



COUNTY COMMISSIONERS HEARING ROOM
400 HIGH STREET
CHESTERTOWN, MARYLAND

AGENDA

November 18, 2024

5:00 p.m.

APPLICATIONS FOR REVIEW

24-45 Shelia Beth Vanantwerp & Frank Joseph Lamont, Jr. – Variance – Side Setback and Buffer
29303 Glencoe Road, Kennedyville – Second Election District – Zoned Critical Area Residential

MINUTES

October 21, 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: **268 365 340#**

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

October 21, 2024

5:00 PM

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

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

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

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

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

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

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

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

APPLICATIONS FOR REVIEW

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

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

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

Adopted on [insert date]

DRAFT

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

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

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

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

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

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

The following members of the public spoke:

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

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

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

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

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

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

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

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

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

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

MINUTES

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

ADJOURN

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

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

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

Please note that approximately 50% of this document was created by a human, using a draft document created using Artificial Intelligence Claude III by Anthropic and a transcript created by Microsoft Teams.

PLEASE PLACE THE FOLLOWING IN THE KENT COUNTY NEWS: November 14, 2024

BILL SHOULD BE SENT TO: Kent County Department of Planning, Housing, & Zoning
c/o Beth Grieb
400 High Street
Chestertown, MD 21620
mgrieb@kentgov.org

ANY QUESTIONS, CALL: Carla Gerber, 410-778-7474
cgerber@kentgov.org

**NOTICE OF PUBLIC HEARING
KENT COUNTY BOARD OF APPEALS**

On **Monday, November 18, 2024, at 5:00 p.m.**, the Board of Appeals will hold a public hearing in the County Commissioners' Hearing Room, 400 High Street, Chestertown, MD.

Shelia B. Vanantwerp and Frank J. Lamont, Jr., are requesting a side setback and buffer variance in order to expand an existing dwelling. The property is located at 29303 Glencoe Road, Kennedyville.

If you have any questions, please contact the Department at 410-778-7423. If you need communication assistance, please contact the Maryland Relay Service at www.mdrelay.org or 7-1-1 for voice/TDD.



Planning Commission
Department of Planning, Housing, and Zoning

November 8, 2024

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

RE: 24-45 Sheila Beth Vanantwerp and Frank Joseph Lamont, Jr. – Side Yard and Buffer Variance

Dear Dr. Townshend,

At its November 7, 2024, meeting, the Kent County Planning Commission reviewed the application of Sheila Beth Vanantwerp and Frank Joseph Lamont, Jr., requesting a 5.3-foot variance from the 15-foot side yard setback and a buffer variance in order to expand an existing dwelling within the 100-foot buffer to connect with a detached garage and to include the addition of a master bedroom. The 2.356-acre property is located at 29303 Glencoe Road, Kennedyville, in the Second Election District and is zoned Critical Area Residential (CAR).

Following discussion, the Planning Commission voted to make a favorable recommendation for approval of the variance with the following condition of submission and approval of a buffer management plan.

The decision was based on the following findings of fact:

- The Kent County Health Department has no objections to the application.
- SHA has no issues or concerns with County approval.
- The proposal is consistent with the Comprehensive Plan.
- Other dwellings in the area are non-conforming with current side yard and buffer regulations, and it is not anticipated that the proposed variance will create an adverse impact to the character of the neighborhood.
- The home was constructed prior to the adoption of the Critical Area Program, and much of the structure is within the 100-foot buffer. Due to the existing floor plan, the structural supports of the dwelling, and the location of the existing septic system in the rear yard, alternative expansion opportunities are limited. This practical difficulty was not caused by the applicants.
- The proposed activity will include updating components to meet modern energy efficiency requirements, upgrade of the electric services, and renovations designed for aging in place.
- No known adverse impact to water quality, fish, wildlife, or plant habitat will be caused by the proposed variance.
- The Critical Area Commission has reviewed the application and does not object to this variance.

Sincerely,
Kent County Planning Commission

Joe Hickman
Chair

FJH/mc

cc: Sheila Vanantwerp and Frank Lamont, Jr.
William Crowding, Surveyor

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

September 23, 2024

Mr. Mark Carper
Associate Planner, Kent County
400 High Street,
Chestertown, MD 21620

Re: Vanantwerp and Lamont Variance
Local case number 24-45

Dear Mr. Carper,

Thank you for submitting information regarding the above referenced Buffer variance request at 29303 Glencoe Road in Kennedyville. The 2.356-acre property is located in the Critical Area Residential (CAR) district, which is also referred to as the Limited Development Area. The property is waterfront to Freeman Creek and therefore a portion of the property is located within the 100-foot Critical Area Buffer. Most of the property is forested and it appears that a portion of the property immediately adjacent to Freeman Creek is possibly a waterfowl staging area.

The property is currently improved by a stone driveway, one story dwelling, detached garage with guest room, and dock. Most of the existing dwelling is within the 100-ft. Buffer. Both the dwelling and detached garage existed prior to the adoption of the County's Critical Area Program. The property was purchased in December 2013.

The applicants are seeking to expand the dwelling in a way that would connect the dwelling with the detached garage/guest room, and to add a master bedroom to the opposite side of the dwelling. If approved, the expansion would result in an additional 416 square feet of lot coverage in the Buffer. If approved, the overall lot coverage would increase by 448 square feet for a total of 9,273 sq. ft., which is within the amount of lot coverage allowed for a lot of this size.

The application materials explain that the proposed expansion was designed in a way to bring the plumbing and electric service of the dwelling up to code and avoid an existing well and septic system on the property. The application materials further explain that the design of the expansion was limited by the existing floor plan, structural support walls, and vehicular movement.

Please note that should the Board of Appeals grant this variance, the applicant must provide mitigation at a ratio of 3:1 for all disturbance to the Buffer, plus an additional 1:1 for the square-footage of canopy removed.

Thank you for the opportunity to provide comments. Please include this letter in your file and



To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: November 7, 2024
Subject: Sheila Beth Vanantwerp and Frank Joseph Lamont, Jr.
24-45, Variance – Side yard setback and buffer

Executive Summary

Request by Applicant

Ms. Vanantwerp and Mr. Lamont are requesting a 5.3-foot variance from the 15-foot side yard setback and a buffer variance in order to expand an existing dwelling within the 100-foot buffer to connect with a detached garage and to include the addition of a master bedroom.

Public Process

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

Summary of Staff Report

The home was constructed prior to the adoption of the Critical Area Program, and much of the structure is within the 100-foot buffer. Due to the existing floor plan, the structural supports of the dwelling, and the location of the existing septic system in the rear yard, alternative expansion opportunities are limited. A buffer management plan consisting of a minimum of 1,280 square feet of Maryland native vegetation to be installed within the buffer is required. The Critical Area Commission has reviewed the application and has offered comments. The 2.356-acre property is located at 29303 Glencoe Road, Kennedyville, in the Second Election District and is zoned Critical Area Residential (CAR).

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the requested variances with the following conditions:

- Submission and approval of a buffer management plan

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
SUBJECT: Sheila Beth Vanantwerp and Frank Joseph Lamont, Jr.
24-45, Variance – Side yard setback and buffer
DATE: November 1, 2024

Description of Proposal

Ms. Vanantwerp and Mr. Lamont are requesting a 5.3-foot variance from the 15-foot side yard setback and a buffer variance in order to expand an existing dwelling within the 100-foot buffer to connect with a detached garage and to include the addition of a master bedroom. The 2.356-acre property is located at 29303 Glencoe Road, Kennedyville, in the Second Election District and is zoned Critical Area Residential (CAR).

Relevant Issues

I. Setback and Buffer Requirements

- A. *Applicable Law:* The Kent County Land Use Ordinance, Article V, Section 5.5 establishes the setback requirements.

<u>Minimum yard</u>	
Front	50 feet
Side	15 feet
Rear	30 feet

Article V, Section 5.7.B.3.a establishes that development activities, including structures, roads, parking areas, and other impervious surfaces, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot buffer.

- B. *Staff and TAC Comments:*

- The applicants are requesting a 5.3-foot variance from the 15-foot side yard setback and a buffer variance in order to expand an existing dwelling within the 100-foot buffer to connect with a detached garage and to include the addition of a master bedroom.
- The proposed development will create 416 square feet of new permanent disturbance in the buffer, which will require three times that amount of mitigation plantings within the buffer.
- The proposed development will create 32 square feet of increase in lot coverage outside of the buffer, which will require an equal amount of mitigation plantings within the buffer.
- A buffer management plan consisting of a minimum of 1,280 square feet of Maryland native vegetation to be installed within the buffer is required.

II. Variance

- A. *Applicable Law:* Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable

and exceptional unwarranted hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all of the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicant's own actions.
- f. That within the Critical Area for variances of 15% slope, impervious surface, or buffer requirements:
 - i. The granting of a variance will be in harmony with the general spirit and intent of the Critical Area Law and the regulations adopted by Kent County
 - ii. That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
 - iii. That the application for a variance will be made in writing with a copy provided to the Critical Area Commission.
 - iv. That the strict application of the Ordinance would produce an unwarranted hardship.
 - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - vi. The authorization of such variance will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
 - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County.
 - viii. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or structures.
 - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of this Ordinance would result in unwarranted hardship to the applicant.
 - x. The Board of Appeals finds that the applicant has satisfied each one of the variance provisions.
 - xi. Without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the critical area program
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

B. *Staff and TAC Comments:*

- The Kent County Health Department has no objections to the application.
- SHA has no issues of concerns with County approval.
- The proposal is consistent with the Comprehensive Plan.
- Other dwellings in the area are non-conforming with current side yard and buffer regulations, and it is not anticipated that the proposed variance will create an adverse impact to the character of the neighborhood.
- The home was constructed prior to the adoption of the Critical Area Program, and much of the structure is within the 100-foot buffer. Due to the existing floor plan, the structural supports of the dwelling, and the location of the existing septic system in the rear yard, alternative expansion opportunities are limited. This practical difficulty was not caused by the applicants.
- The proposed activity will include updating components to meet modern energy efficiency requirements, upgrade of the electric services, and renovations designed for aging in place.
- No known adverse impact to water quality, fish, wildlife, or plant habitat will be caused by the proposed variance.
- The Critical Area Commission has reviewed the application and does not object to this variance.

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the requested variances with the following conditions:

- Submission and approval of a buffer management plan

submit it as part of the record for this variance. Also, in accordance with Natural Resources Article §8-1808(d)(6)(i), please provide the Commission with a copy of the Board of Appeals' written decision regarding this variance application within 10 working days after a written decision has been issued. If you have any questions, please feel free to contact me at 410-260-3479 or kathryn.hayden@maryland.gov.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Hayden".

Kathryn Hayden
Natural Resources Planner

File: KC 0233-24

CC: Nick Kelly, Critical Area Commission

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant)
Sheila Beth Vanantwerp & Frank Joseph Lamont, Jr.
29303 Glencoe Road
Kennedyville, Md., 21645-3301
Email: vanantwerp656@gmail.com

For Office Use Only:
Case Number/Date Filed: 8-26-21
Filed by: Bill Crowding
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: wmc surveys@atlanticbb.net

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 _____ Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 29303 Glencoe Road

In the Second Election District of Kent County.

Size of lot or parcel of Land: 2.356 acres

Map: 6 Parcel: 20 Lot #: N/A Deed Ref: S.L.K. 1226/127

List buildings already on property: One Story Brick Dwelling, Detached One Story Brick Garage and Guest Room

If subdivision, indicate lot and block number: _____

If there is a homeowners association, give name and address of association: None

PRESENT ZONING OF PROPERTY: C.A.R.

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Requesting a 5.3 foot side yard setback variance in order to attach an existing detached garage to an existing single family dwelling. Requesting a 23 foot front yard setback variance from the required 100 foot setback from the approximate water line of Freeman Creek in order to construct an addition to the existing dwelling.

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

Present owner(s) of property: Sheila Beth Vanantwerp & Frank Joseph Lamont, Jr. Telephone: 610-368-4415

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

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

If so, please give Application Number and Date: _____

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

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

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: Jay H. and Tracy L. Sigman

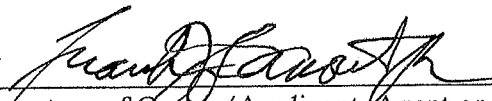
Owner(s) on the South: Scotts Acres LLC.

Owner(s) to the East: Freeman Creek

Owner(s) to the West: Glencoe Road

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.


Signature of Owner/Applicant/Agent or Attorney

8/26/24
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals or the Planning Office 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.

August 30, 2024

The Kent County Department of Planning, Housing and Zoning
County Government Center
400 High Street
Chestertown, Maryland 21620

Attention: Director of Planning, Housing and Zoning

Dear Director,

Sheila Beth Vanantwerp and Frank Joseph Lamont, Jr., are the owners of a 2.356 acre parcel of land located at 29303 Glencoe Road and indicated as Parcel 20 on Tax Map 6. The property is zoned Critical Area Residential, it is improved with a one story single family residence which is located partially within the 100 foot critical area buffer, and a detached garage with a small guest room. The Maryland Department of Taxation indicate the dwelling and detached garage were constructed in 1948.

The dwelling is located partially within the 100 foot setback from the approximate water line of Freeman Creek, it is very compact, has metal framed non-insulated windows and is in need of a complete upgrade of the electric service, heating and insulation. The owners would like to have dwelling remodeled and expanded in order to allow them to age in place. After discussions with an Architect and builders, the owners have been advised that in order to accomplish the renovation work and bring the dwelling up to code, it would be more cost efficient to expand the dwelling connecting it to the detached garage and to add a master bedroom to the opposite side of the dwelling. Due to the configuration of the existing dwelling, the location of structural components and the existing septic system which is located at the rear of the dwelling it is necessary to expand a small portion of the dwelling into the required 100 foot setback from the approximate water line of Freeman Creek. The existing detached garage currently meets the required side yard setback for an accessory building; however once it is attached to dwelling it will need a variance of 5.3 foot from the required 15 foot side yard setback. A portion of the proposed additions will need a 23 foot variance from the required 100 foot setback from the approximate water line of Freeman Creek.

- 1) Board of Appeals Application along with the required application fee.
- 2) Copy of the Existing Conditions Plat indicating all existing improvements.
- 3) Copy of the Proposed Conditions Plat.
- 4) Background explanation.
- 5) List of the Findings of Fact
- 6) Existing and Proposed lot coverage explanations.
- 7) Critical Area Lot Coverage Checklist
- 8) Set of the proposed construction plans.

SHEILA BETH VANANTWERP & FRANK JOSEPH LAMONT, JR.
29303 GLENCOE ROAD
KENNEDYVILLE, MARYLAND 21645-3301

BACKGROUND:

The property was purchased in December of 2013. According to Maryland Tax Assessment Records, the dwelling and detached garage/guest room were constructed in 1948. The dwelling has no insulation, the windows are metal framed and not insulated, and the electric service and plumbing do not meet the existing building code requirements. The owners would like to renovate the existing dwelling making it more energy efficient, provide the ability for them to age in place and bring all utilities up to code.

The owners had originally hoped to just renovate existing dwelling and detached garage, however after meetings at the site with their builder and architect they have all come to the conclusion that in order to accomplish the renovation work and bring the dwelling up to code, it would be more efficient to expand the dwelling connecting it to the detached garage and to add a master bedroom to the opposite side of the dwelling.

Due to the configuration of the existing dwelling, the location of structural components within the dwelling and the existing septic system which is located at the rear of the dwelling it is necessary to expand a small portion of the dwelling into the required 100 foot setback from the approximate water line of Freeman Creek. The proposed addition will be located further from the required 100 foot setback than the existing structure and will allow for a smooth flow of movement through the dwelling while not effecting any of the existing load bearing portions of the existing structures.

REFERENCE: Shelia Beth Vanantwerp and Frank Joseph Lamont, Jr.

FINDINGS OF FACT:

- a.** This variance will not cause any detriment to adjacent neighboring properties.
The proposed addition will enhance the appearance of neighborhood.
The neighborhood predominantly consists of a mix of new and older single family dwelling units which are all very well maintained. Other properties in this zoning district have similar setbacks from the side boundary lines and the approximate water line of Freeman Creek.
- b.** This variance will be in harmony with the character of the neighborhood and district.
The proposed addition will be consistent with other dwellings in the neighborhood. There are dwellings throughout the area located within 5 to 10 feet of the side lot boundary lines.
There are dwellings in the area partially located within the 100 foot shore buffer.
- c.** This variance is consistent with the comprehensive plan as this dwelling will be more energy efficient, visually pleasing, and will add to the value of the tax base. A new nitrogen removal septic system has been installed replacing an aged and outdated system which will theoretically reduce the amount of pollutants entering into the Chesapeake Bay and its tributaries.
- d.** The practical difficulty is caused by the existing floor plan and structural support walls limit the direction any renovations can expand. The property configuration and the B.A.T. septic system limit the location for vehicular movement.
- e.** The practical difficulty exist because of the configuration of the property, the existing dwelling being located partially within the required 100 foot setback from the approximate water line of Freeman Creek and detached garage.
- f.**

 - i.** This variance will be in harmony with the general spirit and intent of the Critical Area Law and the regulations adopted by Kent County.
This lot was created was created prior to the adoption of the Kent County Comprehensive Zoning Ordinance.
 - ii.** The granting of this variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat. The proposed addition will not extend into the buffer as far as the existing dwelling. A storm water management plan will be submitted which will reduce the amount of storm water runoff from this property into the Freeman Creek. A buffer enhancement plan will be submitted and will be planted at a 3:1 ratio for the proposed disturbance which will further enhance water quality.
 - iii.** This application for the variance has been made in writing and has with a copy provided to the Critical Area Commission.
 - iv.** The strict application of the Ordinance would produce an unwarranted hardship. The existing dwelling is located almost entirely within the 100 buffer and was constructed in 1948, prior to the 100 foot setback requirement.
Even though this property is 2.356 acres it has a very limited amount of buildable area. The majority of the property outside of the 100 foot buffer is not buildable do to the existing slope and woodland. The unimproved area directly to the rear of the existing dwelling is currently being used for vehicular parking and is the remaining area suitable for replacement of the sanitary sewer if ever needed,

- v. This hardship is not shared generally by other properties in the same zoning district and same vicinity. Other properties in the same zoning district and same vicinity have dwellings that were constructed out of the 100 buffer or are located within the 100 buffer, but in a designated Buffer Modified Area.
- vi. The authorization of this variance will not be a substantial detriment to adjacent properties and the character of the district will not be changed by the granting of this Variance. There are properties along Glencoe Road and Freeman Creek that have dwellings and outbuildings located within the 100 foot buffer and dwelling located closer than the required side yard setbacks.
- vii. A literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County. Other properties in the same within the Critical Area of Kent County have dwellings that were constructed out of the 100 buffer or are located within the 100 buffer, but in a designated Buffer Modified Area.
- viii. The granting of this variance will not confer upon this applicant any special privilege that would be denied by this Ordinance to other lands or structures. Other properties located in the area have been granted permits to construct additions to existing dwellings and to construct new or replacement dwellings.
- ix. The size and configuration of this lot presents special conditions and circumstances which would result in unwarranted hardship to the applicant. This property is 2.356 acres, however the majority of the property located to the south of the existing stone driveway slopes away to the south leaving only a small portion of the property which can be used for building purposes. The area to rear of the existing dwelling is currently being used as parking for the two personal vehicles and placement of the B.A.T. Septic System. The existing dwelling is located almost entirely within the 100 buffer and was constructed in 1948, prior to the 100 foot setback requirement. The Maryland Department of Environmental Health has indicated they would like to keep the area to the rear of the existing dwelling free for any replacement of the sanitary sewer system in the event the existing septic sewerage reserve areas which are currently located on the limited area along the south side of the stone driveway should fail in the future.
- xi. Without the variance, the applicant would be deprived of a use of the land or structure permitted to others in accordance with the provisions of the critical area program. Other properties in the same within the Critical Area of Kent County have dwellings that were constructed out of the 100 buffer or are located within the 100 buffer, but in a designated Buffer Modified Area.

SHEILA BETH VANANTWERP & FRANK JOSEPH LAMONT, JR.

29303 GLENCOE ROAD

TAX MAP 6, PARCEL 20

PROPERTY IS ZONED CAR

TOTAL AREA OF PROPERTY = 102,632 SQUARE FEET ±

LOT COVERAGE ALLOWED 15,394 SQUARE FEET

EXISTING COVERAGE

DWELLING & OVERHANGS.....959 SQ. FT.
DETACHED GARAGE & OVERHANGS.....837 SQ. FT.
SLATE WALK.....176 SQ. FT.
BRICK PATIO..... 359 SQ. FT.
STONE DRIVEWAY.....6,494 SQ. FT.
TOTAL EXISTING COVERAGE =.....8,825 SQ. FT.

RESULTING COVERAGE

DWELLING & OVERHANGS.....2,574 SQ. FT.
BRICK PATIO.....359 SQ. FT.
STONE DRIVE.....6,340 SQ. FT.
TOTAL RESULTING COVERAGE.....9,273 SQ. FT.

NEW COVERAGE WITHIN 100 FOOT BUFFER

DWELLING & OVERHANG.....416 SQ. FT.



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

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

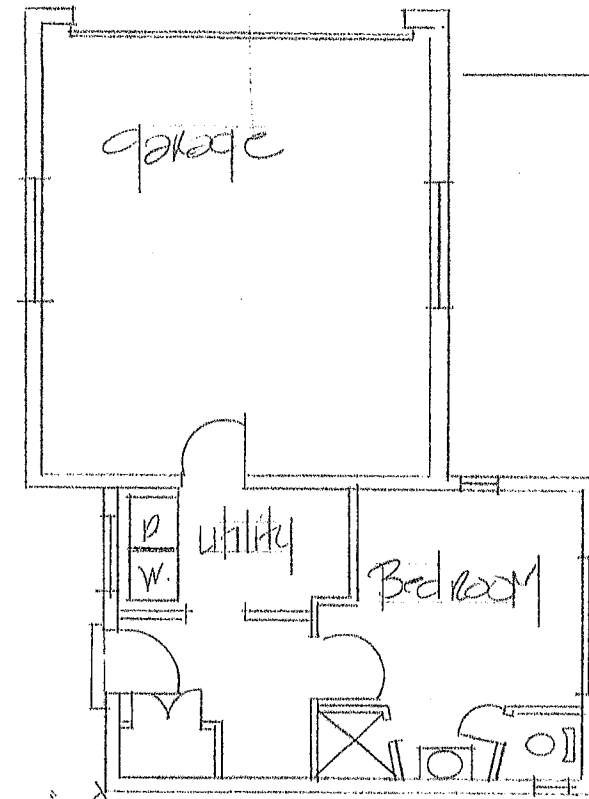
	Existing Lot Coverage (sq. ft.)	Proposed Lot Coverage (sq. ft.)	Total Lot Coverage (sq. ft.)
New or Existing Single Family Dwelling (including roof overhangs)	959	2,574	2,574
Decks/porches (without spaces to allow water to pass through freely)	359	359	359
Driveway/sidewalks (gravel, dirt, paved)	6,670	6,340	6,340
Detached/attached garage	837	0	0
Outbuildings (sheds, gazebos, boat houses)	0	0	0
Swimming pools (including any concrete areas or decking)	0	0	0
Tennis courts	0	0	0
Other (barbeque pits, concrete slabs)	0	0	0
Guest or tenant houses	0	0	0
Proposed additions	0	0	0
Totals:	8,825	9,273	9,273

Lots Created prior to July 1, 2008

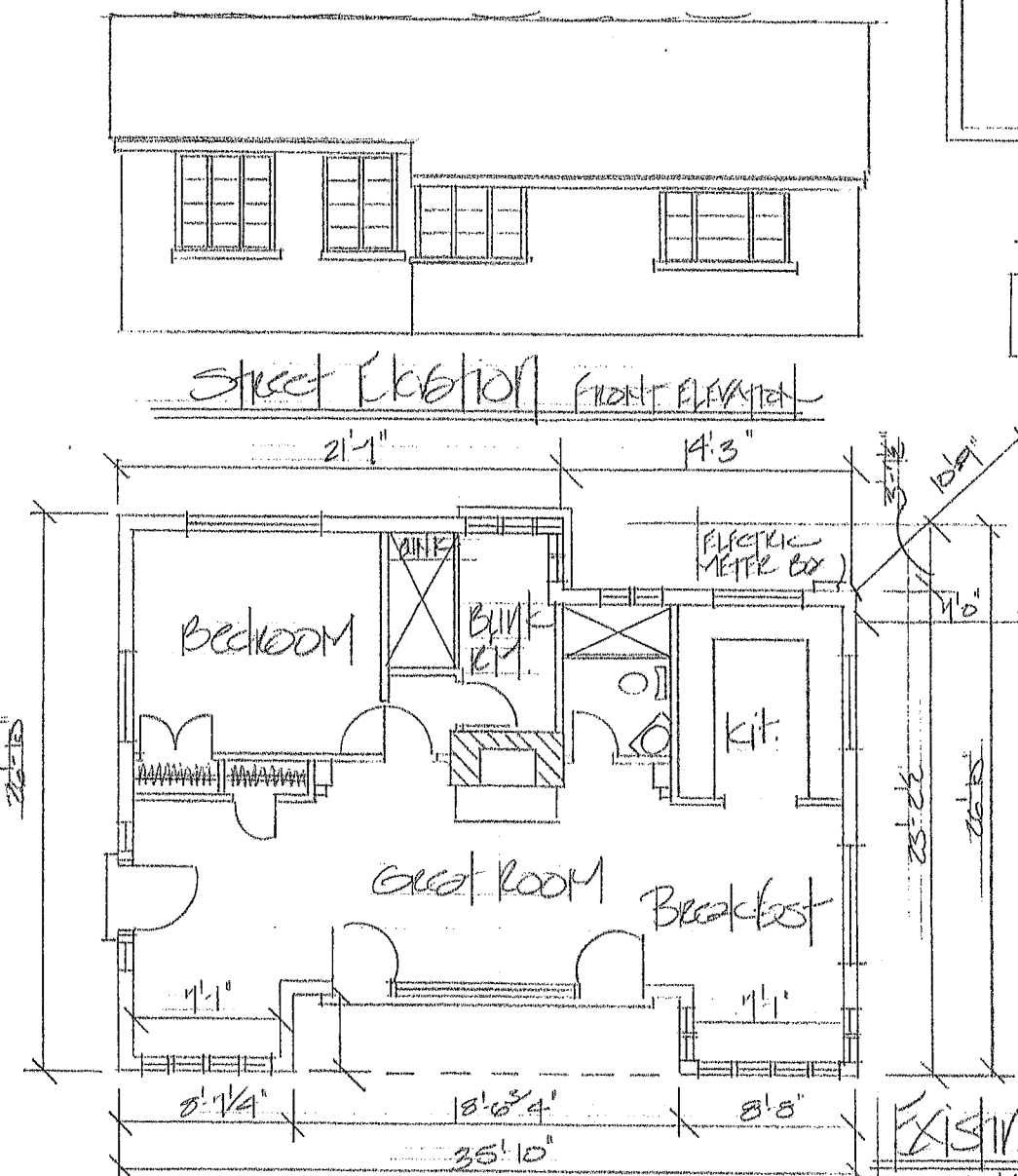
<i>Lot Coverage Limit</i>	<i>Lot Size</i>
* 15%	(36,301 sq. ft. or more)
* 5,445 sq. ft.	(21,781 - 36,300 sq. ft.)
* 31.25%	(8,001 - 21,780 sq. ft.)
*25%	(8,000 sq. ft. or less)

Lots Created after July 1, 2008

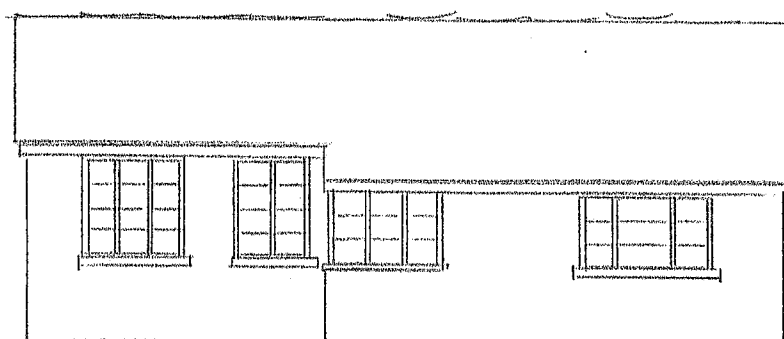
Lot Coverage Limit: 15%



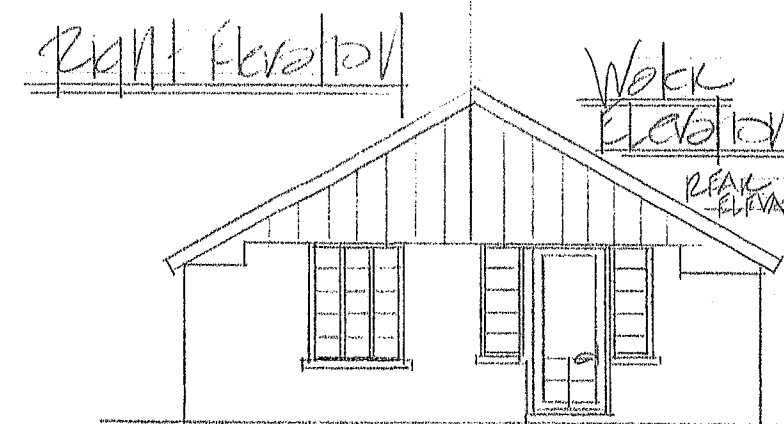
EXISTING GARAGE STUDIO
SCALE = 1/4" = 1'-0"



EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0"

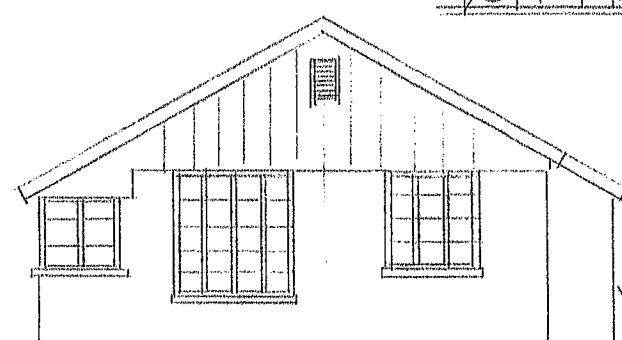
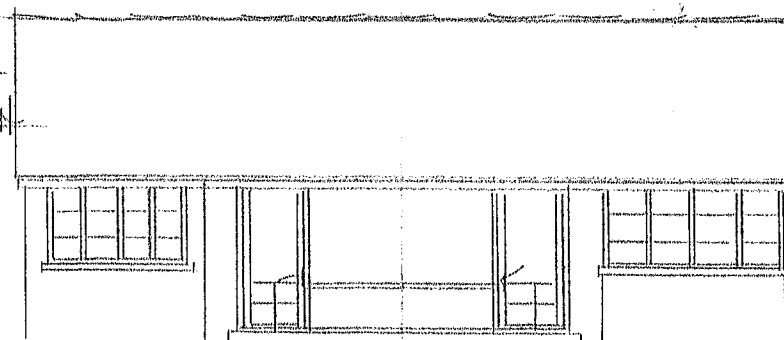


Street Elevation FRONT ELEVATION



FRONT ELEVATION

REAR ELEVATION



Left Elevation

LAMONT & YERANTWOP (E-1)

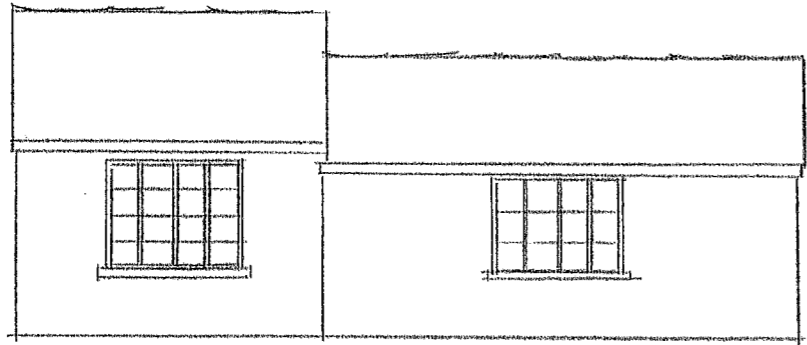
Mr. Frank Lamont
Mrs. Della Yerantwop
2950 S. GARDEN ST.
HEMLOCK, ALA. 36214

PLANS FOR:

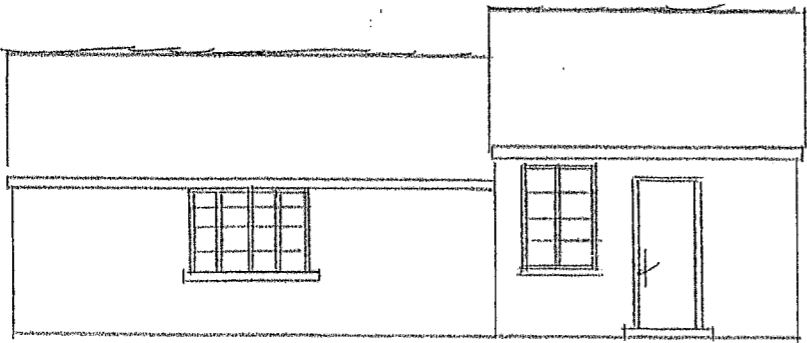
South & Main Descals He

PO BOX 211 CRESTWOOD, MD 21220
1-410-718-2626

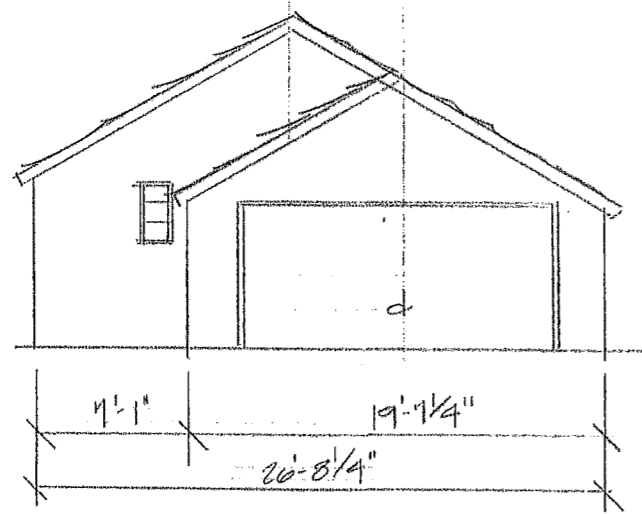
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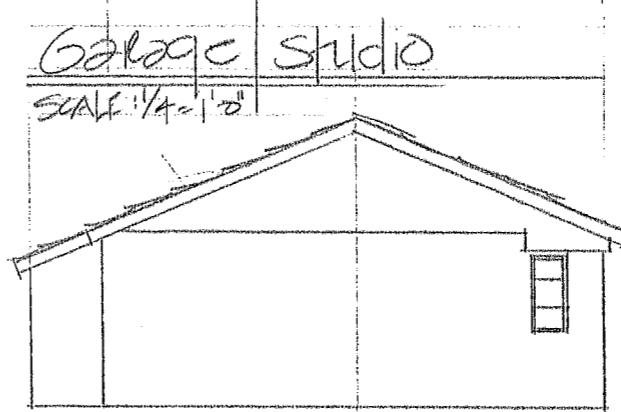
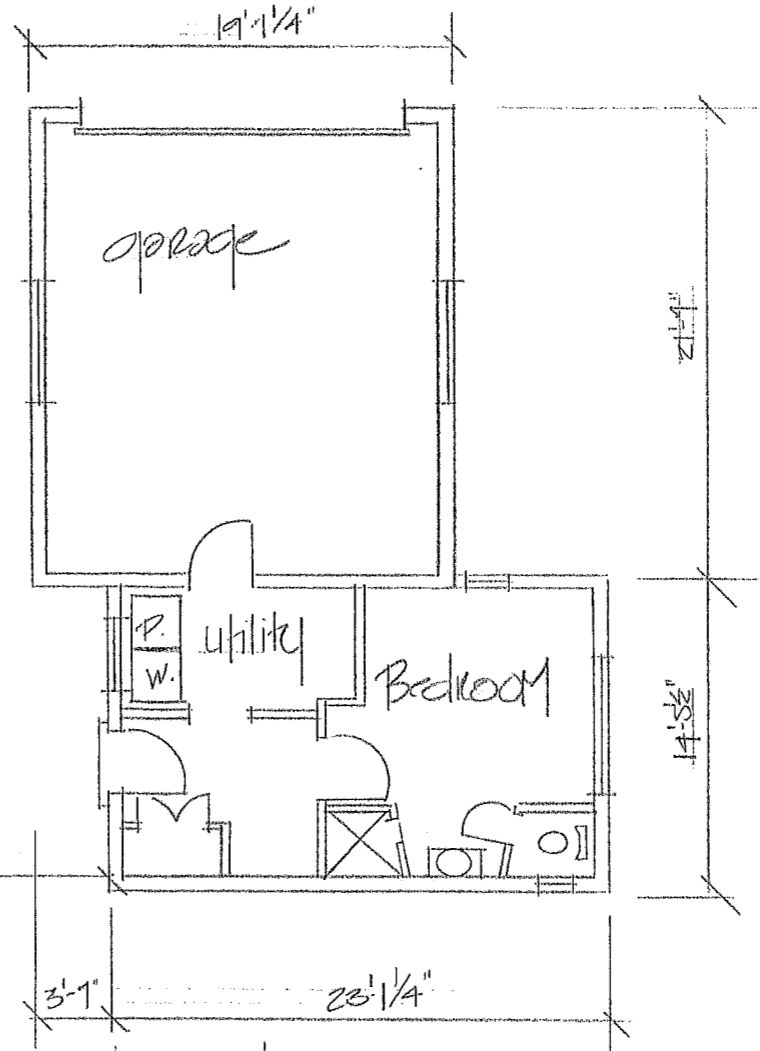
Left Elevation



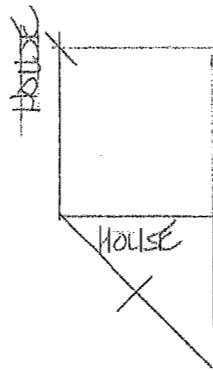
Right Elevation



Side Elevation FRONT ELEVATION



WATER ELEVATION REAR ELEVATION

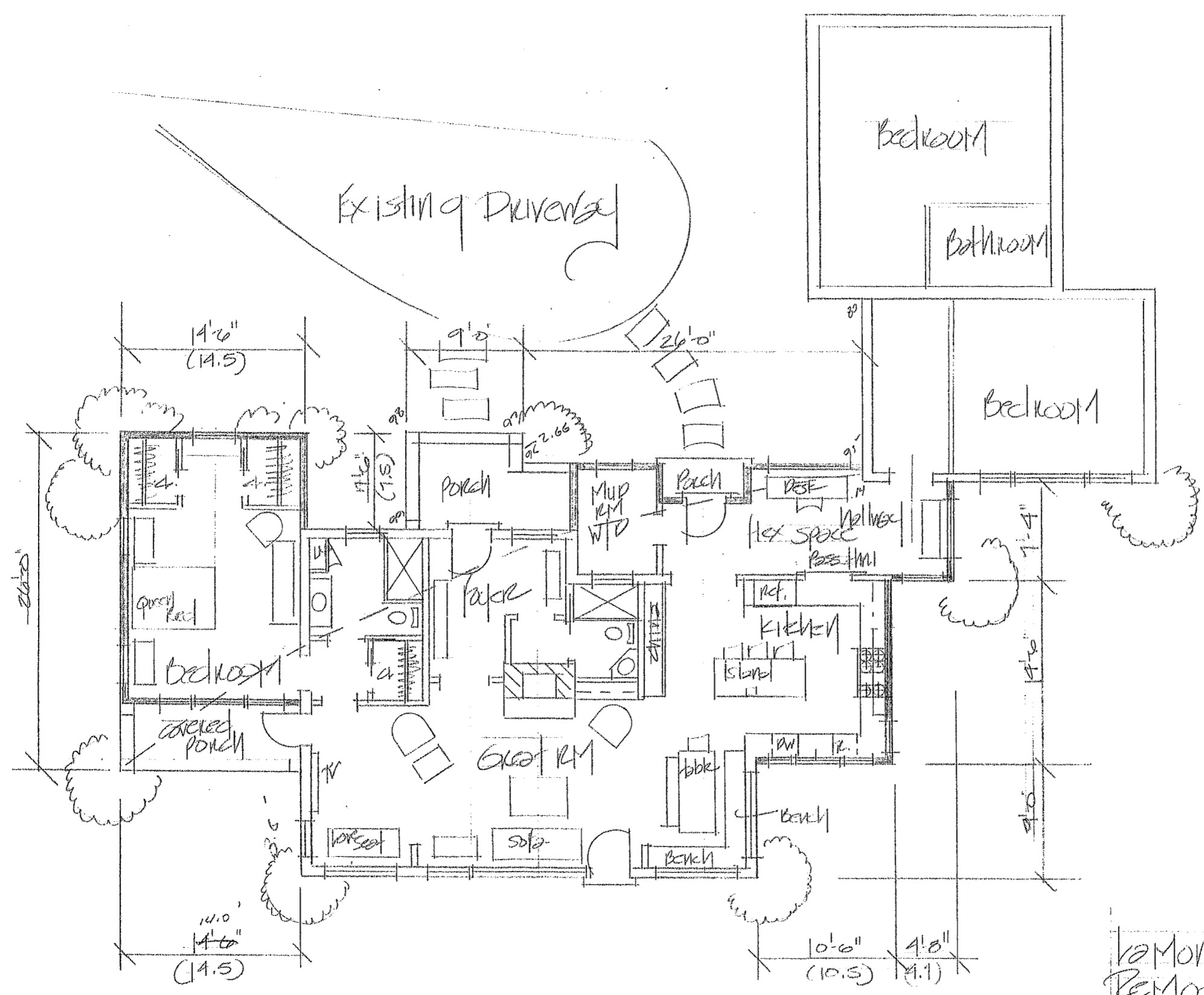


Mr. Frank Lamont
Mrs. Sheila VanAntwerp
29305 Georges Road
Hollywood, MD 21645

Plans for:

South & Mail Designs Inc.

P.O. Box 211 Chestertown, MD 21620
Tel: 410-398-2832



Mr. Frank Lamont
 Mrs. Sheila VanWerp
 19505 George Road
 Ashlandville, MO 64015

Plans for:

South & Main Designs LLC

PO Box 211, Chester, Missouri
 64015-0211

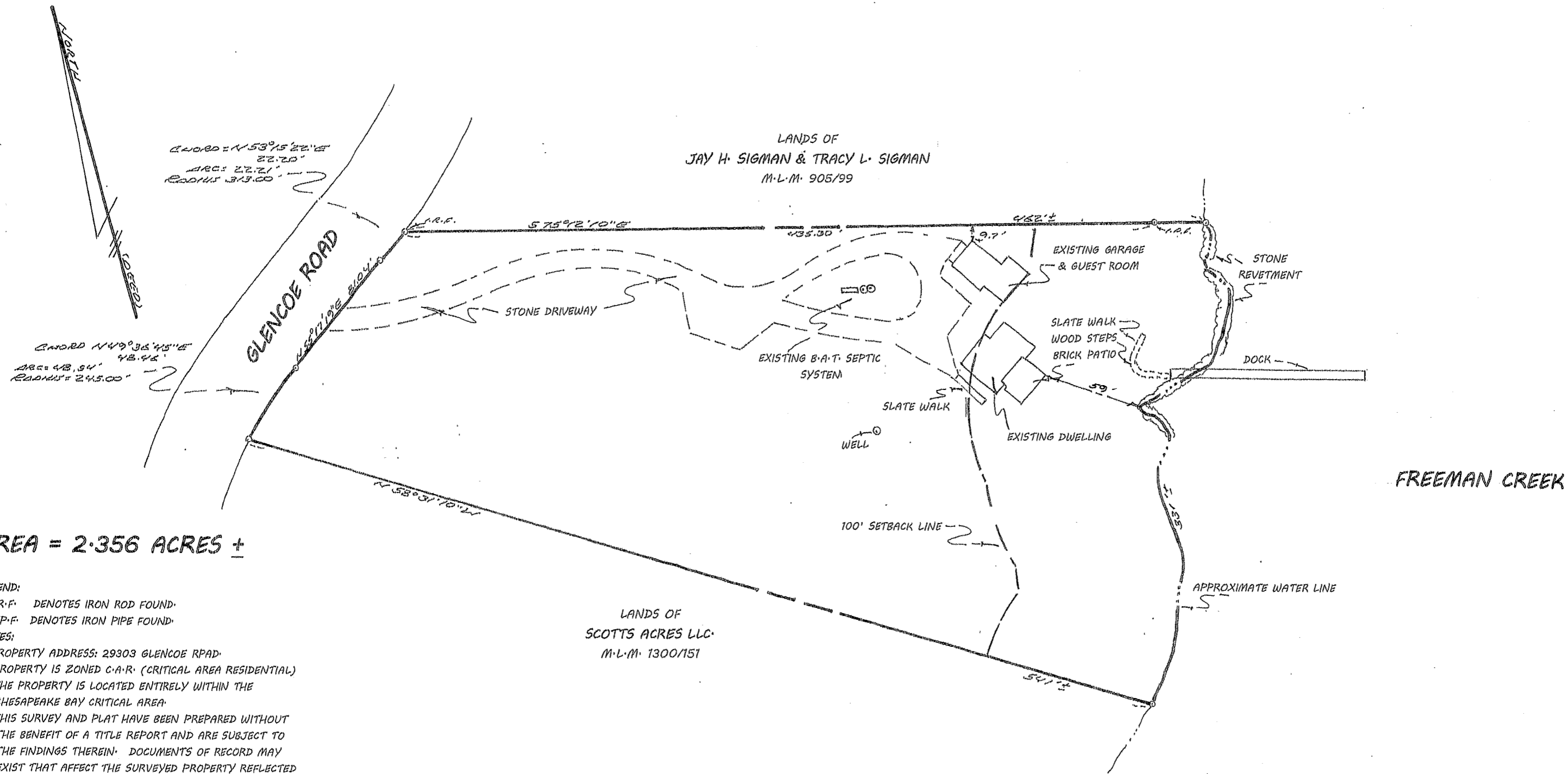
2024

RAMON VANWERP
 Remode

Preliminary Remode Floor Plan

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

(P.1)



AREA = 2.356 ACRES ±

- LEGEND:**
- 1. I.R.F. DENOTES IRON ROD FOUND.
 - 2. I.P.F. DENOTES IRON PIPE FOUND.
- NOTES:**
- 1. PROPERTY ADDRESS: 29303 GLENCOE ROAD.
 - 2. PROPERTY IS ZONED C.A.R. (CRITICAL AREA RESIDENTIAL.)
 - 3. THE PROPERTY IS LOCATED ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - 4. THIS SURVEY AND PLAT HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ARE SUBJECT TO THE FINDINGS THEREIN. DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SURVEYED PROPERTY REFLECTED HEREON INCLUDING BUT NOT LIMITED TO EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS AND PLAT RESTRICTIONS.

SURVEYORS CERTIFICATION:
 I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED REGISTERED SURVEYOR AND IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION 09-13-06.12 OF THE MINIMUM STANDARDS FOR SURVEYORS.

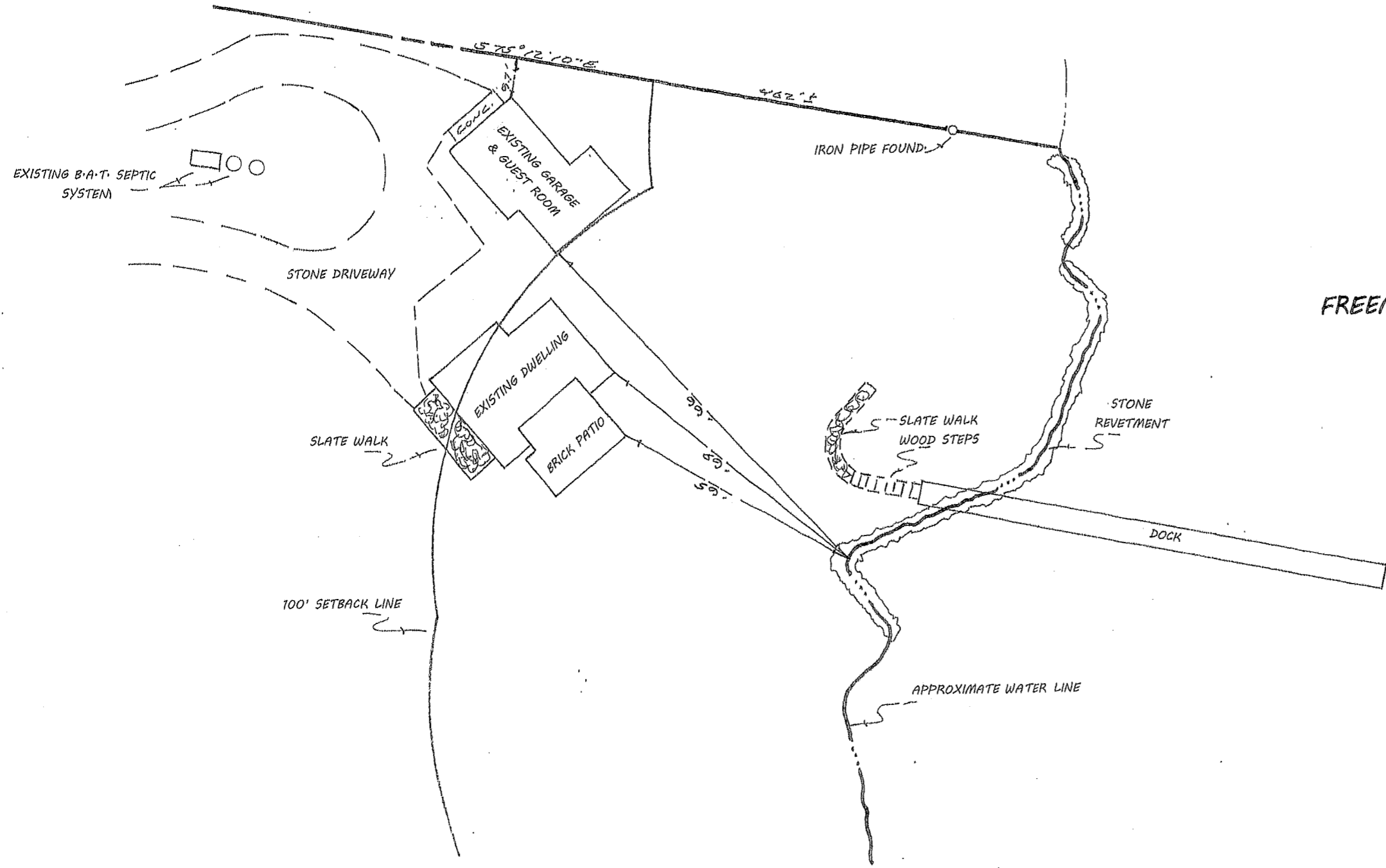
[Signature]
 PROPERTY LINE SURVEYOR
 EXPIRES 11-03-2024

EXISTING CONDITIONS PLAT
 ON THE LANDS OF
SHEILA BETH VANANTWERP, TRUSTEE
 AND
FRANK JOSEPH LAMONT, JR., TRUSTEE
 SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND
 SCALE 1" = 60' JUNE 2024

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



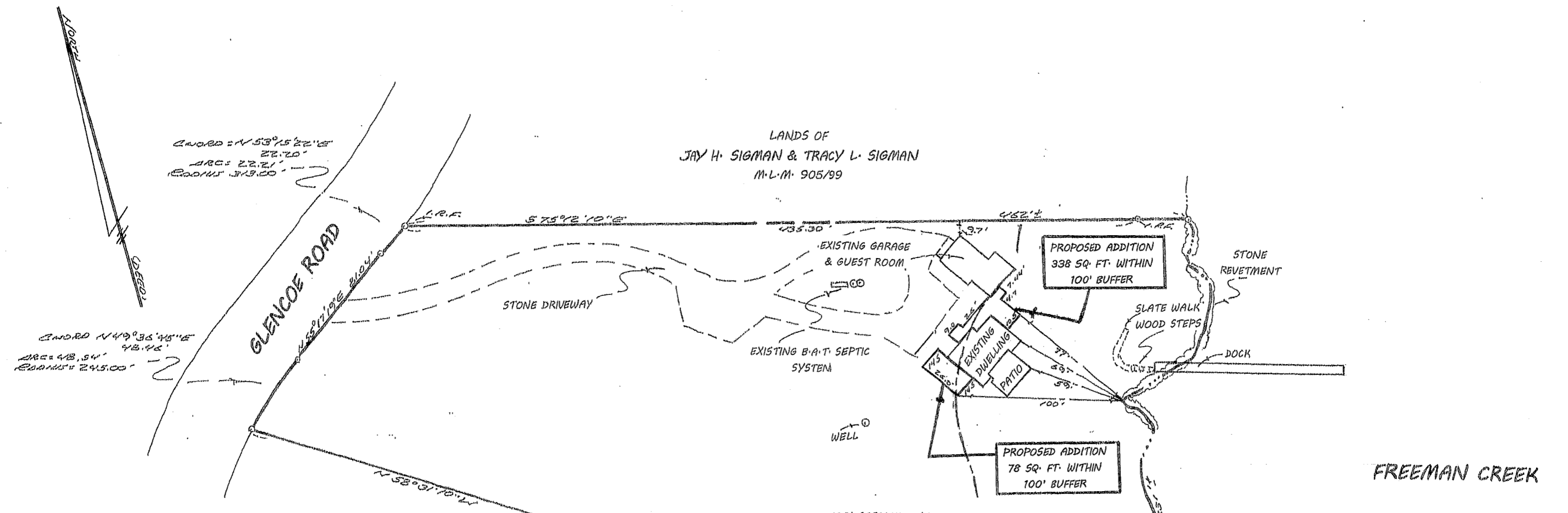
LANDS OF
JAY H. SIGMAN & TRACY L. SIGMAN
M.L.M. 905/99



FREEMAN CREEK

EXISTING CONDITIONS PLAT
ON THE LANDS OF
SHEILA BETH VANANTWERP, TRUSTEE
AND
FRANK JOSEPH LAMONT, JR., TRUSTEE
SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND
SCALE 1" = 30'
JUNE 2024

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



AREA = 2.356 ACRES ±

LEGEND:

- 1. I.R.F. DENOTES IRON ROD FOUND.
- 2. I.P.F. DENOTES IRON PIPE FOUND.

NOTES:

- 1. PROPERTY ADDRESS: 29303 GLENCOE ROAD.
- 2. PROPERTY IS ZONED C.A.R. (CRITICAL AREA RESIDENTIAL)
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SURVEYORS CERTIFICATION:

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

William M. Crowding

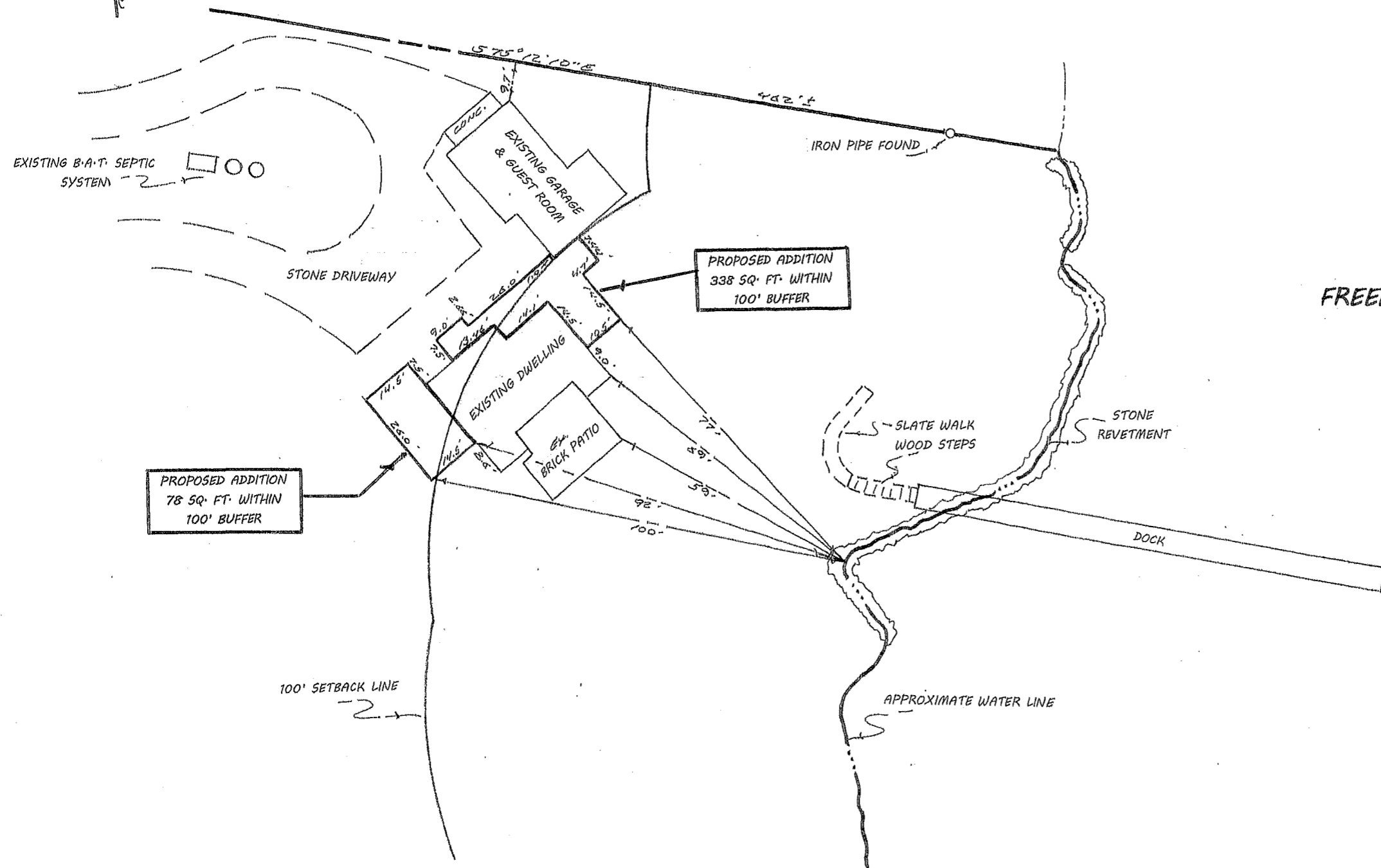
PROPERTY LINE SURVEYOR
EXPIRES 11-03-2024

PROPOSED CONDITIONS PLAT
ON THE LANDS OF
SHEILA BETH VANANTWERP, TRUSTEE
AND
FRANK JOSEPH LAMONT, JR., TRUSTEE
SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND
SCALE 1" = 60'
JUNE 2024

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



LANDS OF
JAY H. SIGMAN & TRACY L. SIGMAN
M.L.M. 905/99



FREEMAN CREEK

PROPOSED CONDITIONS PLAT
ON THE LANDS OF
SHEILA BETH VANANTWERP, TRUSTEE
AND
FRANK JOSEPH LAMONT, JR., TRUSTEE
SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND
SCALE 1" = 30' JUNE 2024

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