



County Commissioners Hearing Room

400 High Street
Chestertown, Maryland

AGENDA

Monday, March 18, 2024

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: **698 119 43#**

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

Members of the public may also watch the live video feed and view the video after the meeting at the County's YouTube channel: @kentcountygovernment2757.

MINUTES

February 12, 2024

APPLICATIONS FOR REVIEW:

- 23-64 Reopening the record to receive testimony from online participants not recognized by the Board during the January 22, 2024, hearing of Kyle Lindstrom on behalf of Greg Watson – Appeal of Zoning Administrator's Decision
12594 Coopers Lane, Worton, Third Election District – Critical Area Residential (CAR)
- 24-7 Jill Gaumer and Lynn Winkler – Variance – Pier Length
24251 Drayton Landing Drive, Worton – Third Election District – Critical Area Residential (CAR)
- 24-9 Gerald Dockstader and Eric Colliflower – Appeal of Planning Director's Decision on Permitted Uses
Minary's Dream Alliance, 9155 American Legion Road, Chestertown

GENERAL DISCUSSION

ADJOURN

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.

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)

Kyle Lindstrom

25820 Still Pond Neck Road

Worton, MD 21678

Email: Kyle@Lindexc.com

For Office Use Only:

Case Number/Date Filed: 23-64
Filed by: Kyle Lindstrom
Applicant: Greg Watson (property owner)
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: Kyle@Lindexc.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:

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

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 12544 Coopers Ln, Worton, MD 21678

In the Election District of Kent County.

Size of lot or parcel of Land: 5.74

Map: 0011 Parcel: 0052 Lot #: 82 Deed Ref: 00781/00326

List buildings already on property: House + Shed

If subdivision, indicate lot and block number: Lot 52

If there is a homeowner's association, give name and address of association: Kinnards Point

Property owners Association 24089 Kinnards Point Dr. Worton, MD 21678

PRESENT ZONING OF PROPERTY: Residential

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

100 foot buffer disturbance with stone above mean high water on moved land

If appealing decision of Zoning Administrator, list date of their decision: 10/4/2023

Present owner(s) of property: Greg Watson Telephone:

If Applicant is not owner, please indicate your interest in this property: Contractor for Owner

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

If so, please give Application Number and Date: P+2 29225 7/13/2023

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: Kinnards Point Property Owners Association Inc.

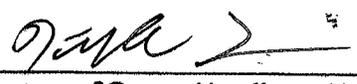
Owner(s) on the South: Lot 2 Isely John C + Elizabeth G Clark

Owner(s) to the East: Coopers Lane

Owner(s) to the West: Churn Creek

Homeowners Association, name and address, if applicable: Kinnards Point Property Owners Association 24089 Kinnards Point Dr. Worton, MD 21678

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

 10/30/2023
Signature of Owner/Applicant/Agent or Attorney Date

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

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

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



12590 Coopers Lane | P.O. Box B Worton, MD 21678 | 410-778-1516 | Cell/text: 410-708-2385 | liz@iselyclark.com

January 22, 2024

From: Elizabeth Clark
12590 Coopers Lane,
Worton, MD 21678

To: All Members of the Board of Zoning Appeals, Kent County MD
And William Mackey, Director of Planning, Housing, and Zoning, Kent County MD

RE: Case #23-64—Kyle Lindstrom on behalf of Watson

I am Elizabeth Clark and an adjoining neighbor to Greg Watson (12594 Coopers Lane).

I was intending to appear at the January 22nd meeting for the review of the plan for Greg Watson's shoreline. (12594 Coopers Lane) After a review of the icy condition on Coopers Lane that afternoon I thought it was safest to watch from home.

There was not a clear opportunity for the public to weigh in and I was paying attention. Please remember off-site viewers can't catch everything said easily. I saw that Greg Watson's number was on the right side of the screen, so he had logged in. So, *after the fact*, I ask you to hear/read *my viewpoint as a 40-year resident on Churn Creek*.

I also invite you for coffee anytime on my pier for future "background." (I make strong coffee.) There we have a good perspective of the surrounding shoreline. You may wish to come in the late spring when it is warm and the leaves are out, or you may come soon this winter if you bundle up. Please do kindly consider my offer of a visit.

Since I have lived on the Creek for four decades I have a good idea what dangers the shoreline faces and how it has changed. Since my husband (John Isely, now deceased) and I built our little house (*pre-Critical Areas Criteria*) the bank here has eroded at least ten feet. My bank is about 6 feet high from the "beach." All of the erosion on the creek is a concern for me since we built 70 feet from the original shoreline, within the regulations at the time. I see increased silting of the area around me—particularly noticeable in a blow-out tide.

Had I attended, and been able to speak I would have begged the board to understand that due to NW winds chewing away at the shore (among the other points made), there is no way that a living shore will last. I can't remember the exact year but at least 15 years ago, my immediate neighbor on the up-creek side of me (Jerry Smith) put in a living shoreline with partial funding from the State (available at the time). The mitigation didn't last through the following winter. Between the geese plucking out the grasses and the churning of the NW wind, and the scouring of the ice, the sand mixture washed away. The neighbor was, under the rules, obliged to repair the damage with his own funds, which he did. The next winter destroyed that second planting and repair. Now, the erosion continues. *If it were the County's money funding the project, I would hope you would consider the fail rate.*

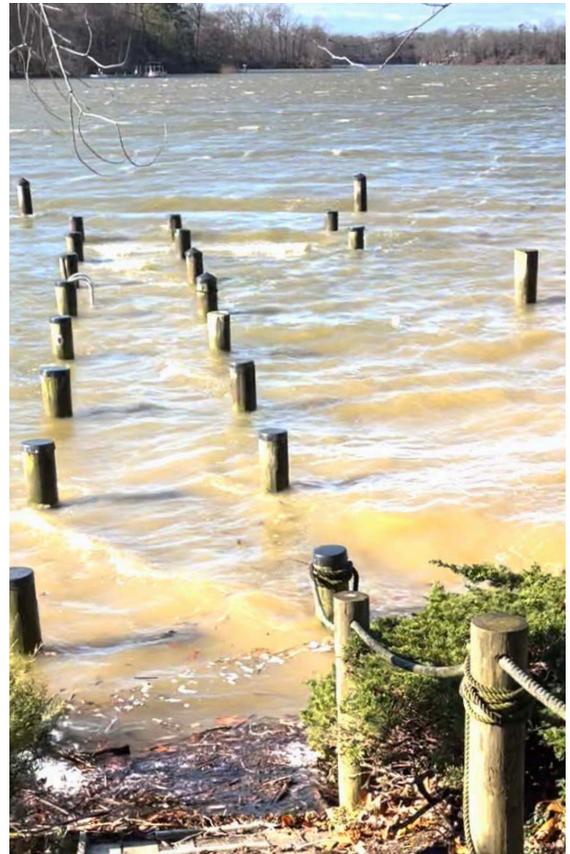
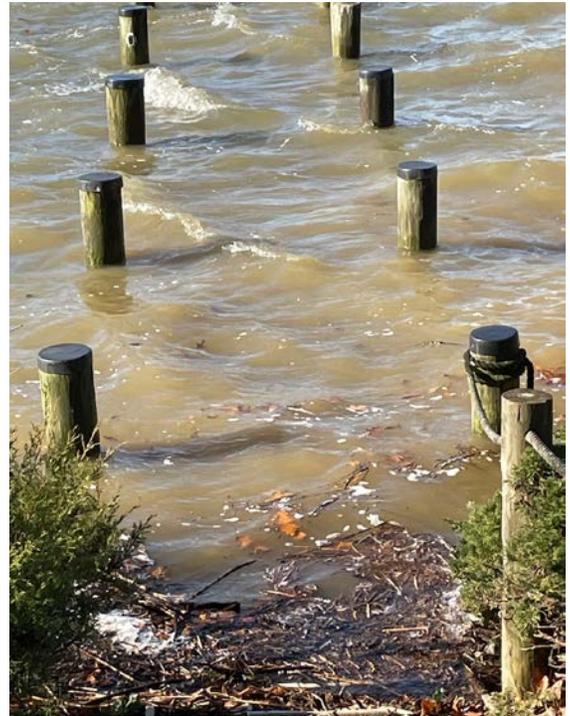
I applaud the Watson family for undertaking their mitigation plan. They are excellent neighbors with intentions to help Churn Creek and hoping to stabilize their own eroding bank and in the process, save a magnificent tree. They should be thanked for taking on an expensive project and guided in a more productive way so that this costly project lasts for years. We need thoughtful examination beyond Googling marsh grasses and a quick debate of a line in the regulations. With respect to all, I don't feel that this meeting led to a recognition of the conditions faced.

Thank you for the time reading my viewpoint

Please see the next pages for some photos that might illuminate the situation further.

Respectfully,
Elizabeth Clark

(Below) The location of the neighbor's shoreline where the "living" shoreline mitigation failed around 15 years ago. (My memory fails on year, the Smiths are now deceased).



Pier of Elizabeth Clark in the recent high tide events. Above was Dec of 2023. To left was January 10, 2024, before the wind turned. These and other storms blow the water up the Bay, then turn and the NW winds whip down the creek while the tide is still above normal high tide level.

Continued on next page>>



And finally, on Google Maps I see that other properties down-creek from Watson's have stone mitigation. And the large authentic marsh at the top of the image is protected from the NW winds but cupped in from erosion at the water's edge.

Evaluation of Living Shoreline Techniques from a Living Shorelines Summit in Williamsburg

"The real challenge exists when we try to construct living shorelines in medium- and high-energy wave environments. Typically, this requires the use of some structural components. **The concept of living shorelines is not a trouble-free strategy, particularly in medium and higher-energy environments.**" https://www.vims.edu/cbnerr/_docs/ctp_docs/ls_docs/O6_LS_Eval.pdf

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Katherine Charbonneau
Executive Director

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

January 17, 2024

Carla Gerber
Planning, Housing and Zoning
Kent County Government
R. Clayton Mitchell, Jr. Kent County Government Center
400 High Street
Chestertown, MD 21620

Re: **Lindstrom/Watson Sediment Erosion Control Application (TM 0011, P 0052)
Appeal of Decision of Kent County Planning Director**

Dear Ms. Gerber:

We are in receipt of an appeal of the Kent County Planning Director (William A. Mackey)'s determination regarding a sediment erosion control application at 12594 Cooper's Lane, which is located within a Limited Development Area (LDA). Specifically, the applicant is appealing Mr. Mackey's determination to deny approval to install 85 linear feet of stone revetment, of which 45 feet would be located above Mean High Water and within the 100-foot Buffer. Instead, the Planning Director determined that only 40 linear feet of stone revetment could be approved in accordance with the Maryland Department of the Environment's (MDE) General Tidal Wetlands License (22-GL-1106). Any additional erosion control must be provided as a living shoreline, as outlined in Matthew Godbey's July 20, 2023 email.

I attended a site visit with the County, MDE, and the applicant's consultant on February 10, 2023. At that meeting, we discussed that the site could only receive a partial waiver to install a stone revetment to protect the existing pier and a mature tree; MDE would not approve of a waiver to allow revetment along the entirety of the shoreline, as the remaining portion of the site had characteristics amenable to a living shoreline. Given the site's characteristics and the guidance received from MDE, locating revetment above Mean High Water would be contrary to the goals of MDE's Living Shoreline Act and would be considered a non-water dependent structure within the Buffer, which our office would not support. Our staff recommended that the applicant work with the County, MDE, and our office to acquire the appropriate permits to install a living shoreline.

Based on our site visit and on conversations with MDE and the County staff, we concur with the Planning Director's determination that the proposed revetment above Mean High Water cannot be approved. Rather, a living shoreline should be installed for the remaining 45 linear feet of shoreline.



Department of Planning, Housing, and Zoning

October 4, 2023

Alex G. Dolgos
Consulting Services
8214 Whispering Pines Lane
Chestertown MD 21620

Re: Submitted materials for an application related to sediment control permit at 12594 Coopers Lane in Worton MD

Dear Mr. Dolgos,

Thank you for your inquiry regarding your application for a sediment control permit at the property noted above.

I appreciate you taking the time to explain your requested changes to your application. It's my understanding that you would like to install an additional 45 linear feet of stone revetment along the shoreline beyond what was approved by MDE. It's also my understanding that representatives from both MDE and DNR from the Critical Area Commission visited the subject property. Please find the attached email thread from MDE summarizing the situation at the property. Per the email, the Critical Area Commission would not be amendable to more stone.

Per Article V *District Regulations, Section 2 Resource Conservation District, §2.7 Resource Conservation District Environmental Standards, Part A. Resource Conservation District General Environmental Standards* of the Kent County Land Use Ordinance, the following regulations apply to all projects in the Resource Conservation District:

1. Development shall minimize adverse impacts to non-tidal or tidal wetlands, estuaries, the Chesapeake Bay, tributary streams, and the natural course and riparian habitat of these streams, habitat protection areas, or other significant habitat identified by the Department of Planning and Zoning.

It's my determination that in applying these local standards to meet State goals for the protection of the Chesapeake Bay, the County is well advised to accept the input of the Critical Area Commission staff as to the best implementation of State guidelines and COMAR via local regulations. In this regard, your proposed application for 85 linear feet of stone revetment cannot be approved. If you were to submit additional information that provided for a living shoreline along 45 linear feet of the shoreline in conjunction with the 40 feet of stone revetment approved by MDE, this application would be approvable, following submittal of details on how to create the living shoreline.

Please note this letter represents an administrative determination. If you wish to appeal this determination, you may do so by filing an appeal within thirty (30) days from the date of the determination. Please note that such an appeal may be sent directly to planning@kentgov.org. Appeals are reviewed by the Kent County Board of Appeals.

Please note that in addition to the General Environmental Standards for the Resource Conservation District, the 2018 Kent County Comprehensive Plan sets forth on page 64 that the preferred solution for shoreline stabilization is a living shoreline.

Strategy: Encourage shore erosion control and promote living shorelines as the preferred method of shoreline stabilization.

The County will encourage stabilization of eroding shoreline. Kent County, working with [the] State, will encourage waterfront property owners to consider living shorelines as the preferred treatment to restore eroding shorelines. While not all sites are appropriate for living shorelines, the County will continue to work with property owners, watershed organizations, and State agencies to promote opportunities to implement living shoreline projects.

On many sites, living shorelines have proven effective at stabilizing shorelines while providing vital shoreline fish and other wildlife habitat. For higher energy wave action sites, rip rap and stone revetments protect shorelines by reflecting wave energy. Such structural solutions provide erosion protection, but little habitat.

To assist you in your application, I've included a copy of the form to apply for an appeal to the Zoning Board of Appeals.

If you have any questions, please let me know.

Sincerely,



William A. Mackey, AICP
Director

Attachments

- Email thread with MDE and DNR
- Application to Board of Appeals

c: Shelley L. Heller, Kent County Administrator
Carla Gerber, AICP, Deputy Director
Mark Carper, LEED Green Associate, Associate Planner

ATTACHMENT – EMAIL THREAD WITH MDE AND DNR

From: Matt Godbey -MDE- <matt.godbey@maryland.gov>
Sent: Thursday, July 20, 2023 12:23 PM
To: Mark Carper <mcarper@kentgov.org>
Cc: Tay Harris -DNR- <tay.harris@maryland.gov>;
Bryan Foreman <bforeman@kentgov.org>;
Nick Kelly -DNR- <nick.kelly@maryland.gov>
Subject: Re: Watson Revetment @ 12594 Coopers Lane in Worton

Mark,

12594 Coopers Ln, Worton, MD 21678 is mapped as suitable for a Living Shoreline. The pre-application meeting determined that a partial waiver for 40 feet could be authorized to protect the pier and a mature tree. When the application was submitted, the project requested 85 feet of revetment that transitioned from the pier to the uplands above the jurisdiction of the Tidal Department. At our meeting on 2/10/2023, it was decided the Department would be not issuing a waiver for the additional 45 feet since it was suitable for a Living Shoreline as discussed with the agent at the pre-app meeting. Critical Area would not authorize revetment to be placed within the upland buffer as Tidal deemed a Living Shoreline was more suitable for that length of shoreline. Why the application was submitted to you with the additional 85 feet of stone I am not sure. Let me know if I can provide anything else.

Matt

On Thu, Jul 20, 2023 at 11:01 AM Mark Carper <mcarper@kentgov.org> wrote:

Hi, Matt

If you could provide some details as to why just the 40 feet was authorized for stone rather than the entirety of the shore, that would be helpful for me in better understanding. On the current application, it appears that most of the additional stone is to be placed above MHW with some of it also to be below MHW, which is not authorized.

Thank you!



Mark Carper, LEED Green Associate

Associate Planner

Kent County, Maryland

400 High Street,

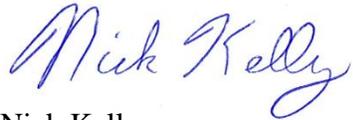
Chestertown, MD 21620

(410) 810-2220

mcarper@kentgov.org

Thank you for the opportunity to provide comments. Please include this letter as part of the record in this application. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Regional Program Chief

cc: William A. Mackey, Kent County
Matthew Godbey, Maryland Department of the Environment

KC 0017-24

KENT SOIL AND WATER CONSERVATION DISTRICT
122 Speer Road, Suite 4
CHESTERTOWN, MD 21620
Tel: 410-778-5150 ext. 3283

1. Project Name: Egeg Watson Revetment
2. Consultants Name: Kyle Lindstrom
3. Contact person: Kyle Lindstrom
4. Phone Number: 410-778-6344
5. Kent Count, Maryland tax map number 0011 parcel 0052 lot 82
6. ADC Map Coordinates: Map 1 D 11
7. Nearest City/Town Worton, MD
8. Does the project need Sediment Control review? Yes or No
9. Does the project need Stormwater Management review? Yes or No
10. Is the project in the Chesapeake Bay Critical Area? Yes or No
11. Are Wetlands located on or near site? Yes or No
12. Is the site in the 100 year flood plain? Yes or No
13. Sediment Control:
 - a. Total site area in Acres ~~0.019~~ 0.02 5.74
 - b. Disturbed area in Acres 0.0195
14. Stormwater Management:
 - a. Are Structural Practices Used to treat Storm Water? Yes or No
 - b. If yes: (If more than three structures please list on additional sheet)
Structure type N/A Drainage Area: N/A
Structure type _____ Drainage Area: _____
Structure type _____ Drainage Area: _____

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 site.
12. In cases where stormwater management structures are a part of site development, removal of sediment control may not be accomplished before the contributing area to the stormwater management structure is stabilized:
13. On sites where infiltration techniques are utilized for the control of stormwater, extreme care must be taken to prevent all runoff from entering the structure during construction.
14. Sediment control for utility construction in areas outside of designed controls:
 - 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 fence or straw bale dikes shall be placed immediately downstream of any disturbed area intended to remain disturbed longer than one working day.
15. All points of construction ingress and egress shall be protected to prevent tracking of mud onto public ways.

16. Site Information: 5.74

Total Area of Site ~~0.02~~ Acres

Area Disturbed 0.02 Acres

New - Area to be roofed
paved or concreted 0 Acres

Existing - Area that is roofed
paved or concreted 0.06 Acres

Total Cut 0 Cu. Yds.

Total Fill 0 Cu. Yds.

ALEX G. DOLGOS
CONSULTING SERVICES
8214 Whispering Pines Lane
Chestertown, Maryland 21620
410-708-6545

PROJECT PROPOSAL AND BUFFER MANAGEMENT
PLAN FOR THE GREGORY WATSON PROPERTY AT
12594 COOPERS LANE, WORTON, MARYLAND

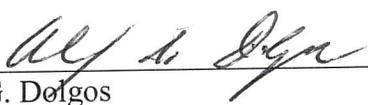
Mr. Watson proposes to install 85 linear feet of stone revetment on an eroding shoreline at his property on Churn Creek.

The Maryland Department of the Environment has authorized 40 linear feet of stone at this location (permit attached). The applicant proposes to place an additional 45 linear feet of stone revetment landward of the mean high-water shoreline within the 100-foot critical area buffer, as depicted on the attached plans.

The subject site is a mowed lawn, and no tree clearing is proposed by this project. All stone will be stockpiled on the existing gravel driveway and parking area and moved to the shoreline as needed.

The actual area of the buffer to be impacted is 730 square feet. The property owner proposed to plant four- two-inch caliper trees within the buffer to mitigate for the permanent buffer disturbance.

All excess fill material as a result of the grading the bank will be directly loaded into a truck and moved to the Lindstrom approved disposal site.



Alex G. Dolgos



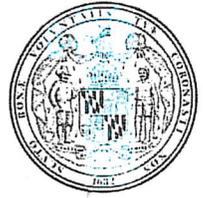
Date







STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
GENERAL TIDAL WETLANDS LICENSE



LICENSE NUMBER: **22-GL-1106**

EFFECTIVE DATE: **March 08, 2023**

EXPIRATION DATE: **March 07, 2026**

LICENSEE: **Gregory Watson, Et ux**

ADDRESS: **12594 Coopers Ln**

Worton, MD 19342

PROJECT LOCATION: **12594 Coopers Ln**

Worton, MD 19342

Churn Creek in Kent County

PURSUANT TO THE AUTHORITY OF THE BOARD OF PUBLIC WORKS, TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AND CODE OF MARYLAND REGULATIONS 26.24 AND 23.02.04, **Gregory Watson** ("LICENSEE") IS AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT THE FOLLOWING REGULATED ACTIVITY IN STATE TIDAL WETLANDS, IN ACCORDANCE WITH THE CONDITIONS OF THIS LICENSE AND THE ATTACHED PLANS DATED **February 14, 2023**, PREPARED BY **Alex Dolgos Consulting Service**, AND APPROVED BY THE ADMINISTRATION'S TIDAL WETLANDS DIVISION ON **March 08, 2023**, AND INCORPORATED HEREIN:

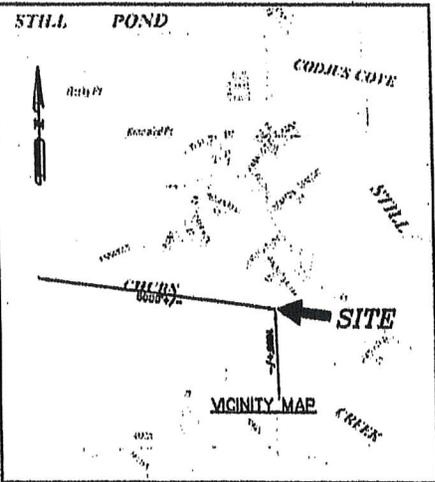
Construct 40 feet of stone revetment within a maximum of 6 feet channelward of the mean high water line.

SPECIAL CONDITIONS

- A. The Licensee shall have all work proposed above the mean high water line (MHWL) reviewed and authorized by Kent County Department of Planning and Zoning.
- B. The Licensee shall design and construct the stone revetment to prevent the loss of fill material to waters of the State of Maryland.
- C. The Licensee shall not use asphalt rubble in the revetment. Filter cloth shall be placed between the riprap and the soil. Prior to emplacement of the revetment, all rebar is to be cut off flush with the concrete. After emplacement of the revetment, any rebar exposed as a result of the concrete breaking during the emplacement is to be cut flush with the concrete. Except for the larger material placed along the leading edge of the revetment, the concrete shall be broken prior to emplacement so that random sized interlocking pieces are formed.

GENERAL CONDITIONS

- A. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted in a manner consistent with the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.



22-GL-1106
 202261729
 176644
 2/14/2023
 MG

NOTES:

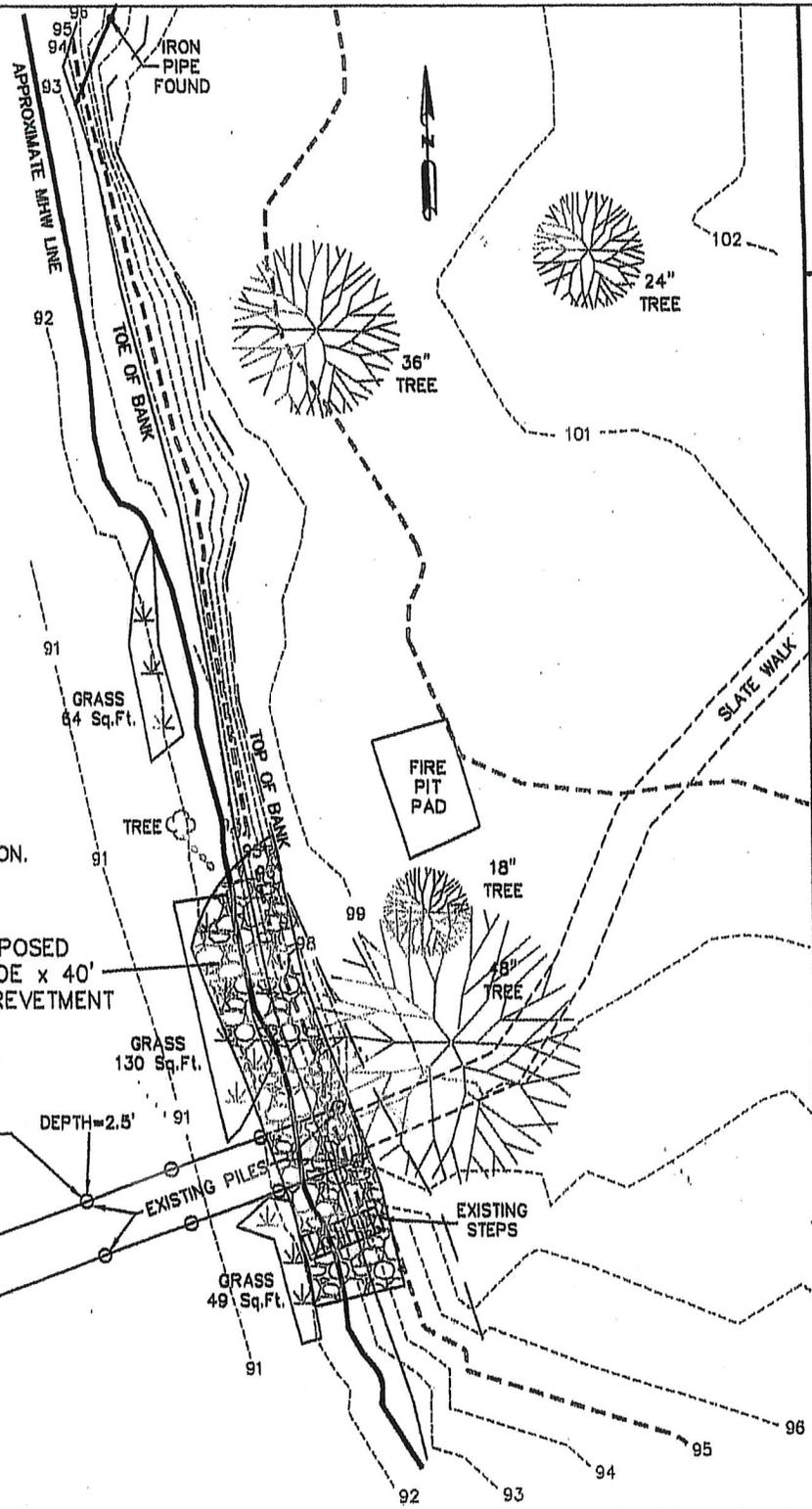
1. OWNERS - GREGORY C. WATSON & C. T. WATSON
2. PROPERTY ADDRESS: 12594 COOPERS LANE
WORTON, MD 21678
3. FOR DEED REFERENCE SEE, M.L.M. 781/326
4. FOR PLAT REFERENCE SEE: E.H.P. 1/179 & E.H.P. 2/63
5. PROPERTY IS ZONED - CAR - CRITICAL AREA RESIDENTIAL
6. VERTICAL DATA SHOWN HEREON IS BASED UPON AN ASSUMED ELEVATION.

CHURN CREEK

WATER SURFACE
 EL. = 92.577

BM-PK NAIL
 TOP CENTER
 OF PILE
 EL. = 95.77

PROPOSED
 10' WIDE x 40'
 STONE REVETMENT



DRAWN BY RKS
 SCALE 1"=20'
 DATE 2-14-23
 JOB No. TM11-P52sp2
 FOLDER Watson

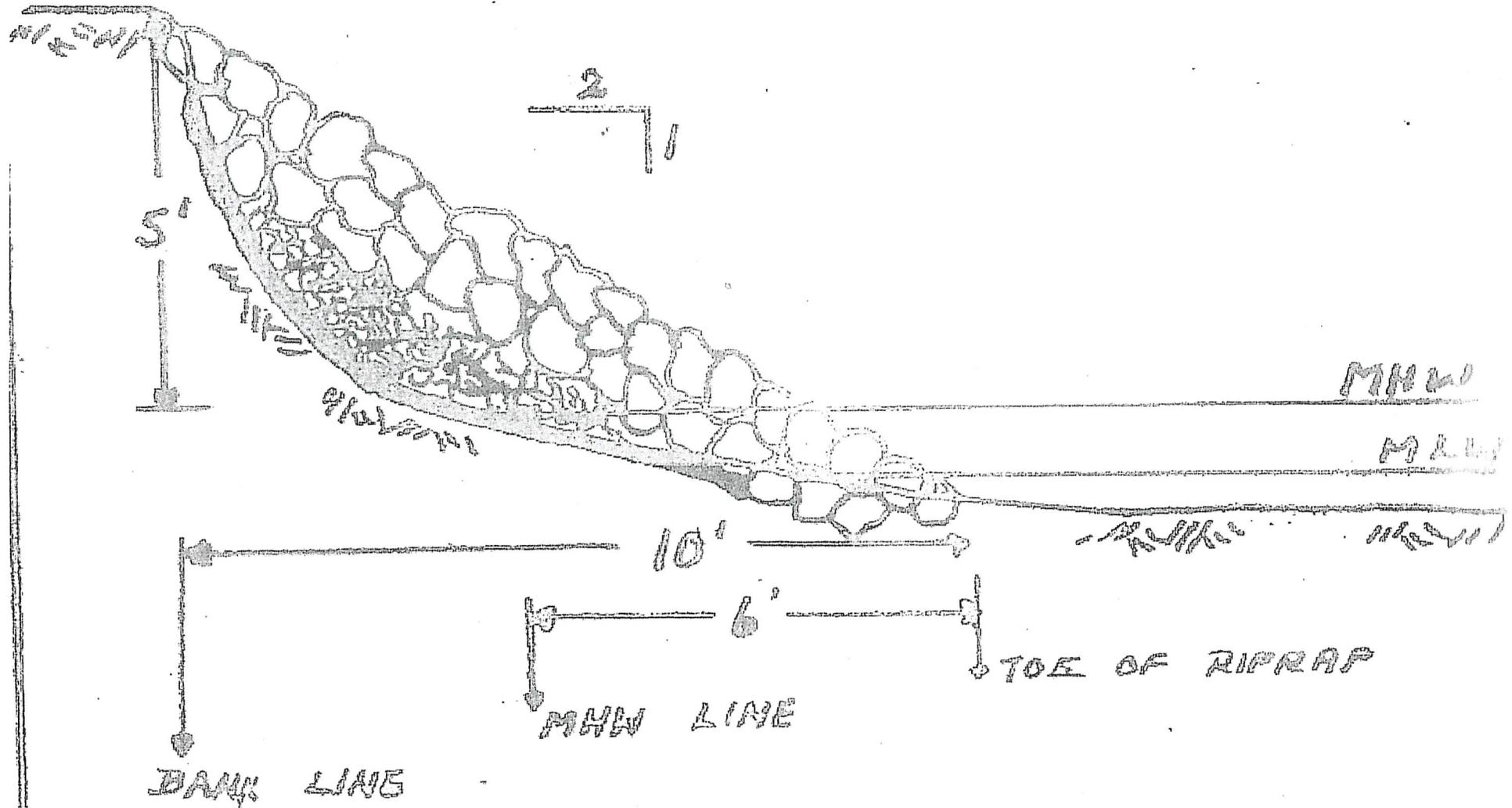
**SCHRADER
 Surveys, LLC**

120 EVELYN LANE
 CHESTERTOWN, MARYLAND 21620
 PHONE No. 410-778-0364
 E-MAIL : rksurveys@live.com

PERMIT DRAWING

ON THE LANDS OF
GREGORY C. WATSON, et ux.
 IN THE THIRD ELECTION DISTRICT,
 TAX MAP 11, GRID 4D, PARCEL 52

22-GL-1106
202261729
176644
2/14/2023
MG



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)

JILL GAUMER & LYNN WINKLER
24251 DRAYTON LANDING DR. WORTON MD 21678
PHONE: 302-354-0074 & 302-540-6293
Email: lynn.winkler@comcast.net, jill.gaumer@gmail.com

For Office Use Only:

Case Number/Date Filed: 24-7
Filed by: Riptide Marine
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: RIPTIDEMARINE@GMAIL.COM

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article VIII & IX Section 2 Section 2 (in each article)

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

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

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 24251 Drayton Landing Dr. Worton MD 21678

In the 03 Election District of Kent County.

Size of lot or parcel of Land: 3.652 acres
Map: 11 Parcel: 57 Lot #: 76 Deed Ref: /01295/00019

List buildings already on property: House and Detached Garage

If subdivision, indicate lot and block number: Kinnards Point

If there is a homeowner's association, give name and address of association: KINNAIRD'S POINT PROPERTY OWNERS ASSOCIATION

PRESENT ZONING OF PROPERTY: Residential

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

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

Present owner(s) of property: JILL GAUMER & LYNN WINKLER Telephone: 302-354-0074 & 302-540-6293

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 previous variance application
Yes to a building permit application

If so, please give Application Number and Date: Building Permit #: 23-304

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: Lot 75: Scott Borzell

Owner(s) on the South: Lot 77: Craig Wakefield

Owner(s) to the East: No neighbors, Still Pond Creek is to the East

Owner(s) to the West: No direct neighbors, the entrance roadway Drayton Landing Dr. is West of property

Homeowners Association, name and address, if applicable: KINNAIRD'S POINT PROPERTY OWNERS ASSOCIATION

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

Scott Borzell - RIATIDE MARINE
Signature of Owner/Applicant/Agent or Attorney

12/18/2023
Date

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

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

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



Planning Commission
Department of Planning, Housing, and Zoning

March 11, 2024

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

RE: 24-7 Jill Gaumer and Lynn Winkler – Pier Variance

Dear Dr. Townshend,

At its March 7, 2024, meeting, the Kent County Planning Commission reviewed the application of Jill Gaumer and Lynn Winkler, requesting a variance to install a 10-foot by 14-foot platform to the end of an existing, nonconforming pier extending 230 feet from mean high water. The Maryland Department of the Environment has authorized the installation of the proposed platform. The 3.65-acre property is located at 24251 Drayton Landing Drive in the Third Election District and is zoned Critical Area Residential (CAR).

Following discussion, the Planning Commission voted to make a favorable recommendation for the pier variance. The decision was based on the following findings of fact:

- The variance is not inconsistent with the Comprehensive Plan or the Critical Area Program.
- The practical difficulty is the consequence of a limited mean high water depth at the end of the pier and the difficulty that creates in mooring their sailboat.
- The practical difficulty was not caused by the applicant's own action.
- The proposed platform will provide adequate linear feet at the deepest point of the pier to accomplish that objective.
- The proposed platform is consistent with neighboring piers that are also equipped with platforms.
- The proposed platform will not cause further extension of the current length of the pier.

Sincerely,
Kent County Planning Commission

Joe Hickman
Chair

FJH/mc

cc: Lori Sample, Riptide Marine



To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: March 7, 2025
Subject: Jill Gaumer and Lynn Winkler
Variance – Pier

Executive Summary

Request by Applicant

Jill Gaumer and Lynn Winkler, owners, are requesting a variance to install a 10-foot by 14-foot platform to the end of an existing, nonconforming pier extending 230 feet from mean high water.

Public Process

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

Summary of Staff Report

The 3.65-acre property is located at 24251 Drayton Landing Drive in the Third Election District and is zoned Critical Area Residential (CAR). Piers are not to "exceed 25% of the width of the waterway, the edge of the channel, or 150 feet in length, whichever is less." The Maryland Department of the Environment authorized the in-kind replacement of the 230-foot-length pier and the installation of the proposed 10-foot by 14-foot platform. As the pier is non-conforming and non-conforming structures are not allowed to be replaced if voluntarily removed, DPHZ issued a permit for maintenance and repair only of the existing, non-conforming pier for the repair and replacement of decking and saddles as needed. Pilings were not to be removed, and the MDE-authorized platform was not permitted. The applicants are requesting a variance to install the proposed platform.

According to the applicant, the practical difficulty is the consequence of a limited mean high-water depth of 5.5 feet at the end of the pier and the requirements of mooring a sailboat, which includes accommodating a deep draft, a means of ingress and egress solely through forward motion, and sufficient edge upon which to tie the boat.

Staff Recommendation

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

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
SUBJECT: Jill Gaumer and Lynn Winkler
#24-7, Variance – Pier
DATE: February 23, 2024

Description of Proposal

Jill Gaumer and Lynn Winkler, owners, are requesting a variance to install a 10-foot by 14-foot platform to the end of an existing, nonconforming pier extending 230 feet from mean high water.

Piers are not to exceed whichever is less of 25% of the width of the waterway, the edge of the channel, or 150 feet in length. The Maryland Department of the Environment authorized the in-kind replacement of the 230-foot length pier and the installation of the proposed 10-foot by 14-foot platform. As the pier is non-conforming and non-conforming structures are not allowed to be replaced if voluntarily removed, DPHZ issued a permit for maintenance and repair only of the existing, non-conforming pier for the repair and replacement of decking and saddles as needed. Pilings were not to be removed, and the MDE authorized platform was not permitted. The applicants are requesting a variance to install the proposed platform. The 3.65-acre property is located at 24251 Drayton Landing Drive in the Third Election District and is zoned Critical Area Residential (CAR).

Relevant Issues

I. Pier Length

A. *Applicable Law:* The Kent County Land Use Ordinance, Article V, Section 5.4.8 permits as an accessory use, "Private piers, community piers, and private shared piers, not to exceed 25% of the width of the waterway, the edge of the channel, or 150 feet in length, whichever is less and subject to the stipulations of Article VI, Section 3.7 of this ordinance."

B. *Staff and TAC Comments:*

The existing pier is 6 feet wide, includes an existing boatlift, and extends 230 feet channelward of the mean high water line. The applicants are requesting a variance to install a 10-foot by 14-foot platform to the end. The Maryland Department of the Environment authorized the proposed platform. The proposal has been reviewed by the Kent County Health Department, MDOT SHA, and the Kent County Finance Office and none have objections or concerns.

II. Nonconforming Structures

A. *Applicable Law:* Article VIII, Section 2.2, Additions or Enlargements to Nonconforming Structures, of the *Kent County Land Use Ordinance* specifies the following:

A lawful nonconforming structure may be altered or enlarged if the addition satisfies one or more of the following:

- a. The proposed addition when considered independently of the existing structure complies with the standards and regulations of this Ordinance.
- b. The nonconforming structure is not expanded beyond its current footprint, including adjoining patios, driveways, and sidewalks. Impervious surfaces on the site shall not be increased as a result of the addition. The structure, after the addition, conforms to the height regulations applicable to its zoning district.

- c. The addition does not project any further into a required side yard setback than the existing structure and the enlarged building complies with the impervious surface and height regulations. This provision does not apply to additions in the Critical Area buffer.
- d. The addition is permitted by other provisions of this Ordinance.
- e. The Board of Appeals grants a variance.

- B. *Staff and TAC Comments:* The proposed platform would not extend the length of the existing, non-conforming pier and would not impede the rights of or access to neighboring piers. The applicants are requesting a variance for installation of the platform.

III. Variance

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

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 Board of Appeals must find all of the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
 - b. That the variance will not change the character of the neighborhood or district.
 - c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
 - d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
 - e. That the practical difficulty or other injustice was not caused by the applicant's own actions.
 - ...
 - 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 Comments:* Neighboring piers include attached platforms, the proposed platform will not cause further encroachment into the waterway, and the applicant pier, because it extends out of a cove, is approximately the same distance from the channel as the neighboring piers. The variance will not cause a substantial detriment to adjacent or neighboring property nor change the character of the neighborhood or district.

The variance is not inconsistent with the Comprehensive Plan or the Critical Area Program. The intent of the Ordinance is that once a nonconforming structure is removed voluntarily, it is to be replaced in compliance with all Ordinance requirements. The granting of a variance is required in order to construct a platform to the end of an existing, nonconforming pier.

According to the applicant, the practical difficulty is the consequence of a limited mean high water depth of 5.5 feet at the end of the pier and the requirements of mooring a sailboat, which includes accommodating a deep draft, a means of ingress and egress solely through forward motion, and sufficient edge upon which to tie the boat. The proposed platform will provide 20 linear feet at the deepest point of the pier while allowing the unhampered ingress and egress of sailboats.

Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals for the pier variance.

DESCRIPTION OF RELIEF REQUESTED:

(List here in detail what you wish to do with property that requires the Appeal Hearing.)

Request: The owners of 24251 Drayton Landing Dr in Worton MD would like to request a variance to add a 10 x 14 platform to the end of their pier.

Background: The owners of 24251 Drayton Landing Dr in Worton MD would like to request a variance to add a 10 x 14 platform to the end of their pier. They recently repaired the pier, and it is now in usable condition. The owners purchased the property in February of 2023 and were not made aware of the fact that the pier was currently in non-conforming condition.

Steps so far: A permit application was submitted to the State of Maryland (MDE) in March/April of 2023. MDE granted permission for the pier repair work as well as constructing a 10' x 20' platform at the end.

Once the MDE permit was received we then applied for a Kent County Building permit. As we progressed, this is when we found out the current pier is non-conforming. We then split the permit into two parts, a pier repair which was approvable by the county and then this piece for the new platform which would need a variance.

Details of the request: The owners have a sailboat. The keel of the sailboat has a deep draft and will require deeper water. At the end of the pier, the MHW mark is 5'6" of water. The sailboat can be safely pulled up and secured to the pier. Sailboats are not designed for pulling in and reversing to get back out. They need to pull "up to" a secure spot for tying up. By adding the platform to the end of the pier it gives the boat a 20' edge to tie up to.

We are not asking for a large, non-conforming platform, just a simple platform that is less than the allowable 200 sq. feet that will accommodate the sailboat.

According to the Land Use Ordinance:

LUO - ARTICLE VIII - NONCONFORMITIES - SECTION 2 NON CONFORMING STRUCTURES
– Section 2.2, page 430;

1. Ref Section a – When considered independently, the new structure would be compliant with the standards and regulations of this ordinance. It is within the allowable square footage and meets the requirements of not exceeding 25% or more of the width of the waterway. (see picture 1)
2. Ref Section B – The entire parcel will not be effected by the variance, it would enhance the pier by providing adequate space to safely and securely dock a sailboat.

LUO - ARTICLE IX – VARIANCES AND WAIVERS - SECTION 2 VARIANCES – Section 2.2
VARIANCES #3, page 436, referencing items a-d and items g-i;

- a) Adjacent or Neighboring Properties – This platform will not cause any detriment to anyone. Both neighboring properties along with the property across the creek all have similar platforms on their piers.
- b) This variance will not change the character of the neighborhood. In fact, it would provide this property with a common characteristic that most all of the neighboring piers have.
- c) The variance would be consistent with the Comprehensive Plan and the general intent of this ordinance.
- d) The pier was built many, many years ago. According to today’s regulations it is now be considered non-conforming, but it may have been conforming at the time it was built when there were less stringent regulations. This factor is unknown.

- g) This platform will have reasonable use. The entire parcel will not be effected by the variance, it would only enhance the pier and provide space to securely dock a sailboat.

- h) The requested platform is a compliant structure. The only issue regarding the approval is that it will be connected to a non-compliant structure. The owners were unaware of this and have just repaired the structure to now make it usable. The reason it must have been built to this length is to reach good navigable water for a boat. It does not exceed 25% of the waterway and does not reach the edge of the channel.

- i) No action has been taken at this point to build the platform. The pier has been repaired and the contractor will return to add the platform if a variance is granted.

Please consider granting this variance. It will cause no disruption of any kind, all work will be done by the water, it is a minor addition already approved by the State of Maryland, it will not come out any further channel ward and it will provide a place for the owners to have their sailboat tied up safely.

Thank you very much,

Lori Sample

RIPTIDE Marine Construction, LLC

Jill Gaumer & Lynn Winkler

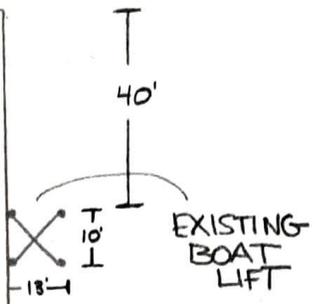
Property Owners

EXISTING
CONDITIONS

5'6"

JILL GAUMER
LYNN WINKLER
24251 DRAYTON
LANDING DR.
WORTON, MD
KENT COUNTY

NOTE: WATER DEPTHS
ARE TAKEN AT
MEAN HIGH TIDE



EXISTING
200' FIXED PIER
6' WIDE

5'

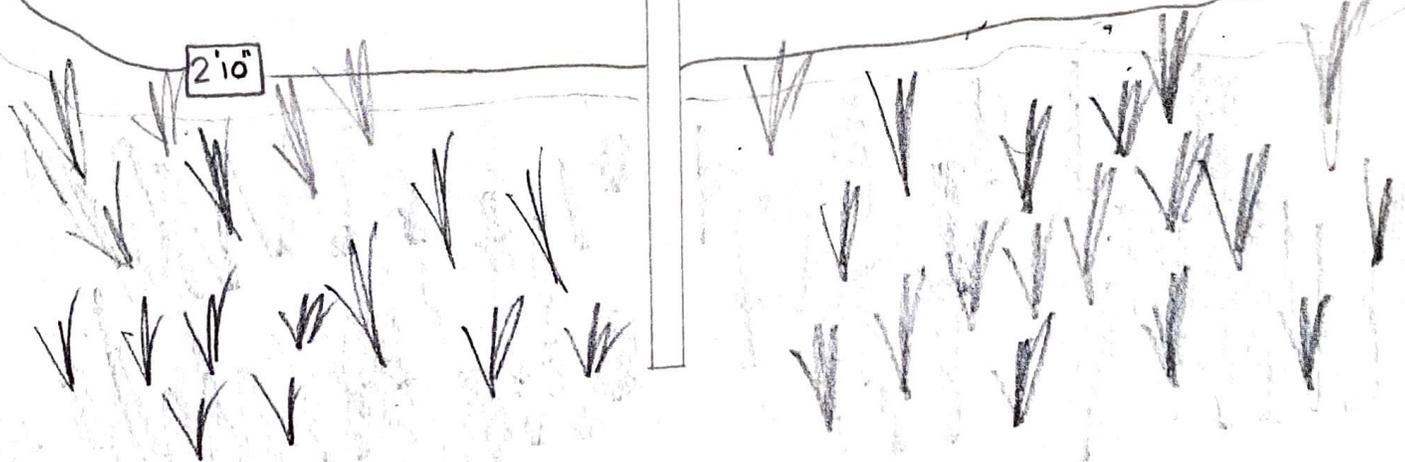
4'6"

4'2"

3'6"

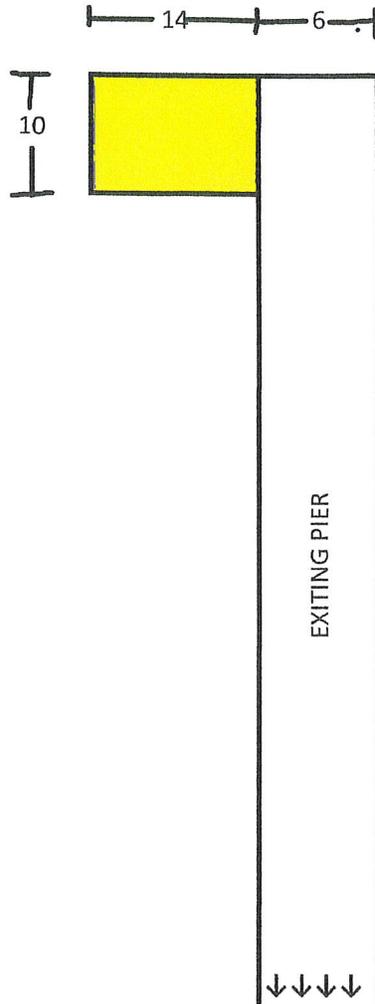
2'10"

EXISTING 100' x 3'
WALKWAY THROUGH
MARSH



NOT TO SCALE

SKETCH



Distance of 230'
from MHW will
be the furthest
point. There will
be no extension
beyond the exist
pier and into the
waterway

- Notes:
- Propose the platform to go to the left at the end of the existing pier.
 - The new "L" would not go any further channelward than existing pier already is
 - The size would reduce from the original request of 10 x 20 to a 10 x 14 platform



Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2022. Map prepared February 2024.

1 inch = 150 feet

From: [Craig Wakefield](#)
To: [Mark Carper](#)
Subject: RE Pier length variance for 24251 Drayton Landing Drive
Date: Saturday, March 9, 2024 1:28:30 PM

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

ATTENTION!

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

- KCIT Helpdesk

Mark,

We received your letter regarding the requested variance for Jill Gaumer and Lynn Winkler at 24251 Drayton Landing Drive. We fully support their request, and hope they are allowed to make their dock as usable and functional as possible. I believe we are the only neighbors who are able to see the dock. Jill and Lynn are an asset to the community and we are happy to support them with their efforts to improve their property.

Craig Wakefield and Ivan Olavarrieta
24241 Drayton Landing Drive
267-973-9567

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)

Gerald Docksteader - 26875 Mallard Rd, Chestertown Md, 21620 301-471-7870

Eric Colliflower, 26821 Mallard Rd, Chestertown Md, 21620 410-245-8092

Email: gerry.docksteader@gmail.com, eric.colliflower@gmail.com

For Office Use Only:

Case Number/Date Filed: 24-9
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: eric.colliflower@gmail.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:

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

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 9155 American Legion Rd, Chestertown MD, 21620

In the Fourth (4th) Election District of Kent County.

Size of lot or parcel of Land: 8.12 Acres

Map: 0038 Parcel: 0057 Lot #: 4 Deed Ref: /01230/ 00242

List buildings already on property: Multiple

If subdivision, indicate lot and block number:

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

PRESENT ZONING OF PROPERTY: CAR

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires

the Appeal Hearing.) 1. Outdoor Classroom/Performance area is new construction for a new non-conforming use (not previous occurred at the Frank M. Jarman American Legion). Judge Murphy's order disallows building of new facilities for a new use so this Outdoor Classroom/Performance area should be disallowed.

6. Parking Lot Reconstruction which does not specifically list the new driveway but includes the new driveway is specifically disallowed by Judge Murphy's order and called out by example as a new point of access to the facilities at that location. The proposed new driveway should be disallowed.

If appealing decision of Zoning Administrator, list date of their decision: 12/29/2023, not publicly available until 12/31/2023

Present owner(s) of property: MINARY'S DREAM ALLIANCE INC Telephone: N/A



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

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

If so, please give Application Number and Date: Case No. 21-25 06/10/2021

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: FRYMIARE RUSSELL R JR & DIANNA M

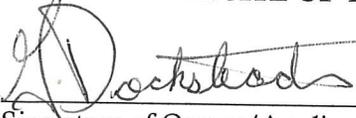
Owner(s) on the South: BURT ALEXANDER D JR

Owner(s) to the East: None - river/creek

Owner(s) to the West: MORGAN FIELDS LLC C/O DAVID BALDWIN

Homeowners Association, name and address, if applicable: _____

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

 
Signature of Owner/Applicant/Agent or Attorney

1/25/2024
Date

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

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

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



To: Kent County Planning Commission
From: William Mackey, AICP, Kent County Zoning Administrator and Director, DPHZ
Date: December 29, 2023 (for inclusion in the packet and posted online for the public)
Subject: Decision and Determination re Major Site Plan Application of Minary's Dream Alliance

DECISION AND DETERMINATION

The property subject of this decision and determination is located at 9155 American Legion Drive, Chestertown, Maryland, and is zoned Critical Area Residential (CAR) per the Official Zoning Map of Kent County, Maryland, which was adopted in 2002 in conjunction with the Kent County Land Use Ordinance (LUO). An unofficial digital copy of the map is available online [here](#).

Minary's Dream Alliance (MDA) has submitted a site plan for improvements at the property. As noted in the Department's Preliminary Staff Report, dated September 29, 2023, under Relevant Issues, 1. Uses:

"The Zoning Administrator has the authority to determine if uses are permitted. Determinations on proposed uses will be made following review of the concept site plan."

Article VII, Section 1.1 of the Kent County Land Use Ordinance (LUO) provides, in relevant part:

1.1 Continuance

The lawful use of land, including existing nonconforming uses, existing on the effective date of this Ordinance, although such use does not conform to the *regulations* specified for the district in which such land is located, may be continued provided:

- a. The use is not enlarged, increased, or extended to occupy a greater area than that occupied by such use on the effective date of this Ordinance...

It is my opinion and determination that MDA's proposal is not an enlargement of the existing, legal nonconforming use because each of the proposed improvements and uses on the site plan are permitted-by-right in the CAR zoning district. If a use is permitted by right, then it may be allowed on a property independent from any other use or uses, as long as all other pertinent regulations for such uses are complied with and any required approval processes are followed. The proposed improvements and uses are as follows:

On MDA's site plan, proposed improvements and uses are identified and keyed to a Land Use Key on page L0.1 of the site plan prepared by Miles Barnard, ASLA, RLA of South Fork Studio, Inc. The submitted narrative and site plan are attached for reference.

1. Sacred Place Sitting Area and Labyrinth and Outdoor Classroom/Performance Area.

These improvements are shown in the green area on the Land Use Key. This use is labeled **Public or Private Park**. The specific Sacred Space and Labyrinth improvements are shown in detail on page L1.2 of the site plan. Per Article V. District Regulations, Section 5. Critical Area Residential, § 5.2 Permitted Principal Uses and Structures, # 7 of the LUO, Public or Private Parks are permitted by right in the CAR zoning district.

Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources, including both active and passive parks owned and operated by Kent County, the State of Maryland, or federal government but not including commercial play fields for football, baseball, and other major sports activities such as motocross or drag racing fields.

Interpretation: The use indicated in green on the proposed site plan is the same use as permitted by right on any CAR property, subject to other relevant provisions of the LUO and any pertinent County, State, and federal law and is therefore not subject to the limitations for legal nonconforming uses.

2. Existing Camping and Picnic Area

This area is shown in the salmon colored area of the Land Use Key. The existing camping/picnic area is an established use area that predates MDA's ownership of the property. No improvements are proposed for this area.

3. Relocation of Existing Garden and Proposed Greenhouse and Accessory Structure.

These improvements are shown in the lavender area on the Land Use Key labeled **Garden, Greenhouse and Garden Storage**, and in more detail on page L.10 of the site plan. Per Article V. District Regulations, Section 5. Critical Area Residential, § 5.2 Permitted Principal Uses and Structures, # 5 (see excerpt below) of the LUO, greenhouses are permitted by right in the CAR zoning district.

Greenhouses, wholesale or retail, provided structures are 200 feet from all property lines and are adequately landscaped.

Gardens are expected on residentially zoned property, as are small structures to store gardening supplies as well as garages. Additionally, per Article XI. Definitions, Section 2. Definitions, #2, of the LUO, the following definition provides for accessory structures that are expected in all zoning districts.

2. Accessory Structure A detached structure on the same parcel as the principle structure or use and which is incidental and subordinate to the principal structure or use in area, extent and purpose, i.e. shed, or detached garage.

Interpretation: The use indicated in lavender on the proposed site plan is a similar use as permitted by right on any CAR property, subject to other relevant provisions of the LUO and any pertinent County, State, and federal law. In this case, greenhouses are permitted by right on the property; however, a variance may be needed. Gardens, garden storage, and garages are uses anticipated on residentially zoned property; accessory structures are assumed by the LUO to be permitted by right in the CAR and are regulated by Article V. District Regulations, Section 5. Critical Area Residential, § 5.5 Density, Area, Height, Width and Yard Requirements.

4. Living Shoreline.

The proposed Living Shoreline improvement is shown in the blue area of the Land Use Key.

A living shoreline stabilization is a type of erosion, sediment, and flood control. Per Article V. District Regulations, Section 5. Critical Area Residential, § 5.2 Permitted Principal Uses and Structures, # 4 of the LUO, *erosion and flood control structures* are permitted by right in the CAR zoning district.

Interpretation: A living shoreline is similar to an erosion and flood control structure which is permitted by right on any CAR property, subject to other relevant provisions of the LUO and any pertinent County, State, and federal law. Additionally, a living shoreline is also the State's and the County's preferred methodology for shoreline treatments.

5. Existing Building.

The existing building is shown in the yellow area of the Land Use Key. No change to the existing building is proposed.

6. Parking Lot Reconstruction.

The parking lot reconstruction improvements are shown in the gray area on the Land Use Key labeled **Accessory off-street Parking**, and in more detail on page L1.2 of the site plan. Per Article V. District Regulations, Section 5. Critical Area Residential, § 5.4 Accessory Uses, # 2 (excerpt below) of the LUO, the following use is permitted by right in the CAR zoning district.

Accessory off-street parking and loading of non-commercial vehicles that have current licenses and are operable.

Interpretation: The use indicated in gray on the proposed site plan is the same use as permitted by right on any CAR property, subject to other relevant provisions of the LUO and any pertinent County, State, and federal law. In this case, the use is permitted by right on the property, and is therefore not subject to the limitations for legal nonconforming uses.

Please note this decision and determination represents an administrative determination. If a member of the public or the applicants wish to appeal this determination, they may do so by filing an appeal within thirty (30) days from the date of the determination. Please note such an appeal may be sent directly to planning@kentgov.org. Appeals are reviewed by the Kent County Board of Appeals. Further information is available regarding the Kent County Board of Appeals and the formal appeal process, which is posted online [here](#).

Attachments

- Submittal by applicants, dated September 23, 2023, for concept review

cc: Shelley L. Heller, Kent County Administrator
Carla Gerber, Deputy Director, DPHZ

REVISIONS

03-29-23	Steering Comm. #2
08-30-23	Site Plan Review
09-26-23	Planning Commission

ISSUED FOR:

<input type="checkbox"/> Client Review	<input type="checkbox"/> Revision
<input type="checkbox"/> Bid	<input checked="" type="checkbox"/> Approval
<input type="checkbox"/> Permit	<input type="checkbox"/> Coordination
<input type="checkbox"/> Construction	

Minary's Dream Alliance
 9155 American Legion Drive
 Chestertown, MD

These drawings and specifications and the ideas represented thereby are and shall remain the property of the Landscape Architect. No part thereof shall be copied or used in connection with any work or project or by any other person for any purpose other than for the specific project for which they have been prepared and developed without the written consent of the Landscape Architect.

Not for Construction

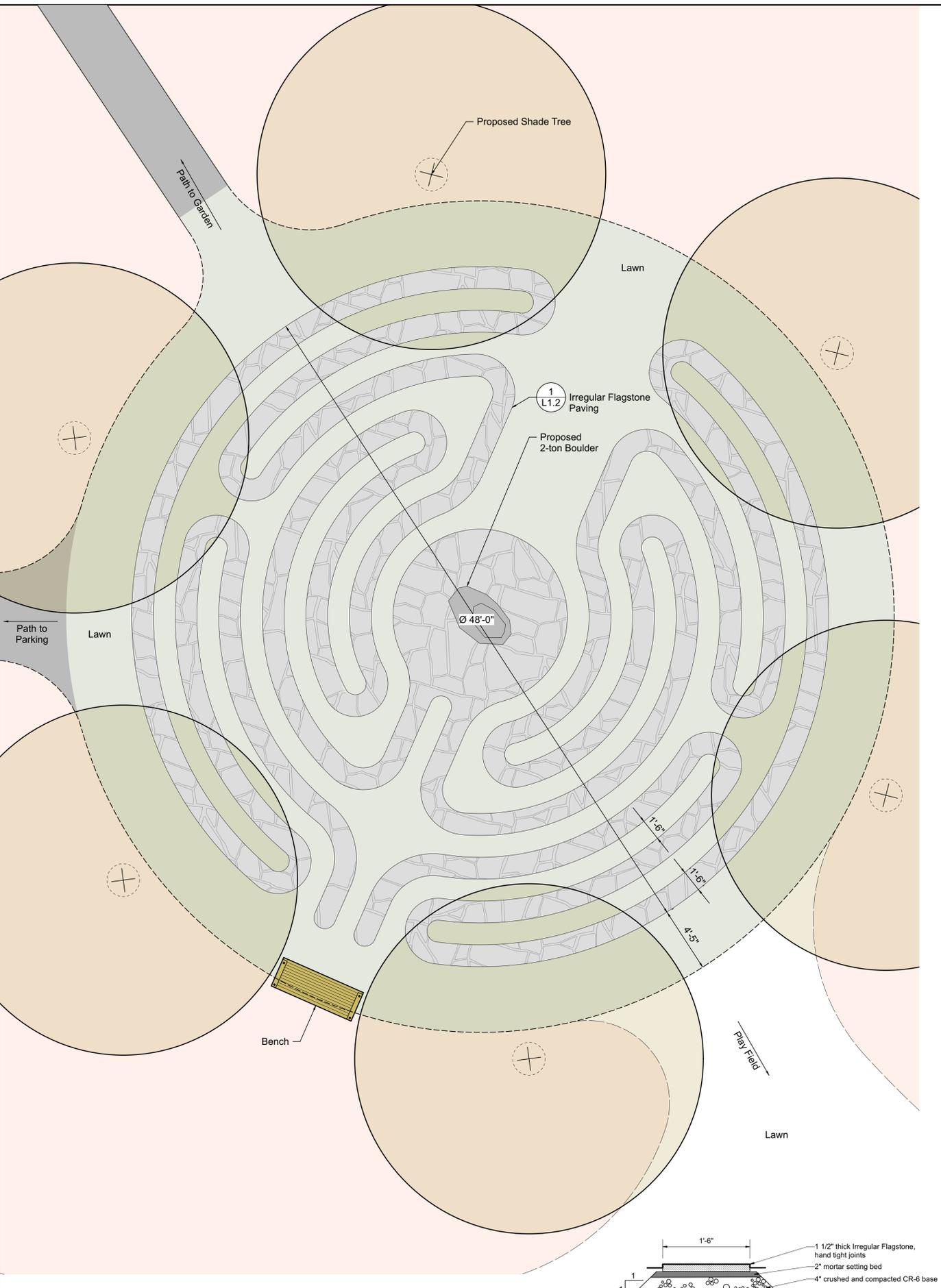
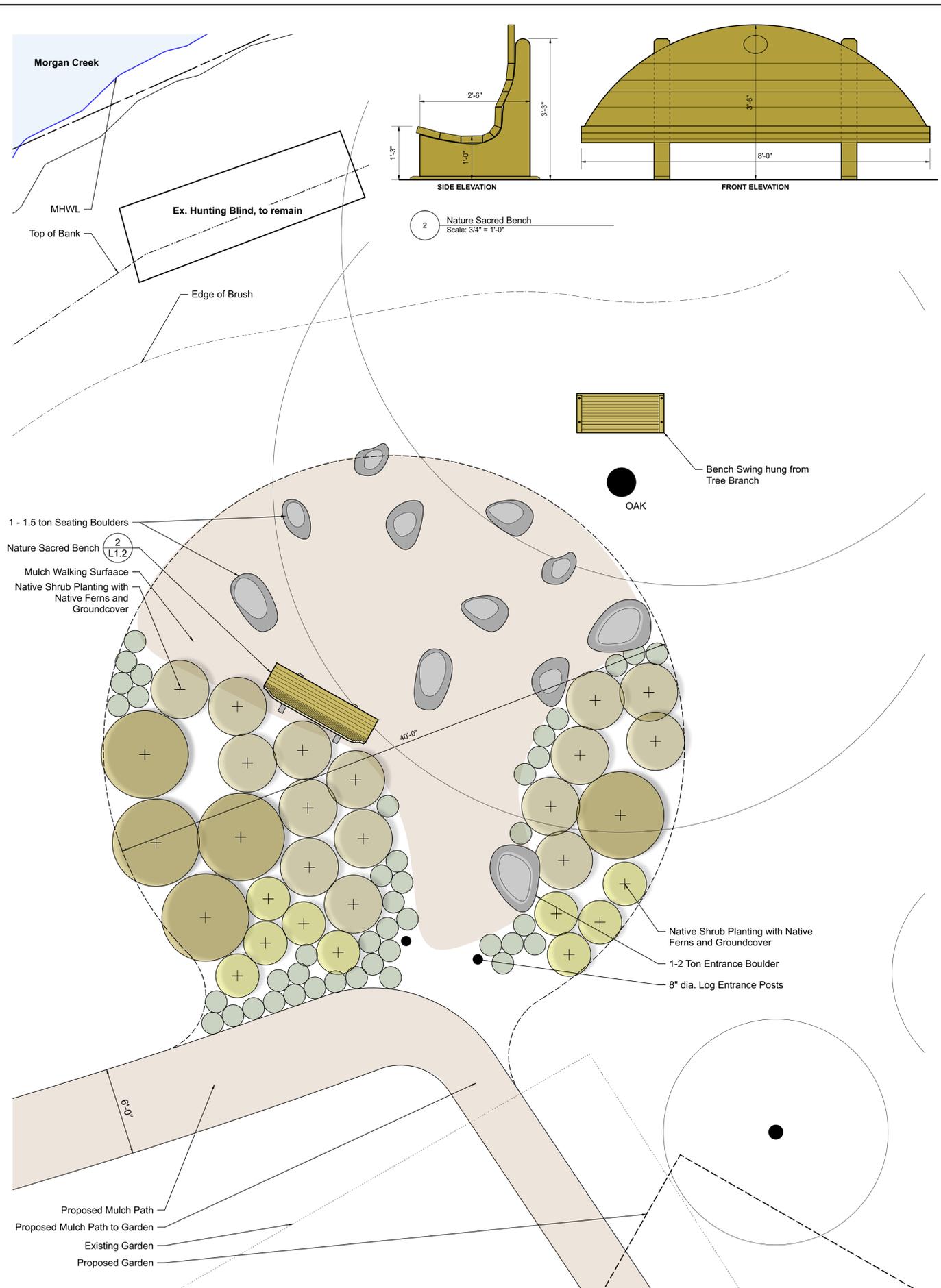


Detailed Plans

Scale: 1/4" = 1'-0"
 Drawn by: DMB

L1.2
 1st Issue Date 03-29-23

Property Information:
 9155 American Legion Drive
 Chestertown, MD 21620
 Map 38 Grid 5A Parcel 57
 8.12 Acres
 County: Kent
 Election District 4, Precinct 1



LABYRINTH
 1/4" = 1'-0"

1 Irregular Flagstone Paving
 Scale: 3/4" = 1'-0"