla Gerber  
Deputy Director of Planning and Zoning  
400 High St.  
Chestertown, MD 21620

RE: Great Oak Manor  
Special Exemption "Retreat" Application  
Tax Map 26, Parcel 76

Dear Board Members,

This letter is in regard to the request to change the designation of Great Oak Manor from "Country Inn" to "Retreat". We oppose the application unless specific conditions are imposed on the future use of Great Oak Manor which are binding on the present and future owners.

Having a home on Cliff Road for 39 years, we treasure the solitude, privacy and peaceful nature of our small community. Great Oak Manor, in its present state, has not impacted our valued rural setting. However, the requested change from "Country Inn" to "Retreat" could have implications for that to change dramatically.

We oppose any change that would allow Great Oak Manor to expand beyond its current 15 room capacity unless certain conditions regarding future expansion are addressed for the current owner and all future owners.

We do not oppose the construction of the demonstration kitchen/yoga studio.

Our concerns with the "Retreat" designation are:

\*Overdevelopment of the property as it exists or future expansion onto adjoining properties by current or future owners which would be inappropriate for this neighborhood.

\*Increased traffic and its impact on our privately maintained, single lane access road

\*Increased lighting, signage and noise

\*Overflow parking away from the Inn and onto adjoining land

\*Additional traffic and trespassing of guests, visitors and vendors onto our fragile, unpaved, privately maintained section of Cliff Rd.

We ask that you consider our concerns as neighbors and citizens of Kent County who value the rural nature of our communities. It is a special place to live because you, our zoning and planning committees, have been very discerning with special exceptions and variances. We ask that you continue that policy when it comes to the re-designation of this property.

Respectfully submitted,  
Dennis and Gaye Cox  
10722 Cliff Rd

## Carla Gerber

---

**From:** dnkohler <dnkohler1@yahoo.com>  
**Sent:** Friday, October 11, 2024 10:28 AM  
**To:** Carla Gerber  
**Subject:** Great Oak Manor Special Exemption as a Retreat

[You don't often get email from dnkohler1@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

### 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

---

As a homeowner located on Great Oak Landing Road I am very concerned about the changes being proposed by the owners of the Great Oak Manor.

My concern revolves around the likely increase of traffic and noise that may be generated and that meaningful accommodations be assured to mitigate these issues.

This should include funds allocated to maintain our Great Oak Landing and Cliff Roads.

Thank you.

Daniel Kohler  
22386 Great Oak Landing Rd  
Chestertown, Md 21620

dnkohler1@yahoo.com  
301-802-4198

Kent County Board of Zoning and Appeals

Re: Great Oak Manor, Special Exemption "Retreat" Application, Tax Map 26, Parcel 76

October 11, 2024

Honorable Board of Appeals Members:

The economic development office of Kent County has a lot of pressure to allow and encourage anyone wishing to invest in developing a business in the county, especially something as "non-invasive" as tourism.

This is not the case with prospective development of Great Oak Manor by changing their zoning from "Country Inn" to "Retreat". This change will be invasive to an established residential community with noise and visual changes. Of greatest concern is the potential expense it will incur to neighboring private property owners. This proposed rezoning for business growth does not fit in with the original development of Great Oak manor as a stately home in a quiet community. We have already seen and felt the results of exceptions made to convert the property to a "Country Inn".

The residents of Cliff Road have, for years, been threatened repeatedly with the impact of requests by owners of Great Oak Manor, who have taken it from a private residence to what it is today. We have had meetings with the Manor owners, in which they tell us they "only" need one thing, which seems to cover ulterior motives for developing the property in a way that is not supported by our community.

Mr. Bellamy invited us to a meeting in his home, to inform us that all he wants is one building for a yoga studio and a demonstration kitchen, to be able to make his investment become "profitable". He stated that it was our own county Planning Commission that will not allow this one change unless the zoning for his property is changed to "Retreat", which allows up to 40 rooms and multiple additional structures to be built. As I inquired at the recent 05 September hearing, why is there no middle road to allow this one building, rather than basically granting this and any future owners to do exactly what the neighbors have spent countless hours and attorney fees asking for respect for our concerns as long-term citizens, residents, and tax-payers in protecting our long-established residential community?

Yet, when the Planning commission added "conditions" to appease our concerns, Mr. Bellamy stated that he wants no conditions attached to the zoning of his property. This was an alarm sounding loud and clear to the residents that the current applicant is looking for more than one additional building. If not this owner, the next one.

The property being considered for "retreat" zoning is neither protected from enough surrounding acreage to buffer its visual and audible effects on the surrounding neighbors, OR is it accessed directly by a public road that would allow safe use for Manor Guests or the permanent residents of Cliff Road. Other businesses in the county with Retreat zoning have safe, direct public road access and sufficient buffering to protect the neighbors from noise and visual pollution.

Please review the history of our interactions with the owners of Great Oak Manor. Please recognize that we have been in front of the Planning Commission many times with the same concerns. **These are not “complaints” as Ms. Reeder identified them at a prior hearing.** They are valid concerns we have been asked to provide every time a new owner decides they want and need to increase the business value of the property. If they are not satisfied with the “country Inn” they purchased, why should the neighboring community pay indefinitely for the owners’ regrettably poor business decision?

**ROAD SAFETY and Maintenance Support:**

As I see it, no one but the surrounding neighbors understand the daily safety concerns regarding the narrow and privately maintained road that the requested re-zoning will negatively impact well into the future with increased business traffic, supply vehicles, construction vehicles, etc.

Does the economic development office deem expansion of the business at Great Oak Manor worthwhile for the county despite the historical concerns of the neighboring property owners? If so, Kent County should release the surrounding neighbors from our concerns for safety, the risk of potential devaluation of our serene residential properties, and personal financial support for expansion of a private business.

***The only fair and equitable solution for this concern would be for Kent County to declare our roads to be county roads and develop them to county standards.***

Respectfully submitted,

Bronwyn Fry

10650 Cliff Road

Chestertown, MD 21620

[bfrymail@gmail.com](mailto:bfrymail@gmail.com)

410-708-4070

10/14/2024

From:

Dylan Fry

10631 Cliff Rd

Chestertown, MD 21620

[frydylan@gmail.com](mailto:frydylan@gmail.com)

410-708-8983

To:

Board of Appeals, Kent County Planning Commission

400 High Street

Chestertown, MD 21620

Dear Members of the Board of Appeals,

I am writing to formally express my opposition to the proposed zoning change for Great Oak Manor from "country inn" to "retreat." As a resident of Kent County and a neighbor within view of this property, I am deeply concerned about the potential implications this change could have on our community.

This reclassification would permit an expansion of guest capacity and, consequently, an increase in traffic and noise. Such changes threaten to disrupt the peaceful, rural atmosphere that our community values and relies upon. The serenity of our neighborhood is vital to our lifestyle and well-being, and any shift towards a more commercialized use of this property could lead to significant adverse effects. This includes, but is not limited to, a change in peaceful and rural community atmosphere, increased traffic and wear on road systems that are already in poor condition, noise pollution, environmental/wildlife impact, neighboring property values, and current peace and cooperation of the community members as a whole. Additionally, the current owner is currently not providing "screening for parking from adjoining residential properties" as required by the Land Use Ordinance of Kent County; this raises concerns for further abuse of guidelines if the facility is expanded even further.

Moreover, while the current owner may intend to implement a conservative expansion project, this change in zoning would pave the way for future owners to undertake more extensive developments that would impact our community even further.

I urge the board to consider the long-term consequences of this zoning change and to prioritize the preservation of our community's character over one member's short-term economic interests. I respectfully request that you deny this application and work towards maintaining the rural integrity of Kent County, particularly in the Great Oak community.

Thank you for your attention to this matter.

Sincerely,

Dylan Fry



## Robert Tracey

---

**From:** bev kaehler <chessiebay56@gmail.com>  
**Sent:** Saturday, October 12, 2024 9:39 AM  
**To:** Robert Tracey  
**Subject:** Fwd:

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from chessiebay56@gmail.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

---

----- Forwarded message -----

**From:** bev kaehler <[chessiebay56@gmail.com](mailto:chessiebay56@gmail.com)>  
**Date:** Fri, Oct 11, 2024, 6:38 PM  
**Subject:**  
**To:** <[cgerber@kentgov.org](mailto:cgerber@kentgov.org)>

Re: Great oak Manor application for retreat. We are located on Gerret Copeland's property at 22679 Handy pt Rd. Although we are not near the manor house, their traffic is constantly driving around the farm. There is a problem with GPS that has our address as the manor house. I suggest that if they get approved, that they have big signs showing where they are. Possibly trying to figure out how to have GPS corrected. Thank you for your time. James and Beverly Kaehler.

Subject: Great Oak Manor property application for Retreat status

Date: October 11, 2024

Attention: Kent County Board of Zoning Appeals

Cc: Carla Gerber

Esteemed Members of the Board:

Thank you for the opportunity for public comment upon this application to change the status of the Great Oak Manor property from Country Inn to Retreat. As included in the records for this application, I shared my concerns and comments with the members of the Planning and Zoning Commission on September 3, 2024.

For background to my comments below, as a third-generation resident on Cliff Road, I have a vested personal interest in this application and care deeply about Kent County. However, I also offer background on my educational and professional background to lend further credibility to my reaction to the application to locate a Retreat on Cliff Road. I have an undergraduate degree in civil engineering, and a graduate degree in public administration. I have worked in economic development to help communities thrive and guided zoning and transportation policies to serve area residents and businesses. My former employers include New York's Metropolitan Transportation Authority, New York City Economic Development Corporation, and, most recently, I served as Deputy Director for Policy for the Montgomery County Department of Transportation in Montgomery County, Maryland.

I offer my comments below:

## **ZONING POLICY**

Many of the arguments made in favor of the application for Retreat status include references to the current owner's character and the way he has operated his business thus far. Those considerations are more relevant to temporary rights, such as a business license, that apply to one business and its owner.

However, the issue before you is approval that is tied to land—not an individual. And approvals made tied to this land transfers with the land and is permanent, regardless of who owns the property. A zoning decision like this one that applies significantly expanded development rights should not be granted based on the consideration of today's owner's character. Thus, this decision should be based upon the possible development and actions that could be taken by any possible future owner. Policymakers should consider both best case and worst case scenarios that are made possible by today's zoning decisions.

This decision should be based on the land use and on a long-term basis, and potential impacts should consider today's owners and also future owners of any of the properties along Cliff Road. Protection considerations for neighbors should be made to ensure that surrounding property owners can use their own property to its best and highest use without unrestricted impacts of owners of the Manor property.

## **NOISE**

It is critical to the character of the existing community that quiet hours be required for a business located within a residential community. Rather than arbitrarily define and specify quiet hours for this property, I recommend tying quiet hours conditions to existing quiet hours that have been approved elsewhere in the County and have been deemed reasonable for other local businesses.

For example, "At all times, the owner shall comply with the same quiet hours that are approved by and in place for businesses located within the Town of Chestertown."

## **TRAFFIC**

Public officials, committee members, and elected officials in Kent County have heard about this shared private road in relation to the application before you today and in past zoning applications.

The best way that I can describe this road is as a very long, shared driveway. As a public official, I was involved in similarly shared roadways, and what was always relevant was the impact that neighbors have on each other on shared driveways.

What is unusual in this situation is that the potential power dynamic and rights of neighbors sharing this roadway resource is very unbalanced in the case of Cliff Road. There are no public protections for surrounding community members. There are no public funds directed toward the road, and it is up to a community to arrange for maintenance, the management of maintenance, and the funds for upkeep.

I have heard Kent County's public officials and committee members state that the neighbors should be able to come to an agreement with the Manor House. That we just need to work together. That officials have faith that we can find a solution amongst ourselves. That goal has been a difficult endeavor for my entire lifetime. Yes, the residents of the community purchased their homes aware of this access and associated challenges. However, the application before you today has the potential to significantly alter the dynamics that have already been difficult. A driveway-like road shared by single-family homeowners and a business with up to 50 guest rooms hosting transient guests is significantly different than the situation we navigate today.

Some residents in this community, including my own family, purchased Cliff Road properties and constructed our homes when the Manor House was just that—a beautiful and large house



with one family consisting of two adults living in the Manor House. That single family house, evolved into a Bed & Breakfast, a Country Inn, and now potentially a Retreat.

Those evolutions happened with the permission of Kent County, but while Kent County has expanded development and business rights to the Manor House property, there has been no evolution in the ownership or maintenance of the shared driveway. The Manor House has become an unequal user with unequal impacts on the roadway, and there are legal requirements or obligations imposed upon them other than suggestions from the County that the owner work with neighbors to come to an agreement. Developing an agreement between neighbors is difficult in many circumstances, but becomes even more challenging when one party to the agreement is no longer in the same category or property use as every other property owner sharing this resource.

It is inappropriate for the County to continue to expand development rights on properties fronting this road without the County or other public entity taking on ownership, costs, and maintenance of the road. It is unreasonable to place the burden of cost, management, and the difficulty of forming agreement between individual homeowners and a large business, with no oversight, assistance, or requirements for the business owner to participate at all in such an agreement.

Again, please consider ALL and ANY future property owners of the Manor House—not today's owner. In theory, there could be a new owner six months from now, and even if an arrangement with neighbors had been reached, the residents on Cliff Road could be faced with this challenging dynamic each time the property changes hands.

In effect, approval of Retreat status is significantly expanding business and development rights in a way that directly and immediately affects surrounding neighbors and makes existing residents more vulnerable to whomever becomes the owner of the Manor House property. The balance of power is extremely unbalanced, and residents cannot effectively negotiate and reach agreement over the road when the Owner of the Manor House has no legal obligation to participate in management of, payment for, or assistance with the road.

## **SAFETY**

I do not have concerns with the number of people occupying the Manor House property itself. However, I have significant concerns over access to and from the property and the Manor House's potential to impact my safety and the safety of my children.

My seven- and ten-year-old children have grown up with the enforced rule that they can play and ride their bikes anywhere along Cliff Road, but that they can never go past the Manor House property or beyond it without an adult. That rule is because, with a business operation and transient guests and the service people required to support the business, you never know who will be driving in and out of the Manor House. There could be no cars, or there could be many drivers unfamiliar with the area, large delivery trucks, etc.

The neighborhood is largely composed of retirement age residents, but we have been lucky to develop a close friendship with the Snyder family and their three children. While we can see the Snyder's house from our house by looking across a field, we cannot let our children go to see their friends without us because of our safety concerns on Cliff Road. The Manor House is located between our house and the Snyder's, so while it would be easy for our children to bike back and forth, they cannot because of the unpredictable nature of traffic on Cliff Road. An increase in business activity on Cliff Road with no further protections for surrounding residents has the potential to further threaten what should be freedom and independence you would imagine is afforded to children in a quiet, rural community.

In conclusion, I implore you to consider this application as a zoning and land use decision that applies to any future owner of the Manor House. This is not a business license that is temporary and associated with one individual. The rights granted with it cannot be retracted. Development as-of-right is challenging to control or deny, and the application before you seeks a significant expansion of future development rights.

I believe the extension of rights is unnecessary for the development currently planned. And I would ask the County to consider approving the yoga and commercial kitchen facilities within the current Country Inn zoning status. If Retreat status is approved, it is critical that conditions for approval adequately protect surrounding property owners.

Please protect the people who live on Cliff Road. We have no protections from the vehicles who come and go from this business. This "shared driveway" that my children want to bike along to go play with friends has the potential to be quiet and safe, but with no public oversight of the space, expanding rights to the Manor property to have 50 rooms and events associated with them creates the potential for large buses, drunk drivers, increased delivery trucks, and more. My concerns are not about how the Manor uses its property (as long as quiet hours are in place). Rather, I worry about the potential for their property uses to impact our safety and access to our own properties because of the nature of Cliff Road.

Please consider that whatever decision you reach today has the potential for significant, permanent impacts to our Cliff Road community. Retreat status has potential to largely expand a business operation along Cliff Road, and this expansion of development and operational rights with no expansion of protections for area residents would threaten the public interest. Please afford Cliff Road residents with the protections we need to enjoy our own homes and feel safe in our neighborhood.

Sincerely,



Hannah Fry Henn

Joel P. Trigiani  
Denise E. Ghee  
10716 Cliff Road  
Chestertown, MD 21620

October 11, 2024

Kent County Board of Zoning and Appeals  
Carla Gerber  
Deputy Director of Planning and Zoning  
400 High Street  
Chestertown, MD 21620  
Via email: [cgerber@kentgov.org](mailto:cgerber@kentgov.org)

**Re: Great Oak Manor  
Special Exemption “Retreat” Application  
Tax Map 26, Parcel 76**

Dear Board Members:

As we stated in our June 26, 2024, letter to Mr. Mackey and the Planning Commission members, we are adjacent property owners to the Great Oak Manor (“Manor”). We reassert our concerns as stated in the above-said letter.

The proposed “retreat” project must comport to the restrictions requested in our prior letter. Otherwise, this “retreat” application will turn into a “resort” project. The “five-star” hotel which Mr. Bellamy envisions, would drastically disturb our rights as property owners. Many of us have spent considerable funds to preserve the rural integrity of Cliff Road. We have spent hundreds of thousands of dollars in real estate taxes to the County and request the Board acknowledge that our rights as long time property owners be recognized.

We do understand Mr. Bellamy’s interest in making the Manor a place for personal wellness. But our personal wellness needs to be included in the equation. The construction costs of this project, inclusive of soft money, and operating expenses will be significant. Success will be determined by the revenues received. Revenues will require a prodigious number of patrons. This will translate into vehicle traffic, not just for patrons, but for food deliveries, instructors, and maintenance personnel .

We ask the Board to be mindful of the fact that this enterprise is a business enterprise in a rural residential community. A few things can occur. The project can succeed which begs the question, will expansion be necessary? Will success create an opportunity for sale to a third party? Or, will the project fail to meet financial expectations.

We ask that you not relegate us to tenants in our own home. We ask you to live here with us. We remain,

Respectfully yours,

Handwritten signatures of Joel P. Trigiani and Denise Ghee. The signature for Joel P. Trigiani is on the left, and the signature for Denise Ghee is on the right.

Joel P. Trigiani and Denise Ghee

Kevin and Rebecca Mountain  
10840 Cliff Road  
Chestertown, MD 21620

October 10, 2024

Kent County Board of Zoning Appeals  
c/o Ms. Carla Gerber, Deputy Director of Planning and Zoning  
Planning and Zoning Dept.  
400 High Street  
Chestertown, MD 21620

RE: Great Oak Manor, Special Exemption "Retreat" Application  
Tax Map 26, Parcel 76

Ms. Gerber,

We write regarding the request by Great Oak Manor to change the designation from "Country Inn" to "Retreat." We oppose the application unless specific conditions, binding to current and subsequent owners, are applied to the future use of Great Oak Manor.

We are homeowners on Cliff Road and members of Great Oak Civic Association, and concerned with the impact of associated increased traffic, noise and lighting on our private road maintained by Cliff Road property owners. This would have a negative impact on enjoyment of our home in this peaceful and private community.

We oppose any change that would permit Great Oak Manor to expand beyond its current 15 room capacity unless certain conditions regarding future expansion are addressed for current and subsequent owners. Our concerns with a Retreat designation include future expansion onto adjoining properties by Manor owners which would change our tranquil neighborhood. We are concerned for the undesirable impact of increased signage, noise and lighting, overflow parking from the Manor onto adjoining properties, additional traffic and trespassing of guests, visitors and vendors on our fragile, unpaved, privately maintained section of Cliff Road.

At the planning commission meeting, we heard the Manor owner say he has no plans to expand at this time. Any astute forward-thinking business owner will be considering the financial impact of improvements or growth on resale value. We understand that decisions made in 2024 will not be reversible should this property be sold; future owners could expand the Manor's size and compound the aforementioned problems.

We request your consideration of our concerns as neighbors who value the rural nature of our community that is a special place due to historically discriminating decisions of special exceptions and variances by zoning and planning committees. We request that you continue that policy regarding re-designation of the Manor's property, and not ignore our concerns or the Planning Commissions five expressed conditions.

Respectfully,

  
Kevin and Rebecca Mountain  


**William E. Klotzbucher  
Enza I. Klotzbucher  
10766 Cliff Road  
Chestertown, MD 21620**

**October 13, 2024**

**Kent County Board of Zoning Appeals  
c/o Ms. Carla Gerber  
Deputy Director of Planning and Zoning  
400 High Street  
Chestertown, MD 21620**

**Dear Appeals Board Members,**

I live about 0.4 miles north of the entrance to the Great Oak Manor property, and wish to express my concern over the Manor's application for "Retreat Status". It is my understanding that your technical staff has recommended approval subject to the following five conditions:

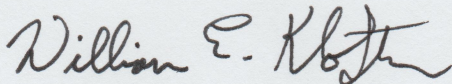
1. No more than 15 guest rooms are permitted without prior approval to expand the retreat use.
2. No parking for events is permitted on Cliff Road.
3. No maintenance facilities or equipment is visible from outside the property.
4. A road maintenance agreement for Cliff Road is signed by all property owners and recorded.
5. Limits on hours for outdoor events

While these are all sensible conditions, I would like to particularly address the limitation on the number of rooms (1) since it is my understanding that the owners of the Manor object to this limitation while professing no interest in expansion beyond the current room count.

I think we all know the game that is being played here. Sometime in the future the property will be sold. The new owners will then come to this very body and claim the right to expand the number of rooms due to the retreat zoning status.

If the Board thinks the property can support a forty room hotel then, by all means, you should agree to the Manor's objections but as far as I know, no party has made that case. The owners of the Manor wish to build a demonstration kitchen and a yoga studio. Grant them that permission and nothing more.

**Very truly yours,**



**William E. Klotzbucher**

**via email only**  
[cgerber@kentgov.org](mailto:cgerber@kentgov.org)

[rtracey@kentgov.org](mailto:rtracey@kentgov.org)



**Planning Commission**  
**Department of Planning, Housing, and Zoning**

September 6, 2024

Dr. Al Townsend  
Kent County Board of Appeals  
400 High Street  
Chestertown, MD 21620

RE: 24-44 SNK Holdings, LLC – Amendment to Special Exception – Adding towing services

Dear Dr. Townsend,

At its meeting on September 5, 2024, the Kent County Planning Commission reviewed the application from SNK Holdings, requesting an amendment to change the hours of operation for an existing special exception to add 24-hour, seven days per week, emergency towing services. This service will operate independently from the current auto repair shop, utilizing one tow truck to support State and local police agencies in Kent County and northern Queen Anne's County. The towing service will rotate among many other vendors. It's estimated that only three to five vehicles would be towed per month. The subject property is located at 516 Morgnec Road in the Fourth Election District.

Following discussion, the Planning Commission voted to send a favorable recommendation to the Board of Appeals for SNK Holdings, LLC to amend their special exception to allow emergency towing which will operate 24 hours per day and seven days per week.

Sincerely,  
Kent County Planning Commission

A handwritten signature in black ink, appearing to read "Joe Hickman".

Joe Hickman  
Chair

cc: Shane Bender, SNK Holdings, LLC



To: Kent County Planning Commission  
From: Rob Tracey, AICP, Associate Planner  
Meeting: October 3, 2024  
Subject: SNK Holdings, LLC  
24-44: Amendment to Special Exception – Adding towing services

## Executive Summary

### Request by the Applicant

The applicant is requesting an amendment to change the hours of operation for an existing special exception to add a 24-hour, seven day a week, emergency towing services.

### Public Process

Per Article VII, Section 6 of the Kent County Land Use Ordinance, the Planning Commission shall review and make a recommendation to the Board of Appeals on certain special exceptions. The Board of Appeals may authorize special exceptions for automobile repairs.

### Summary of the Staff Report

The applicant seeks an amendment to the existing special exception for an auto repair business to include specialized emergency towing services. This service will operate independently from the current auto repair shop, utilizing one tow truck to support state and local police agencies in Kent and northern Queen Anne's Counties. The towing service will be available 24/7 on a rotational basis, with an estimated three to five vehicles towed per month.

Currently, the property houses two auto repair establishments: an auto repair shop leased to the applicant's former employee and the proposed towing service, which will be operated solely by the owner. The auto repair shop, authorized in 2016, operates from 8 AM to 5 PM, Monday through Friday, offering various maintenance and repair services with three full-time employees. These hours will remain unchanged.

The vehicles towed will be securely stored in a rear parking lot, which is screened for privacy, and a gate will be installed for additional security. The proposed amendment aligns with the Comprehensive Plan and adheres to the spirit and intent of the Land Use Ordinance, facilitating enhanced emergency response capabilities in the area.

### Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals.



## PRELIMINARY STAFF REPORT

To: Kent County Planning Commission  
Subject: SNK Holdings, LLC  
24-44: Amendment to Special Exception – Adding towing services  
Date: September 26, 2024

### **Description of Proposal**

The applicant is seeking an amendment to the auto repair special exception to change the hours of operation to provide more specialized emergency towing services. This emergency towing service will operate separately from the existing auto repair business and will utilize one tow truck. According to the applicant's narrative, the service will accommodate state and local police agencies in Kent and northern Queen Anne's Counties. It will be part of a rotational towing list that includes approximately 15 other towing companies in Kent and Queen Anne's County.

The specialized towing service would be available 24 hours a day, seven days a week when in rotation. The applicant estimates that there may be three to five cars towed per month. The vehicles towed to the premises will be stored in the existing parking lot located in the rear yard of the property, which is screened by existing buildings, fencing, and vegetation. The applicant will also install a gate to provide additional security for the vehicles towed to the facility.

Currently, the property is home to two auto repair establishments: an existing auto repair shop leased to the applicant's former employee and a specialized emergency towing service that will be operated solely by the owner. The property received a special exception for an automobile repair business in 2016 (case number 16-50), which authorized the auto repair business to operate between the hours of 8 AM and 5 PM, Monday through Friday. The original auto repair establishment includes the following services: vehicle maintenance, brakes, exhaust, diagnostics, tire repair/replacement, vehicle safety inspections, and other minor and major repairs. The auto repair establishment has three full-time employees. The hours of operation for the original auto repair shop will not change; it will continue to operate between 8 AM and 5 PM, Monday to Friday. The property is located at 516 Morgnec Road in the fourth Election District and is zoned Intense Village.

The amendment to the special exception is in conformance with the Comprehensive Plan and complies with the spirit and intent of the Land Use Ordinance.

### **Relevant Issues**

#### **I. 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 Board of Appeals 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 Board may place conditions and restrictions as authorized by the Land Use Ordinance to

limit the special exception use to address the identified impacts on neighbors and the area. The Board may also place conditions and restrictions to ensure that the special exception use that is granted by the Board does not exceed the reasonable expectations of that specific and particular use as proposed on the concept site plan.

- A. *Comprehensive Plan*: “Promote development of small, locally owned businesses.” (page 10)
- B. *Applicable Law*: Article V, Section 8.3.3 of the Kent County Land Use Ordinance identifies an automobile repair as a Special Exception in the Intense Village District.

Article VII, Section II sets general standards for Special Exceptions and directs the Board to make the following findings 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.

- C. *Staff and TAC Comments*:
  - The surrounding area is a mix of both residential and commercial development with properties zoned as Intense Village, Commercial, and Community Residential.
  - The site has access to a public road, which appears to be adequate for the traffic generated.
  - There are no known traffic impacts which would be inappropriate for access roads and the surrounding area.
  - There are no road improvements being proposed at this time.
  - There are no known unacceptable impacts by way of noise, odor, noxious material or other nuisances.
  - There are no known historical landmarks or significant natural features.
  - The Chestertown Christian Academy is approximately one-quarter of a mile from the site and the Chestertown Baptist Church is approximately one-third of a mile from the site.
  - There are no known impacts on fish, wildlife, and plant habitat from the proposed development.

*Staff Recommendation*: Staff recommends forwarding a favorable recommendation to the Board of Appeals.

BOARD OF APPEALS 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)

Shane Bender (Victory Auto work)
Formerly Shane's Auto Repair
576 Morgnac Rd Chestertown, MD 21620
443-480-0859

Email: Victorymc20@yahoo.com

For Office Use Only:
Case Number/Date Filed: 24-44
Filed by: property owner
Applicant:
Planning Commission:
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: Victorymc20@yahoo.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article Section

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator Variance
Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) Morgnac Rd Rt 291

In the Fourth Election District of Kent County.

Size of lot or parcel of Land: 4.04
Map: 37 Parcel: 22 Lot #: Deed Ref: S.L.K. 1214/42

List buildings already on property:

If subdivision, indicate lot and block number:

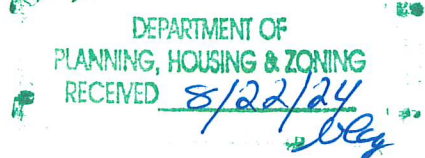
If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: intense Village

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) operate my tow truck for STATE & local Agencies using my existing parking lot & gate that are currently on site. (STATE Application has a request for car storage area be approved by local zoning Board)

If appealing decision of Zoning Administrator, list date of their decision:

Present owner(s) of property: SNK Holdings LLC Telephone: 443-480-0859



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

Has property involved ever been subject to a previous application? YES

If so, please give Application Number and Date: 16-00000502 12/20/16

**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: Delmarva Power & Light

Owner(s) on the South: THOMAS A. TUCKER

Owner(s) to the East: Paula F. Naegel & Jimstown LLC

Owner(s) to the West: Fair Promise Family limited partnership

Homeowners Association, name and address, if applicable: NA

**BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.**

Sha P. Rh  
Signature of Owner/Applicant/Agent or Attorney

8/19/24  
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

**NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it 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.**

Victory Auto Works  
(Formerly Shane's Auto Repair)

Business Narrative

Victory Auto Works (Formerly Shane's Auto Repair) proposes to add an emergency towing service to the existing auto shop special exception case number 16-50 dated August 21, 2016. The service will accommodate state and local police agencies in Kent and Northern Queen Anne's counties. This would be a 24 hour and 7 days a week service. This is a rotational towing list that is occupied by approximately 15 other tow companies in Kent and Queen Anne's counties. The company will operate one tow truck with Shane Bender(Owner) being the sole operator. Based on the information provided by current participants on the rotational list expected tows would be approximately 3 to 5 a month. The vehicles towed in would be current parking area used by the auto repair shop. The parking area is shielded by buildings, trees, and fencing. An existing gate that is shown on the site plan will be used when needed. In conclusion it is my belief that the addition of the towing service will not have any negative effect on the standards set forth on article VII, Section 2 of the Land Use Ordinance as outlined in the special exception criteria.

PARCEL 177  
LANDS OF  
JIMSTOWN, LLC.  
M.L.M. 056/201  
ZONE: INTENSE VILLAGE  
USE: COMMERCIAL/RESIDENTIAL

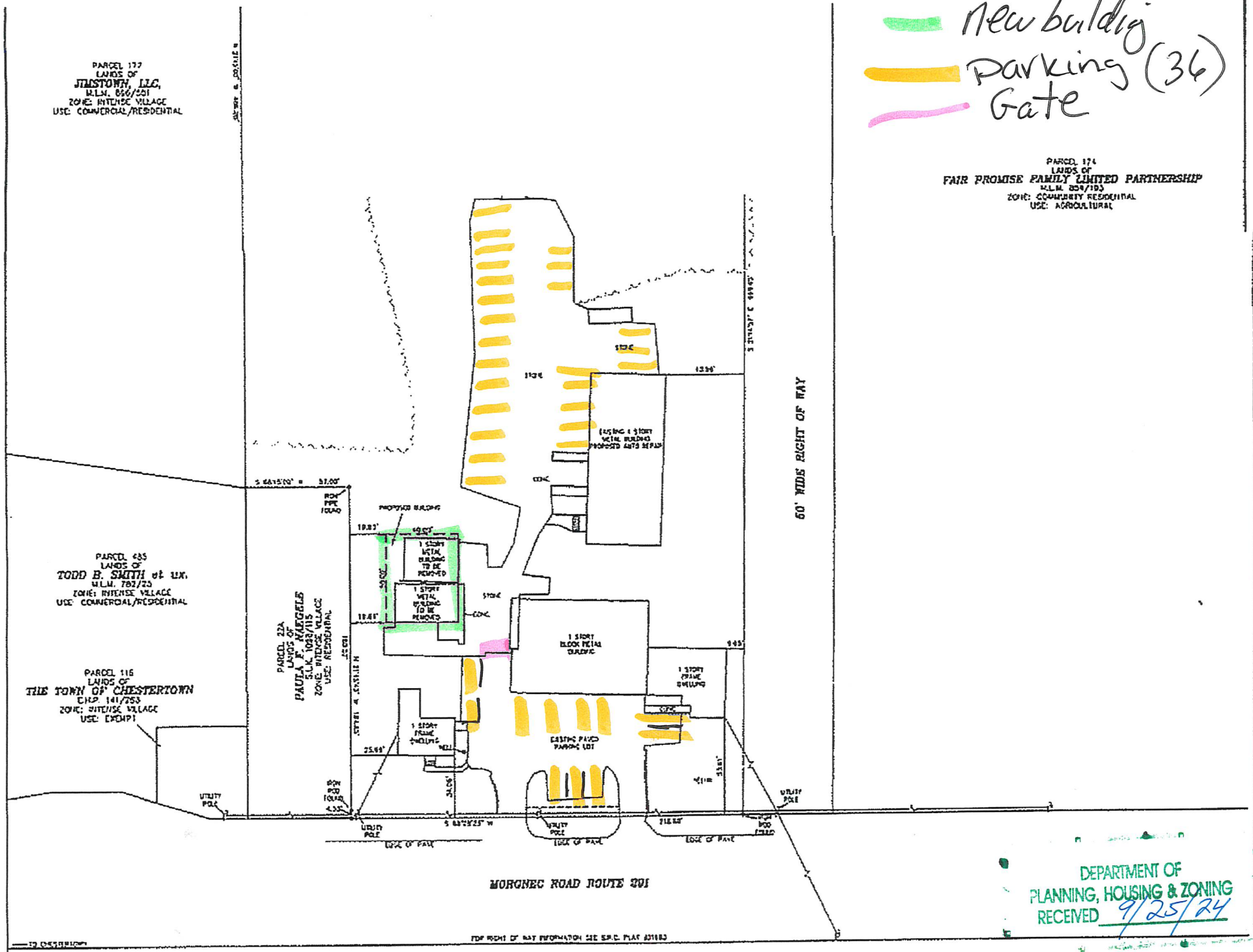
PARCEL 435  
LANDS OF  
TODD B. SMITH et ux.  
M.L.M. 782/23  
ZONE: INTENSE VILLAGE  
USE: COMMERCIAL/RESIDENTIAL

PARCEL 116  
LANDS OF  
THE TOWN OF CHESTERTOWN  
CLP. 141/253  
ZONE: INTENSE VILLAGE  
USE: EXMP1

PARCEL 22A  
LANDS OF  
PAULA F. NARGELS  
S.L.C. 009/115  
ZONE: INTENSE VILLAGE  
USE: RESIDENTIAL

PARCEL 174  
LANDS OF  
FAIR PROMISE FAMILY LIMITED PARTNERSHIP  
M.L.M. 009/103  
ZONE: COMMUNITY RESIDENTIAL  
USE: AGRICULTURAL

*New building*  
*Parking (36)*  
*Gate*



MORNEC ROAD ROUTE 301

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 9/25/24

FOR MORE INFO INFORMATION SEE S.P.C. PLAN 23183