



County Commissioners Hearing Room

400 High Street
Chestertown, Maryland

AGENDA

Monday, November 21, 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: **984 462 438#**

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

MINUTES

October 17, 2022

APPLICATIONS FOR REVIEW:

22-80 Green's Septic and Excavation, LLC – Special Exception
10252 Fairlee Road – Sixth Election District – Village (V)

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 Zoning Appeals
Department of Planning, Housing, and Zoning

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: October 17, 2022
 Time: 5:00 P.M.
 Location: Microsoft Teams

Agenda Item	Sitting for the Board	Action Taken	Vote
22-73 Richard and Donna Wadsley – Appeal of Zoning Administrator’s Decision	Dr. Albert Townshend, Chairman Joan Horsey, Member John Massey, Member David Hill, Alternate Member Mr. Christopher Drummond, Attorney for the Board Campbell Safian, Clerk	Dr. Townshend made a motion to defer the hearing to the November Board of Zoning Appeals meeting. The motion was seconded by Ms. Horsey; the motion passed with all in favor.	Unanimous Approval
MINUTES: September 19, 2022		Ms. Horsey moved to approve the minutes. Mr. Massey seconded the motion; the motion passed with all in favor.	Approved
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 5:12 p.m.	Unanimous Approval

 Dr. Albert Townshend, Chairman

/s/ Campbell Safian
 Campbell Safian, Planning Specialist

DRAFT



Planning Commission
Department of Planning, Housing, and Zoning

November 7, 2022

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

RE: 22-80 Green's Septic and Excavation, LLC – Special Exception

Dear Dr. Townsend,

At its meeting on November 3, 2022, the Kent County Planning Commission reviewed the application from Steven Green, Green's Septic and Excavation, LLC, requesting a special exception to operate a septic maintenance and excavation business in a Village District. A new pole building will be constructed to store equipment used by the business, while the administrative operations will continue from Mr. Green's home. The property is located at 10252 Fairlee Road in the Sixth Election District.

Following discussion, the Planning Commission voted to make a favorable recommendation for the special exception to operate a septic maintenance and excavation business in a Village District. The Planning Commission recommends the following condition should the Board of Appeals grant approval:

- Final site plan approval is granted by the Planning Commission.

The decision was based on the following findings of fact:

- The proposal fits with the nature of the area and will have a minimal impact on traffic patterns.
- The area is characterized by buildings surrounded by woodland and open farmland.
- The proposal will not impact dwellings, houses of worship, public facilities, or historic landmarks, nor will it impact water quality, fish, or wildlife habitat.
- The proposal will not be intrusive and will likely enhance the neighborhood.
- The proposal is consistent with the Comprehensive Plan and the intent of the Ordinance.
- All equipment will be stored inside the building.

Sincerely,
 Kent County Planning Commission

Joe Hickman
 Chair

cc: Harry A. Smith, Jr., PLS, Delmarva Survey Co.
 Steven Green

To: Kent County Board of Appeals
From: Carla Gerber, Deputy Director
Meeting: November 21, 2022
Subject: Green's Septic and Excavation, LLC (Steven Green)
Special Exception

Executive Summary

Request by Applicant

Steven Green is requesting a special exception to construct a pole building for storage of equipment used for his septic maintenance and excavation business on a parcel zoned Village.

Public Process

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

Per Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve site plans.

Summary of Staff Report

Steven Green is requesting a special exception to operate his septic maintenance and excavation business except for the associated office uses on a property zoned Village. A new pole building will be constructed to store equipment used for the business. The business office will continue to be located at Mr. Green's home in Chesapeake Landing. The property for the storage of equipment is located at 10252 Fairlee Road in Melitota in the Sixth Election District. The surrounding area is a mix of residential and agricultural uses.

Article VII, Section 7 (54.5)* of the Kent County Land Use Ordinance authorizes the Kent County Board of Appeals to grant a special exception for septic tank maintenance and excavation provided the application complies with the following:

- a. Buildings associated with the use are not visually intrusive or inappropriate to the setting.
- b. New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
- c. All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties.
- d. All fences and landscaping must be approved by the Planning Commission as part of site plan review.

With the addition of landscaping, the proposed building may well be found to be appropriate to the setting. Additional information is needed from the applicant to determine that the application meets the Building, Mass, Size and Scale design standards (see #11 on page 126 in the Land Use Ordinance [here](#)). There is no outdoor storage of equipment or materials, no signage, and no lighting being proposed at this time.

Staff Recommendation

Based on the information presented to the Planning Commission, staff concurs with the Planning Commission's recommendation.

* Amended 8/2/22

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
 SUBJECT: Green's Septic and Excavation, LLC (Steven Green)
 Special Exception
 DATE: November 14, 2022

DESCRIPTION OF PROPOSAL

Steven Green is requesting a special exception to operate his septic maintenance and excavation business except for the associated office uses on a property zoned Village. A new pole building will be constructed to store equipment used for the business. The business office will continue to be located at Mr. Green's home in Chesapeake Landing. The property for the storage of equipment is located at 10252 Fairlee Road in Melitota in the Sixth Election District. The surrounding area is a mix of residential and agricultural uses.

APPLICABLE LAWS**I. Special Exceptions – Specific Standards**

- A. *Comprehensive Plan*: Kent County Comprehensive Plan has goals and strategies to support existing businesses and expand and provide more diversity in the size, number, and type of businesses.
- B. *Applicable Laws*: Article V, Section 7.3 identifies the septic tank maintenance and excavation as a special exception in Village, subject to site plan review and standards found in Article VII.

Article VII, Section 7(54.5)* of the Kent County Land Use Ordinance authorizes the Kent County Board of Appeals to grant a special exception for septic tank maintenance and excavation provided the application complies with the following:

- e. Buildings associated with the use are not visually intrusive or inappropriate to the setting.
- f. New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
- g. All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties.
- h. All fences and landscaping must be approved by the Planning Commission as part of site plan review.

* Amended 8/2/22

- C. Staff and TAC Comments: The applicant is requesting approval to construct a 50-foot by 80-foot pole building to store equipment used for his septic maintenance and excavation business. There will be no other structures on the property. The interior height will be 16 feet.
 - There is a well on the property but no septic system. The Health Department noted in a letter from MDE dated June 6, 2006, the parcel was evaluated for a sandmound. The proposed building placement cannot impact the disposal area; therefore, equipment will need to enter and exit onto the parcel via the gravel lane before, during, and after construction in order to preserve this area for possible future use for sewage disposal.
 - The applicant is proposing a metal pole building that will have dark siding with a lighter colored wainscot. A long side, which will have 4 windows, will face Fairlee Road. Per the applicant's testimony to the Planning Commission, the windows will have shutters and trees will be spaced to fit between the windows. One short side, which will have a sliding door, will face the existing gravel lane and will be the primary access to the building. The long side opposite Fairlee Road will have two overhead doors and "normal" doors on either end. Per

the applicant's testimony to the Planning Commission, a gravel parking area is now proposed on this side of the building. Initially, no parking area was provided, and staff had concerns about the use of the overhead doors without an adjacent gravel parking/driving area.

- The building will be set almost 88 feet from the front property line. The front yard is currently lawn. The other sides of the property are surrounded by forest.
- The applicant intends to store all equipment inside the building. There will be no outside storage of materials or equipment.
- With the addition of landscaping, the proposed building may well be found to be appropriate to the setting. Additional information is needed from the applicant to determine that the application meets the Building, Mass, Size and Scale design standards in the Village District.
- No landscape plan has been submitted.

II. Special Exceptions – General Standards

- A. *Applicable Law:* Article VII, Section 2. of the Kent County *Land Use Ordinance* presents the standards by which a special exception may be granted.

The Board, or where applicable the Planning Director, shall make findings on the following where appropriate:

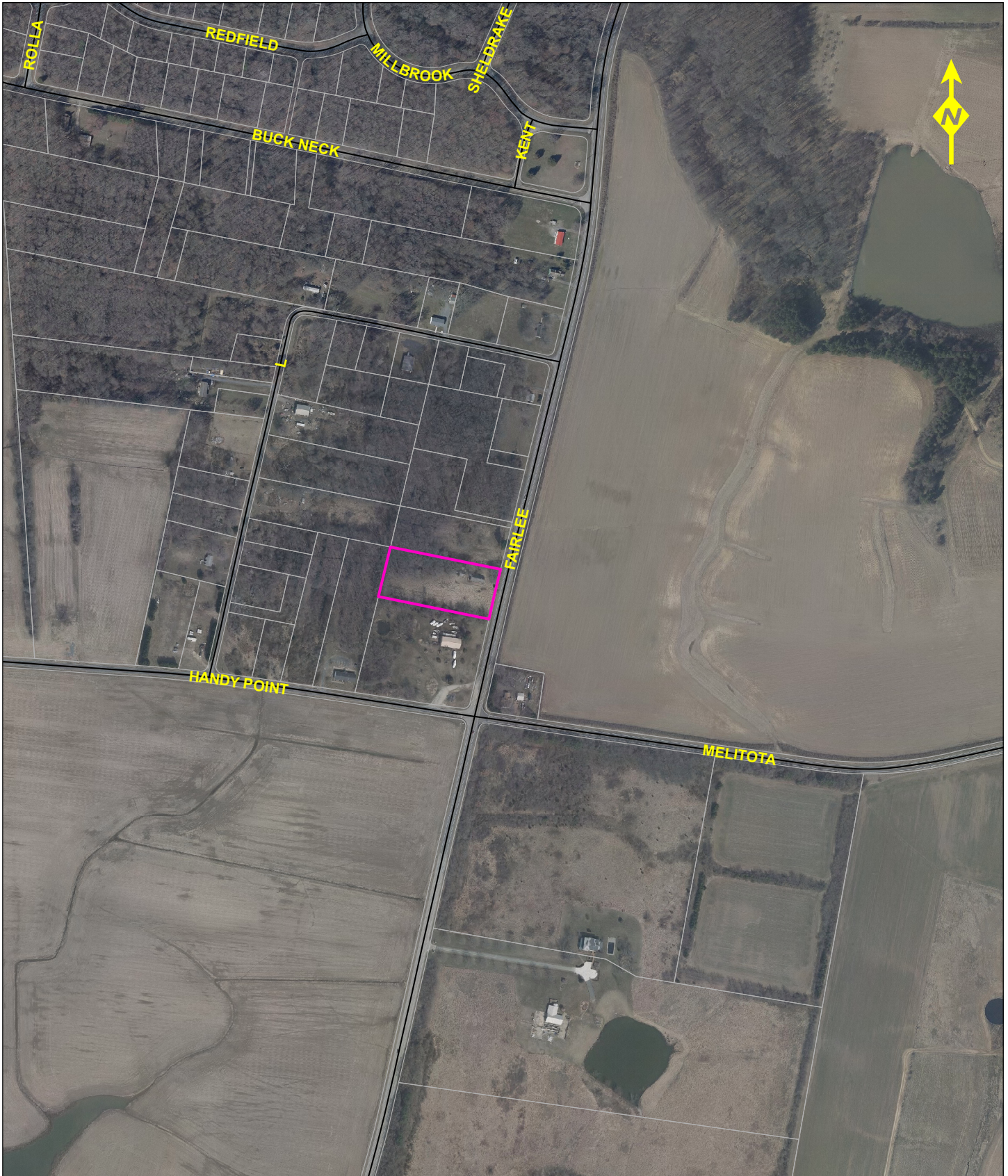
1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
2. Traffic Patterns;
3. Nature of surrounding area;
4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
5. The impact 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.

- B. *Staff and TAC Comments:* The surrounding area is comprised of single-family homes and agricultural uses. The property is almost 2 acres and much of it is wooded. The proposed use will not have an impact on community services, such as police, fire, water, or sewer. There will be no impact to traffic patterns. The proposed use is consistent with the Comprehensive Plan.

STAFF RECOMENDATION

Based on the information presented to the Planning Commission, staff concurs with the Planning Commission's recommendation.

Green's Septic and Excavation, LLC



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

1 inch = 500 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)

Green's Septic and Excavation, LLC

C/O Steven Green

10600 Hyala Ct., Chestertown, MD 21620

Email: greensseptic@gmail.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: delmarvasurveyco@yahoo.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 7.3 (15)

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

Appealing Decision of Kent County Zoning Administrator Variance

X Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 10252 Fairlee Road, Chestertown, MD 21620

In the 6th Election District of Kent County.

Size of lot or parcel of Land: 1.914 Acres

Map: 27 Parcel: 87 Lot #: _____ Deed Ref: 1244/277

List buildings already on property: None

If subdivision, indicate lot and block number: _____

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

PRESENT ZONING OF PROPERTY: (V) Village

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Request for a Special Exception in the Village District under Section 7.3 (15) - Special Exception - Septic Tank Maintenance and Excavation to allow for the construction of a 4,000 Square Feet Storage Building.

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

Present owner(s) of property: Green's Septic and Excavation, LLC Telephone: 410-778-9294

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: Hiram O. Ramirez, 302 Manor Ave., Chestertown, MD 21620


Owner(s) on the South: William & Tina Landon, 8110 Brices Mill Road, Chestertown, MD 21620

Owner(s) to the East: Green Point Farms at Melitota, LLC, PO Box 817, Farmingdale, NJ 07727

Owner(s) to the West: Matthew Murray & Afifa Habbassi, 23730 Handy Point Road, Chestertown, MD 21620

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

9/28/22

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.

Pole Building Outfitters
22849 Peaviner RD
Ridgeley MD 21660
443-375-0497

MHIC# 86372
MHBR# 3364
MD General Contractor# 05624390
Delaware Contractor lic# 2020100858

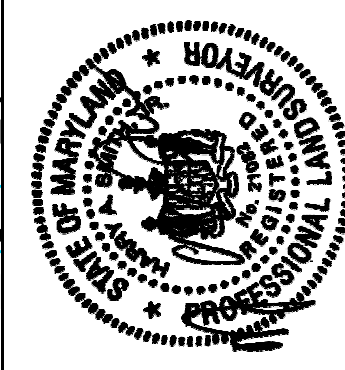


- Area Of Disturbance – 9/26/2022

Building Proposal for **Steve Green** at **10252 Fairlee Road, Chestertown Md 410-708-1191**
greensseptic@gmail.com

1. 50' width x 80' length x 16' inside height
2. Gable Roof System: 4' o/c trusses, 3.75 / 12 Roof Pitch, 1' Overhangs. H2.5A
3. 8' o/c Three Ply Glu Laminated Column 2 x 8 on sidewall, 8' o/c Three Ply Glu Laminated Column 2 x 8 on gables.

Pole building outfitters will only need a 3' perimeter larger than the size of the building (total disturbed area 4,816 square feet) to construct the building. The area that will primarily be disturbed is on the inside of the building to dig footers, set trusses, ect. Any questions or concerns please contact Chris Wilhelm 443-375-0497 or chrispboutfitters@gmail.com



SEAL
DATE

Green's Septic & Excavation, LLC

Site Plan
On The Lands Of

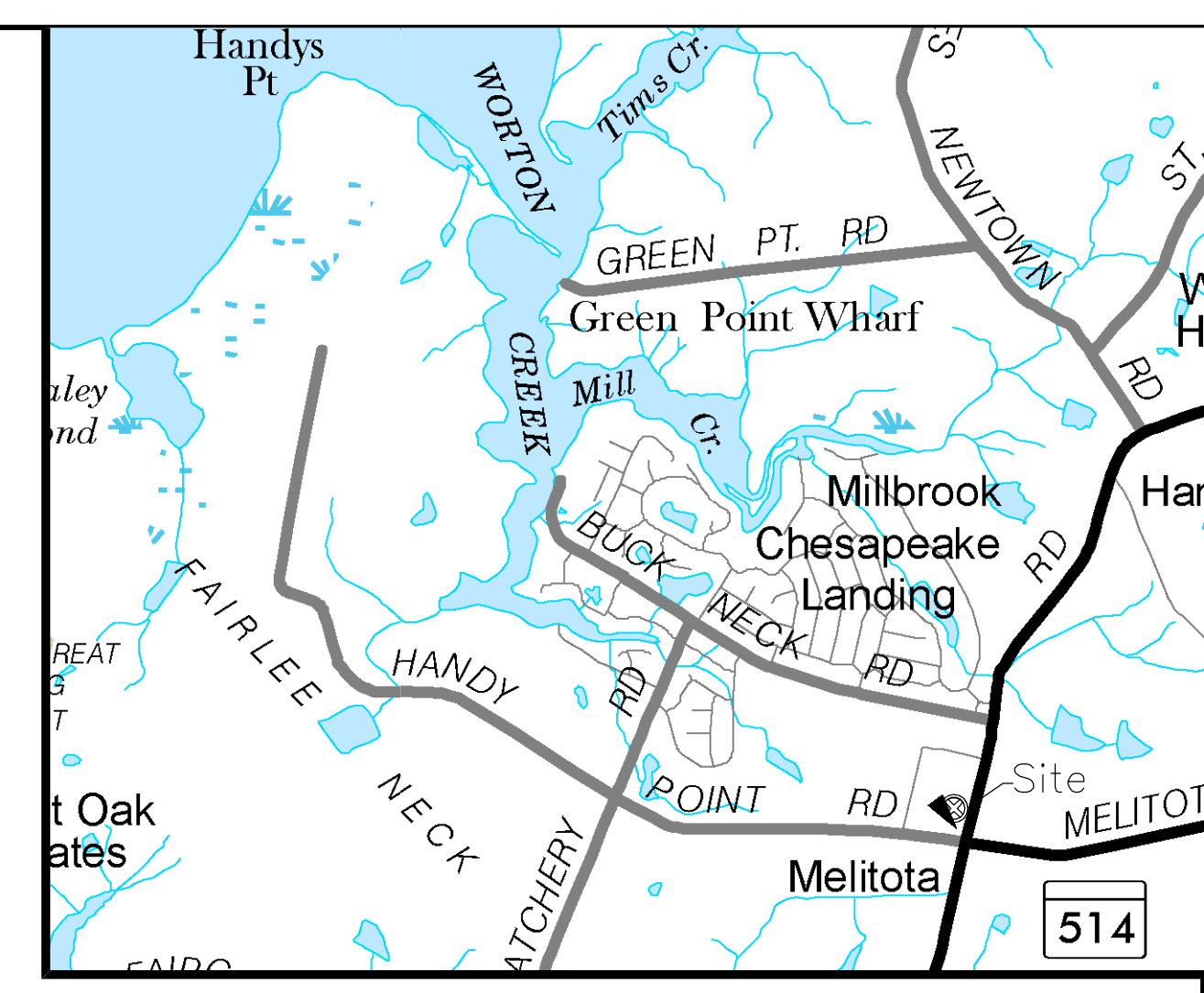
Tax Map 27 Grid 3C Parcel 87
Sixth District, Kent County, Maryland
Prepared For: Green's Septic & Excavation, LLC

Harry A. Smith, Jr.

Professional Land Surveyor

10644 Big Stone Road
Millington, Maryland 21651
Phone 443-460-5080
Email delmarasurveyor@yahoo.com

DATE	REVISION	SCALE	1" = 20'
Sept. 2022		DRAWN BY	Smith
		DESIGNED BY	Smith
		APPROVED BY	Smith
		SHEET NO.	1 OF 1
		CADD FILE	22-040



Vicinity Map

Legend

- Parcel Boundary
- Em MtcA Soil Type And Configuration
- Existing Forest
- Topography Contour & Elevation
- Proposed Building
- Limits Of Disturbance

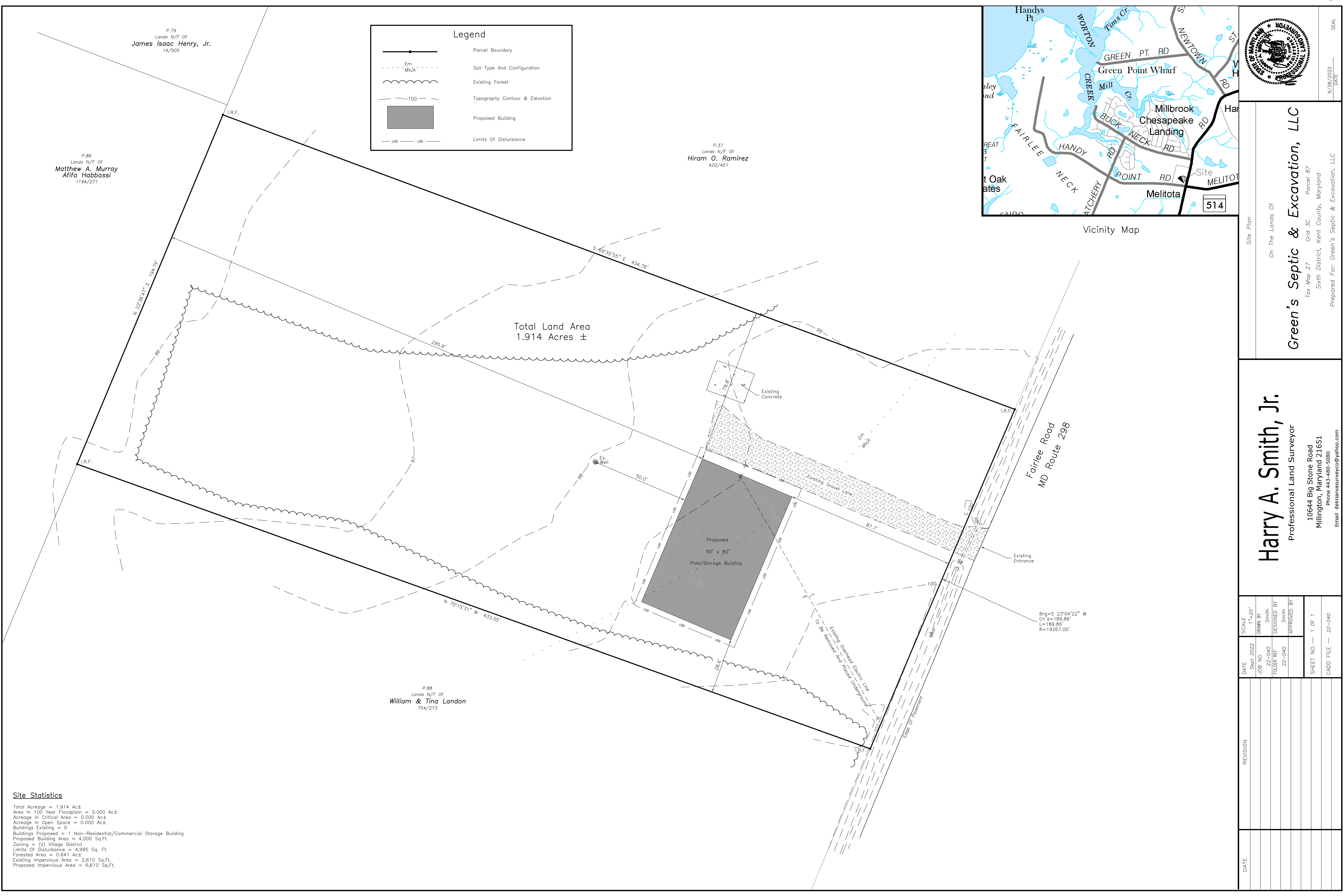
P.79
Lands N/F Of
James Isaac Henry, Jr.
14/505

P.86
Lands N/F Of
Matthew A. Murray
Afifa Habbassi
1194/271

P.37
Lands N/F Of
Hiram O. Ramirez
420/451

P.88
Lands N/F Of
William & Tina Landon
754/273

Total Land Area
1.914 Acres ±



Site Statistics

Total Acreage = 1.914 Ac±
 Area In 100 Year Floodplain = 0.000 Ac±
 Acreage In Critical Area = 0.000 Ac±
 Acreage In Open Space = 0.000 Ac±
 Buildings Existing = 0
 Buildings Proposed = 1 Non-Residential/Commercial Storage Building
 Proposed Building Area = 4,000 Sq.Ft.
 Zoning = (V) Village District
 Limits Of Disturbance = 4,995 Sq. Ft.
 Forested Area = 0.641 Ac±
 Existing Impervious Area = 2,610 Sq.Ft.
 Proposed Impervious Area = 6,610 Sq.Ft.







