



**Board of Zoning Appeals**  
**Department of Planning, Housing, and Zoning**

**MINUTES**

Meeting: Kent County Board of Zoning Appeals  
 Date: March 13, 2023  
 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><b>23-07 Darrell and Carla Morgan – Variance – Critical Area Clearing</b></p> <p>The applicants are requesting a variance to clear in excess of the 30% maximum allowance for clearing in the Critical Area. The applicants propose to clear 12,845 square feet (69%) of an 18,691 square foot, fully wooded parcel to accommodate the installation of a detached single-family home, a driveway, and a septic system. The property is identified as Map 27, Parcel 481 on Clarissa Road.</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>        Buck Nickerson, LS, Extreme Measures, LLC, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u>        Correspondence was received on February 14, 2023, from Tay Harris, Natural Resources Planner, of the Maryland Critical Area Commission. The CAC concurred with Staff’s recommendation.</p> <p><u>Planning Staff</u>        Mark Carper, LEED Green Associate, Associate Planner, was sworn in and recommends approval with conditions.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>David Hill, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Beth Grieb, Clerk</p>	<p>Mr. Massey made a motion to grant a critical area clearing variance to Darrell and Carla Morgan located on Clarissa Road in the Chesapeake Landing Subdivision to allow up to 69% of the parcel to be cleared. The approval is contingent upon the following conditions: An approved Critical Area Forest Clearing plan to mitigate at a ratio of 3:1 for the area cleared. Fee in lieu of planting is acceptable. The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs. The motion is made on the findings of facts both oral and written.</p> <p>The motion was seconded by Mr. Hill; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

Agenda Item	Sitting for the Board	Action Taken	Vote
<p><b>23-09 Scott and Shari Smith – Variance – Side Yard Setback</b></p> <p>The applicants are requesting a side yard setback variance to construct a residential addition. The addition would connect the existing detached garage to the dwelling, placing the entire primary structure three feet from the side lot line. The property is located at 26933 Mallard Road, Chestertown.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals for the side yard setback variance of twelve feet with the condition that no further encroachment shall occur within the side yard setback beyond the proposed addition over the existing concrete pad.</p> <p><u>Applicant/Representative</u> William Crowding, LS, William Crowding Surveys, LLC, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Carla Gerber, AICP, Deputy Director, was sworn in and recommends approval with conditions.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>John Massey, Member</p> <p>David Hill, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Beth Grieb, Clerk</p>	<p>Mr. Hill made a motion to approve the variance for the side yard setback to connect the detached garage to the existing dwelling provided that no further encroachment shall occur within the side yard setback beyond the proposed addition over the existing concrete slab. The variance for Scott and Shari Smith located at 26933 Mallard Road will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>
<p><b>MINUTES: February 27, 2023</b></p>		<p>Mr. Massey moved to approve the minutes. Mr. Hill seconded the motion; the motion passed with all in favor.</p>	<p>Approved</p>
<p><b>Adjourn</b></p>		<p>Mr. Massey made a motion to adjourn the meeting, and Mr. Hill seconded the motion; the motion passed with all in favor. The meeting adjourned at 5:40 p.m.</p>	<p>Unanimous Approval</p>

Dr. Al Townshend, Chairman

/s/ Beth Grieb

Beth Grieb, Clerk