



County Commissioners Hearing Room

400 High Street
Chestertown, Maryland

AGENDA

Monday, July 18, 2022

5:00 p.m.

Members of the public are welcome to attend meetings in person or listen to the meeting via the audio-only phone number and conference identification number listed below.

1. Dial **1-872-239-8359**
2. Enter Conference ID: **704 185 610#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

MINUTES

May 16, 2022

APPLICATIONS FOR REVIEW:

22-27 Tucker White – Special Exception – Oversized Accessory Structure
21779 Sunnyside Avenue – Fifth Election District – Critical Area Residential (CAR)

22-28 Chen Residence – Variance – Development within the 100-foot buffer
4833 Deep Point Drive – Seventh Election District – Resource Conservation District (RCD)

GENERAL DISCUSSION

APPLICANT OR REPRESENTATIVE MUST BE PRESENT

**APPLICANTS ARRIVING MORE THAN 10 MINUTES AFTER THE SCHEDULED HEARING WILL NOT BE HEARD
AND WILL BE RESCHEDULED AT THE APPLICANT’S EXPENSE.**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Board of Appeals 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 Chairman. Meetings are subject to audio and video recordings.

All applications 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.

Other business without assigned times may be discussed during the meeting.

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: May 16, 2022
 Time: 5:00 P.M.
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>22-20 Hall Properties, LLC and Alexys Biggs – Variances – Side Setback and Minimum Lot size</p> <p>The applicants are requesting a 5.6-foot variance from the minimum 8-foot side yard setback requirement for an existing dwelling located at 28036 Creamery Street. As part of the same application, Hall Properties LLC is requesting a 3,329 square foot variance from the minimum 9,500 square foot lot size requirement for the adjacent parcel, 28040 Creamery Street.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Michael A. Scott, surveyor, appeared on behalf of the applicant.</p> <p>Mr. Scott was sworn in and presented a summary of his case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Carla Gerber, Deputy Director, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Alternate Member (observing)</p> <p>Carla Gerber, Acting Clerk</p>	<p>Mr. Massey moved to approve the application by Hall Properties, LLC and Alexys Biggs at 28036 and 28040 Creamery Street in Kennedyville, Parcels 63 and 64, granting a 5.6-foot variance from the side yard setback requirement of Parcel 64; a 3,329-square-foot variance from the minimum lot size requirement for Parcel 63; that all surveys are corrected; and that this variance will lapse after the expiration of one year, if these conditions are not met.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>22-22 Marci Tarrant Johnson – Variance – Pier Length</p> <p>The applicant is requesting a variance to remove and replace a nonconforming, 95-foot pier that has been determined to exceed 25% of the waterway. In accordance with the method for measurement of waterway width, as specified in the Kent County Land Use Ordinance (LUO), the proposed replacement would exceed the allowable 25% of the waterway width. The LUO prohibits in-kind replacement for nonconforming structures that are voluntarily removed by the property owner.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Marci Tarrant Johnson, the applicant, was sworn in and presented summary of her case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Mark Carper, Associate Planner, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>David Hill, Member (observing)</p> <p>Carla Gerber, Acting Clerk</p>	<p>Ms. Horsey moved to approve the application of Marci Tarrant Johnson requesting a variance to remove and replace the nonconforming 95-foot pier that has been determined to exceed 25% of the waterway located at 22059 Harrington Park Road in Rock Hall; the variance will lapse after one year, if no substantial construction is undertaken in accordance with the plans presented.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p>	<p>Unanimous approval</p>
<p>MINUTES: April 18, 2022</p>		<p>Mr. Massey moved to approve the minutes. Ms. Horsey seconded the motion; with note to correct a typo, the motion passed with all in favor.</p>	<p>Approved</p>
<p>General Discussion</p> <p>Per the previous request by the Board of Zoning Appeals, the Department of Planning, Housing, and Zoning is preparing an application for a zoning text amendment to clarify “area of use” for utility-scale solar energy systems in the Agricultural Zoning District (AZD) and Resource Conservation District (RCD).</p>		<p>The Board was in favor of language that explicitly limits the area of use to those components of the energy system that are within the boundaries of the required perimeter security fence, all of which could not exceed 5 acres.</p>	

Agenda Item	Sitting for the Board	Action Taken	Vote
Multiple proposals as to the specific language for the text amendment were presented, and the Planning Staff is seeking input from the members of the Board of Appeals.			
Adjourn		Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; the motion passed with all in favor. The meeting adjourned at 6:02 p.m.	Unanimous Approval

Dr. Albert Townshend, Chairman

/s/ Mark Carper
Mark Carper, Associate Planner



Planning Commission
Department of Planning, Housing, and Zoning

July 8, 2022

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

RE: 22-27 Tucker White – Special Exception (Oversized Accessory Structure)

Dear Dr. Townsend,

At its meeting on July 7, 2022, the Kent County Planning Commission reviewed the application of Tucker White, requesting a special exception to construct an oversized pole building for the storage of boats and additional items related to his profession as a waterman. The 22,500-square-foot property is located at 21779 Sunnyside Avenue in the Fifth Election District and is zoned Critical Area Residential (CAR). The proposed structure will have a footprint of 1,248 square feet, but, with the second floor, the floor area will be 1,968 square feet and the mean height will be approximately 22 feet. The LUO allows for accessory storage structures with a floor area of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres as a special exception.

Following discussion, the Planning Commission voted to make a favorable recommendation for the special exception for the construction of a pole building with a footprint of 1,248 square feet, a floor area of 1,968 square feet, and an approximate mean height of 22 feet. The decision was based on the following findings of fact:

- The special exception is consistent with the Kent County Comprehensive Plan in its goal to maintain and strengthen the natural resources and working lands based industries by promoting the Kent County Economic Resource Bill of Rights, which include the right to farm, the right to fish, and the right to hunt and its goal to expand and provide more diversity in the size, number, and type of business through encouraging the development of cottage and home-based industries.
- The testimony provided by the applicant and the favorable correspondence from a neighbor.
- Traffic patterns will not be affected, and there will be no impact to community facilities and services
- The special exception will not adversely impact the character of the neighborhood or have a negative impact on fish, wildlife, and plant habitat.

Sincerely,
Kent County Planning Commission

Joe Hickman
Chair

cc: Tucker White



To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: July 7, 2022
Subject: Tucker White
Special Exception – Oversized Accessory Structure

Executive Summary

Request by Applicant

Tucker White is requesting a special exception to construct a 1,968 square foot pole building with a mean height of approximately 22 feet on a parcel that is 22,500 square feet. The total height of the proposed building is approximately 23.5 feet. A special exception is required for proposed accessory buildings that exceed 1,200 square feet or 17 feet in height.

Public Process

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

Summary of Staff Report

The property is located at 21779 Sunnyside Avenue in the Fifth Election District and is zoned Critical Area Residential. Staff has concerns about the possible adverse impact on the character of the neighborhood and whether it would blend harmoniously to the use, scale, and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed building. The Planning Director has requested that the application be forwarded to the Planning Commission in order to make a recommendation to the Board of Zoning Appeals.

Staff Recommendation

Based on the information presented in the application, staff has no recommendation at this time.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #22-27 – Tucker White
Special Exception – Oversized Accessory Building
DATE: June 17, 2022

Description of Proposal

Tucker White is requesting a special exception to construct an oversized pole building for the storage of boats and additional items related to his profession as a waterman. The 22,500 square foot property is located at 21779 Sunnyside Avenue in the Fifth Election District and is zoned Critical Area Residential. The proposed structure will have a footprint of 1,248 square feet, but, with a second floor, the square footage of the floor area will be 1,968 square feet and the mean height will be approximately 22 feet.

Relevant Issues

I. Accessory Uses

- A. Applicable Law: Article V, Section 5.4 of the Kent County Land Use Ordinance establishes the accessory uses allowed on all properties in the Critical Area Residential (CAR) District.

Private garages, swimming pools, game courts, and other customary residential outbuildings and structures provided that accessory structures on parcels less than 5 acres do not exceed 1,200 square feet or 17 feet in height.

- B. Staff and TAC Comments: The applicant is requesting a special exception to construct pole building with a floor area of 1,968 square feet and a mean height of approximately 22 feet on a parcel that is 22,500 square feet. The lot coverage limit for a parcel of this size is 5,445 square feet. Based on previous building permits, the existing lot coverage is 3,940 square feet. With a footprint of 1,248 square feet, the lot coverage with the proposed building would be 4,876 square feet, which is within the allowable limit.

II. Special Exception

- A. Comprehensive Plan: Goal: Maintain and Strengthen Natural Resources and Working Lands Based Industries. Strategy: Promote the “Kent County Economic Resource Bill of Rights” which included the right to farm, the right to fish, and the right to hunt.” (page 15) Goal: Expand and Provide More Diversity in the Size, Number, and Type of Businesses. “Strategy: Promote development of small locally owned businesses.” (page 10); “Strategy: Encourage the development of cottage and home-based industries.” (page 11)
- B. Applicable Law: Article VII, Section 6 of the Kent County Land Use Ordinance authorizes the Planning Commission to review and send a recommendation to the Board of Appeals for special exceptions.

Article VII, Section 2 of the Kent County Land Use Ordinance determines the standards for special exceptions:

The Board of Zoning Appeals, or where applicable the Planning Director, in accordance with the procedures and standards of this Ordinance may authorize *buildings, structures*, and uses as special exceptions in the specific instances and particular Districts set forth provided that the location is appropriate and consistent with the *Comprehensive Plan*, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided to protect surrounding property, *persons*, and neighborhood values, and further provided that the additional standards of this Article are specified as a condition of approval. Unless otherwise specified in this Article or as a condition of approval, the height, *yard, lot area*, design, environmental, parking, and *sign* requirements shall be the same as other uses in the district in which the special exception is located.

No special exception shall be authorized unless the Board, or where applicable the Planning Director, finds that the establishment, maintenance, or operation of the special exception meets the standards set forth in this Article. The burden of proof is on the applicant to bring forth the evidence and the burden of persuasion on all question of fact which are determined by the Board or where applicable the Planning Director.

The Board, or where applicable the Planning Director, shall 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.
- C. Staff and TAC Comments: MDOT SHA has reviewed this application and has no issues or concerns with County approval. The Department of Public Works has no comments on this application. The Health Department has no objections to the proposal. Staff requests additional information as to whether there will be any tree removal, added vegetative screening, expansion of the existing driveway, or the addition of any walkways.

Staff has concerns about the possible adverse impact on the character of the neighborhood and whether the building would blend harmoniously to the use, scale, and architecture of existing

buildings in the vicinity that have a functional or visual relationship to the proposed building. The dwelling on the applicant property appears to be a 1 and ½ story structure, and many of the neighboring homes are single story. The Planning Director has requested that the application be forwarded to the Planning Commission in order to make a recommendation to the Board of Zoning Appeals.

Staff Recommendation

Based on the information presented in the application, staff has no recommendation at this time.

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)

Tucker White
21779 Sunnyside Ave. Rock Hall MD.
21661 (410-708-4672)
Email: 8twhite8@gmail.com

For Office Use Only:

Case Number: _____
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: 8twhite8@gmail.com

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

Administrative Hearing for:

_____ Variance Special Exception _____ Determination of Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) Sunnyside Ave. Rock Hall MD.

In the 5 Election District of Kent County.

Size of lot or parcel of Land: 0.516 ac.
Map: 0051 Parcel: ~~0051~~ 450 Lot #: _____ Deed Ref: 00877/00211

List buildings already on property: Main Dwelling and shed which will be removed before new building

Subdivision name and address, if applicable: _____

PRESENT ZONING OF PROPERTY: Critical Area Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) I wish to add a 1248 square foot pole shed as accessory storage building to store my boats among other things. I need the extra height on back section to allow for me to have enough clearance under the second floor for my boat and campy. The upstairs will give me extra needed storage and a home office.

Present owner of property: Tucker White Telephone: 410-708-4672

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: Deborah Clouser

Owner(s) on the South: Eric Orescan

Owner(s) to the East: Alex F. Burton

Owner(s) to the West: Sam Dowling

Homeowners Association, name and address, if applicable: _____

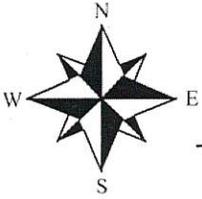
BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.

Stuber White _____ Date 4-26-2022
Signature of Owner/Applicant/Agent or Attorney

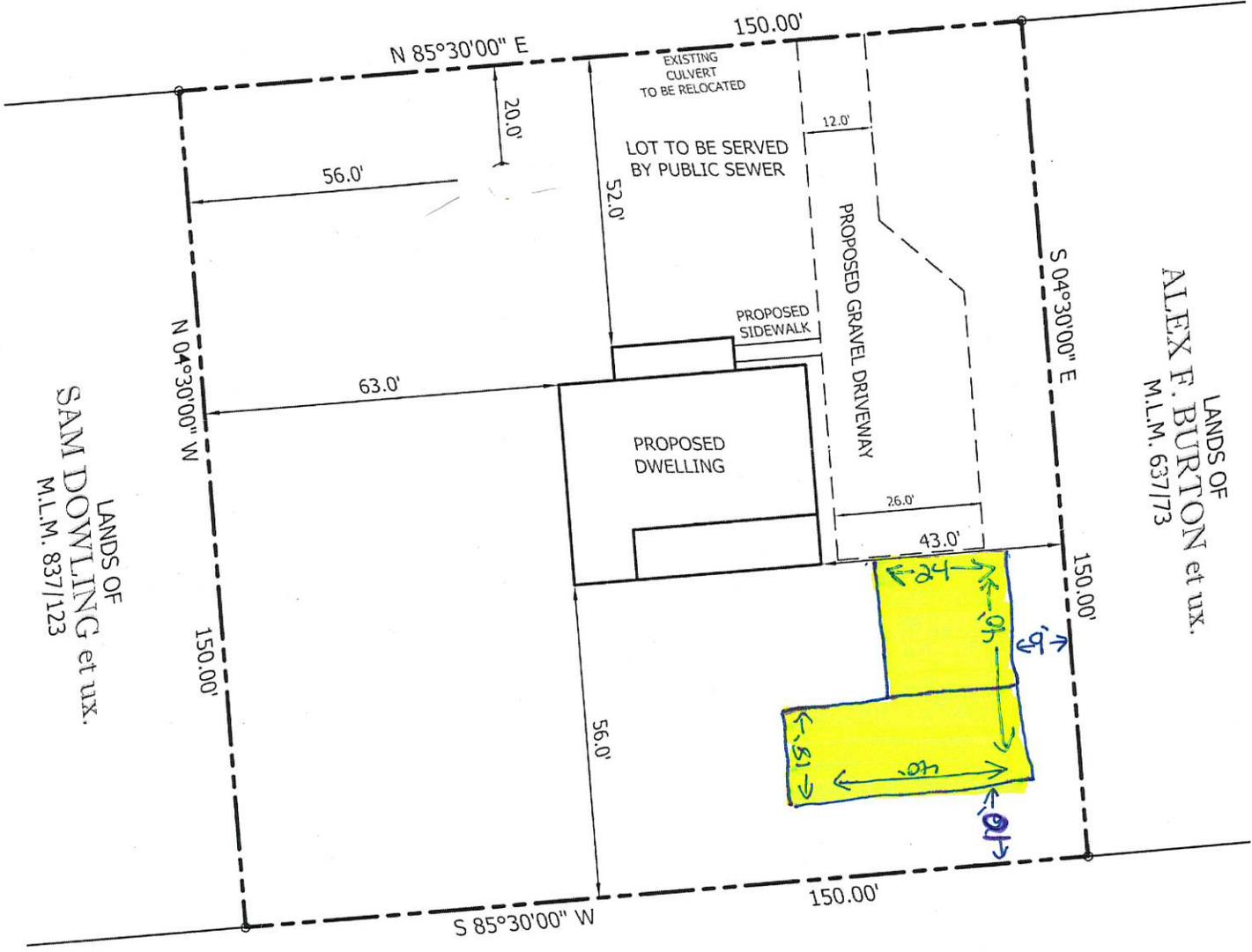
Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the County Commissioners of Kent County. If you have any questions, contact the Kent County Department of Planning, Housing and Zoning.

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.



SUNNYSIDE AVENUE (40' WIDE R.O.W.)



LANDS OF
ALEX F. BURTON et ux.
M.L.M. 637173

LANDS OF
SAM DOWLING et ux.
M.L.M. 837123

LANDS OF
RYAN SCHEUERMANN
M.L.M. 587/11

PROPERTY ADDRESS: 21779 SUNNYSIDE AVENUE
ROCK HALL, MARYLAND 21661

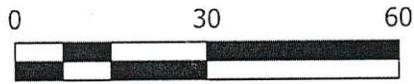
CURRENT ZONING: CRITICAL AREA RESIDENTIAL

FOR DEED REFERENCE SEE: M.L.M. 877/211

LOT COVERAGE LIMITED TO 5,445sq.ft.

SITE IS NOT IN THE FLOODPLAIN

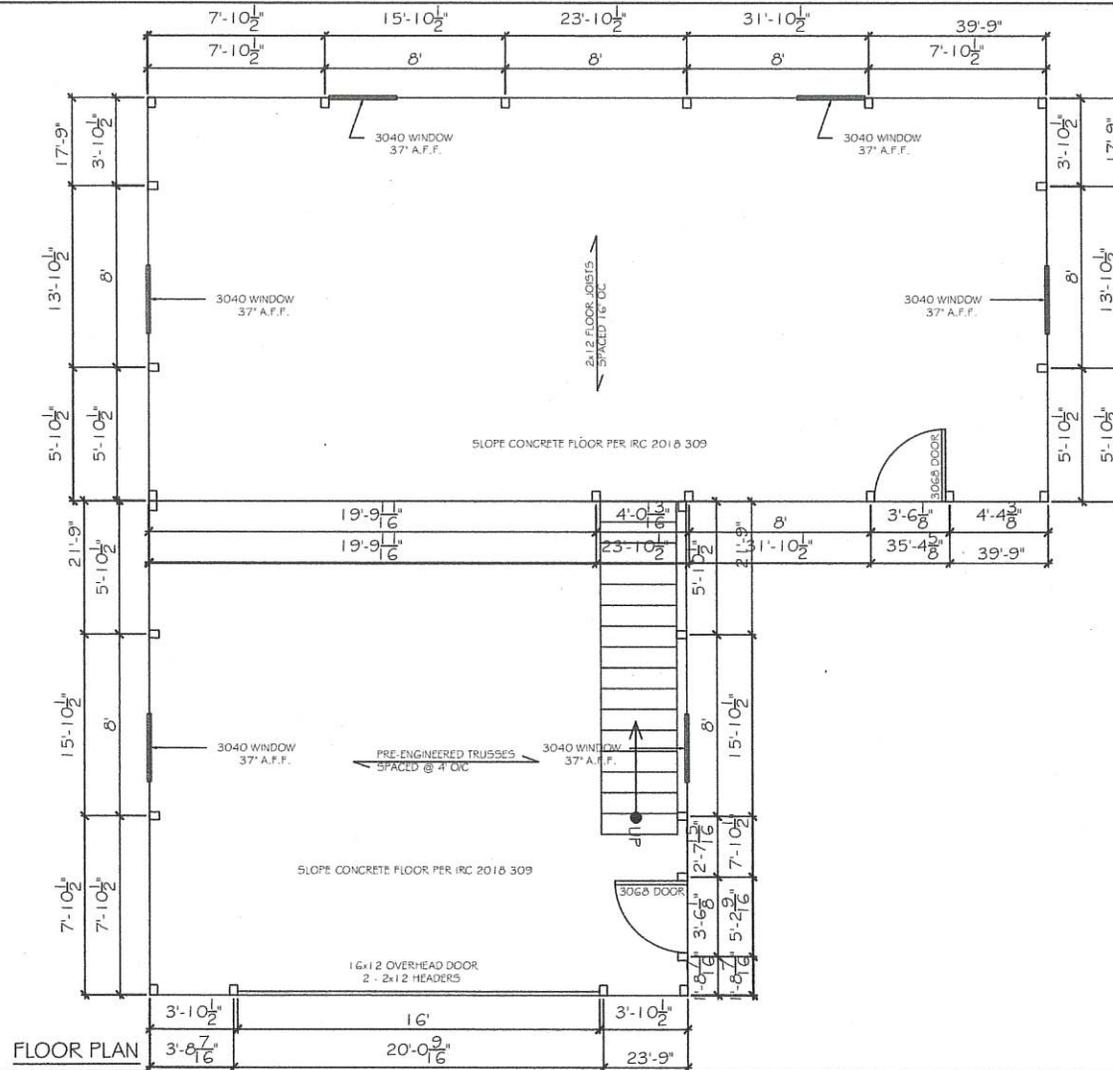
PROPOSED LOT COVERAGE
 HOUSE = 1,713ft²
 DRIVEWAY = 1,868ft²
 SIDEWALK = 47ft²
 TOTAL = 3,628ft²



PROPOSED DWELLING
ON THE LANDS OF,
TUCKER WHITE et al.
FIFTH ELECTION DISTRICT, KENT COUNTY,
MARYLAND
TAX MAP 51, PARCEL 450

EXTREME MEASURES
 LAND SURVEYORS
 Hagerstown, MD 21620
 PHONE 410-778-0122
 www.extrememeasuresllc.com

SCALE 1"=30
DRAWN BY RAN
DATE 9-1-16
JOB NO. 591



DELMARVA
POLE BUILDING SUPPLY INC.
 317 N. LAYTON AVE
 WYOMING, DE 19934
 (302) 698-3636

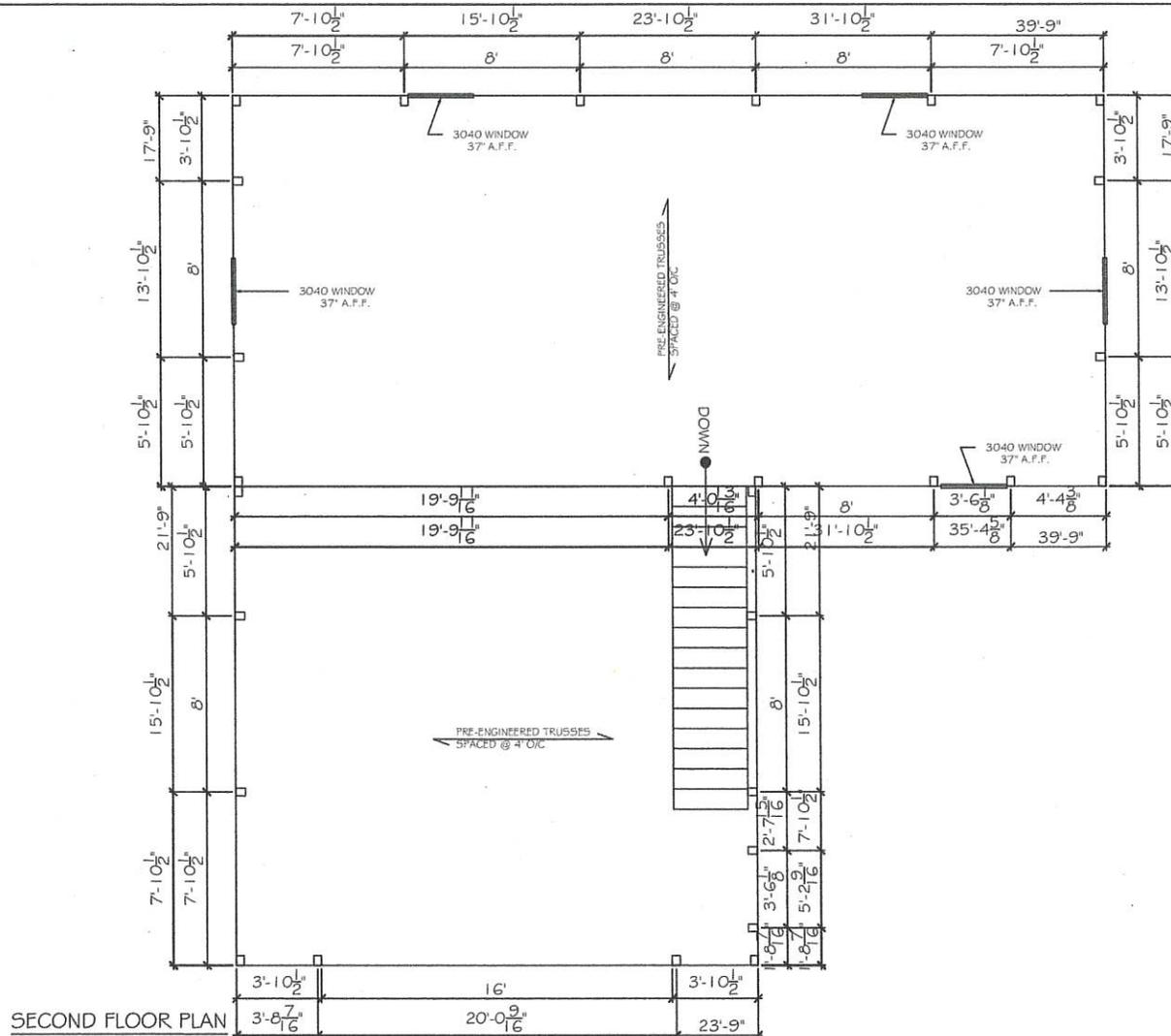


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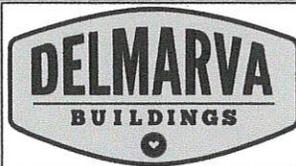
Date:	Modification:

TUCKER WHITE
 21776 SUNNYSIDE AVENUE
 ROCK HALL, MD 21661

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DELMARVA
POLE BUILDING SUPPLY INC.
 317 N. LAYTON AVE
 WYOMING, DE 19934
 (302) 698-3636



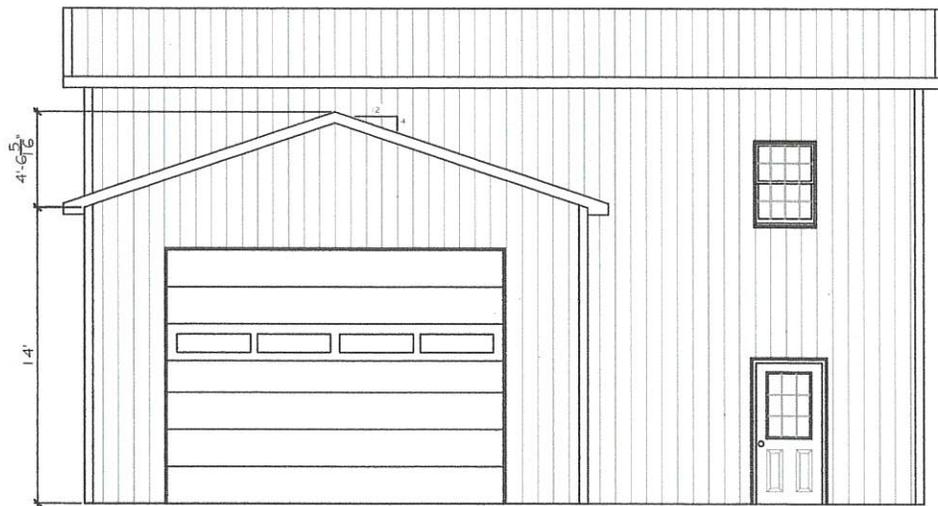
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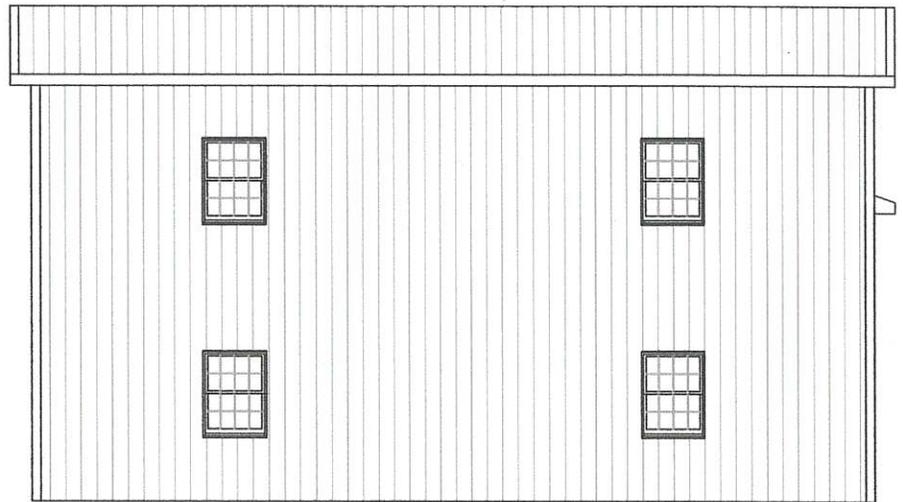
TUCKER WHITE
 21776 SUNNYSIDE AVENUE
 ROCK HALL, MD 21661

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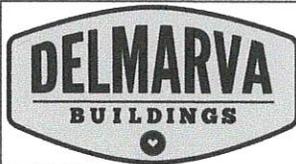


GABLE ELEVATION



EAVE ELEVATION

DELMARVA
POLE BUILDING SUPPLY INC.
 317 N. LAYTON AVE
 WYOMING, DE 19934
 (302) 698-3636



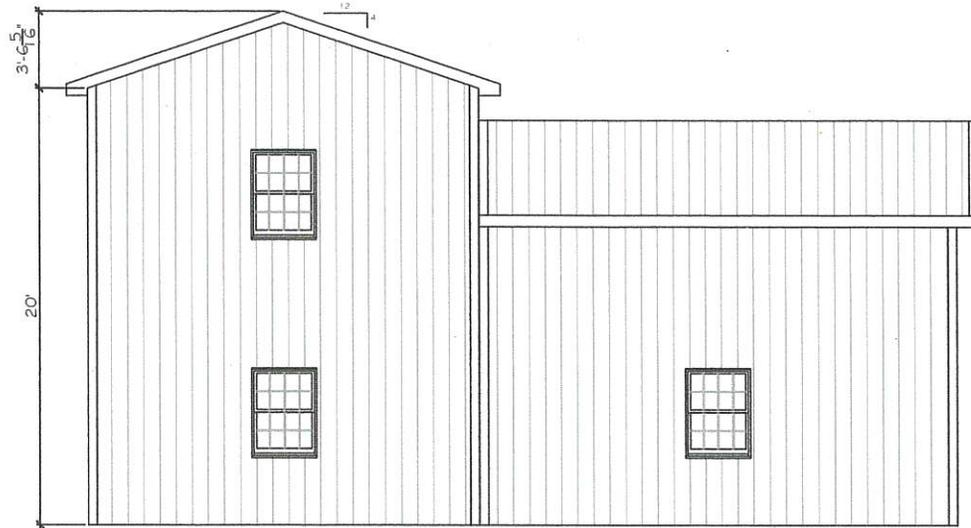
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 J. Stubbs
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 J. Stubbs
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Date:	Modification:

TUCKER WHITE
 21776 SUNNYSIDE AVENUE
 ROCK HALL, MD 21661

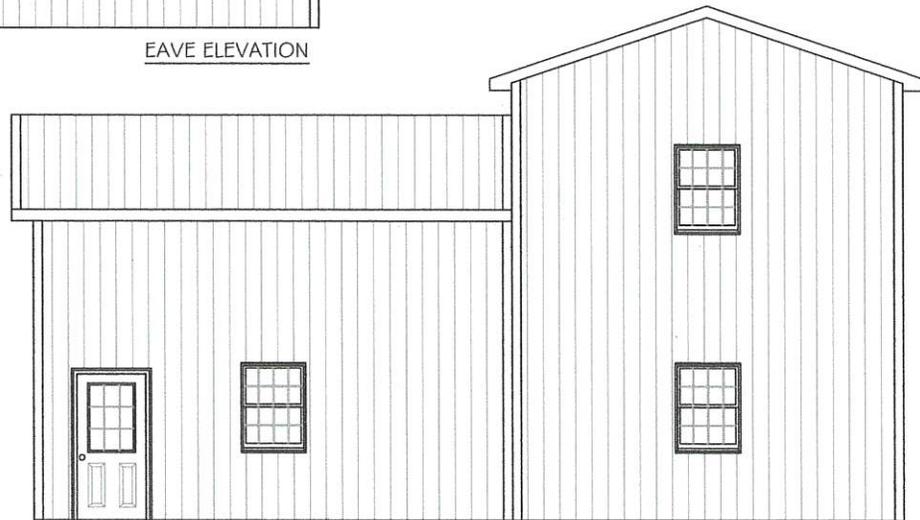
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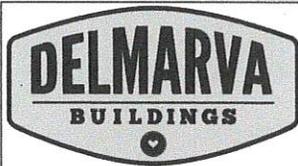


GABLE ELEVATION

EAVE ELEVATION



DELMARVA
POLE BUILDING SUPPLY INC.
 317 N. LAYTON AVE
 WYOMING, DE 19934
 (302) 698-3636



Date:
 04-26-2022
 Technician:
 J. Stubbs
 Reviewed By:
 J. Stubbs
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Date:	Modification:

TUCKER WHITE
 21776 SUNNYSIDE AVENUE
 ROCK HALL, MD 21661

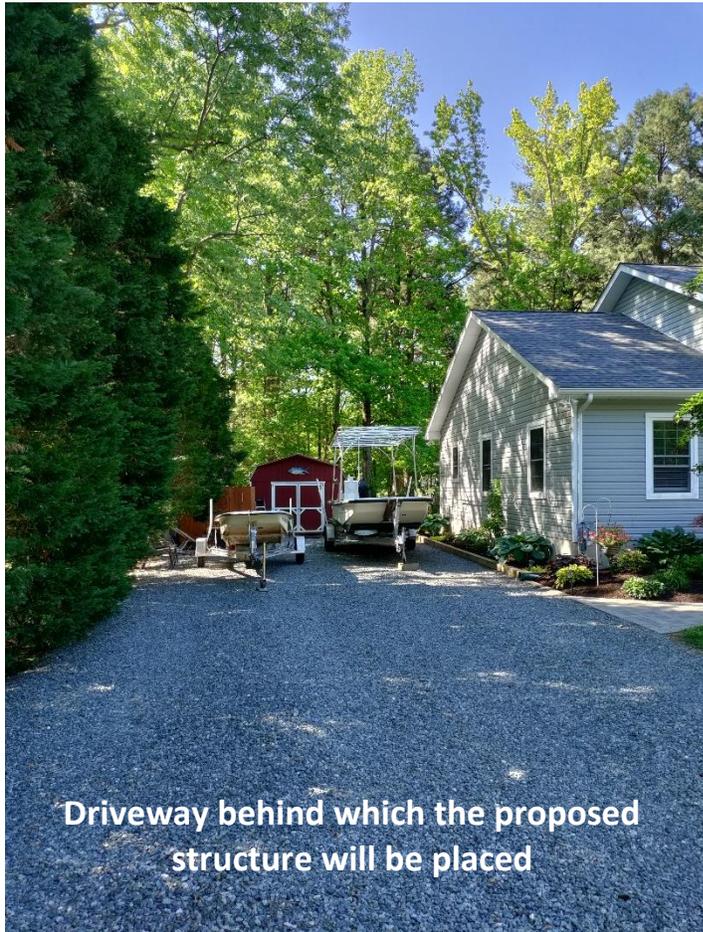
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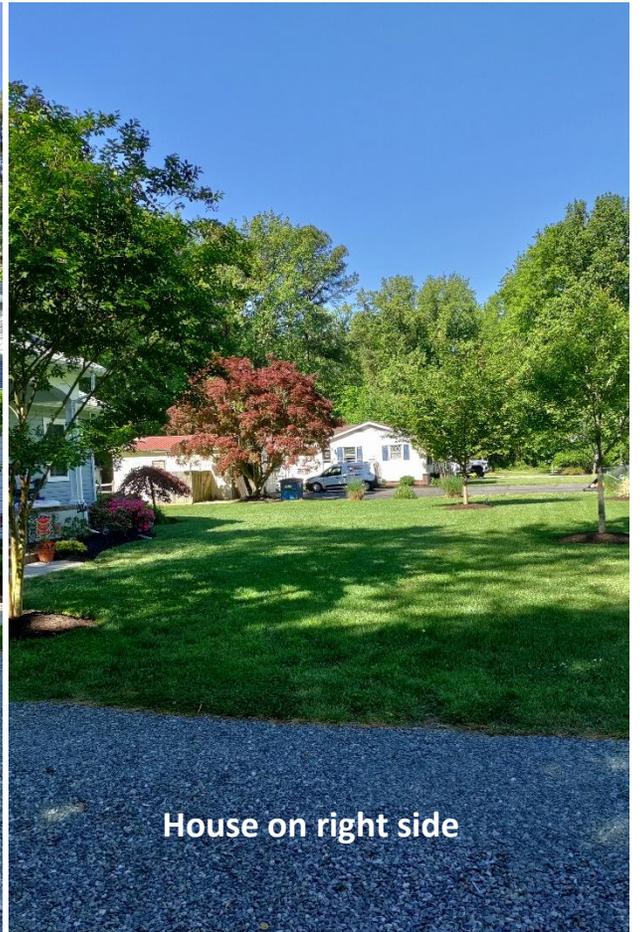
Tucker White Special Exception



21799 Sunnyside Avenue



Driveway behind which the proposed structure will be placed



House on right side



House across street

From: [Jessica Burton](#)
To: [Mark Carper](#)
Subject: Tucker White Special Exception
Date: Tuesday, June 14, 2022 3:39:08 PM

ATTENTION !

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

- KCIT Helpdesk

Hey Mark, my name is Jessica Burton and I live right next door to Tucker White. I got the letter from the County in the mail yesterday. Due to mine and my husbands work schedules, we will not be able to participate in the meeting, but we wanted to let you know that we have no issue with or objection to the special exception Tucker is applying for. We have talked to Tucker at length and understand that for primarily his business needs, the size of the building would best suit him.

Thanks!

Jessie Burton
Village Hardware & Garden Center
R. F. Burton, LLC -- Ace Store #17616
5811 Chesapeake Villa
Rock Hall, MD 21661
410-639-7014



July 8, 2022

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

RE: 22-28 Rayenne Chen / Deep Point Farm – Variance (Development in Buffer)

Dear Dr. Townsend,

At its meeting on July 7, 2022, the Kent County Planning Commission reviewed the application of Rayenne Chen, requesting a variance to demolish an existing principal dwelling and associated improvements and to construct a new principal dwelling and associated improvements within the 100-foot shoreline buffer. The 30.398-acre property is located at 4833 Deep Point Drive in the Seventh Election District, is zoned Resource Conservation District (RCD), and is comprised of tidal wetlands, forest, and working farmland. The buffer wraps around the point where the house is located because of the tidal wetlands, and much of the existing and proposed improvements are or will be within the buffer. The buffer and tidal wetlands combined covers approximately 36% of the property.

The practical difficulty is derived from the buildable location outside of the tillable area being confined to an elevated portion of the shoreside point, mostly out of the 100-year floodplain and the tidal wetlands.

Following discussion, the Planning Commission voted to make a favorable recommendation for the variance to demolish an existing principal dwelling and associated improvements and to construct a new principal dwelling and associated improvements within the 100-foot shoreline buffer. The Planning Commission recommends the following conditions should the Board of Appeals grant approval:

- A Buffer Mitigation/Enhancement Plan is submitted for review and approval and the plan should include the placement of mitigation, to the extent possible and as recommended by the Critical Area Commission, between the improvements and the shoreline. A letter of credit will be required.
- The historic “Grieb Log Smokehouse” be relocated to a place outside of the buffer rather than in the buffer.
- The septic system update is approved by the Kent County Health Department.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

The decision was based on the following findings of fact:

- Article V, Section 2.7.B.3.a of the Kent County Land Use Ordinance established the standards for development in the buffer.
- The variance will not cause a substantial detriment to adjacent or neighboring property.
- The variance will not change the character of the neighborhood or district.
- The variance is consistent with the Comprehensive Plan and general intent of the Land Use Ordinance.
- The practical difficulty was not caused by the applicant’s own action.
- The applicant purchased a waterfront property with a waterfront home in a deteriorated condition and will replace the dwelling with one of similar tone and size, placing it in a similar location more removed from the shoreline. Placing it elsewhere would cause a greater negative impact to the property, including increasing development in active farmland.

Sincerely,
Kent County Planning Commission

Joe Hickman
Chair

cc: David Mallon, Architect

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: July 7, 2022
Subject: Rayenne Chen / Deep Point Farm
Variance – Buffer

Executive Summary

Request by Applicant

Rayenne Chen is requesting a variance to demolish an existing principal dwelling and associated improvements and to construct a new principal dwelling and associated improvements within the 100-foot shoreline buffer.

Public Process

Per 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. The Board of Appeals may authorize variances from ... buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Summary of Staff Report

The 30.398-acre property is located at 4833 Deep Point Drive in the Seventh Election District, is zoned Resource Conservation District (RCD), and is comprised of tidal wetlands, forest, and working farmland. Tidal wetlands encompass much of the southern portion of this property, and the 100-foot buffer from that as well as the shore result in a very limited area outside of the buffer where development has occurred and is proposed. The buffer and tidal wetlands combined covers approximately 36% of the property.

Along with the demolition, reconfiguration, and rebuild of the existing dwelling, three outbuildings, the brick patios and walk, a wooden ramp, and fence are to be removed; the gravel drive is to be reconfigured; the septic system is to be upgraded; and an existing smokehouse is to be relocated to inside the buffer. The “Grieb Log Smokehouse” is listed in the Maryland Inventory of Historic Properties (K-246), the structure having been relocated in 1938 from Betterton to its current location. The shoreline bulkhead and a two-story detached garage are to remain. The proposed improvements include a 1 and 1/2-story single family dwelling with porches, new walks, and steps.

Staff Recommendation

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

- A Buffer Management Plan is submitted for review and approval.
- The log smoke house is relocated to a place outside of the buffer rather than in the buffer.
- The septic system update is approved by the Kent County Health Department.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #22-28 – Rayenne Chen / Deep Point Farm
Variance – Buffer
DATE: June 28, 2022

DESCRIPTION OF PROPOSAL

Rayenne Chen is requesting a variance to demolish an existing principal dwelling and associated improvements and to construct a new principal dwelling and associated improvements within the 100-foot shoreline buffer. The 30.398-acre property is located at 4833 Deep Point Drive in the Seventh Election District, is zoned Resource Conservation District (RCD), and is comprised of tidal wetlands, forest, and working farmland. The buffer wraps around the point where the house is located because of the tidal wetlands, and much of the existing and proposed improvement are or will be within the buffer. The buffer and tidal wetlands combined covers approximately 36% of the property.

Along with the demolition, reconfiguration, and rebuild of the existing dwelling, three outbuildings, the brick patios and walk, a wooden ramp, and fence are to be removed; the gravel drive is to be reconfigured; the septic system is to be upgraded; and an existing smokehouse is to be relocated to inside the buffer. The “Grieb Log Smokehouse” is listed in the Maryland Inventory of Historic Properties (K-246), the structure having been relocated in 1938 from Betterton to its current location. The shoreline bulkhead and a two-story detached garage are to remain. The proposed improvements include a 1 and 1/2-story single family dwelling with porches, new walks, and steps. The proposed dwelling will be approximately 20 feet further from the shoreline than the existing dwelling.

The limit of disturbance for the demolition, reconfiguration, and rebuild is to be 28,242 square feet (SF), 26,947 SF within the buffer and 1,475 SF outside of the buffer. Upgrade of the septic system is to include 3,455 SF of temporary disturbance in the buffer and 6,623 SF outside of the buffer. The exiting lot coverage is 27,728 SF, 7,077 SF are to be removed (7,051 SF in the buffer), and 8,419 SF are to be added, with a net increase of 1,342 SF. The proposed lot coverage in the buffer is 7,986 SF and outside of the buffer is 407 SF.

APPLICABLE LAWS

- I. Development in the Buffer
 - A. *Comprehensive Plan*: “Maintain, enforce and if necessary, strengthen existing regulations for floodplains and buffers.” (Page 86)
 - B. *Applicable Law*: Article V, Section 2.7.B.3.a of the Kent County Land Use Ordinance establishes the standards for development in the buffer:
 - i. 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. This restriction does not apply to water-dependent facilities that meet the criteria set forth below.
 - C. *Staff and TAC Comments*: Development activity of this nature is not permitted in the buffer; therefore, the applicant has applied for a buffer variance to demolish an existing principal dwelling

and associated improvements and to construct a new principal dwelling along with associated improvements

II. Variance

- A. *Applicable Law*: Article IX, Section 2.2, Variances 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 applicants 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 granting of the variance will not adversely impact adjacent or neighboring properties, nor will it alter the character of the district. The residential portion of the property is visible only by water, and the surrounding area is comprised of woodlands, active agricultural fields, widely dispersed single-family homes, and shoreline.

The practical difficulty is derived from the buildable location outside of the tillable area being confined to an elevated portion of the shoreside point, mostly out of the 100-year floodplain and the tidal wetlands. This condition was not caused by the applicant's actions. The granting of the variance will not negatively impact water quality or adversely impact habitat. The Critical Area Commission has reviewed the application and does not oppose the variance. Strict application of the Ordinance would produce an unwarranted hardship, denying the applicant reasonable and significant use of the property. The hardship is not shared by other properties in the vicinity, and the granting of the variance would not be a detriment to adjacent properties or the character of the neighborhood.

Permanent disturbance to the buffer must be mitigated at a ratio of 3:1, and the new lot coverage outside of the buffer must be mitigated at a ratio of 1:1. Mitigation for the permanent disturbance in the buffer is 16,907 SF ((7,986 SF of lot coverage in the buffer x 3 = 23,958) – 7,051 SF of lot coverage in the buffer to be removed). Mitigation for the new lot coverage outside of the buffer is 407 SF. The total mitigation and enhancement required in the buffer is 17,314 SF. All temporary disturbances must be returned to pre-construction conditions.

STAFF RECOMMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the buffer variance to demolish, reconfigure, and rebuild a single-family dwelling along with surrounding porch, and walks and steps; to remove the existing sheds, brick patios and walk, wooden ramp, and fence; to reconfigure the existing gravel drive; and to upgrade the septic system. Staff further recommends the following:

- A Buffer Mitigation/Enhancement Plan is submitted for review and approval that includes species, size, spacing and schedule of plantings, maintenance of plantings to ensure survivability, and description of the measures to return the temporarily disturbed areas to pre-construction conditions. This plan should include the placement of mitigation, to the extent possible and as recommended by the Critical Area Commission, between the improvements and the shoreline. A letter of credit will be required.

- The historic “Grieb Log Smokehouse” be relocated to a place outside of the buffer rather than in the buffer, as proposed. The mitigation requirements may be adjusted in accordance with the change.
- The septic system update is approved by the Kent County Health Department.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman

Katherine Charbonneau
Executive Director

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

June 23, 2022

Mr. Mark Carper
Kent County
Department of Planning, Housing and Zoning
400 High Street
Chestertown, MD 21620

**RE: Chen Residence/Deep Point Farm
Buffer Variance Request
4833 Deep Point Drive, Chestertown
(Tax Map 56, Parcel 33)
Local Case #22-28**

Dear Mr. Carper:

Thank you for submitting information regarding the project referenced above for review and comment. The applicant requests a Buffer variance to redevelop an existing single-family dwelling and the associated amenities. The proposed project is located on a grandfathered 30.4-acre parcel zoned Resource Conservation District (RCD) and located on lands designated Resource Conservation Area (RCA), the majority of which consist of tidal wetlands, forest, and working farmland. The limit of disturbance (LOD), comprising 28,422 square feet (sf), is the location of the existing and proposed dwelling and associated amenities. The LOD is located almost entirely in the Buffer, which is expanded due to tidal wetlands. Within the LOD, the existing improvements include a single-family dwelling to be demolished, reconfigured, and rebuilt, a smokehouse to be relocated outside of the Buffer, a gravel driveway to be reconfigured, a septic system to be upgraded and a shoreline bulkhead and a 2-story detached garage to remain. In addition, the existing shed, barn, brick patios and walk, wooden ramp, wire corn cribs and fence will be removed. The proposed improvements include a 1 and ½-story single-family dwelling and porches, walks and steps, and a gravel driveway. Additionally, no clearing is proposed. The existing lot coverage is 27,728 sf (2.1%). The lot coverage to be removed is 7,077 sf. The new lot coverage proposed is 8,419 sf. The proposed net lot coverage is 29,070 sf (2.2%).

We do not oppose this variance. When hearing this case, this office recommends that the Board of Appeals consider:

1. The proposed reconfigured improvements will be no further waterward from the shoreline compared to the existing improvements, and the dwelling will be the same in

Mr. Carper
Chen/Deep Point Farm Buffer Variance
June 23, 2022
Page 2

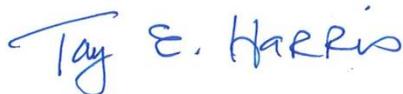
size and located 20± feet further landward from the shoreline compared to the existing dwelling.

2. Trees and vegetation are located between the garage and both the existing and proposed dwelling. If the reconfiguration of improvements leads to fatally damaging or clearing of trees and/or vegetation in the expanded Buffer, mitigation is required at a ratio of 1:1 for the area damaged or cleared.
3. Due to the proximity of the dwelling and associated amenities to the shoreline, it is recommended that mitigation be emplaced between the improvements and the shoreline to the extent possible for the purposes of enhancing the expanded Buffer functions.

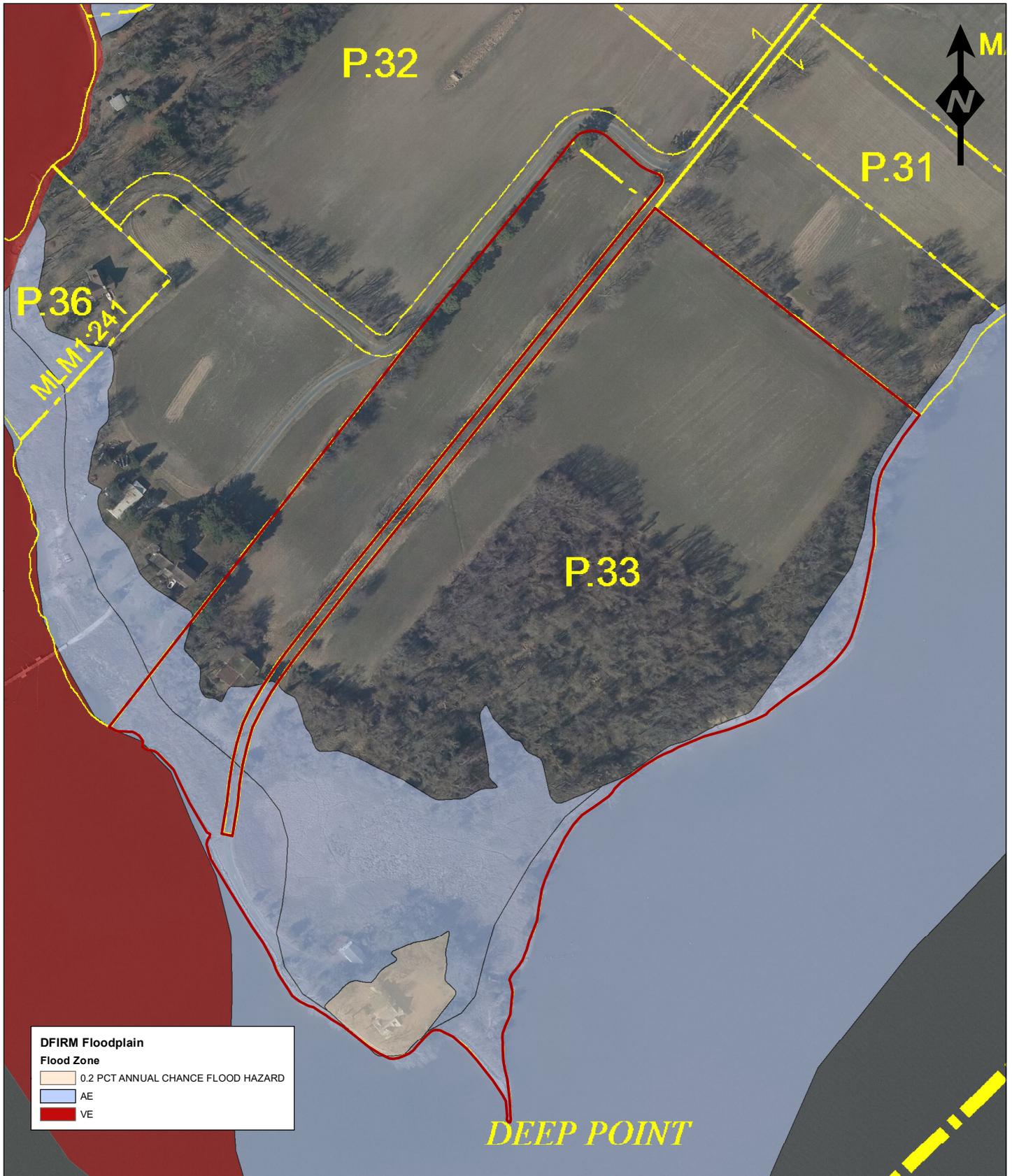
If the variance is approved, permanent disturbance to the expanded Buffer must be mitigated at a rate is 3:1. Additionally, new lot coverage located outside of the expanded Buffer must be mitigated at a rate of 1:1, to be emplaced within the expanded Buffer. Furthermore, all temporary impacts must be returned to pre-construction conditions. The applicant shall provide a Buffer Management Plan to the County for review and approval that includes species, size, spacing and schedule of plantings, maintenance of plantings to ensure survivability requirements, as well as a description of the measures to return temporarily disturbed areas to pre-construction conditions.

If you have any questions, please feel free to contact me at 410-260-2481 or tay.harris@maryland.gov. Again, thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in blue ink that reads "Tay E. Harris". The signature is written in a cursive, slightly slanted style.

Tay E. Harris
Natural Resources Planner
KC 218-22



Source: Kent County Department of Planning, Housing, and Zoning.
 Aerial taken Spring 2019. Map prepared June 2022.

1 inch = 250 feet

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

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

IN THE MATTER OF THE APPLICATION OF:

(Name, Address and Telephone Number of Applicant)

David W. Mallon (Agent)

619 Severn Avenue, Suite 202

Annapolis, MD 21403

410-571-3604

Email: davidm@kimmelstudio.com

For Office Use Only:

Case Number/Date Filed: _____

Filed by: _____

Applicant: _____

Planning Commission: _____

Date of Hearing: _____

Parties Notified: _____

Notice in Paper: _____

Property Posted: _____

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

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

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

_____ Appealing Decision of Kent County Zoning Administrator Variance

_____ Special Exception _____ Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 4833 Deep Point Drive

In the 7th Election District of Kent County.

Size of lot or parcel of Land: 30.398 Ac.

Map: 56 Parcel: 33 Lot #: - Deed Ref: 1169/332

List buildings already on property: 2 Story Main Dwelling, 2 Story Garage, Run-down Sheds & Barn and wire corn cribs.

If subdivision, indicate lot and block number: N/A

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

PRESENT ZONING OF PROPERTY: RCD - Resource Conservation District

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) The demolition of the existing main dwelling & associated improvements and the construction of a new main dwelling and associated improvements within the 100' shoreline buffer.

If appealing decision of Zoning Administrator, list date of their decision: N/A

Present owner(s) of property: Rayenne Chen Telephone: 610-639-7993

Variance Narrative

Chen Residence – Deep Point Farm

4833 Deep Point Drive, Chestertown, MD, 21620

06/10/2022

Name of Landowner: Rayenne Chen

Name of Representative: David Mallon, Kimmel Studio Architects

Tax Map: 0056 Parcel Number: 0033 Grid: 001F

Zone: RCD (Resource Conservation District)

Project Description:

- The 33.3 acre property is located at the end of Deep Point Drive on the Chester River and is zoned Resource Conservation District (RCD).
- The parcel predominately consists of Agricultural farmland and Tidal Wetland and the primary dwelling and accessory storage/garage structures are currently located within the 100' buffer.
- Variance is being requested to the 100' shoreline development buffer, to raze the existing dwelling and rebuild a new dwelling within the buffer.
- The new building will match the existing dwelling in size, bedroom/bathroom count and character.
- The proposed building and covered porch will not be located closer to the water than the existing building's footprint. There will be no further expansion toward the waterline.

Variance Standards:

- a. The property is mostly covered by wetlands and farmland and the proposed development area is within the existing residential development portion of the property and is only visible by water. The proposed construction will remain a small, 1 ½ story, single family residence, maintaining its current use and zoning. Authorization of such variance will not be a substantial detriment to the adjacent or neighboring properties.
- b. The proposed residence is designed with an aesthetic to be complementary with local building typology. The construction project also calls for removing the existing, damaged sheds surrounding the existing garage that are

- unusable and detract from the nature of the property and neighborhood. The building size and proportion as well as the materials selected for the construction of the project will not change or alter the character of the district.
- c. The requested Variance to the 100' Shoreline Development Buffer is consistent with the comprehensive plan and the general intent of the Ordinance. The new dwelling will be more energy-efficient, visually pleasing, and will add to the value of the tax base. In addition, it encourages the protection of the existing agricultural fields and will be developed using bay sensitive grading, stormwater management and native plantings. Within RCD, it is encouraged to re-use existing buildings. Although the variance is for a new dwelling, the applicant is keeping the existing garage. The decision was made to raze and rebuild a new dwelling due to the existing house and foundation being partially unstable and containing building materials that are beyond their effective lifespan and repair. In addition, the applicant would like to protect and re-use some of the existing historic features such as the Grieb Log Smokehouse. The relocation of the 18-th century structure will be a focal point of the property and landscape.
 - d. The practical difficulty or other injustice is caused or influenced by some of the following:
 - i. The property consists of an existing residential buildable area located on a small point of land bound by water and tidal marsh lands on all sides. The residential buildable area is confined to the point to allow for maximizing the raised, tillable area for tenant farmers.
 - ii. The prime / safest buildable area for the dwelling to avoid rising water levels and high tides is the land located on the highest elevation on the point. We are proposing moving the replacement dwelling away from the water to the furthest extent possible while maintaining a location within the high elevation area. The existing dwelling to be demolished is located 28.4' and 54.3' from MHW; the proposed dwelling will be 48.6' and 79.8' from MHW. This effectively relocates the new principal dwelling 20.2' and 25.5' further away from the water creating more impervious surface area between the house and water.

- e. The practical difficulty was not caused by the owner's own actions and existed prior to Ms. Chen purchasing the property in 2021. The existing property was developed and the primary residence built-in 1905, with later additions and improvements according to Maryland Tax Assessment Records.

- f. Other Site & Development factors to consider:
 - i. The property water service is currently provided via a private well. The existing well is to remain, and the proposed new dwelling is to tie-in to the existing water supply system.
 - ii. The proposed type of sewer service is by a private sewage disposal system. The system is currently comprised of a 750-gallon single compartment concrete septic tank, distribution box and a sub-surface disposal field. The existing system will be abandoned / removed as required and a new system will be installed. A new 1500 gallon BAT septic tank system will be installed (in close proximity to the new house) with a pump tank to transfer the effluent to a new conventional drain field located in the farmland, outside of the 100' buffer. Although we have received positive Perc data, the system is still under review and design with the Health Dept and the SRA needs to be platted and recorded.
 - iii. Without the variance, the applicant would be deprived of the use of land, or a structure permitted to others in accordance with the provisions of the critical area program.
 - iv. This variance will not adversely affect the water quality or adversely impact fish, wildlife, or plant habitat.
 - v. The location of the new dwelling will not increase the effect of noise, vibration, smoke, odor, fire, and glare on the neighboring properties.

- g. The proposed development schedule is as follows:
 - a. Summer 2022: Variance Approval – Grading & Building Permit
 - b. Fall 2022: Construction Start
 - c. Winter 2023: Landscape Start
 - d. Fall 2023: Construction complete

CHEN RESIDENCE - DEEP POINT FARM

VARIANCE PACKAGE

06/13/2022

KIMMEL
STUDIO

ARCHITECTS

PROPERTY OWNER: RAYENNE A. CHEN
 PROPERTY ADDRESS: 4833 DEEP POINT DRIVE
 CHESTERTOWN, MARYLAND 21620
 DEED REFERENCE: 1169/332
 PLAT REFERENCE: 1/113

SITE NOTES
 ZONING CLASSIFICATION: RCD (RESOURCE CONSERVATION DISTRICT)
 SETBACKS:
 FRONT: 50'
 SIDE: 15'
 REAR: 30'
 MEAN HIGH WATER: 100'
 TIDAL WETLANDS: 100'
 NON-TIDAL WETLANDS: 100'
 MAXIMUM STRUCTURE HEIGHT: 38'
 MINIMUM LOT WIDTH: 75'

THE PROPERTY SHOWN HEREON LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA AS SHOWN ON THE KENT COUNTY CRITICAL AREA MAPS IN ACCORDANCE WITH KENT COUNTY BILL No. 1-2021, ADOPTED APRIL, 2021.

MEAN HIGH WATER WAS NOT ESTABLISHED BY THIS SURVEY. MEAN HIGH WATER IS DEFINED BY ELEVATION REFERENCED TO A TIDAL BENCH MARK. THE SHORELINE WAS LOCATED TO THE EDGE OF TIDAL VEGETATION AND TO THE EDGE OF TIDAL WATER STAINS ON RIPRAP. THE BOUNDARY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND IT MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.

THE WETLANDS SHOWN HEREON WERE DELINEATED BY SEAN CALLAHAN, A QUALIFIED PROFESSIONAL WITH LANE ENGINEERING, LLC AND SURVEY LOCATED ON NOVEMBER 9, 2021.

LANE ENGINEERING, LLC HAS REVIEWED THE MAPPED SOILS AND TOPOGRAPHIC INFORMATION FOR THIS PROPERTY RELATED TO POSSIBLE BUFFER EXPANSION REQUIREMENTS DUE TO STEEP SLOPES AND/OR HYDRIC AND HIGHLY ERODIBLE SOILS AND HAS DETERMINED THAT EXPANSION SHOWN HEREON IS REQUIRED UNDER THE STATE AND COUNTY REGULATIONS AS OF THE DATE OF THIS PLAN. HOWEVER, A DETERMINATION BY CARLA GERBER FROM KENT COUNTY PLANNING & ZONING REQUESTED THE REMOVAL OF THE EXPANDED BUFFER FOR HYDRIC SOILS SO THE PLAN IS CONSISTENT WITH KENT COUNTY INTERPRETATION.

THE IMPROVEMENTS SHOWN HEREON WERE FIELD LOCATED BY LANE ENGINEERING, LLC ON NOVEMBER 9, 2021.

THE LOCATION OF THE SEPTIC SYSTEM SHOWN HEREON WAS TAKEN FROM THE BEST AVAILABLE RECORDS PROVIDED BY THE KENT COUNTY HEALTH DEPARTMENT AND IS APPROXIMATE ONLY.

THE TREE LINE SHOWN HEREON WAS TAKEN FROM THE 2019 KENT COUNTY AERIALS AND IS APPROXIMATE ONLY.

FLOOD DATA

A PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. THE PROPERTY IS MAPPED IN THE "X" (SHADED), "AE" (EL. 6'), "AC" (EL. 7'), AND "VE" (EL. 8') FLOOD ZONES AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR COMMUNITY NO. 240045, MAP NO. 24029C0405D FOR KENT, MARYLAND. THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR. THE SFHA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. THE SFHA INCLUDES ZONES A, AE, AH, AO, AR, A99, V & VE. THE BASE FLOOD ELEVATION (BFE) IS THE WATER SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD. FLOOD INSURANCE MAY BE REQUIRED FOR STRUCTURES LOCATED IN THE SPECIAL FLOOD HAZARD AREA.

FLOOD ZONE LEGEND
 ZONES AE & VE - 1% ANNUAL CHANCE FLOOD
 ZONE X (SHADED) - 0.2% ANNUAL CHANCE FLOOD
 ZONE X - AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD

THE FLOOD DATA SHOWN HEREON IS BASED ON AVAILABLE MAPPED AND/OR DIGITAL INFORMATION AND IS DEPICTED AS DIRECTED AND REQUIRED BY FEDERAL, STATE AND LOCAL REGULATIONS. IT IS SUBJECT TO DATA INACCURACIES AND REGULATORY CHANGE AND SHOULD BE VERIFIED PRIOR TO FINALIZING DEVELOPMENT OR IMPROVEMENT PLANS FOR THE SUBJECT LAND.

VARIANCE REQUEST SUMMARY

THE APPLICANT IS PROPOSING TO DEMOLISH THE EXISTING DWELLING, ASSOCIATED IMPROVEMENTS AND PART OF THE DRIVEWAY AND TO CONSTRUCT A NEW DWELLING, ASSOCIATED IMPROVEMENTS AND GRAVEL DRIVEWAY & PARKING

THE NEW DWELLING WILL BE 20.2'± FURTHER FROM MHW.

EXISTING DWELLING, ASSOCIATED IMPROVEMENTS AND DRIVEWAY IN BUFFER

DWELLING, ASSOCIATED IMPROVEMENTS AND DRIVEWAY = 11,632 SF

PROPOSED DWELLING, ASSOCIATED IMPROVEMENTS AND DRIVEWAY & PARKING IN BUFFER

DWELLING, ASSOCIATED IMPROVEMENTS AND DRIVEWAY & PARKING = 7,986 SF

CRITICAL AREA LOT COVERAGE CALCULATIONS: ENTIRE SITE

TOTAL AREA IN CRITICAL AREA = 30.398 AC± OR 1,324,129 SF

15% LOT COVERAGE THRESHOLD = 15% OF 30.398 AC± = 198,619 SF

EXISTING LOT COVERAGE

2 STORY FRAME DWELLING	=	2,812 SF
GRAVEL DRIVEWAY	=	18,252 SF
SHEDS	=	1,536 SF
BRICK PATIOS AND WALK	=	396 SF
WOOD RAMP	=	50 SF
STEPS	=	22 SF
CONCRETE BULKHEAD	=	375 SF
CONCRETE APRON	=	87 SF
BILCO DOORS	=	27 SF
BARN	=	3,857 SF
WIRE CORN CRIBS	=	314 SF
TOTAL EXISTING LOT COVERAGE	=	27,278 SF 2.1%

EXISTING LOT COVERAGE TO BE REMOVED

2 STORY FRAME DWELLING (INCLUDING SMOKEHOUSE)	=	2,812 SF
GRAVEL DRIVEWAY	=	2,596 SF
SHEDS	=	1,176 SF
PATIOS, WALKS & RAMPS	=	466 SF
BILCO DOORS	=	27 SF
TOTAL EXISTING LOT COVERAGE TO BE REMOVED	=	7,077 SF

PROPOSED LOT COVERAGE

DWELLING & PORCHES	=	3,977 SF
RELOCATED SMOKEHOUSE	=	118 SF
GRAVEL DRIVEWAY	=	3,556 SF
WALKS & STEPS	=	768 SF
TOTAL PROPOSED LOT COVERAGE	=	8,419 SF

TOTAL LOT COVERAGE (EXISTING LESS REMOVED + PROPOSED)	=	29,070 SF 2.2%
ALLOWABLE LOT COVERAGE REMAINING	=	169,549 SF
NET INCREASE IN LOT COVERAGE	=	1,342 SF

LOT COVERAGE CALCULATIONS: 100' BUFFER

TOTAL AREA IN 100' BUFFER = 10,930 AC± OR 476,091 SF

EXISTING LOT COVERAGE

2 STORY FRAME DWELLING	=	2,802 SF
GRAVEL DRIVEWAY	=	6,332 SF
SHEDS	=	1,350 SF
BRICK PATIOS AND WALK	=	379 SF
WOOD RAMP	=	50 SF
STEPS	=	22 SF
CONCRETE BULKHEAD	=	375 SF
CONCRETE APRON	=	87 SF
BARN	=	208 SF
BILCO DOORS	=	27 SF
TOTAL EXISTING LOT COVERAGE	=	11,632 SF 2.4%

EXISTING LOT COVERAGE TO BE REMOVED

2 STORY FRAME DWELLING (INCLUDING SMOKEHOUSE)	=	2,802 SF
GRAVEL DRIVEWAY	=	2,596 SF
SHEDS	=	1,176 SF
PATIOS, WALKS & RAMPS	=	450 SF
BILCO DOORS	=	27 SF
TOTAL EXISTING LOT COVERAGE TO BE REMOVED	=	7,051 SF

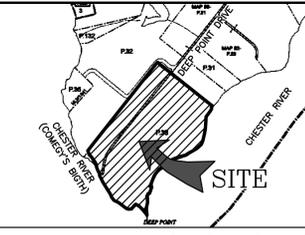
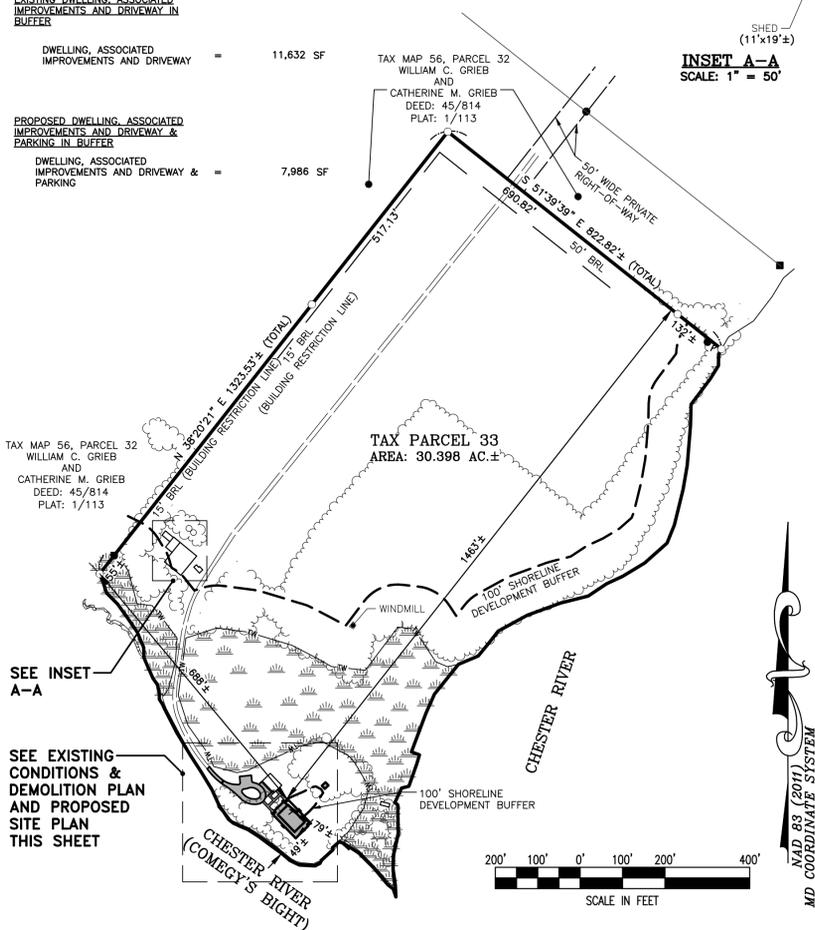
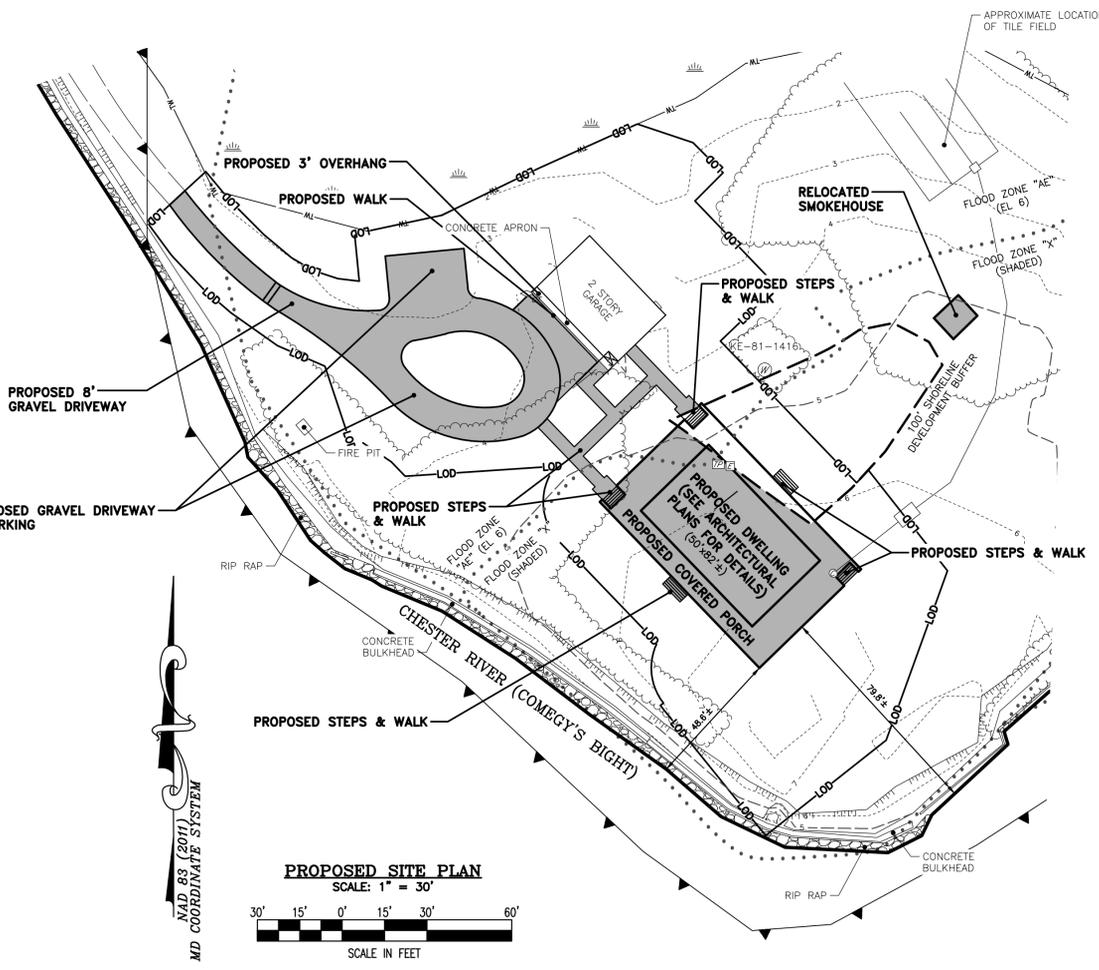
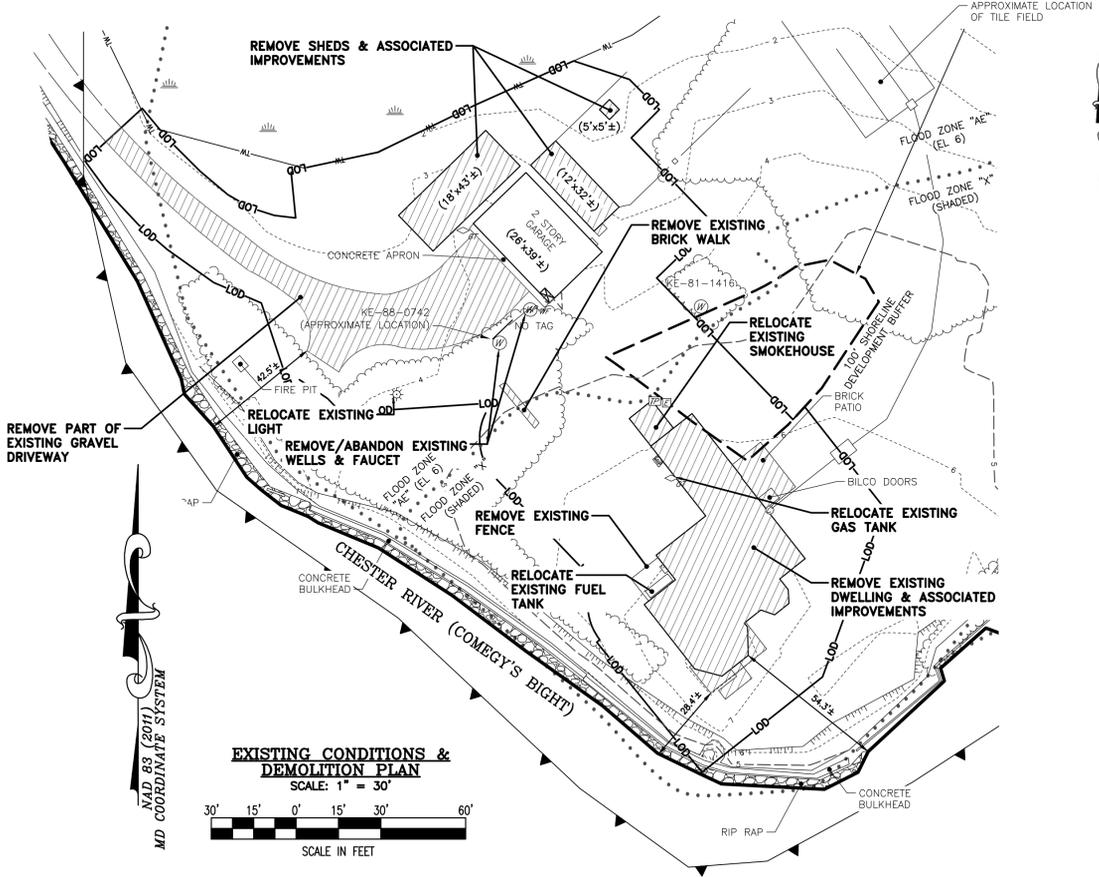
PROPOSED LOT COVERAGE

DWELLING & PORCHES	=	3,616 SF
RELOCATED SMOKEHOUSE	=	118 SF
GRAVEL DRIVEWAY	=	3,556 SF
WALKS & STEPS	=	696 SF
TOTAL PROPOSED LOT COVERAGE	=	7,986 SF

TOTAL LOT COVERAGE (EXISTING LESS REMOVED + PROPOSED)	=	12,567 SF 2.6%
NET INCREASE IN LOT COVERAGE	=	935 SF

LEGEND

- COMPUTED POINT
- IRON ROD FOUND
- CONCRETE MONUMENT FOUND
- ☼ LAMP POLE
- ⊕ ABOVE GROUND GAS TANK
- ⊖ ELECTRIC TRANSFORMER
- ⊙ TELEPHONE PEDESTAL
- ⊕ DRINKING WATER SUPPLY WELL
- ⊖ WATER FAUCET
- ⊕ TIDAL WETLAND
- ⊖ TIDAL WETLAND
- LIMIT OF MODERATE WAVE ACTION
- ▨ PROPOSED LOT COVERAGE IN BUFFER
- ▨ LIMITS OF DISTURBANCE = 28,422 SF
- ▨ LOT COVERAGE TO BE REMOVED



VICINITY MAP
 SCALE: 1" = 1,000'
 SCALE IN FEET

REVISIONS

No.	DATE	DESCRIPTION	BY

WARNING!!
 THE LOCATIONS OF EXISTING UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. THE QUANTITIES SHOWN ON THIS PLAN ARE FOR INFORMATIONAL AND PERMITTING PURPOSES ONLY. THE CONTRACTOR SHALL VERIFY ALL QUANTITIES TO HIS OWN SATISFACTION PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL TEST PIT AND LOCATE EXISTING UNDERGROUND UTILITIES PRIOR TO THE BEGINNING OF ANY WORK ON-SITE. THE CONTRACTOR SHALL NOTIFY DEPT. OF PUBLIC WORKS OF ANY POSSIBLE CONFLICT AND REQUEST THE RELOCATION OF THE EXISTING UNDERGROUND UTILITIES BEFORE BEGINNING ANY WORK ON-SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY RELOCATION EXPENSE.



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 Established 1986
 Civil Engineers • Land Planning • Land Surveyors
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 15 Washington St., Centreville, MD 21613 (410) 221-0818
 354 Pennsylvania Ave., Centreville, MD 21617 (410) 758-2095

PLANS ARE ISSUED FOR REVIEW ONLY
PLANS ARE NOT APPROVED FOR CONSTRUCTION

VARIANCE PLAN
 FOR
 4833 DEEP POINT DRIVE

IN THE SEVENTH ELECTION DISTRICT
 KENT COUNTY, MARYLAND
 TAX MAP 56, GRID 1F, PARCEL 33

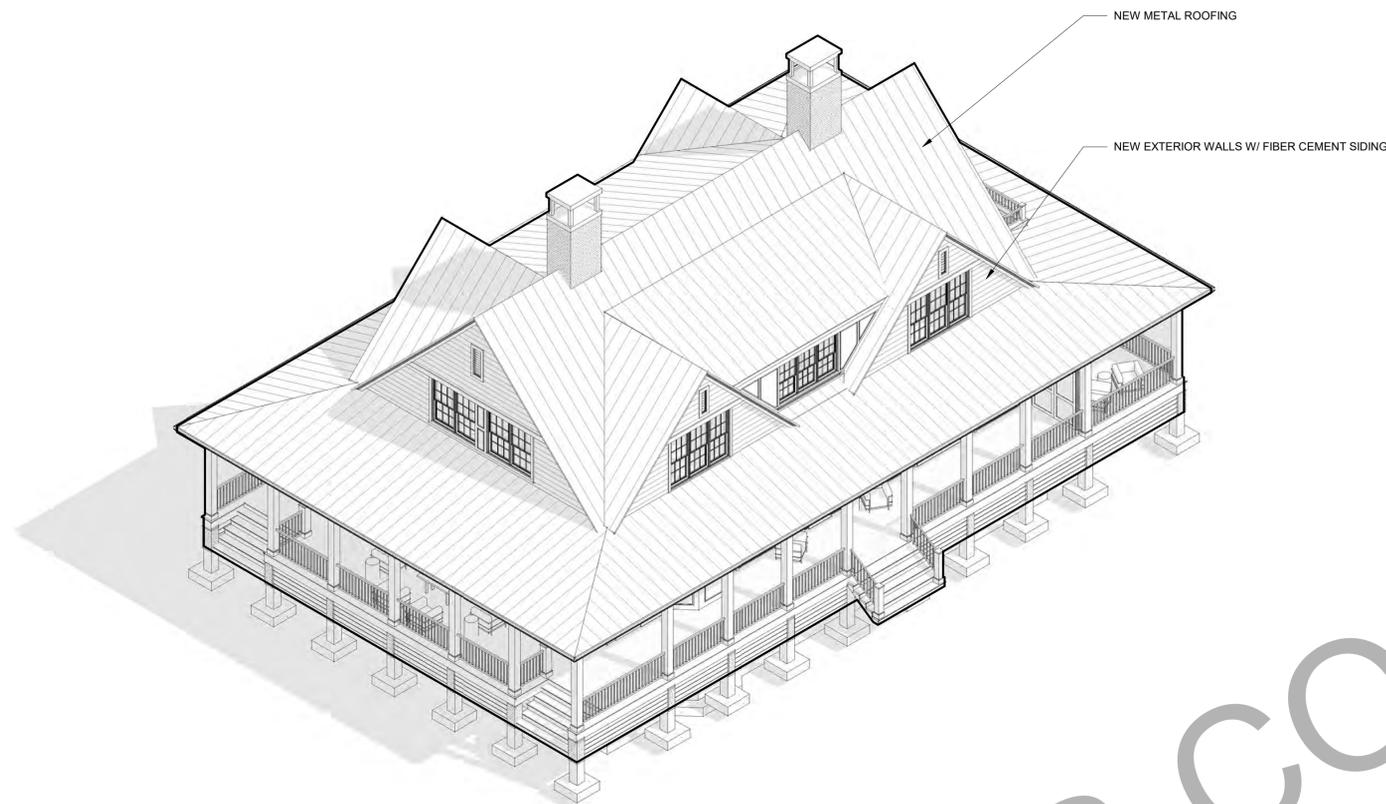
ISSUED FOR: AGENCY REVIEW DATE: 06/08/2022 BY: BCE

SHEET No. 1 OF 1 DATE: 06/08/2022
 JOB No. 210523
 SCALE: AS NOTED FILE No. D096

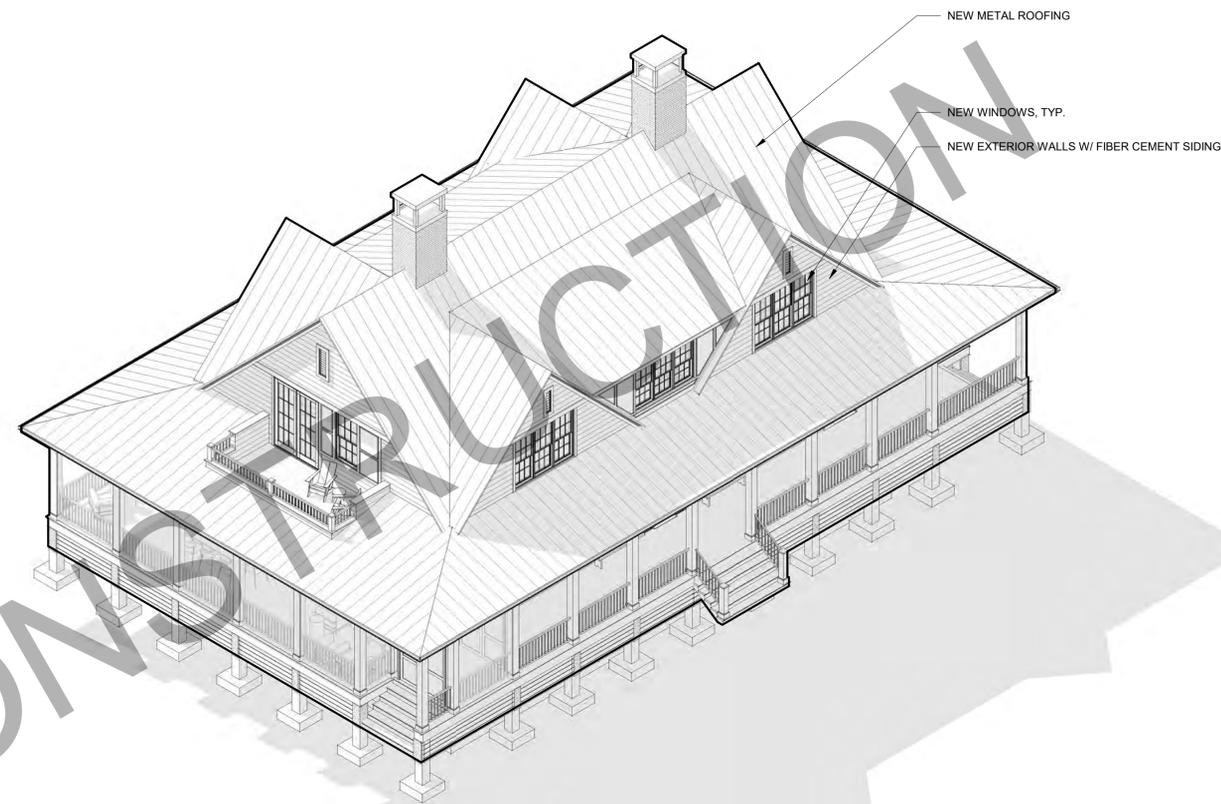
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REVISIONS:

NO.	DATE	REVISION
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Axon - Front



Axon - Rear

NOT FOR CONSTRUCTION

CHEN RESIDENCE
DESIGN DEVELOPING / PRICING SET
4833 DEEP POINT DRIVE
CHESTERTOWN, MD, 21620

PROJECT NAME:

ARCHITECT SEAL



Professional Certification:
I, Devin S. Kimmel, certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the State of MD, license number 18136, Expires 06/30/2023

PROJECT SCOPE

SCALE:

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

G2.00

REVISIONS:

NO.	DATE	REVISION

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DESIGN DEVELOPING / PRICING SET
4833 DEEP POINT DRIVE
CHESTERTOWN, MD, 21620

PROJECT NAME:

ARCHITECT SEAL

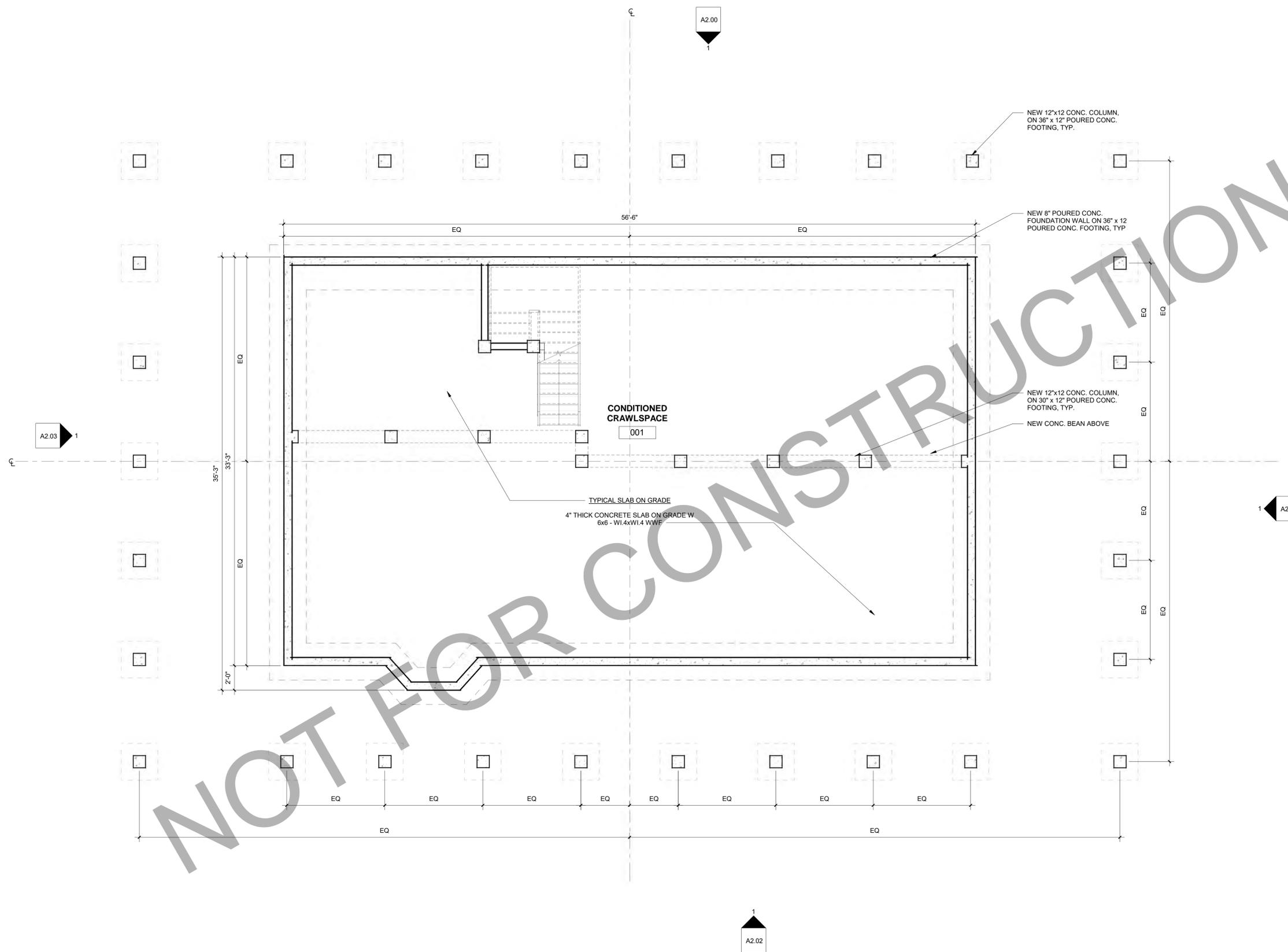
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BASEMENT FLOOR PLAN

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

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

A1.00



REVISIONS:

NO.	DATE	REVISION

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CHESTERTOWN, MD, 21620

PROJECT NAME:

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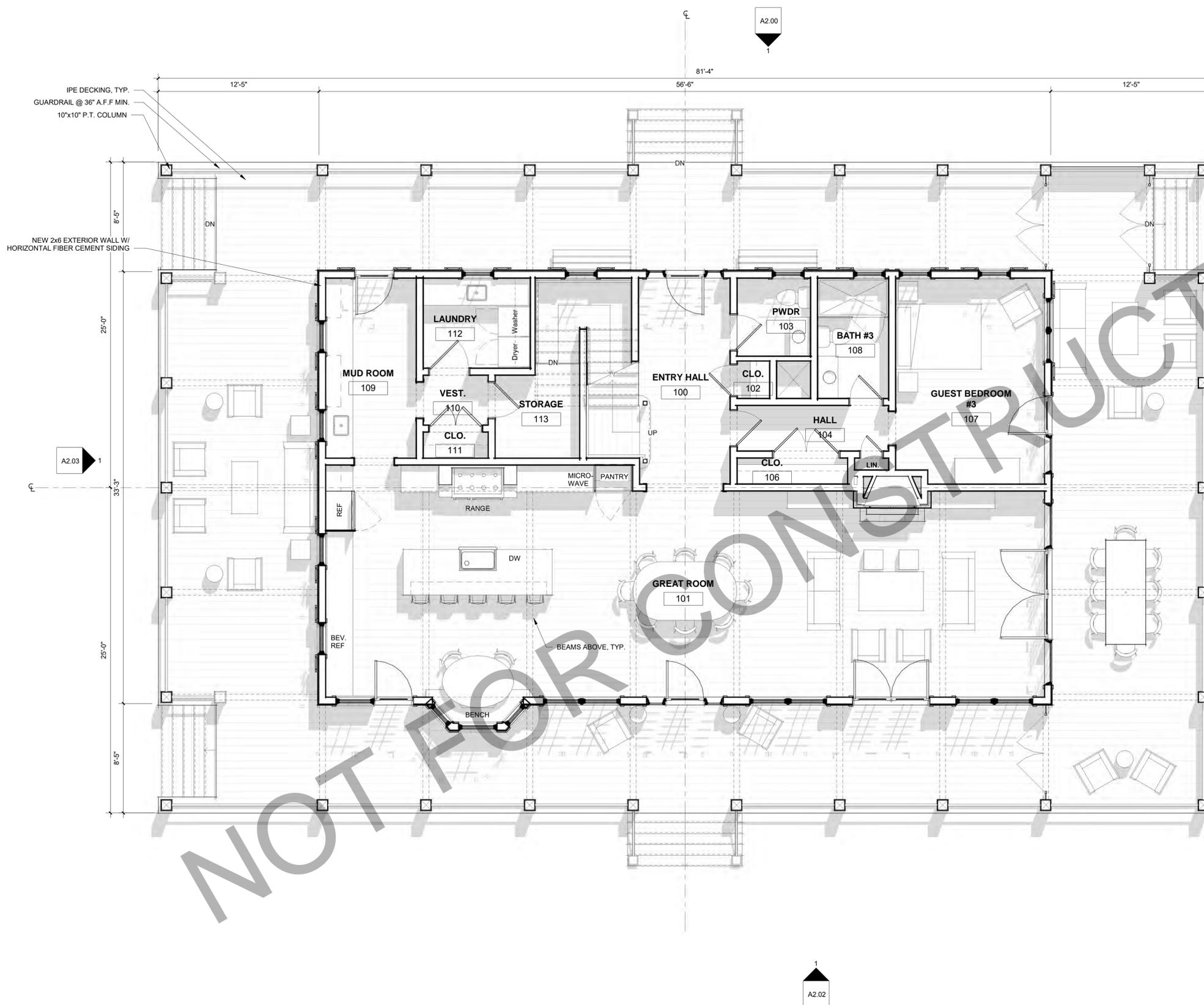
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FIRST FLOOR PLAN

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

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

A1.01



1
A1.01
FIRST FLOOR PLAN
1/4" = 1'-0"

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PROJECT NAME:

ARCHITECT SEAL

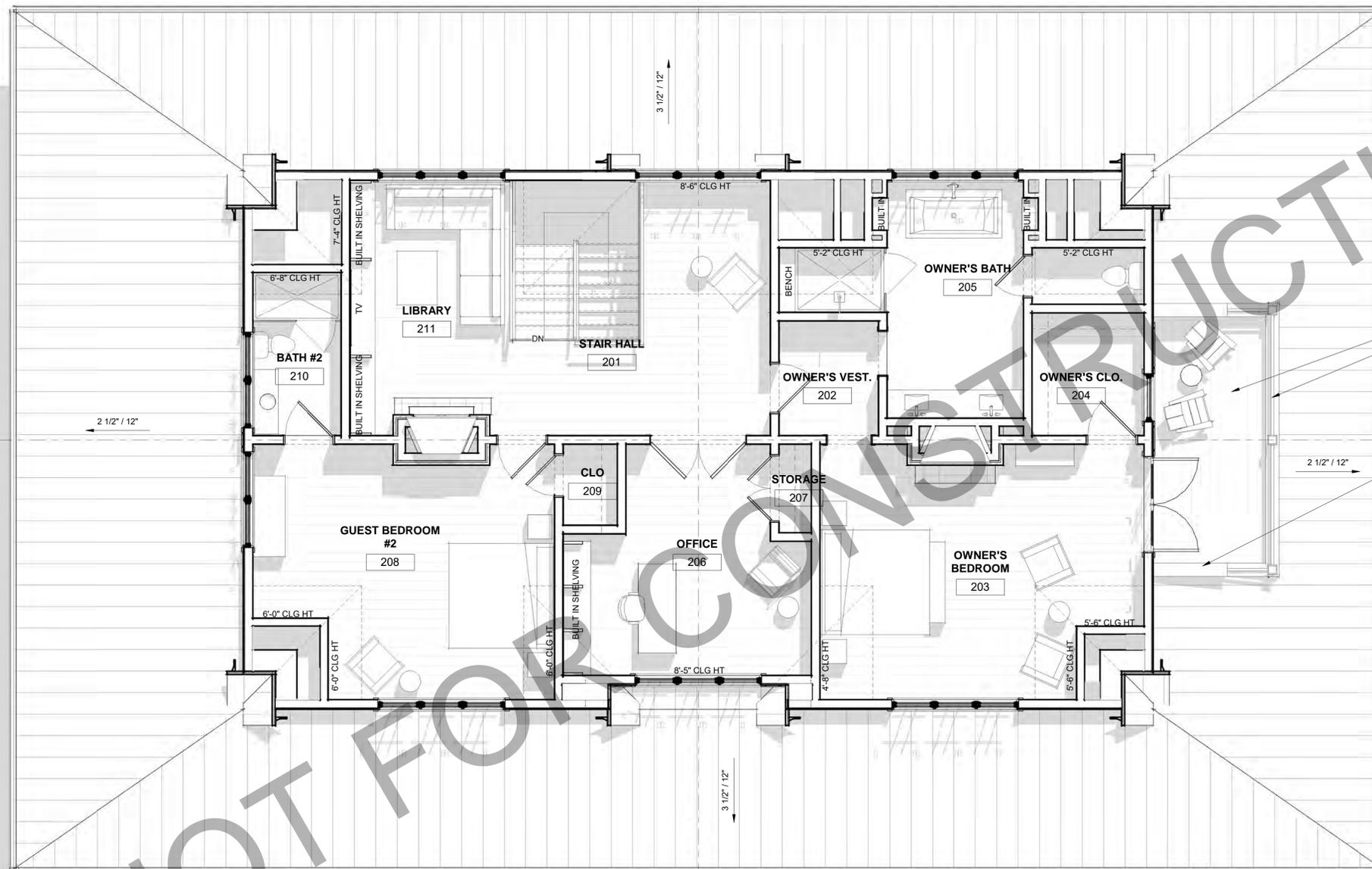
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SECOND FLOOR PLAN

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

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

A1.02



IPE DECKING ON TAPPED JOISTS, TYP.
T.O. GUARDRAIL TO BE 3'-0" A.F.F.

COPING AT HALF HEIGHT WALL, TYP.

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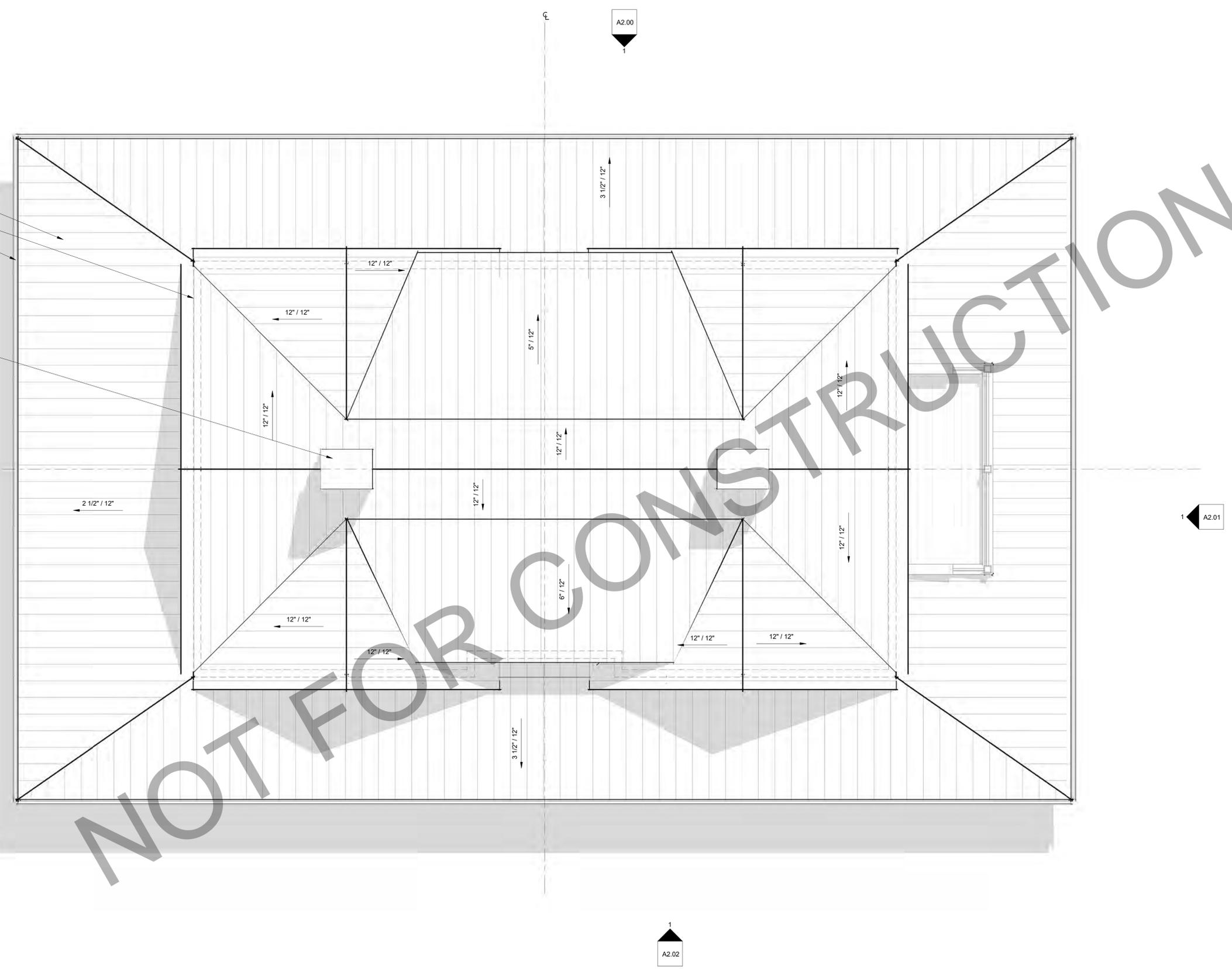
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ROOF PLAN

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

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

A1.03



STANDING SEAM METAL ROOFING
EXTERIOR WALL BELOW
PAINTED ALUMINIUM GUTTER

CHIMNEY CAP

REVISIONS:

NO.	DATE	REVISION

CHEN RESIDENCE
DESIGN DEVELOPING / PRICING SET
4833 DEEP POINT DRIVE
CHESTERTOWN, MD, 21620

PROJECT NAME:

ARCHITECT SEAL

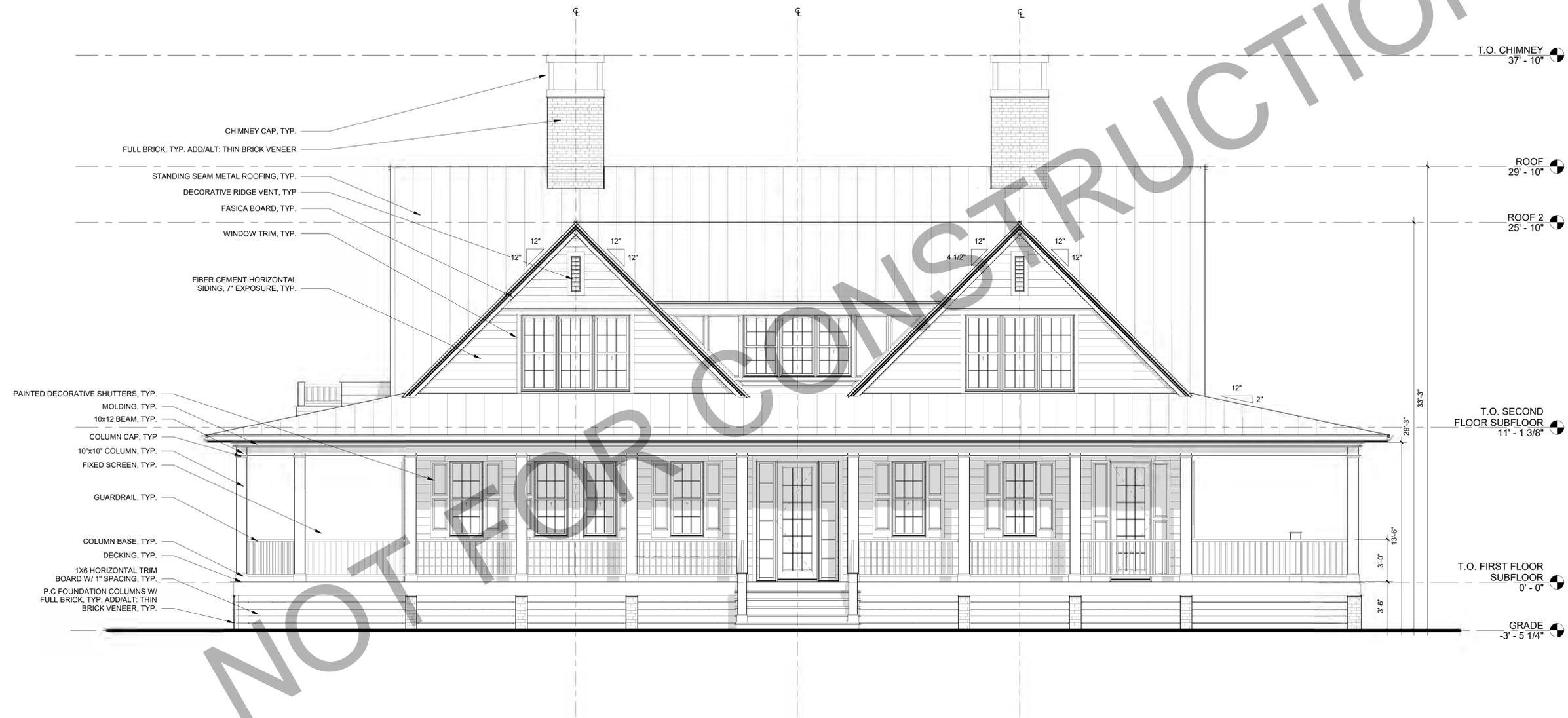
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EXTERIOR ELEVATION

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

DATE: 06/01/22	PROJECT NO.: 20210920
DRAWN BY: AS	CHECKED BY: DM

A2.00



REVISIONS:

NO.	DATE	REVISION
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PROJECT NAME:

ARCHITECT SEAL



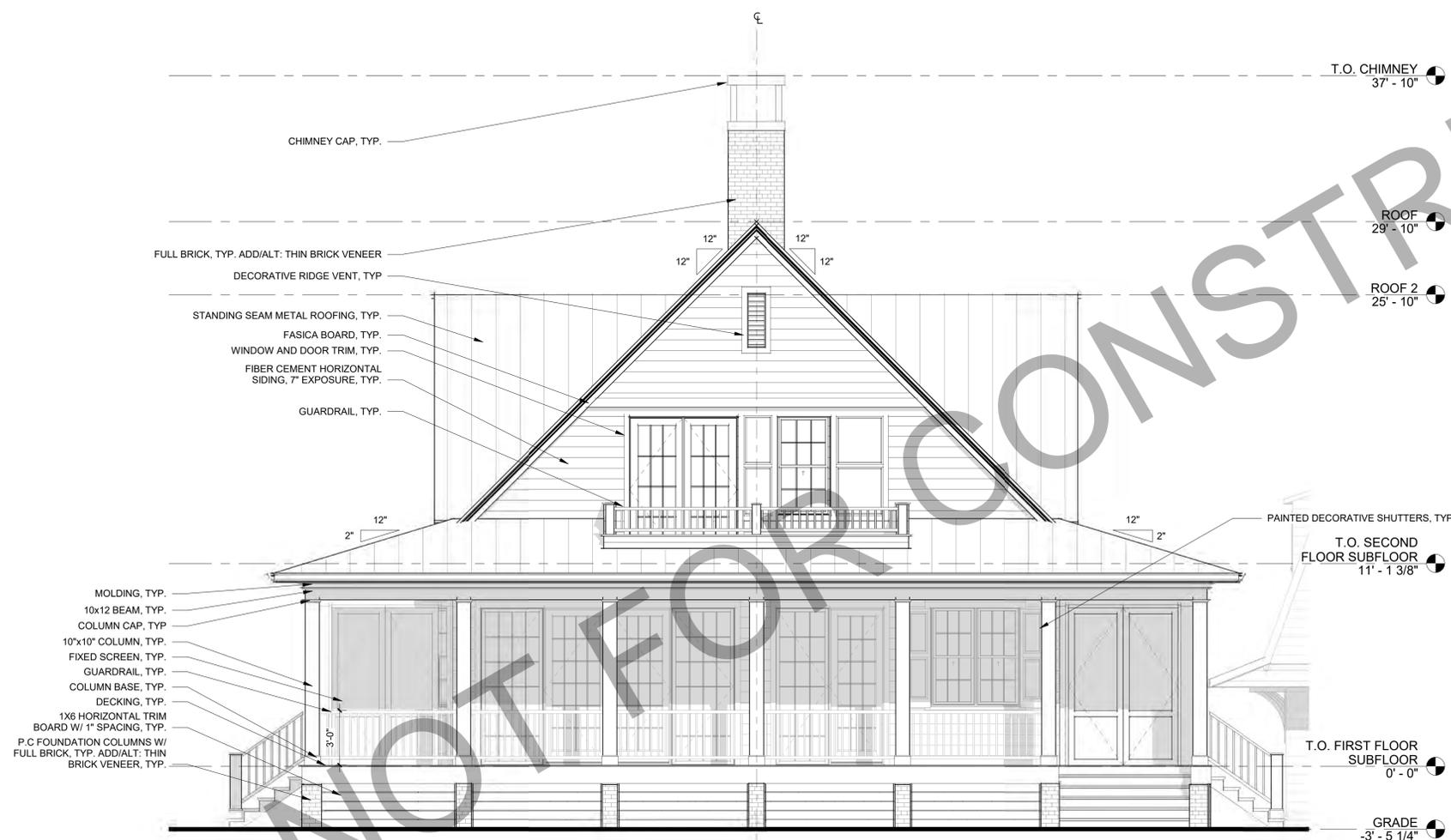
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EXTERIOR ELEVATION

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

DATE: 06/01/22	PROJECT NO.: 20210920
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A2.01



1 EAST ELEVATION
A2.01 1/4" = 1'-0"

REVISIONS:

NO.	DATE	REVISION

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4833 DEEP POINT DRIVE
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EXTERIOR ELEVATION

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

DATE: 06/01/22 PROJECT NO.: 20210920

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A2.02



- MOLDING, TYP.
- 10x12 BEAM, TYP.
- 2"
- 12"
- COLUMN CAP, TYP.
- 10"x10" COLUMN, TYP.
- GUARDRAIL, TYP.
- COLUMN BASE, TYP.
- DECKING, TYP.
- 1X6 HORIZONTAL TRIM BOARD W/ 1" SPACING, TYP.
- P.C FOUNDATION COLUMNS W/ FULL BRICK, TYP. ADD/ALT: THIN BRICK VENEER, TYP.
- 3'-0"

1 SOUTH ELEVATION
A2.02 1/4" = 1'-0"

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CHESTERTOWN, MD, 21620

PROJECT NAME:

ARCHITECT SEAL



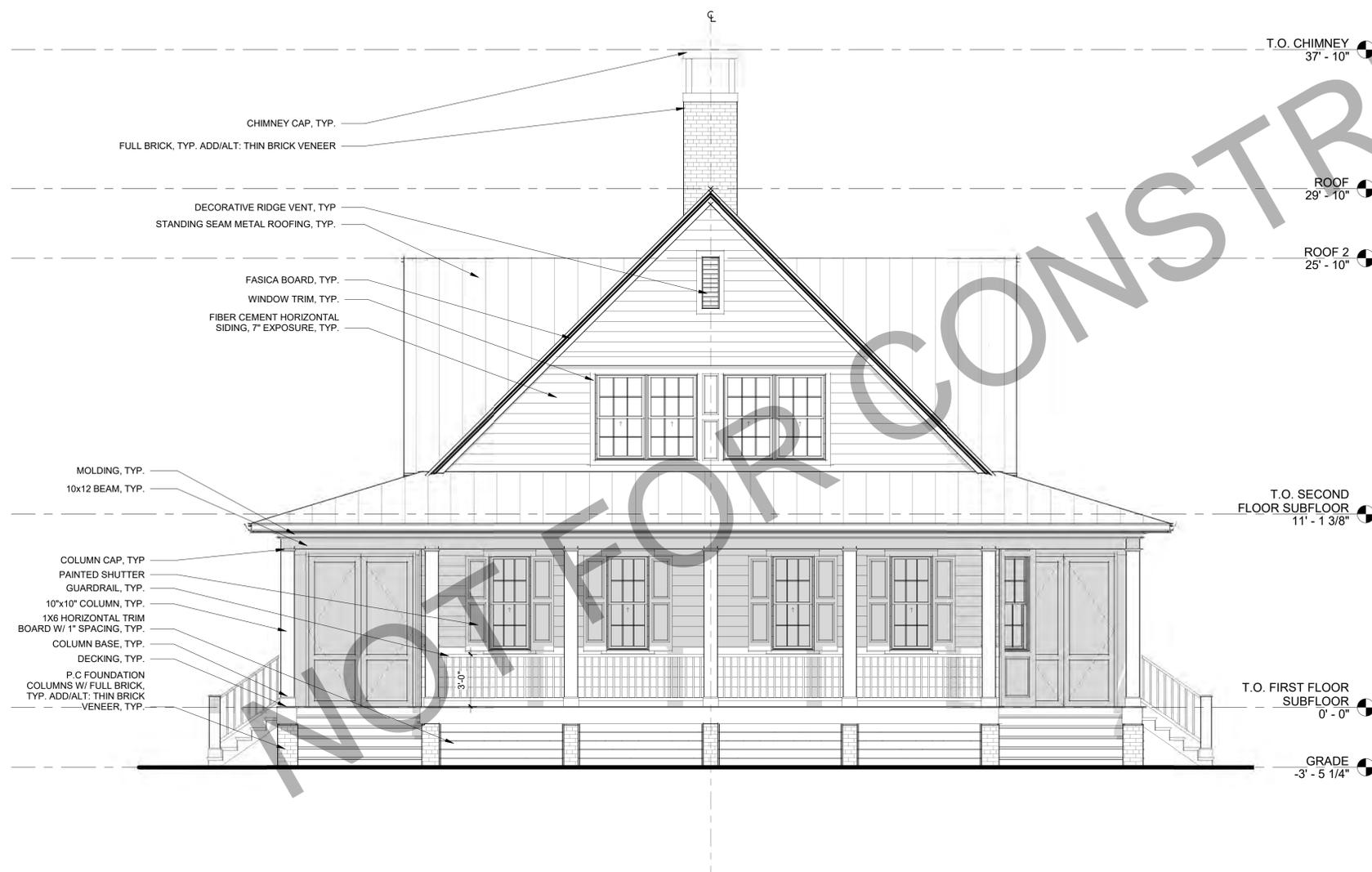
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EXTERIOR ELEVATION

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

DATE: 06/01/22	PROJECT NO.: 20210920
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A2.03



1 WEST ELEVATION
A2.03 1/4" = 1'-0"

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