



## Department of Planning, Housing, and Zoning

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

**AGENDA**

Friday, April 11, 2025  
10:30 AM

**APPLICATIONS FOR REVIEW**

- 25-02 James and Michelle Genovese – Administrative Special Exception – Large Accessory Structure  
26047 Bessicks Corner Road – Second Election District – Zoned AZD
- 25-07 Robert and Shelley Sheker – Administrative Hearing - Waterfront Pool  
24000 Macs Lane, Worton –Third Election District – Zoned RCD
- 25-08 Morgan Brown – Administrative Variance – Side Setback  
207 Pondview Court, Chestertown –Fourth Election District – Zoned Village
- 24-09 George and Cynthia Lees – Administrative Special Exception – Large Accessory Structure  
12169 Homestead View Road, Worton – Third Election District – Zoned Rural Residential

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Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **371 904 098#**

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

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

PROTOCOL – Meetings are conducted in open session unless otherwise indicated. All or part of the meetings can be held in closed session under the authority of the MD Open Meetings Law. Breaks are at the call of the Administrator. Meetings are subject to audio and video recordings. All applicants will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT**

**To:** William Mackey, AICP, Planning Director  
**From:** Rob Tracey, AICP, Associate Planner  
**Date:** April 11, 2025  
**Subject:** 25-2 – James and Michelle Genovese  
Administrative Special Exception – Accessory Storage Structure

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

Mr. and Mrs. Genovese are requesting an administrative special exception to construct a 676-square foot pole building with a 572-square foot second-floor apartment that will also exceed the median height limit of 17 feet on a property less than five acres. The proposed use is for the storage of boats, an RV, and miscellaneous equipment. The two-acre property is located at 26047 Bessicks Corner Road, Still Pond, in the Second Election District, and is zoned Agricultural Zoning District (AZD).

### RELEVANT ISSUES

#### I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 1.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Agricultural (AZD) Zoning District.
- B. *Staff and TAC Comments:* The applicant is proposing to construct a 676-square foot pole building with a 572-square foot second-floor apartment that will also exceed the median height limit of 17 feet on a property less than five acres. Accessory structures with a floor area over 1,200 square feet and/or a median height over 17 feet on a parcel less than five acres require an administrative special exception.

#### II. Special Exception – General Standards

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

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

A. *Applicable Law:* Article VII, Section 2 of the Kent County *Land Use Ordinance* establishes the Special Exception standards and requires the Planning Director to make findings on the following where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
5. The impact of the development or project on community facilities and services;
6. Preservation of cultural and historic landmarks, significant natural features and trees;
7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
8. The purpose and intent of this Ordinance as set forth in Article II;
9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
10. The most appropriate use of land and structure;
11. Conservation of property values;
12. The proposed development's impact on water quality;
13. Impact on fish, wildlife and plant habitat;
14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;
15. Consistency with the Critical Area Program; and
16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.

B. *Staff and TAC Comments:*

- The proposed accessory building will be located in the rear yard. According to the applicant's site plan, the proposed accessory building will be approximately eight feet from the west property line, 162 feet from the east, 173 feet from the south property line, and 210 feet from the north property line. There are no neighbors on the west side of the property.
- The existing two-acre parcel is currently unimproved and according to aerial imagery is open field. The applicant has submitted a building permit for the new single-family dwelling.
- The site is approximately one quarter mile from the New Christian Chapel of Love Church and is over three and a half miles from the Kent County High School.
- No adverse impacts to the environment, property values, or character of the neighborhood are anticipated.
- There are no known impacts on community facilities and services.
- The Comprehensive Plan is neutral on this matter.
- The proposal is consistent with the intent of the Ordinance.

## **STAFF RECOMMENDATION**

Staff recommends approval with the following condition:

1. That the special exception hereby granted would lapse after two years if no substantial construction in accordance with the plans herein presented were to occur.

# ADMINISTRATIVE HEARING APPLICATION

## Kent County Department of Planning, Housing, and Zoning

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

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

James & Michelle Genovese  
102 Brix Drive, Church Hill, MD 21623  
Email: willowcreekfarm3@gmail.com

For Office Use Only:	
Case Number:	<u>25-2</u>
Date Filed:	<u>1/8/2025</u>
Filed by:	
Applicant:	
Date of Hearing:	
Parties Notified:	
Notice in Paper:	
Property Posted:	

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: buck@extrememeasuresllc.com

**TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING:** In accordance with Article V Section 1.3.1 of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

Variance  Special Exception  Determination of Nonconforming Use

**DESCRIPTION OF PROPERTY INVOLVED:**

Located on: (Name of Road, etc.) 26047 Bessicks Corner Road

In the 2 Election District of Kent County.

Size of lot or parcel of Land: 2.00 acres

Map: 12 Parcel: 287 Lot #: 4 Deed Ref: SLK 1298/55

List buildings already on property: Property is vacant

Subdivision name and address, if applicable: n/a

**PRESENT ZONING OF PROPERTY:** AZD - Agricultural Zoning District

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires the Appeal Hearing.) Owner would like to build a garage with a second floor apartment.

**Present owner of property:** James & Michelle Genovese Telephone: 443-822-6538

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 1/8/25  
KR

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: Nancy Miller (now deceased) her daughters Dianna Nordhoff and Caroline Miller are in charge. 26050 Bessicks Corner Road, Still Pond, MD 21667

Owner(s) on the South: Lynn Sutton, 12844 Still Pond Road, Still Pond, MD 21667

Owner(s) to the East: Lynn Sutton, 12844 Still Pond Road, Still Pond, MD 21667

Owner(s) to the West: Phillip & Susan Nickerson, 26055 Bessicks Corner Road, Still Pond, MD 21667

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

**BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.**

(JAMES GENOVESE) Michelle Lynn Genovese  
Signature of Owner/Applicant/Agent or Attorney

01/03/2025  
Date

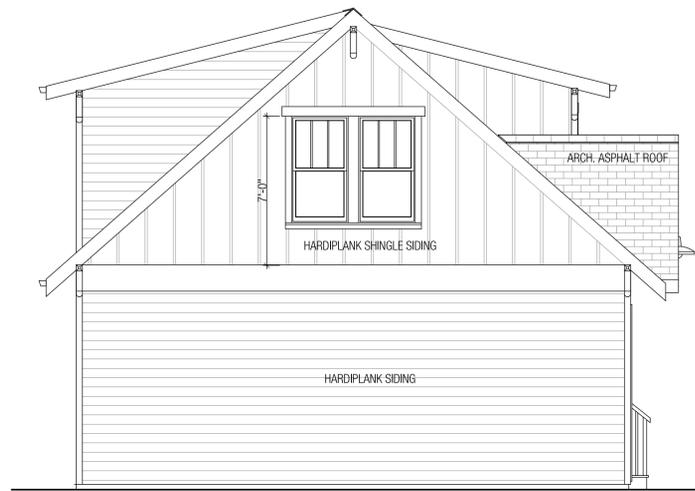
Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the County Commissioners of Kent County. If you have any questions, contact the Kent County Department of Planning, Housing and Zoning.

**NOTICE:** The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Department assists you, they cannot be held responsible for its contents.

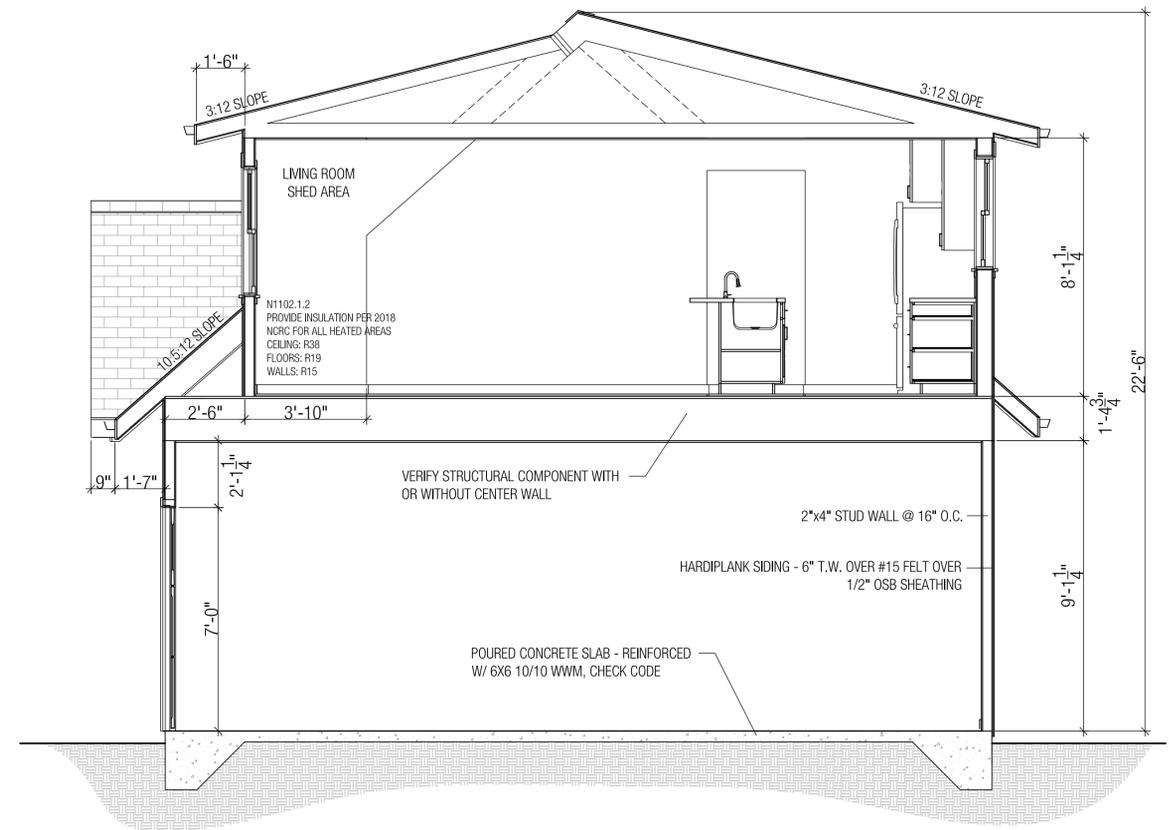
**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**



5 BACK ELEVATION  
1/4"=1'-0"



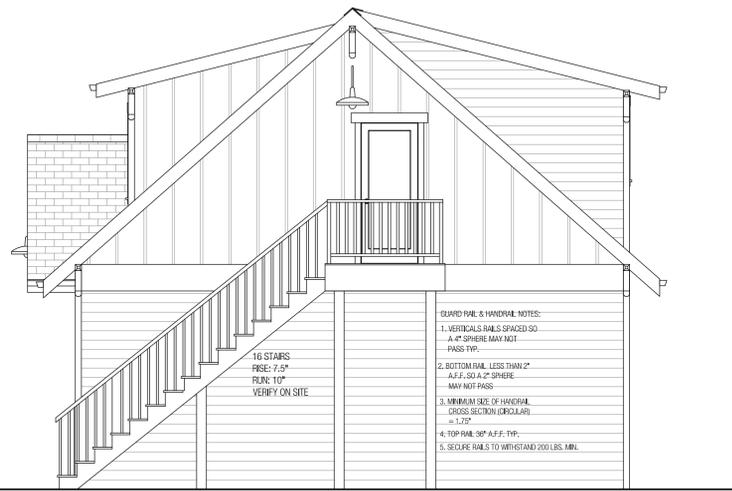
6 LEFT ELEVATION  
1/4"=1'-0"



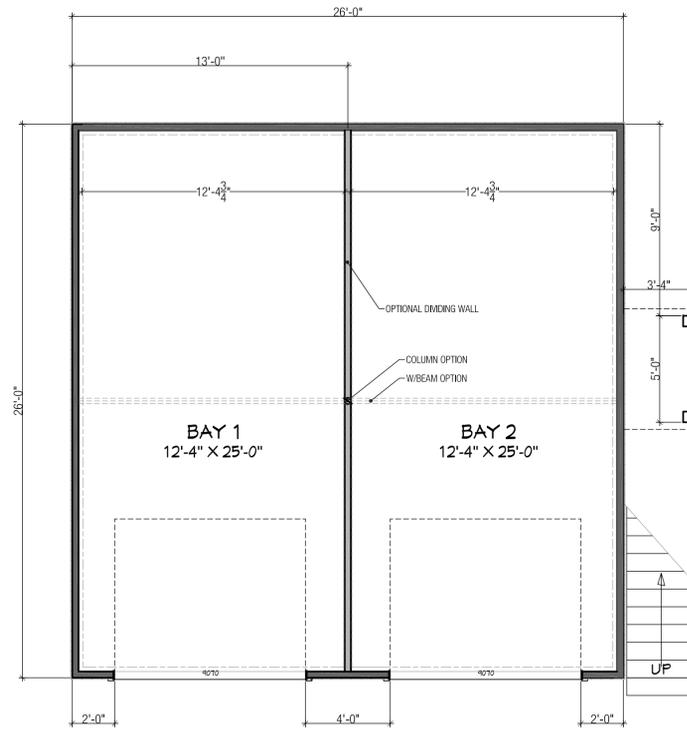
7 GARAGE SECTION  
3/8"=1'-0"

FLOOR PLAN NOTES

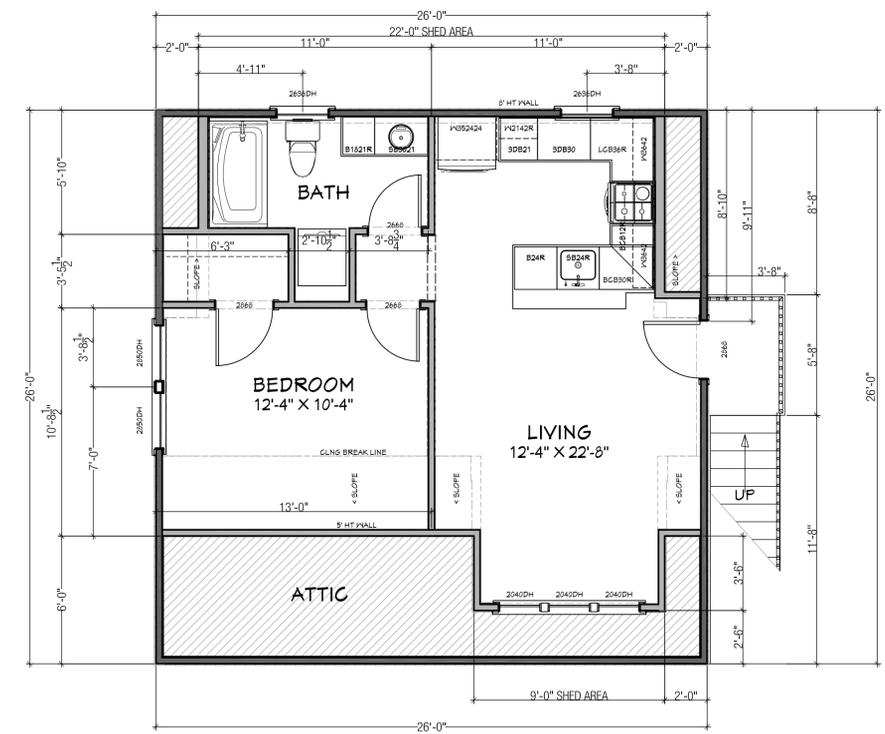
- INTERIOR DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD, DIMENSIONS TAKEN TO EXTERIOR EDGE OF THE BUILDING ARE MEASURED TO THE FACE OF STUD.
- WINDOW SIZES INDICATED ON PLANS ARE NOTED BY ROUGH OPENING SIZES, REFER TO PLANS AND EXTERIOR ELEVATIONS FOR WINDOW TYPES, WINDOW SIZES/AVAILABILITY VARY LOCALLY, PLEASE VERIFY ALL OPENINGS. DO NOT SCALE DRAWINGS, FOLLOW DIMENSIONS ONLY.
- CONTRACTOR SHALL FIELD VERIFY ALL CABINET DIMENSIONS BEFORE FABRICATION.
- ALL BATH AND TOILET AREA WALLS AND CEILING SHALL HAVE WATER RESISTANT GYPSUM BOARD.
- ALL INTERIOR WALLS SHALL BE COVERED WITH 1/2" GYPSUM BOARD AND METAL CORNER REINFORCING. USE 5/8" GYPSUM BOARD ON CEILING.
- HANDRAILS SHALL BE MOUNTED 34"-38" ABOVE NOSING OF STAIRS. GUARDRAILS SHALL BE MOUNTED AT 36" PROVIDE ACCESS TO ALL CONCEALED ATTIC SPACES.



4 RIGHT ELEVATION  
1/4"=1'-0"



1 FIRST FLOOR PLAN  
1/4"=1'-0"



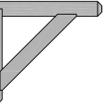
2 SECOND FLOOR PLAN  
1/4"=1'-0"



3 FRONT ELEVATION  
1/4"=1'-0"

GARAGE AREA  
676 SQ FT

LIVING AREA  
572 SQ FT



Revision Table Number	Date	Revised By	Description

**HOME PATTERNS** created simplicity  
30 Elm Place, Hastings on Hudson, NY 10706  
(864) 276 0068 INFO@HOMEPATTERNS.COM

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**BUILDING CODE INFORMATION**  
Although Home Patterns LLC strives to create the most complete package available, it is impossible for Home Patterns LLC to, in good faith, guarantee that this plan will meet all local building requirements. Home Patterns LLC provides a house plan that strives to meet critical and common national building codes (International Residential Code One & Two Family Dwelling Code). Present and local building codes and zoning regulations may or may not be met with said drawings. Such regulations and laws may include loading requirements, flood zone measures, seismic conditions, etc. Some states, cities, or municipalities may require a professional's seal or stamp. The home plan buyer is responsible for working directly with a local professional for these services. Home Patterns LLC grants permission for all home plan buyers to consult with local architects, engineers, or builders to ensure local code compliance. Home Patterns LLC grants permission to alter plans but takes no responsibility for said alterations. Home Patterns LLC will make reasonable efforts to insure national code compliance, however the plan is sold as is with no guarantee of local code compliance. All structural determinations should be verified and/or made locally by independent professionals with experience of local and site specific conditions and codes.

PROJECT #23-126  
LICENSED ADDRESS:  
102 BRIX DRIVE  
CHURCH HILL, MD  
21623

RELEASE DATE  
January 1, 2023

ONE LICENSED USE.  
IF DOCUMENTS HAVE BEEN ALTERED,  
PLEASE CONTACT HOME PATTERNS LLC.

SHEET

G1



**GENERAL NOTES**

1. Identification of the Kent County Erosion Control Inspector at least five days prior to the start of work (4102-70-923).
2. Prior to the start of work, the contractor is to obtain County approval of any proposed plan changes and sequence of construction, specifically relating to installation, inspection, maintenance and removal of erosion and sediment control measures.
3. Sediment Control measures are not to be removed until the areas served have established vegetative cover, or with the permission of the Kent County Sediment Control Inspector.
4. When pumping sediment laden water, the discharge must be directed to an approved sediment trapping measure prior to release from site.
5. All temporary stockpiles are to be located within areas protected by sediment control measures and are to be temporarily stabilized.
6. All sediment control dikes, swales, basins and flow lines to basins will be temporarily seeded immediately upon installation to reduce the contribution to sediment loading.
7. Disposal of excess earth materials on State or Federal property requires MOE approval. Otherwise materials are to be disposed of at a location approved by the local authority.
8. Temporary soil erosion control and sediment control measures are to be provided as per the approved plan prior to grading operations. Location adjustments are to be made in the field as necessary. The minimum area practical shall be distributed for the minimum possible time.
9. If grading is completed out of a seeding season, graded areas are to be temporarily stabilized by mulch and mulch anchoring. Mulch material shall be unweathed, unchopped small grain straw spread at the rate of 1.12 to 2.06 per acre. Mulch anchoring to be accomplished by an approved method, use of a mulch-anchoring tool is recommended where possible.
10. Implementation of the Sediment Control plan shall be in accordance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, of the Department.
11. The contractor is responsible for implementation and maintenance of the approved plan, and all other measures necessary to control, filter, or prevent sediment from leaving the job.
12. In cases where stormwater management structures are a part of site development, removal of sediment control must be accomplished before the contributing drainage area to the stormwater management structure is finalized.
13. On sites where filtration techniques are utilized for the control of stormwater, extreme care must be taken to prevent any runoff from entering the structure during construction.
14. Sediment control for utility construction in areas outside of stormwater basins shall include the following:
  - (a) Excavated trench material shall be placed on the high side of the trench.
  - (b) Immediately following pipe installation the trench shall be backfilled, compacted and stabilized at the end of each working day.
  - (c) Temporary silt fences or straw bale dikes shall be placed immediately downstream of any disturbed area in order to remain longer than one working day.
15. All points of construction ingress and egress shall be protected to prevent tracking of mud onto public ways.

PROPERTY ADDRESS: 26047 BESSICKS CORNER ROAD  
STILL POND, MD 21667

DEED REFERENCE: M.L.M. 1298/55  
PLAT BOOK: M.L.M. 1148

LIMITS OF DISTURBANCE IS WITHIN: AZD - AGRICULTURAL ZONING DISTRICT  
TOTAL ACRES OF SITE = 2.000 AC.  
TOTAL LIMITS OF DISTURBANCE = 2.03009 (0.5664AC)  
LIMITS OF DISTURBANCE IS NOT WITHIN THE CRITICAL AREA  
LIMITS OF DISTURBANCE IS NOT WITHIN THE 100 YEAR FLOODPLAIN  
PROPOSED LOT COVERAGE WITHIN CDS = 4.62089 (0.1946AC)  
TOTAL CUT = 450 cubic yards  
TOTAL FILL = 590 cubic yards  
ELEVATIONS SHOWN HEREIN ARE BASED ON NAVARIO DATUM

SOIL TYPES WITHIN THE LIMITS OF DISTURBANCE  
M0B - MATTAPEAKE SILT LOAM (HYD GROUP C)  
M0C3 - MATTAPEAKE SILT LOAM (HYD GROUP B)  
M0B - MATTAPEAKE-MATTAPEAKE-BULLTOWN SILT LOAM (HYD GROUP C)

REQUIRED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEETS TECHNICAL REQUIREMENTS

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

**DEVELOPER'S CERTIFICATION**  
I (WE) CERTIFY THAT:  
A. All development and construction will be done in accordance with this sediment and erosion Control Plan, and further, authorize the risk of any for periodic on-site evaluation by the MOE Sediment & Erosion Control Inspector.  
B. Any responsible personnel involved in the construction project will have a Certificate of Attendance at a Department of the Environment approved Training Program for the Control of Sediment and Erosion before beginning the project.  
C. 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.

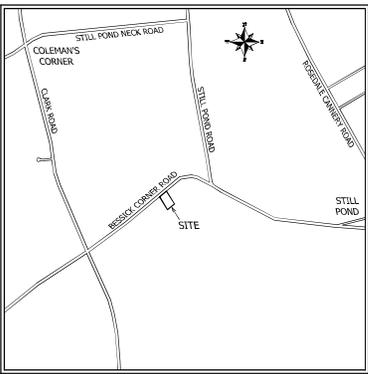
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_  
Phone No. \_\_\_\_\_ CADS No. \_\_\_\_\_

**LAND SURVEYORS' CERTIFICATION**

I hereby certify that all sediment and erosion control measures shown on this plan have been designed in accordance with the "Standards and Specifications for Soil Erosion and Sediment Control in Developing Areas," also certify that any storm water management measures shown on these plans have been designed in accordance with the Kent Soil & Water District and the Natural Resources Conservation Service Standards and Regulations.

NOTE  
KENT SOIL & WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE SEDIMENT CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.  
Robert A. Haskesen, L.S. #21152 Date \_\_\_\_\_

# SITE PLAN, GRADING PLAN, SEDIMENT & EROSION CONTROL PLAN AND STORMWATER MANAGEMENT PLAN FOR A PROPOSED HOUSE, GARAGE & DRIVEWAY ON THE LANDS OF, **JAMES GENOVESE, et ux.** SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND



VICINITY MAP  
1"=1,600'

**TABLE OF CONTENTS**

- 1.....COVER SHEET
- 2.....OVERALL SITE PLAN
- 3.....STORMWATER MANAGEMENT PLAN
- 4.....SEDIMENT & EROSION CONTROL PLAN

**OWNER/DEVELOPER/APPLICANT**  
JAMES & MICHELLE GENOVESE  
102 BRK DRIVE  
CHURCH HILL, MD 21623  
413-622-6538

**NOTICE TO CONTRACTOR**  
"EROSION AND SEDIMENT CONTROL WILL BE STRICTLY ENFORCED"

**STANDARD STABILIZATION NOTE**

"Following initial soil disturbance or redistribution, permanent or temporary stabilization shall be completed within three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); and seven (7) days as to all other disturbed or graded areas on the project site."

**UTILITY NOTIFICATION**  
The Soil Conservation makes no representation as to the existence or nonexistence of any utilities at the site. Shown on these construction drawings are those utilities which have been identified. It is the responsibility of the landowner or operators and observers to assure themselves that no hazard exists or damage will occur to utilities. It is suggested that Miss Utility be contacted at: Phone 1-800-441-6355.

**CONSTRUCTION SEQUENCE**

1. Meet with Inspector (notify 410-778-7437 at least two weeks prior) for preconstruction meeting.
2. Install sediment control devices such as S.C.E. and silt fence.
3. Strip topsoil within limits of disturbance and stockpile in designated area.
4. Construct driveway.
5. Maintain all sediment control devices and measures.
6. Excavate basement and construct foundation.
7. Backfill foundations and install septic system.
8. Grade and seed/straw mulch site.
9. Completely stabilize all disturbed areas.
10. Meet with Inspector at completion of all construction.
11. Remove all sediment control devices.

**Erosion and Sediment Control Notes, Details and Specifications**

1. Seeding (Permanent)
  - (a) Shall be conducted between February 1st to April 30th, or August 15th to October 31st.
  - (b) Seed bed preparation: apply 2.5 lbs. Of 10-10-10 fertilizer per 1,000-sq. ft., narrow or disc into soil to a depth of 3 to 4 inches. Apply pulverized ground limestone at a rate of 50 lbs. per 1,000-sq. ft.
  - (c) Seed: apply 2.3 lbs. per 1000 sq. ft. or 100 lbs./acre of Kentucky 31 Tall Fescue on a moist seed bed with suitable equipment, minimum cover 1/4 inch. Apply one-bushel small grain seed (wheat, barley, rye, etc.) per acre.
  - (d) Mulch: immediately after seeding, uniformly mulch entire area with unweathed straw grain straw at a rate of 1 1/2 to 2 tons per acre. Mulch to be anchored with mulch anchoring tool on the center.
2. Temporary Stabilization
  - (a) Provide seed bed same as 1-b above.
  - (b) Provide temporary seeding at a rate of 150 lbs. per acre.
  - (c) Mulch same as 1-d above.
3. If temporary stabilization is required, permanent seeding shall be performed during the next applicable period. (See statement 1-a above).
4. All fill slope areas shown on plan are to be stabilized as per statement 1 or 2 above immediately after completion of grading operations for these slopes.
5. Clear and Grub all fill areas shown on plan.
6. Roadside ditches shall be constructed with 4:1 side slopes. All ditches shall be seeded in accordance with 1-b above.
7. Ditches shall be stabilized after placement of seed and mulch with Excelsior Matting. The covering of all ditches shall have a minimum of one (1) standard width of matting except where grades are in excess of 3%. Then double width of matting shall be provided.
8. Riprap and approved filter cloth shall be placed at all culverts as shown on the plans.
9. All Erosion and Sediment Control devices shall be placed at shall conform to Kent County Soil & Water Conservation District standards and specifications.

**INSPECTION CHECKLIST**

The contractor shall notify the Sediment Control Inspector at the following points:

1. The required pre-construction meeting.
2. Following installation of sediment control devices.
3. During the installation of sediment devices.
4. Prior to removal or modification of any sediment control structure.
5. Prior to removal of all sediment control devices.
6. Prior to final acceptance.

**EROSION & SEDIMENT CONTROL STANDARDS AND SPECIFICATIONS FOR VEGETATIVE STABILIZATION**

1. Contractor shall install soil erosion and sediment control devices prior to any grading, following initial disturbance or redistribution, permanent or temporary stabilization shall be completed within three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes greater than three (3) horizontal to one (1) vertical (3:1) and seven (7) days as to all other disturbed or graded areas on the project site.
2. All temporary erosion and sediment control devices are to be provided as indicated on this plan, with location adjustments to be made in the field as necessary, and to be maintained at the end of each working day until project completion. The minimum area practical shall be distributed for the minimum amount of time possible.
3. Clearing and grubbing shall include all trees, shrubs, stumps, root mass and organic materials to be removed.
4. Temporary seeding shall be accomplished between February 15th through April 30th, or August 15th through November 30th. During other times, temporary mulching shall provide.
5. Temporary seeding shall conform to the following applications: 450 lbs. per acre of 10-20-20; 4,000 lbs. per acre of ground limestone to be incorporated into the soil by disk or other suitable means. Annual dry grass shall be applied at a rate of 50 lbs. per acre using suitable equipment. Mulching shall be accomplished immediately after seeding.

Soil Type	Species	Rate (lb./1000 sq. ft.)	Seeding Rate (lb./1000 sq. ft.)	Seeding Depth	Particle Size (mm)	Long Term
ANNUAL RYE GRASS	90 lbs.	2/15-4/15	1/15-1/15	1/2"		
	75 lbs.	2/15-4/15, 8/15-11/15	1/15	1"	40-60 mesh	2 months
	120 lbs.	2/15-4/15, 8/15-11/15	1"	1"	40-60 mesh	100%
PERMANENT SEEDING	113 lbs.	2/15-4/15, 8/15-11/15	1"	1"		
	20 lbs.	5/1-8/14	5/1-8/14	1/2"		

6. Mulching shall be unchopped, unweathed, small grain straw applied at a rate of 2-12 tons per acre. Anchor mulch with a mulch anchoring tool on the center. Straw, cellulose fiber may be used for anchoring straw at 750 lbs. per acre mixed with water at a maximum of 50 lbs. of wood cellulose fiber per 100 lbs. of water, or with a synthetic liquid herbicide to manufacture recommendations. Straw cellulose fiber used in water must be applied at a wet dry weight of 1,200 lbs. per acre. Wet wood cellulose fiber with water to attain a maximum with a maximum of 50 lbs. of wood cellulose fiber per 100 lbs. of water.
7. Permanent seeding shall be accomplished between March 15th through May 15th, or August 15th through October 15th. Permanent seeding at other than specified times will be allowed only upon written approval. Permanent seeding shall conform to the following applications: Permanent seeding for sites having disturbed over the (3) acres shall use fertilizer rates recommended by a soil testing agency and the recommendations provided in the Permanent Seeding Summary Table. Permanent seeding for conditions other than listed above shall be performed at the rates and dates as provided in the Permanent Seeding Summary Table below. Fertilizer and lime amendments shall be incorporated into the top 2" - 3" of the soil by disk or other suitable means. Mulching shall be accomplished as discussed in Item #6 of these specifications.

No.	Species	Rate (lb./1000 sq. ft.)	Seeding Rate (lb./1000 sq. ft.)	Seeding Depth	Particle Size (mm)	Long Term
7	SHEPHERD'S PURSUE	45 lbs.	3/1-5/15	1/4"		
		15 lbs.	8/15-10/15	1/2"		
8	TALL FESCUE	100 lbs.	3/1-5/15	1/4"	40-60 mesh	100%
		100 lbs.	8/15-10/15	1/2"		
9	MULTICUT FESCUE	90 lbs.	3/1-5/15	1/4"		
		40 lbs.	8/15-10/15	1/2"		
10	PERMANENT SEEDING	113 lbs.	3/1-5/15	1/2"		
		20 lbs.	8/15-10/15	1/2"		

8. Any spoil or borrow will be placed at the site approved by the Soil Conservation District.
9. All mass spreading or material to remain disturbed for longer than seven (7) days shall be stabilized in accordance with the USDA, Natural Resources Conservation Service Standards and Specifications for Soil Erosion and Sediment Control in Developing Areas and site stabilization.
10. It will be the responsibility of the Contractor or Subcontractor to notify the Engineer of any deviation from this plan, and changes made in this plan without written authorization from the Engineer will place responsibility of said change on the Contractor or the Subcontractor.

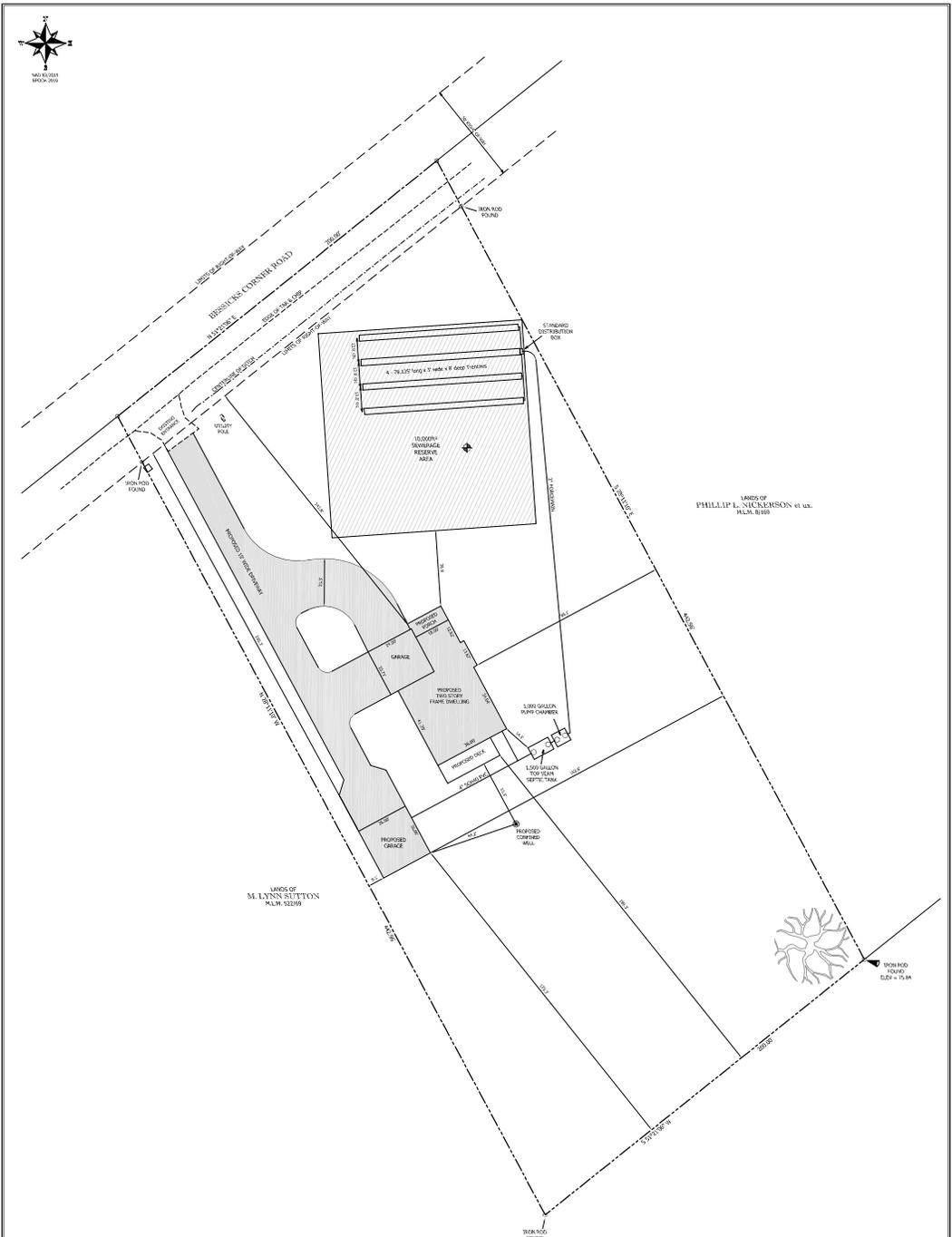
**EXTREMES**  
**MEASUREMENTS**  
LAND SURVEYORS

Chesapeake, MD 21026      PHONE: 410-752-9417  
www.extrememeasurements.com

SCALE	DATE	BY	DATE
ISSUED			
REVISED			
REVISION			

COVER SHEET  
OF THE LANDS OF,  
**JAMES GENOVESE, et ux.**  
SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND  
TAX MAP 12, PARCEL 267, LOT 4

Sheet 1 of 4



PROPERTY ADDRESS: 20901 REDDING CARRIAGE ROAD  
 STILL POND, MD 21167  
 UNED RESERVES: M.L.M. 128935  
 PLAT 1800, PLAIN LINE  
 LOT AREA: 2.000 AC.  
 CURRENT ZONING DISTRICT: RD2 - AGRICULTURAL ZONING DISTRICT  
 TO UNIFORMITY SURVEY HARRISON AND SHARON DEW HARRISON GATSON



V.P.C. LICENSE	<b>SITE PLAN</b> OF THE LANDS OF <b>JAMES GENOVESE et ux.</b> SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND TAX MAP 32, PARCEL 207, LOT 1	SCALE 1" = 20' DRAWN BY DATE FOR P.C. DATE CHECKED	<b>EXTREME</b> <b>MEASURES</b> <b>LAND SURVEYORS</b> Chesapeake, MD 21030      PHONE: 410-778-0187 <a href="http://www.extrememeasures.com">www.extrememeasures.com</a>	
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**To:** William Mackey, Planning Director  
**From:** Carla Gerber, Deputy Director  
**Date:** April 11, 2025  
**Subject:** 25-07 – Robert and Shelley Sheker  
Administrative Special Exception – Accessory Structure in Front Yard of Waterfront Parcel

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

Mr. and Mrs. Sheker are requesting an Administrative Special Exception for the installation of a swimming pool within the front yard of a waterfront property. The applicants are proposing to build a 2,036 square-foot inground pool, patio, and steps in the front yard of their parcel which will be located between the house and the water. It will not be within the buffer. The 49-acre property is located at 24000 Macs Lane, Worton, in the Third Election District and is zoned Resource Conservation District (RCD).

### RELEVANT ISSUES

- I. Permitted and Accessory Uses
  - A. *Applicable Law:* Article V, Section 2.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the RCD.
  - B. *Staff and TAC Comments:* The applicants are proposing to construct an inground pool, patio, and steps in the front yard of their parcel
- II. Special Exception – General Standards

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

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

- A. *Applicable Law:* Article VII, Section 2 of the Kent County *Land Use Ordinance* establishes the Special Exception standards and requires the Planning Director to make findings on the following where appropriate:
  1. The nature of the proposed site, including its size and shape and the proposed size, shape,

- and arrangement of structures;
2. Traffic Patterns;
  3. Nature of surrounding area;
  4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
  5. The impact of the development or project on community facilities and services;
  6. Preservation of cultural and historic landmarks, significant natural features and trees;
  7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
  8. The purpose and intent of this Ordinance as set forth in Article II;
  9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
  10. The most appropriate use of land and structure;
  11. Conservation of property values;
  12. The proposed development's impact on water quality;
  13. Impact on fish, wildlife and plant habitat;
  14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;
  15. Consistency with the Critical Area Program; and
  16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.

**B. *Staff and TAC Comments:***

- The proposed pool, patio, and steps will be located between the principal dwelling and the shoreline.
- The proposed improvements will be positioned more than 1,000 feet from the nearest neighboring residence. Established forest separates the Sheker residence from adjacent parcels. The developed area of the property is outside of Forest Interior Dwelling Bird habitat. There are no known negative impacts on surrounding properties.
- The Health Department has no objections to the proposal.
- There are no known impacts on cultural or historic landmarks.
- There are no known impacts on community facilities and services.
- The proposed pool was included in the development plans for the new dwelling which received a Certificate of Occupancy on March 5, 2025.
- Buffer enhancement requirements for the construction of the new single-family dwelling, accessory structure, and the proposed swimming pool have been met. The buffer is determined to be fully established.
- The proposed development is well within the lot coverage limits.
- The Comprehensive Plan does not address this matter.
- The proposal is consistent with the intent of the Ordinance.

**STAFF RECOMMENDATION**

Staff recommends approval of the pool, patio, and steps with the following condition:

1. That the special exception hereby granted would lapse after one year if no substantial construction in accordance with the plans herein presented were to occur.

ADMINISTRATIVE HEARING APPLICATION

Kent County Department of Planning, Housing, and Zoning

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

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

ROBERT & SHELLEY SHELTER
1752 MARLIN RIDGE
CAMP HILL, PA 17011
717-379-2036 Email:

RES@ENVIRONMENTALSYSTEMS.COM

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: DUMBHOME@GMAIL.COM

For Office Use Only:
Case Number:
Date Filed:
Filed by:
Applicant:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article VI
Section 3.6 of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

Variance [X] Special Exception Determination of Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 24000 MACS LN, WARTON

In the 3RD Election District of Kent County.

Size of lot or parcel of Land: 49,000 sq ft

Map: 11 Parcel: 4 Lot #: - Deed Ref: 1142/177

List buildings already on property: GARAGE, GARAGE

Subdivision name and address, if applicable: WILLIAM BALDERSON LANDS, NOV 1971

PRESENT ZONING OF PROPERTY: RCD

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.)

WE REQUEST A SPECIAL EXCEPTION TO CONSTRUCT AN ACCESSORY STRUCTURE (SWIMMING POOL) IN THE FRONT YARD, BETWEEN THE HOUSE AND MEAN HIGH WATER LINE.

Present owner of property: ROBERT & SHELLEY SHELTER Telephone: 717-379-2036

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

Has property involved ever been subject to a previous application? 1 SEC, 2 BUILDING

If so, please give Application Number and Date: 21-282, 21-283, 21-284  
9/30/2021 EARLY 2022?

**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: JAMES NORTH, RITA MARIE AILING, ETALS

Owner(s) on the South: DAJDS PROPERTIES, LLC SMITHFIELD ROAD PROPERTY, LLC

Owner(s) to the East: HILL FAMILY LIMITED PARTNERSHIP

Owner(s) to the West: WATER

Homeowners Association, name and address, if applicable: N/A

**BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.**

Stephen E. Layden STEPHEN E. LAYDEN 2/24/2025  
Signature of Owner/Applicant/Agent or Attorney Date

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

**NOTICE:** The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Office assists you, they cannot be held responsible for its contents.

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**

**LEGEND**

PROPERTY LINE	---
SETBACK LINE	---
EXISTING CONTOURS	---25---24---
EX. LIDAR CONTOURS	---25---24---
PROPOSED CONTOURS	---25---24---
SPOT GRADE	x 13.00 13x00
FLOW ARROW	→
MEAN HIGH WATER LINE	---
CRITICAL AREA LINE	---
EXISTING TREELINE	---
EDGE OF GRAVEL	---
EXISTING BUILDING OUTLINE	---
PROPOSED BUILDING OUTLINE	---
PORCHES, STOOPS, DECKS	---
PROPOSED DRIVEWAY	---
STORM DRAIN CULVERT	---
DRAINAGE SWALE	---
BIORETENTION UNDERDRAIN & OBSERVATION WELL	O.W. ---
ROOF DRAIN	RD ---
SEPTIC SYSTEM COMPONENTS	SS ---
SEPTIC SYSTEM HATCH	---
TEST PIT LOCATION (2/10/2021)	---
WATER PIPE	W ---
WELL	⊙ ---
SOIL TYPE BOUNDARY	.....
SOIL TYPE & HYDROLOGIC GROUP	MnB HSG C
CRITICAL AREA SHORE BUFFER	---
LIMIT OF DISTURBANCE	LOD ---
SILT FENCE	SF ---

CHURN CREEK  
 EBB  
 FLOOD

**SITE PLAN FOR SHEKER RESIDENCE POOL**  
 IN WORTON, MARYLAND  
 THIRD ELECTION DISTRICT, KENT COUNTY

N/F JAMES NORTH & RITA MARIE AKINS  
 DEED: 104 / 518  
 USE: VACANT

N/F JAMES NORTH, RITA MARIE AKINS, ETALS  
 DEED: 807 / 496  
 USE: RESIDENTIAL

N/F HILL FAMILY LIMITED PARTNERSHIP  
 DEED: 1004 / 68  
 USE: RESIDENTIAL

N/F DAJOS PROPERTIES, LLC  
 SMITHVILLE ROAD PROPERTY, LLC  
 DEED: 1337 / 230  
 USE: RESIDENTIAL

**PERMIT REFERENCES**

- SEDIMENT & EROSION CONTROL PERMIT 21-282
- BUILDING PERMIT (HOUSE) 21-283
- BUILDING PERMIT (BARN) 21-284

**SITE NOTES**

- PROPERTY SHOWN HEREON IS DESIGNATED AS TAX MAP 11, GRID 4D, PARCEL 4.
- DEED REFERENCE: 1142/177 AND PLAT REFERENCE: P1 109
- THIS SITE IS ZONED RCD - RESOURCE CONSERVATION DISTRICT
- EXISTING AND PROPOSED USE: SINGLE FAMILY RESIDENTIAL
- PROPERTY LINES SHOWN HEREON ARE BASED ON A PLAT PREPARED BY WILLIAM R. NUTTLE TITLED "PLAT OF THE DIVISION OF THE WILLIAM BALDERSON LANDS", DATED NOVEMBER 1971 AND RECORDED IN THE LAND RECORDS OF KENT COUNTY IN PLAT BOOK 1P, PAGE 109
- TOPOGRAPHY HEREON IN THE VICINITY OF THE PROPOSED STRUCTURES IS BASED ON A FIELD SURVEY BY MACRONE ON FEBRUARY 10, 2021. TOPOGRAPHY OUTSIDE THAT AREA WAS OBTAINED FROM PUBLICLY AVAILABLE GRAPHIC INFORMATION SYSTEMS DATA. HORIZONTAL DATUM FOR ALL TOPOGRAPHY IS NAD 83 AND VERTICAL DATUM IS NAVD 1988.
- THE EXISTING AND PROPOSED IMPROVEMENTS ARE NOT LOCATED WITHIN THE ONE PERCENT CHANCE FLOOD PLAIN ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S F.I.R.M. MAP FOR KENT COUNTY, PANEL NO. 24029C0135D, DATED: 6/9/14. ZONE AE (EL 6) OCCURS ALONG THE SHORELINE ADJACENT TO THE PROPOSED STRUCTURES.
- A PORTION OF THE PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA, ZONE RCA.
- THERE APPEAR TO BE NO NON-TIDAL WETLANDS OR THEIR BUFFERS WITHIN THE LIMIT OF DISTURBANCE.
- THE SITE WILL BE SERVED BY A PRIVATE WATER WELL AND A PRIVATE SEPTIC SYSTEM.
- NO FOREST IS PROPOSED TO BE DISTURBED AS PART OF THE PROPOSED DEVELOPMENT. THE PROPERTY IS LOCATED WITH A PROTECTED FOREST INTERIOR DWELLING BIRD (FIDB) HABITAT AREA, SO NO EXTERIOR AND SITE CONSTRUCTION IS ALLOWED BETWEEN APRIL 1 AND AUGUST 30 UNLESS A WAIVER IS GRANTED.
- THE PROPERTY CONTAINS STEEP SLOPES WITHIN THE 100' CRITICAL AREA SHORE BUFFER, AND NO DISTURBANCE IS PROPOSED WITHIN 50 FEET OF THE TOP OF ANY STEEP SLOPE. IT IS NOT NECESSARY TO EXPAND THE BUFFER FOR STEEP SLOPES OR HYDRIC SOILS.
- THE PROPERTY DOES NOT CONTAIN RARE, THREATENED OR ENDANGERED SPECIES HABITAT PER A LETTER FROM LORI BYRNE DATED SEPTEMBER 2, 2021.
- A BUFFER ENHANCEMENT PLAN WAS APPROVED FOR THE PROJECT IN 2022, WITH PLANTINGS INSTALLED IN DECEMBER 2024. THE RESULTING PROPOSED IMPERVIOUS AREA FOR THE PROJECT BASED ON THOSE PLANS WAS 69,142 SF AND INCLUDED THE IMPERVIOUS AREA ASSOCIATED WITH THE FUTURE POOL. AS SHOWN HEREON, THE PROPOSED PROPOSED POOL IS ACTUALLY 738 SF SMALLER THAN THE FUTURE POOL WAS ANTICIPATED TO BE, AND IS PROPOSED TO BE 68,404 SF. THEREFORE, THE BUFFER PLANTINGS THAT CURRENTLY EXIST MORE THAN ACCOUNT FOR THE NEW IMPROVEMENTS SHOWN HEREON SUCH THAT NO ADDITIONAL BUFFER PLANTINGS ARE REQUIRED.

**PLAN PURPOSE AND INTENT**

THIS SITE PLAN INTENDS TO MODIFY THE SITE PLAN FOR "THE SHEKER RESIDENCE" PREPARED BY DUMB HOME, LLC REVISED DATED 11/15/2024 TO REPLACE THE "FUTURE POOL" WITH THE PROPOSED POOL, SPA AND RELATED PATIO. THE SIZE OF THE PROPOSED IMPROVEMENTS IS 738 SF SMALLER THAN ANTICIPATED IN 2021, AND THOSE IMPROVEMENTS STILL DRAIN AS ANTICIPATED TO BIORETENTIONS #3 AND #4. THIS MEANS THERE IS NO NEW STORMWATER MANAGEMENT FACILITIES NEEDED, AND NO MODIFICATIONS ARE NEEDED BECAUSE THE AS-BUILT ANALYSIS SHOWED THAT BOTH BIORETENTION FACILITIES WERE CONSTRUCTED LARGER THAN DESIGNED. THE PROPOSED LIMIT OF DISTURBANCE IS 4,885 SQUARE FEET. BECAUSE THIS IS LESS THAN 5,000 SF, THERE IS NO NEED FOR A SEDIMENT AND EROSION CONTROL PLAN, NOR A GRADING PERMIT.

**SITE STATISTICS**

TOTAL SITE AREA =	2,134,440 SF ±	49,000 AC. ±
2002 PROPOSED IMPERVIOUS AREA (3.2%) =	69,142 SF ±	1,587 AC. ±
EXISTING IMPERVIOUS AREA (3.1%) =	66,368 SF ±	1,534 AC. ±
IMPERVIOUS AREA TO BE REMOVED =	0 SF ±	0.0 AC. ±
IMPERVIOUS AREA TO BE ADDED =	2,036 SF ±	0.047 AC. ±
RESULTING IMPERVIOUS AREA (3.2%) =	68,404 SF ±	1,570 AC. ±
LOT AREA WITHIN CRITICAL AREA (RCA) =	2,051,376 SF ±	47,093 AC. ±
MAXIMUM IMPERVIOUS AREA ALLOWED (15%) =	320,116 SF ±	7,350 AC. ±
PROPOSED IMPERVIOUS IN RCA (2.9%) =	62,657 SF ±	1,438 AC. ±
EXISTING FOREST COVERAGE (49.7%) =	605,859 SF ±	24,335 AC. ±
PROPOSED CLEARING =	0 SF ±	0.000 AC. ±
RESULTING FOREST COVERAGE (49.7%) =	605,859 SF ±	24,335 AC. ±
TOTAL LIMIT OF DISTURBANCE (LOD) =	4,885 SF ±	112 A.C. ±
TOTAL AREA TO BE STRUCTURALLY STABILIZED =	2,036 SF ±	0.047 AC. ±
TOTAL AREA TO BE VEGETATED =	2,849 SF ±	0.065 AC. ±
LOD WITHIN THE 100' SHORE BUFFER =	0 SF ±	0.000 AC. ±

**ENGINEER**

DUMB HOME, LLC  
 309 WINDSOR AVE  
 CENTREVILLE MARYLAND 21617  
 PHONE: (301) 529-2368

**POOL CONTRACTOR**

ASHTON POOLS BY DESIGN  
 34696 JIFFY WAY  
 LEWES, DE 19958-4931  
 PHONE: (302) 212-5570

**PREMISE ADDRESS**

24000 MACS LN  
 WORTON, MD 21678

**OWNER / DEVELOPER**

ROBERT AND SHELLEY SHEKER  
 1752 MARLIN RIDGE  
 CAMP HILL, PA 17011  
 (717) 379-2036

P:\COTED - Mar 03, 2025 - 4:18pm - D:\My Documents\Dumb Home\Projects\2021\21-001-ShekerPool.dwg - Table 010A

KENT COUNTY MARYLAND

**REVISIONS:**


DATE: FEB 26, 2025  
 SCALE: 1" = 100'  
 JOB NUMBER: 21-001  
 DESIGNER: SEL

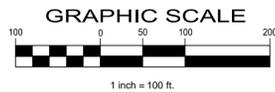
Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No. 31184, Expiration Date: 1-16-23.  
 DATE: 2/26/25



Dumb Home, LLC  
 309 Windsor Ave  
 Centreville, MD 21617  
 dumbhome@gmail.com  
 www.dumbhome.com  
 301-529-2368  
 COPYRIGHT © 2025

OVERALL SITE PLAN  
 FOR:  
**SHEKER RESIDENCE POOL**  
 3rd ELECTION DISTRICT, KENT COUNTY, MD  
 TAX MAP 11, GRID 4D, PARCEL 4  
 PREPARED FOR: ROBERT & SHELLEY SHEKER

SHEET:  
**1**  
 of 2





**To:** William Mackey, Planning Director  
**From:** Carla Gerber, Deputy Director  
**Date:** April 11, 2025  
**Subject:** 25-08 – Morgan Brown  
Administrative Variance – Side Yard Setback

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

Mr. and Mrs. Brown are requesting a 12.5-foot variance from the 25-foot side yard setback requirement for pools in the Village district to construct an in-ground pool in the rear yard. The 1.06-acre property is located at 207 Pondview Court, Chestertown, and is zoned Village (V).

### RELEVANT ISSUES

- I. Density, Height, Width, Bulk, and Fence Requirements
  - A. *Applicable Law:* Article V, Section 7.4.8 of the Kent County *Land Use Ordinance* requires that recreational uses such as swimming pools, game courts, and other like recreational facilities be located a minimum of 25 feet from all property lines.
  - B. *Staff and TAC Comments:*  
The applicant proposes to construct a pool 12.5 feet from the side property line.
- II. Variance
  - A. *Applicable Law:* Article IX Section 2.1 of the Kent County *Land Use Ordinance* authorizes the Planning Director, or the Planning Director's designee, to grant variances from the yard (front, side, or rear) requirements in an amount that does not exceed 50% of the required yard for the applicable zoning district so as to relieve practical difficulties or other injustices arising out of the strict application of the provision of the Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Planning Director, or the Planning Director's designee, must find all of the following:

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
- b. That the *variance* will not change the character of the neighborhood or district.
- c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
  - i. Some unusual characteristic of size or shape of the property.
  - ii. Extraordinary topographical or other condition of the property.
  - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.

- e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
- f. ...
- g. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, shall consider the reasonable use of the entire parcel or lot for which the *variance* is requested.
- h. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, shall presume that the specific *development* activity in the Critical Area that is subject to the application and for which a *variance* is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Planning Director, or the Planning Director's designee, may consider the cause of the *variance* request and if the *variance* request is the result of actions by the applicant, including the commencement of *development* activity before an application for a *variance* has been filed.

B. *Staff and TAC Comments:*

- The practical difficulty is due to the topography of the parcel, as the rear yard slopes away from the dwelling. The proposed pool is also the minimum required distance from the well. Shifting the pool away from the property line would move it closer to the well.
- The side property line abuts an access point to the community open space.
- The variance is not a result of action from the property owner.
- The variance would not change the character of the neighborhood.
- There are no known houses of worship, schools, public structures, or other places of public gathering immediately adjacent to the property.
- There are no known impacts on community facilities and services.
- The Comprehensive Plan is neutral on this matter.
- The proposal is consistent with the intent of the Ordinance.

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed variance with the condition that the variance hereby granted would lapse after one year if no substantial construction in accordance with the plans herein presented were to occur.

# ADMINISTRATIVE HEARING APPLICATION

## Kent County Department of Planning, Housing, and Zoning

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

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

Morgan Brown  
207 Pondview Court  
Chestertown, MD 21620  
Email: Morgan.brown@gacps.org  
443-988-2765

**For Office Use Only:**

Case Number: 25-8 \*200912 \*75/10  
Date Filed: \_\_\_\_\_  
Filed by: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Date of Hearing: \_\_\_\_\_  
Parties Notified: \_\_\_\_\_  
Notice in Paper: \_\_\_\_\_  
Property Posted: \_\_\_\_\_

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: Morgan.brown@gacps.org

**TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING:** In accordance with Article IX Section 2.1.4 of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

Variance       Special Exception       Determination of Nonconforming Use

**DESCRIPTION OF PROPERTY INVOLVED:**

Located on: (Name of Road, etc.) Pondview Court

In the 4-1 Election District of Kent County.

Size of lot or parcel of Land: 1.06  
Map: 37 Parcel: 170 Lot #: 76 Deed Ref: 524-17805

List buildings already on property: House

Subdivision name and address, if applicable: Crestview

**PRESENT ZONING OF PROPERTY:** RR

**DESCRIPTION OF RELIEF REQUESTED:** (List here in detail what you wish to do with property that requires the Appeal Hearing.) In ground Pool - sloping hill on side yard. If pool was moved it would encroach the septic area. Unusual size and shape of the property lines. Open space adjacent to the property would not be effected. Topography wise no other option to relocate pool.

Present owner of property: Henry + Morgan Brown Telephone: 443-988-2765

Any Questions please reach out to Gary Sipes 410-310-1163

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

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

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

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

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

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

**NAMES OF ADJOINING PROPERTY OWNERS:**

Owner(s) on the North: \_\_\_\_\_

(68) Owner(s) on the South: Garret and Pat Falcone 207 Woodview Court  
Chestertown, MD 21620 410-215-0725

(77) Owner(s) to the East: Dave and Carolyn 208 Pondview Court (Menzie)  
Chestertown, MD 21620 571-228-9677

(75) Owner(s) to the West: Patricia Willard 205 Pondview Court  
Chestertown, MD 21620 410-778-4032

Homeowners Association, name and address, if applicable: Crestview Homeowners  
Association

**BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.**

Morgan Brown  
Signature of Owner/Applicant/Agent or Attorney

2/24/25  
Date

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

**NOTICE: The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Department assists you, they cannot be held responsible for its contents.**

**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**



**To:** William Mackey, AICP, Planning Director  
**From:** Rob Tracey, AICP, Associate Planner  
**Date:** April 11, 2025  
**Subject:** 25-9 – George and Cynthia Lees  
Administrative Special Exception – Accessory Storage Structure

## Preliminary Staff Report

### DESCRIPTION OF PROPOSAL

Mr. and Mrs. Lees are requesting an administrative special exception to construct a 1,600 square foot pole building that will also exceed the median height limit of 17 feet on a property less than five acres. The proposed use is for the storage of boats, an RV, and miscellaneous equipment. The 4.53-acre property is located at 12169 Homestead View Road, Worton, in the Third Election District and is zoned Community Residential (CR).

### RELEVANT ISSUES

#### I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 6.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Community Residential (CR) Zoning District.
- B. *Staff and TAC Comments:* The applicant is proposing construct a 1,600 square foot pole building that will also exceed the median height limit of 17 feet on a property less than five acres. Accessory structures with a floor area over 1,200 square feet and/or a median height over 17 feet on a parcel less than five acres require an administrative special exception.

#### II. Special Exception – General Standards

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

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

- A. *Applicable Law:* Article VII, Section 2 of the Kent County *Land Use Ordinance* establishes the Special Exception standards and requires the Planning Director to make findings on the following where appropriate:
1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
  2. Traffic Patterns;
  3. Nature of surrounding area;
  4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
  5. The impact of the development or project on community facilities and services;
  6. Preservation of cultural and historic landmarks, significant natural features and trees;
  7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
  8. The purpose and intent of this Ordinance as set forth in Article II;
  9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
  10. The most appropriate use of land and structure;
  11. Conservation of property values;
  12. The proposed development's impact on water quality;
  13. Impact on fish, wildlife and plant habitat;
  14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;
  15. Consistency with the Critical Area Program; and
  16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.
- B. *Staff and TAC Comments:*
- The proposed accessory building will be located in the side yard. According to the applicant's site plan, the proposed accessory building will be approximately 220 feet from the west property line, 30 feet from the east, 35 feet from the south property line, and 450 feet from the north property line. According to aerial imagery, the east property line is lined with existing trees.
  - The existing 4.53-acre parcel is currently improved by a 6,341 square foot single family dwelling.
  - The site is approximately 1.65 miles from the Christ Church I.U and is over two miles from Kent County High School.
  - There are no known impacts on community facilities and services.
  - The Comprehensive Plan is neutral on this matter.
  - The proposal is consistent with the intent of the Ordinance.

## **STAFF RECOMMENDATION**

Staff recommends approval with the following condition:

1. That the special exception hereby granted would lapse after two years if no substantial construction in accordance with the plans herein presented were to occur.

# ADMINISTRATIVE HEARING APPLICATION

## Kent County Department of Planning, Housing, and Zoning

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

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

George & Cynthia Lees  
12169 Homestead View Road  
Worben MD 21678  
Email: Lees12169@Breezeline.net  
302-383-3164

**For Office Use Only:**

Case Number: 25-9  
Date Filed: 3/5/25 #200 ps2 pd. #75 HP pd.  
Filed by: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Date of Hearing: \_\_\_\_\_  
Parties Notified: \_\_\_\_\_  
Notice in Paper: \_\_\_\_\_  
Property Posted: \_\_\_\_\_

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: Lees12169@Breezeline.net

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article II Section 4 of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

Variance  Special Exception  Determination of Nonconforming Use

**DESCRIPTION OF PROPERTY INVOLVED:**

Located on: (Name of Road, etc.) Homestead View Road

In the 3rd Election District of Kent County.

Size of lot or parcel of Land: 4.53 Ac  
Map: 20 Parcel: 242 Lot #: 42 Deed Ref: 1284/103

List buildings already on property: Two story Frame Dwelling - primary Residence

Subdivision name and address, if applicable: Montabello Hills II

PRESENT ZONING OF PROPERTY: Rural Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Place a pole Building in the side yard, using in part existing driveway to store our 2 Boats, mower, trailer, tools and other related items. We want to keep everything inside to keep the look of the property neater and more aesthetically pleasing.

Present owner of property: George & Cynthia Lees Telephone: 302-383-3164

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

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

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

**PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.**  
List all property measurements and dimensions of any buildings already on the property. See Attached Drawings.

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

**NAMES OF ADJOINING PROPERTY OWNERS:**

Owner(s) on the North: Matakees Farm LLC

Owner(s) on the South: Homestead view Road

Owner(s) to the East: ① Richard L. Crew    ② Rita Jo Gillis    ③ Donald & Wendy Wharton  
④ Michelle Timmons

Owner(s) to the West: David & Georganne Scott

Homeowners Association, name and address, if applicable: Montabello Hills II

**BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.**

Meagan T. [Signature]  
Signature of Owner/Applicant/Agent or Attorney

March 4, 2025  
Date March 4, 2025

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**George & Cynthia Lees  
12169 Homestead View Road  
Worton, MD 21678  
(302) 383-3164  
Email: lees12169@breezeline.net**

March 4, 2025

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

**RE: Request for Special Exception to Build a 1,600 Sq. Foot Accessory Structure**

Dear Sir/Madam:

We write to request a Special Exception to build a 1,600 square foot (40 foot long by 40 foot wide by 24 feet high) accessory structure pole barn on our existing property located in Montabello Hills II, Worton. Earlier this year we received a final Certificate of Occupancy for our recently built home and now we would like to build the aforementioned accessory structure to store personal items such as our boats, ATV, yard equipment and other items one acquires when living in and enjoying a rural area such as Kent County.

It is our understanding that Article II, Section 4 of the Kent County Land Use Ordinance is the controlling authority for this request and that it limits a proposed accessory structure on our 4.53 acre property to 1,200 square feet with a maximum height of 17 feet. Additionally, in doing our research, we learned that currently there is a comprehensive Zoning and Land Use Ordinance Update pending. If implemented, the Update will allow for accessory structures of up to 2,000 square feet, with a height not to exceed the height of the primary structure, to be built without the need for a Special Exception. Finally, it is our understanding the Update is still under review. Therefore, we will require a Special Exception to construct our proposed accessory structure of 1,600 square feet. This is our request for that Special Exception.

In designing and proposing the location of the accessory structure on our property, we have considered not only our needs, but also those of our neighbors, the community and any deed restrictions to which we are subject. We have chosen colors that complement our home and blend in with the character of the surrounding area. We have proposed locating it in an area where it will be concealed on two (2) sides by existing trees and vegetation that will not be removed during construction. While it will be partially visible from Homestead View Road, the view of the façade of the structure will conform with other accessory structures within the community and allow us to store inside, personal items that are currently being stored outside, within view of our neighbors.

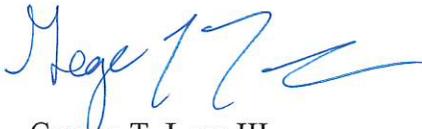
Four (4) of our neighbors: one (1) on Belleau Wood Road and three (3) on Homestead View Road, have accessory structures on their properties. Our construction of a pole barn will

not be unique to our property or cause our home and/or property to alter the overall appearance or character of the community.

To summarize, we are seeking your approval to construct a 40 foot long by 40 foot wide by 24 feet high accessory structure pole barn on our 4.53 acre property located in Montabello Hills II, Worton. The proposed 1,600 square foot accessory structure will be lower than the main roofline of our home, it will conform to the existing appearance and character of our community, will provide us storage for personal items and provide flexibility for any future storage needs we may have.

We appreciate your time and consideration of our request and are available to answer any questions you may have.

Sincerely,



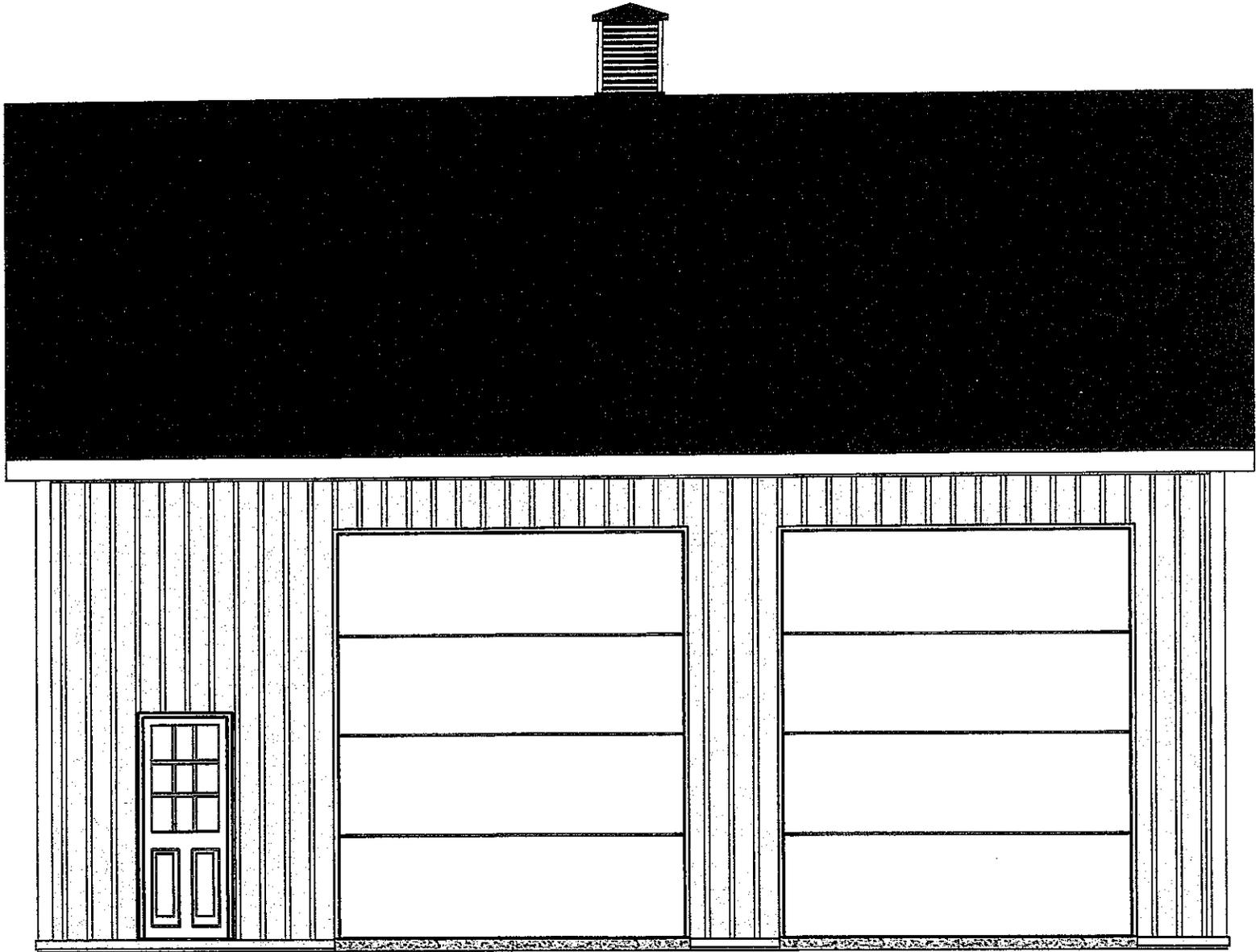
George T. Lees III

Sincerely,

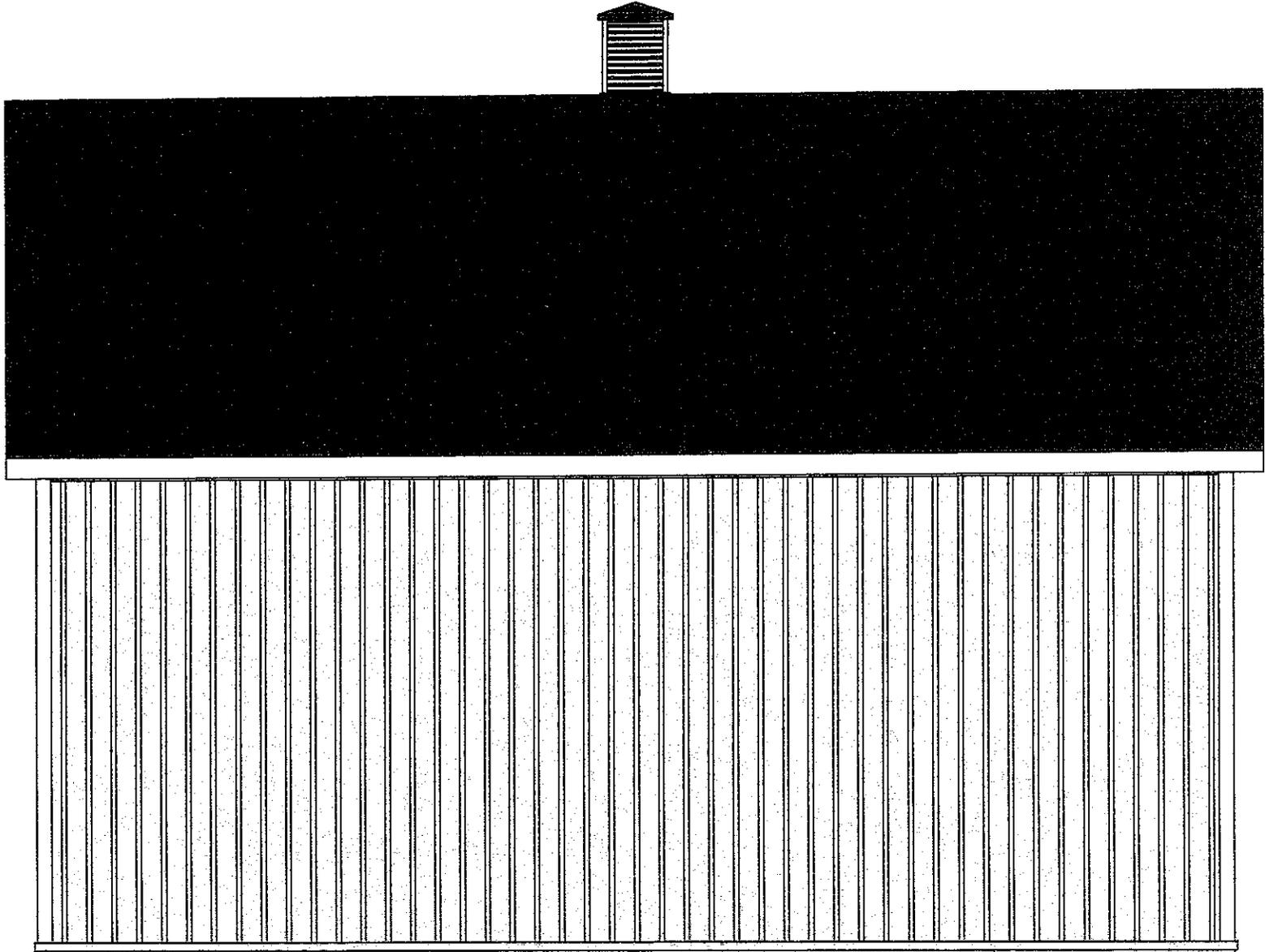


Cynthia M. Lees

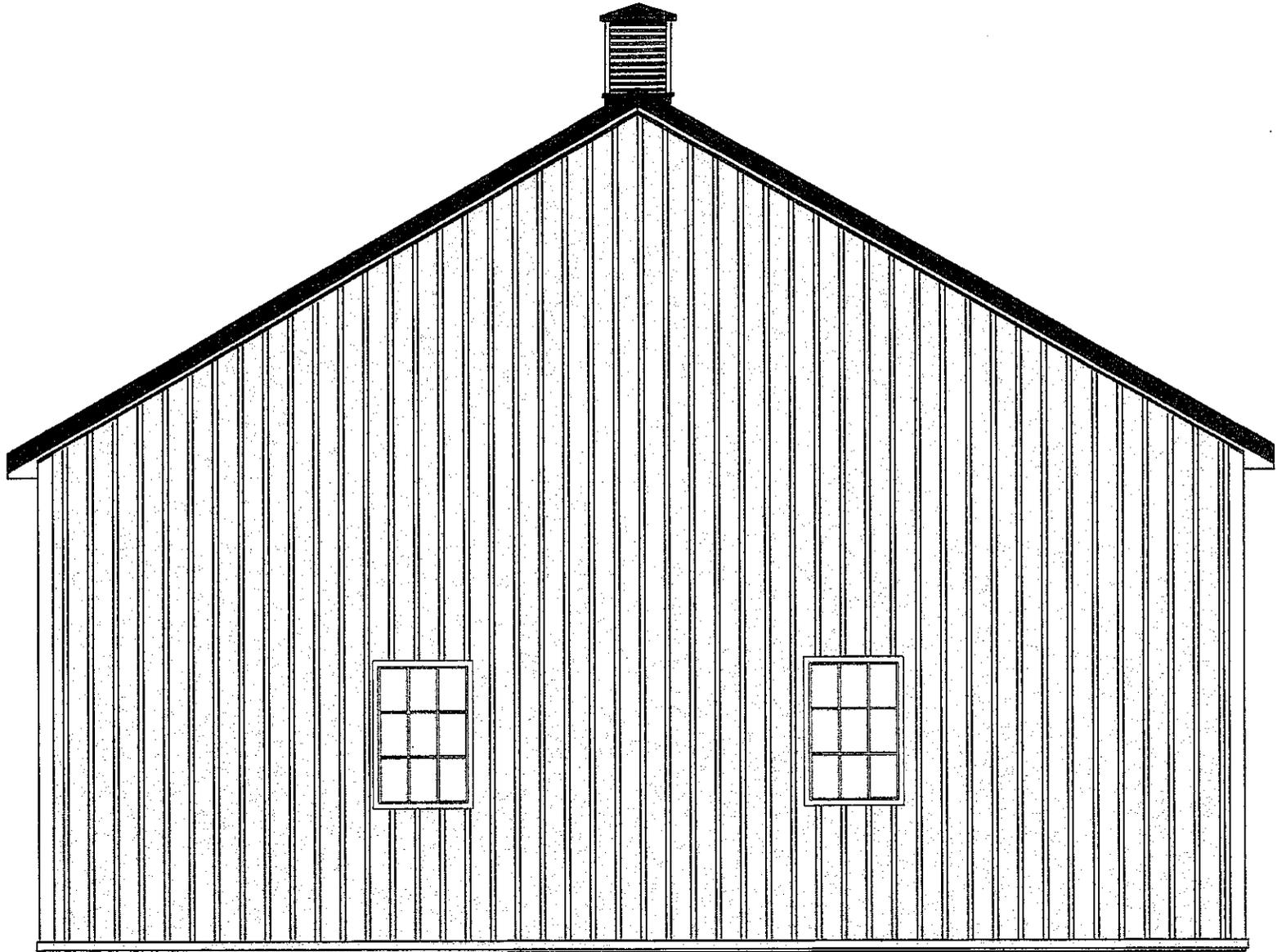
**EAVE 2 ELEVATION**



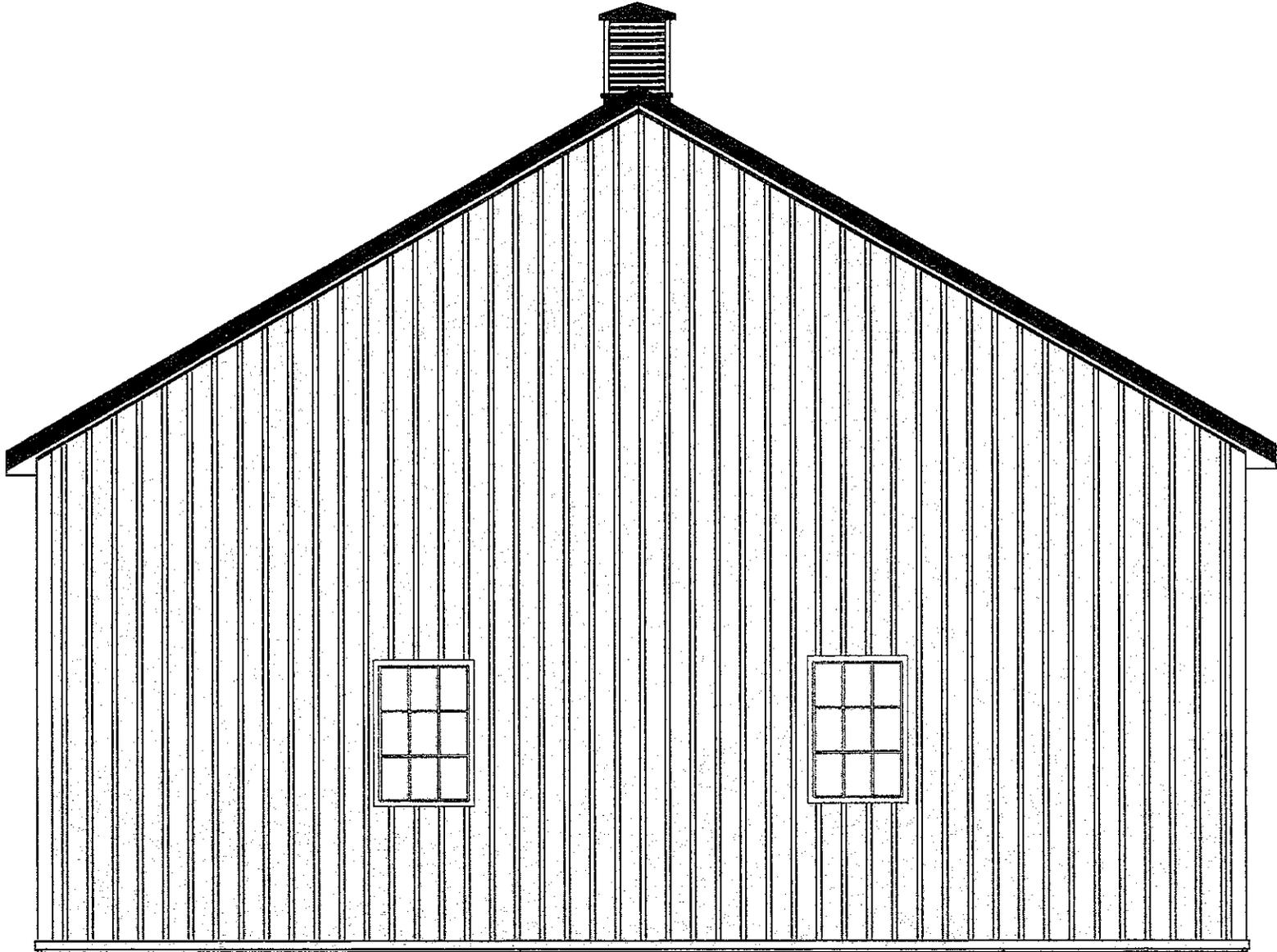
**EAVE 1 ELEVATION**



**GABLE 2 ELEVATION**



**GABLE 1 ELEVATION**



## CROSS SECTION

ROOF LAYER 1: RFOIL BUBBLE WHITE/FOIL 750 1/8 IN  
X 72 IN X 125 FT  
ROOF LAYER 2: 29 GA. STEEL PANEL

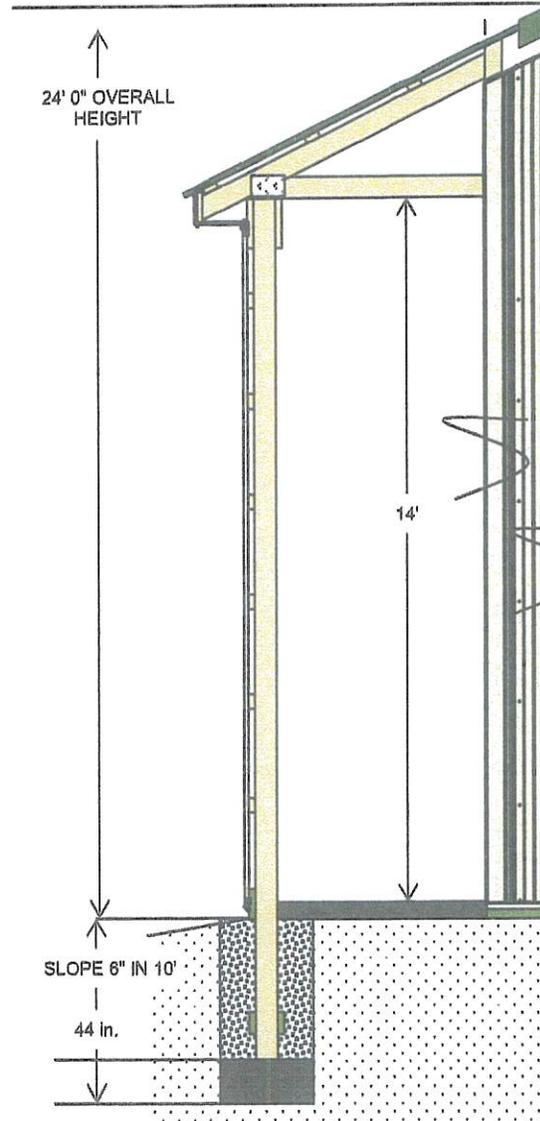
PURLINS: 2 X 4 SPF #2/BETTER FASTENED LAYING FLAT  
SUB FACIA: 2 X 8 SYP #1  
FACIA COVERING: STEEL 1 1/2 IN. X 7 1/2 IN. ANGLE 8  
X 10 FT  
UNDEREAVE: VINYL CENTER VENT SOFFIT 12 IN X 12  
FT

CORNER POSTS: 3 PLY 4.5 X 5.25  
INTERMEDIATE POSTS: 3 PLY 4.5 X 5.25 SPACING 8 FT  
O.C.  
EXTERIOR CARRIER: L.V.L. 1.5 X 11.88  
INTERIOR CARRIER: L.V.L. 1.5 X 11.88  
EXTERIOR WALL GIRTS: SPF #2/BETTER 2 X 4  
WALL LAYER 1: 29 GA. STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED 2 X 8

SIDING BEGINS 3 11/16 IN. BELOW THE TOP OF SKIRT  
BOARD

EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF SKIRT  
BOARD



6/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL  
(HEEL HEIGHT: 0-6-2 OR 6 1/8 IN.)  
TRUSS SPACING: 48 IN. O.C.  
TRUSS LOADING INFORMATION: TCLL/TCDL/BCLL/BCDL  
20-5-0-5  
TOTAL TRUSS LOADING = 30 P.S.F.  
BRACE PER TRUSS MANUFACTURER'S  
RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 3 1/4 IN.  
BELOW THE TOP OF THE SKIRT BOARD  
4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -  
3500 P.S.I.  
UNDISTURBED SOIL OR COMPACTED SAND FILL  
BACKFILL HOLE WITH SAND/GRAVEL FILL & COMPACT  
PIER FOOTING USING REDI-MIX CONCRETE  
WITH MINIMUM STRENGTH/2500 P.S.I.

BARRIER BETWEEN SIDE METAL AND TREATED SKIRT  
BOARD  
POST CLEATS: TREATED 2 X 6 ON EACH SIDE OF POST  
STARTING 6 IN. ABOVE THE FOOTING

George Lees

Estimate Number: 6074

1/17/2025

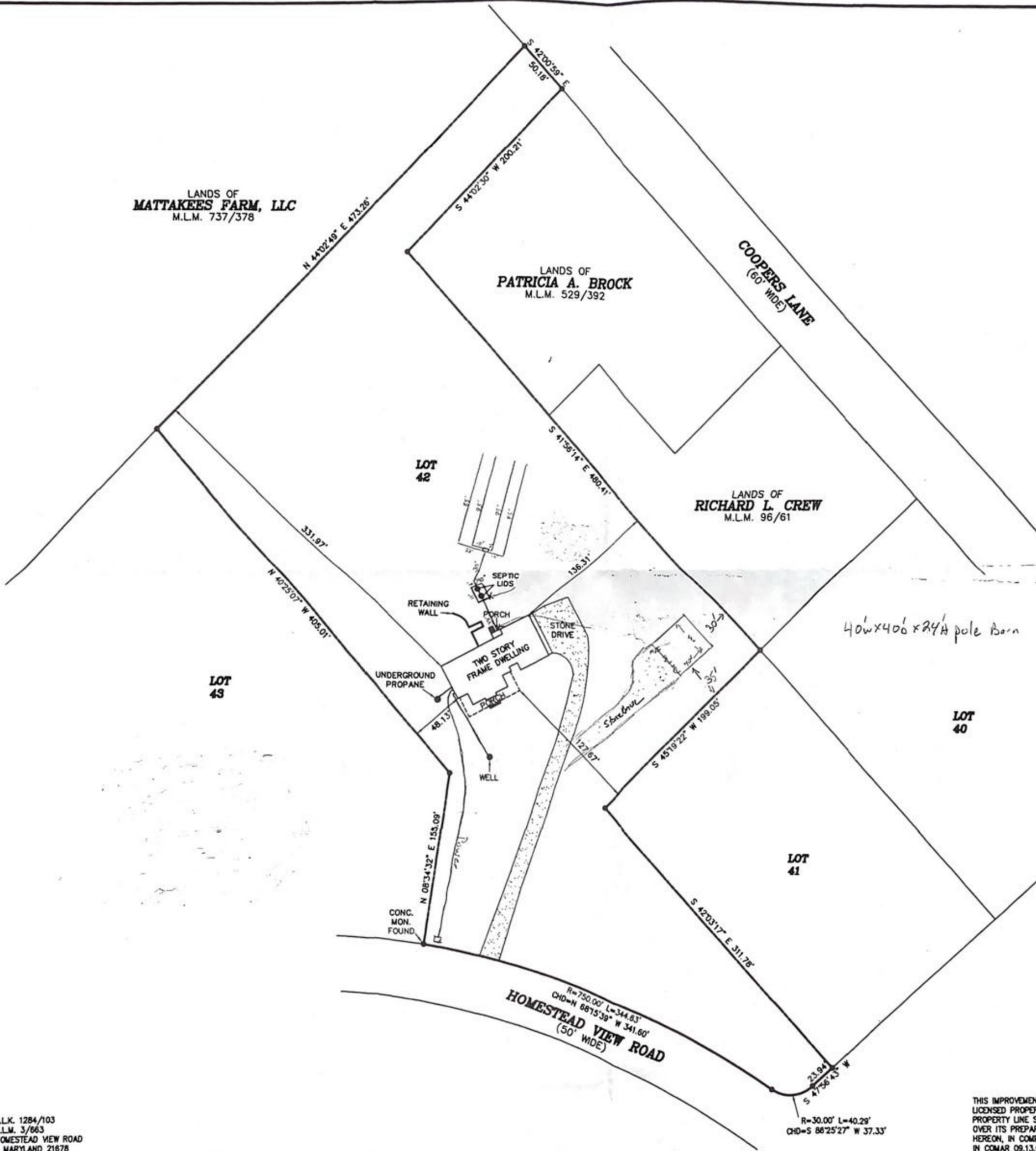




LANDS OF  
**MATTHEES FARM, LLC**  
M.L.M. 737/378

LANDS OF  
**PATRICIA A. BROCK**  
M.L.M. 529/392

LANDS OF  
**RICHARD L. CREW**  
M.L.M. 96/61



40'x40'x24 pole Barn



**MICHAEL A. SCOTT INC.**  
400 S CROSS ST STE 3, CHESTERTOWN, MD 21620 (410)778-2310

SCALE	1" = 80'
DATE	06-10-24
JOB NO.	7812
FOLDER REF	K-151
DATE	
REVISION	

IMPRC'EMENTS LOCATION

ON THE LANDS OF  
**GEORGE T. LEES, III, et ux.**

THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND  
PREPARED FOR: GEORGE T. LEES, III

DWG. NAME — 7812

NOTES:  
FOR DEED REFERENCE SEE: S.L.K. 1284/103  
FOR PLAT REFERENCE SEE: M.L.M. 3/863  
PROPERTY ADDRESS: 12169 HOMESTEAD VIEW ROAD  
WORTON MARYLAND 21678

THIS IMPROVEMENTS LOCATION WAS PREPARED BY A LICENSED PROPERTY LINE SURVEYOR OR A LICENSED PROPERTY LINE SURVEYOR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND SURVEYING WORK REFLECTED HEREON, IN COMPLIANCE WITH MINIMUM STANDARDS AS REQUIRED IN COMAR 09.13.06.12.