



Department of Planning, Housing, and Zoning

ADMINISTRATIVE HEARING

County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

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: **625 247 909#**

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

AGENDA

May 11, 2023

10:00 AM

APPLICATIONS FOR REVIEW:

- 23-21 Neal and Carolyn Metzbower – Administrative Variance – Side Yard Setback
21108 Tolchester Beach Road, Chestertown – Sixth Election District – Critical Area Residential (CAR)
- 23-30 Stephen and Lisa Driscoll – Administrative Variance – Side Yard Setback
31468 Sassafras River Avenue, Galena – First Election District – Critical Area Residential (CAR)
- 23-31 Stephen and Lisa Driscoll – Administrative Special Exception – Oversize Accessory Structure
31468 Sassafras River Avenue, Galena – First Election District – Critical Area Residential (CAR)
- 23-23 Robert and Catherine Gundlach – Administrative Variance – Front and Side Yard Setback
22460 Crouchs Lane, Rock Hall – Fifth Election District – Community Residential (CR) and Critical Area Residential (CAR)

APPLICANT OR REPRESENTATIVE MUST BE PRESENT

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Administrative Hearing may be held in closed session under the authority of the MD Open Meetings Law. Meetings are subject to audio and video recordings.

Applicants will be given the time necessary to assure full public participation and a fair and complete review of all projects. Items on this Agenda are subject to change due to cancellation of projects.

If you require communication assistance, please contact the Maryland Relay Service at www.mdrelay.org or 7-1-1 Voice/TDD.



Kent County Department of Planning, Housing, and Zoning

PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
FROM: Mark Carper, Associate Planner
SUBJECT: 23-21, Neal and Carolyn Metzbower
Administrative Variance – Side yard setback
District 6, Map 34, Parcel 1, Lot 21
DATE: April 28, 2023

DESCRIPTION OF PROPOSAL

Neal and Carolyn Metzbower are requesting a 6-foot variance from the minimum 15-foot side yard setback to construct a 24-foot by 8-foot addition to a detached garage. The 1.44-acre property is located at 21108 Tolchester Beach Road, in the Sixth Election District and is zoned Critical Area Residential (CAR).

RELEVANT ISSUES

I. Permitted and Accessory Uses

A. *Applicable Law:* Article V, Section 5.2 of the *Kent County Land Use Ordinance* establishes permitted principal uses and structures within the Critical Area Residential District.

B. *Staff and TAC Comments:* The applicant is proposing to construct an addition to a detached garage.

II. Density, Height, Width, Bulk, and Fence Requirements

A. *Applicable Law:* Article V, Section 5.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Critical Area Residential District.

Minimum Yard

Front	50 feet
Side	15 feet
Rear	30 feet

B. *Staff and TAC Comments:*

- The property owners wish to construct a 24-foot by 8-foot addition to a detached garage. The addition to the garage will sit 9 feet from the side property line.
- The proposed addition will be roughly 8 feet in height and will be used as a tractor lean-to.

III. Variance

A. *Applicable Law:* Article IX Section 2.1 of the *Kent County Land Use Ordinance* authorizes the Planning Director, or the Planning Director's designee, to grant variances from the yard (front, side, or rear) requirements in an amount that does not exceed 50% of the required yard for the applicable zoning district so as to relieve practical difficulties or other injustices arising out of the strict application of the provision of the Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of

variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

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

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
 - b. That the *variance* will not change the character of the neighborhood or district.
 - c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
 - d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.
 - e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
 - f. ...
 - g. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, shall consider the reasonable use of the entire parcel or lot for which the *variance* is requested.
 - h. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, shall presume that the specific *development* activity in the Critical Area that is subject to the application and for which a *variance* is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
 - i. The Planning Director, or the Planning Director's designee, may consider the cause of the *variance* request and if the *variance* request is the result of actions by the applicant, including the commencement of *development* activity before an application for a *variance* has been filed.
- B. Staff and TAC Comments:
- MDOT SHA and the Kent County Health Department have reviewed this application and have no issues or concerns with County approval.
 - The roofline of the proposed structure will blend with that of the existing garage to which it will be attached, and an existing privacy fence at the end of the drive will largely screen the addition.
 - The variance will not cause a substantial detriment to adjacent or neighboring properties, nor change the character of the neighborhood or district.
 - The structure is to be placed atop an existing gravel driveway, and no additional lot coverage will result.
 - The Comprehensive Plan is neutral on this application. The request is consistent with the Critical Area Law. The proposed development is a reasonable use of the property.

STAFF RECOMMENDATION

Staff recommends approval of a 6-foot variance from the minimum 15-foot side yard setback to construct a 24-foot by 8-foot addition to a detached garage. Recommended condition includes:

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

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)

E. NEAL + CAROLYN METZBOWER
21108 TOLCHESTER BEACH ROAD
CHESTERTOWN, MD 21620
443-480-3302

Email: HOMEPORT778@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: HOMEPORT778@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 VARIANCE

☒ Appealing Decision of Kent County Zoning Administrator ☒ Variance
☐ Special Exception ☐ Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) TOLCHESTER BEACH ROAD, 21108

In the 6 Election District of Kent County.

Size of lot or parcel of Land: 1,4400 AC

Map: 0034 Parcel: 0001 Lot #: 21 Deed Ref: _____

List buildings already on property: HOUSE, GARAGE(2) SHOP + SHED

If subdivision, indicate lot and block number: LOT 21

If there is a homeowner's association, give name and address of association: NONE

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.) BUILDING WITH IN LESS THEN 15 FT OF SIDE PROPERTY LINE. BUT INSIDE OF SIDE FENCE

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

Present owner(s) of property: E. NEAL + CAROLYN L. METZBOWER Telephone: 443-480-3302

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: _____

Owner(s) on the South: _____

Owner(s) to the East: _____

Owner(s) to the West: RALPH + LYNN DOLINGER

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.

Edward Neal Matyboran 1 MARCH 2023
Signature of Owner/Applicant/Agent or Attorney Date

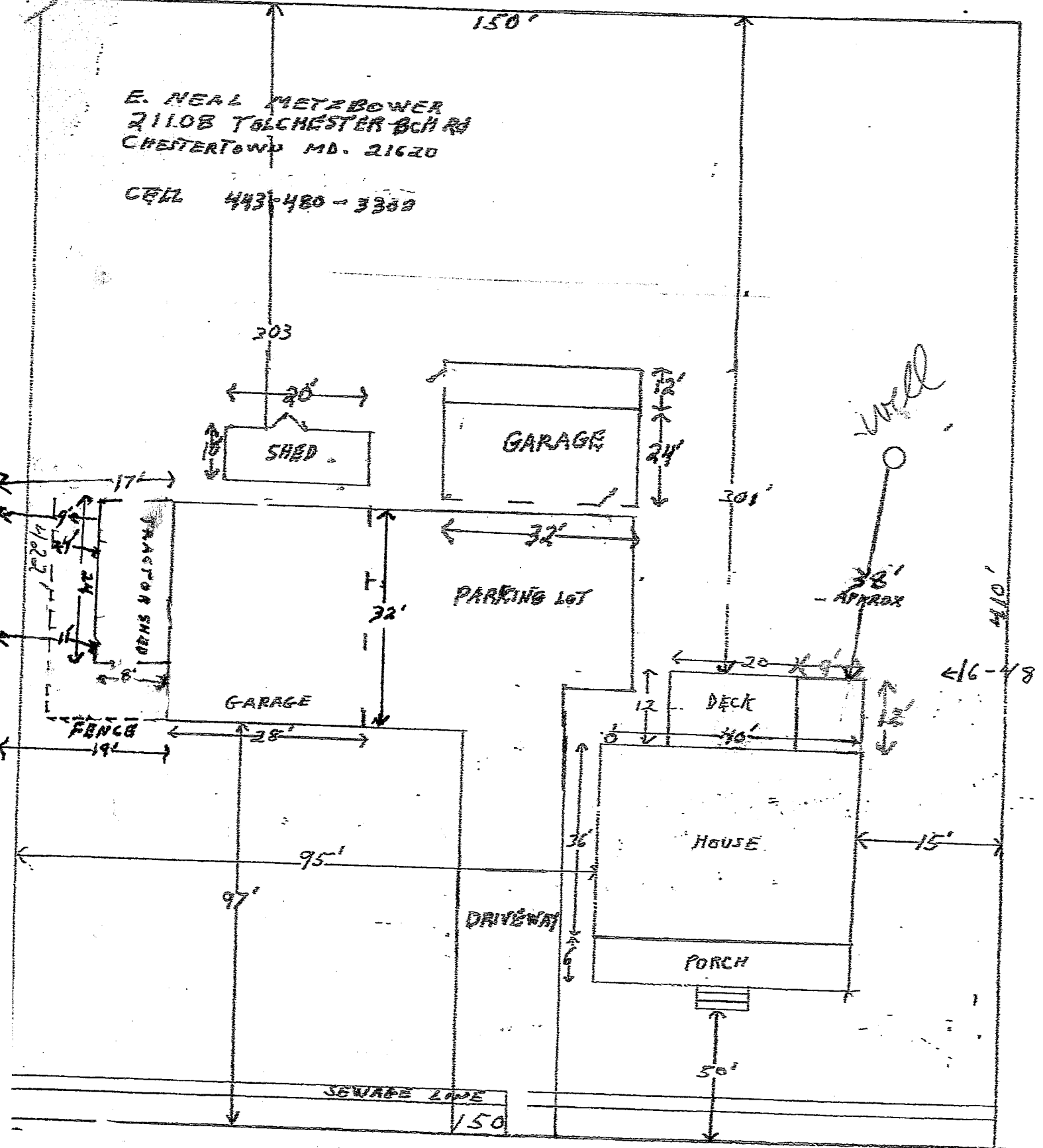
Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. If you have any questions, please contact the Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals nor the Planning Office 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.

E. NEAL METZBOWER
21108 TOLCHESTER BEACH RD
CHESTERTOWN MD. 21620

CELL 443-480-3300



TOLCHESTER BEACH ROAD

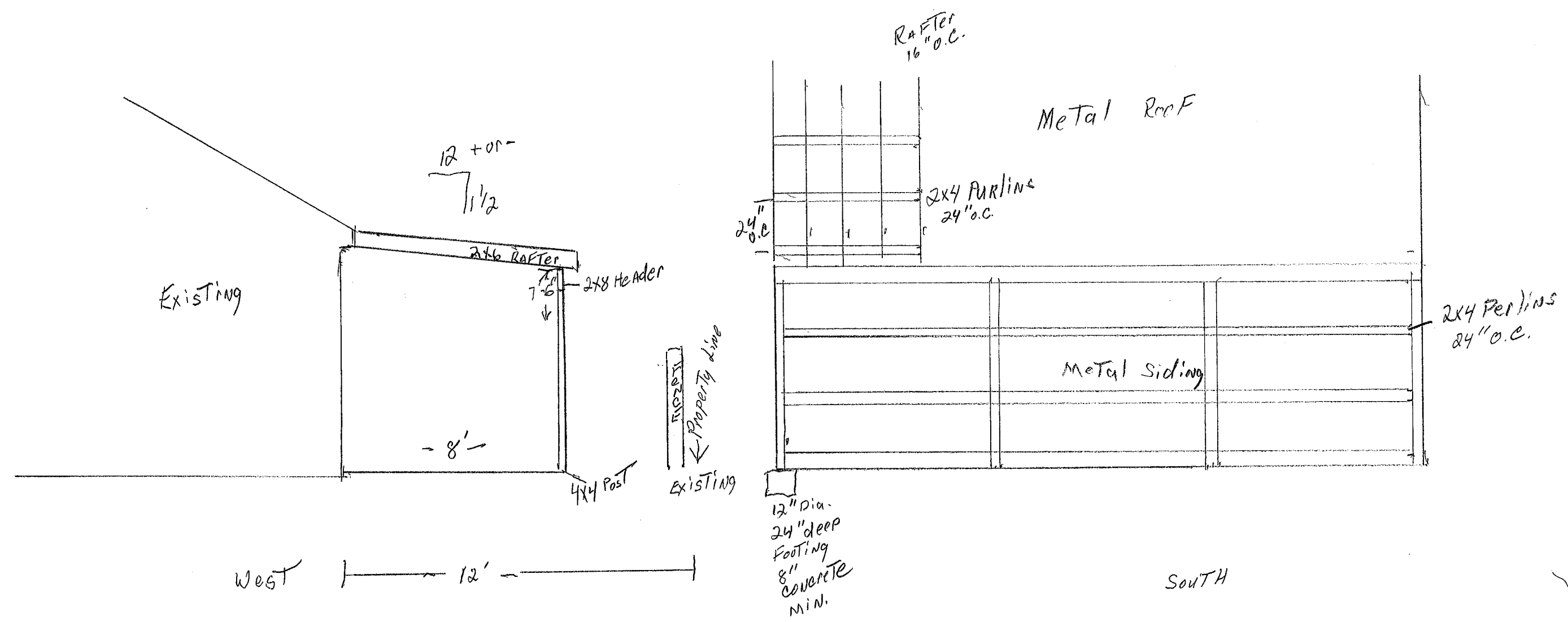
NOT TO SCALE



Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2019. Map prepared April 2023.

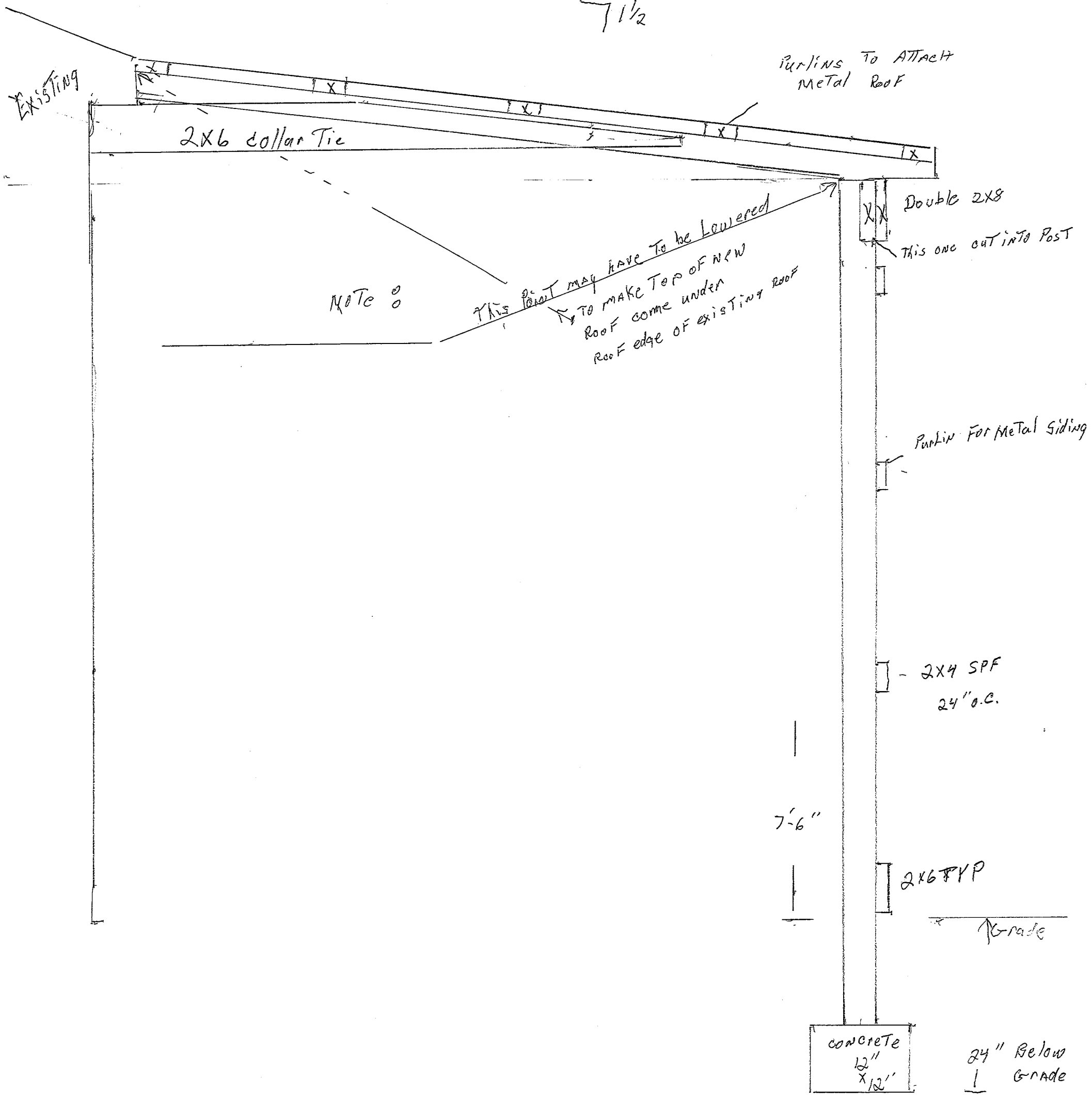
1 inch = 50 feet

1/4" = 1'



1" = 1'

12"
7 1/2"



2x6 collar Tie

Purlins To ATTACH
Metal Roof

Double 2x8

This one CUT INTO POST

Purlin For Metal Siding

2x4 SPF
24" o.c.

2x6 TYP

Grade

concrete
12"
x 12"

24" Below
1 Grade

NOTE: o

This point may have to be lowered
to make top of new
roof come under
roof edge of existing roof

7'-6"





Kent County Department of Planning, Housing, and Zoning

PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
FROM: Mark Carper, Associate Planner
SUBJECT: 23-30, Stephen and Lisa Driscoll
Administrative Setback Variance (Side yard)
District 1, Map 7, Parcel 232
DATE: May 3, 2023

DESCRIPTION OF PROPOSAL

Stephen and Lisa Driscoll, owners, are requesting a 5.67-foot variance from the minimum 15-foot side yard setback requirement to replace an existing single-family dwelling. The proposed dwelling will be constructed within the same footprint of the existing dwelling and the abutting concrete patio to the west. The proposed structure will be a 172 square foot expansion of an existing dwelling in a modified buffer area, which requires a 3:1 mitigation. With the removal of patios, walkways, and shed, there will be a net decrease of 253 square feet of lot coverage on this waterfront parcel. A new B.A.T. septic system will be installed in accordance with the requirements of the Kent County Health Department. The 9,104 square foot property is located at 31468 Sassafras River Avenue, Galena, in the First Election District and is zoned Critical Area Residential (CAR). The immediate surrounding area is characterized by small lots with single-family dwellings.

RELEVANT ISSUES

I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 5.2 of the Kent County Land Use Ordinance establishes permitted principal uses and structures.
- B. *Staff and TAC Comments:* The applicant is proposing to replace an existing single-family dwelling within the same footprint of the existing structure and the abutting concrete patio.

II. Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Law:* Article V, Section 5.5 of the Kent County Land Use Ordinance establishes the density, height, width, bulk, and fence requirements for the Critical Area Residential District.

Minimum Lot Size	½ acre
Minimum Lot Width	75 feet
Minimum Yard	
Front	50 feet
Side	15 feet
Rear	30 feet

- B. *Staff and TAC Comments:* According to the site plan, the proposed replacement structure will be 10 feet at its overhang on its northwestern corner to the property line and 10.33 feet at its overhang on its southwestern corner to the property line. The structure will be 26.7 feet from the front (waterfront) property line, and approximately 124 feet from the rear property line. The approximate dimensions of the lot are 55 feet wide by 180 feet deep. Due to the narrowness and size of the

existing lot, neither of which are compliant with current regulations, a variance from the side yard setback requirement for the western property line is necessary to accommodate the dimensions of the proposed construction.

There will be a 172 square foot expansion of an existing dwelling within a modified buffer area but with no advancement waterward. Mitigation of 516 square feet of native plantings is required. According to Maryland's Environmental Resource and Land Information Network (MERLIN), the property is within a Forest Interior Dwelling Species area as defined by the Maryland Department of Natural Resources, and any exterior construction is prohibited between April 1 through August 31. With the property at 9,104 square feet, Critical Area Law allows for 2,845 square feet of lot coverage. Existing lot coverage is 4,305 square feet, and the property is nonconforming, a result of the 1949 development having occurred prior to establishment of Critical Area Law. The proposed project will result in a decrease in the lot coverage of 253 square feet, bringing the total to 4,052 square feet.

III. Variance

- A. *Applicable Law:* Article IX Section 2.1 of the *Kent County Land Use Ordinance* authorizes the Planning Director, or the Planning Director's designee, to grant variances from the yard (front, side, or rear) requirements in an amount that does not exceed 50% of the required yard for the applicable zoning district so as to relieve practical difficulties or other injustices arising out of the strict application of the provision of the Ordinance.

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

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

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
- b. That the *variance* will not change the character of the neighborhood or district.
- c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.
- e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
- f. ...
- g. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, shall consider the reasonable use of the entire parcel or lot for which the *variance* is requested.
- h. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, shall presume that the specific *development* activity in the Critical Area that is subject to the application and for which a *variance* is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.

- i. The Planning Director, or the Planning Director's designee, may consider the cause of the *variance* request and if the *variance* request is the result of actions by the applicant, including the commencement of *development* activity before an application for a *variance* has been filed.

B. *Staff and TAC Comments:*

- The Health Department has commented that the basement must remain unfinished and that the owners must re-apply for BAT grant funding if they would like to be considered for funding.
- Surrounding properties are similarly narrow and many of the principal structures appear to be nonconforming as to setback requirements. The variance will not cause a substantial detriment to adjacent or neighboring properties nor negatively impact the character of the neighborhood.
- The practical difficulty is caused by the narrowness of the existing lot of record, which does not comply with the current bulk standards.
- There will be a net decrease of 253 square feet of lot coverage.
- The property is within a Forest Interior Dwelling Species area as defined by the Maryland Department of Natural Resources, and any tree cutting and exterior construction is prohibited between April 1 through August 31.
- The Comprehensive Plan is neutral on this application. The request is consistent with the Critical Area Law. The proposed development is a reasonable use of the property.

STAFF RECOMMENDATION

Staff recommends approval of a 5.67-foot variance from the minimum 15-foot side yard setback to replace an existing single-family dwelling to be constructed within the same footprint of the existing dwelling and the abutting concrete patio. Recommended conditions include:

1. Any cutting of trees and exterior construction shall be prohibited from April 1 through August 31.
2. Approval of buffer management plan for mitigation of the expansion of an existing dwelling in a modified buffer area.
3. Lot coverage may not be increased beyond what is permitted by Critical Area Law.
4. The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

ADMINISTRATIVE HEARING APPLICATION

Kent County Department of Planning, Housing, and Zoning

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

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

APPLICANT OWNER

JOHN HUTCHINSON FOR STEPHEN DRISCOLL
302 PARK ROW, FLR 1 31468 SASSAFRAS RIVER AVE
CHESTERTOWN, MD 21620 GALENA, MD 21635

Email: JOHN@JOHNHUTCHARCH.COM STEPHEN.DRISCOLL@FISHERBROYLES.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: JOHN@JOHNHUTCHARCH.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:

X Variance _____ Special Exception _____ Determination of Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) SASSAFRAS RIVER AVENUE, GREGG NECK

In the FIRST Election District of Kent County.

Size of lot or parcel of Land: 209 ACRES (9,104 SF)
Map: 0007 Parcel: 0232 Lot #: PLAT # E9 356 Deed Ref: M.L.M. 588/308

List buildings already on property: 2 STORY FRAME DWELLING, SHED,
CONCRETE BUILDING

Subdivision name and address, if applicable: 0011

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.) THE EXISTING LOT IS NONCONFORMING (LOT WIDTH IS 50' AND ZONING REQUIRES 75'). WE ARE PROPOSING TO BUILD A NEW DWELLING WITHIN THE SAME FOOTPRINT AS THE EXISTING DWELLING AND ADJACENT

CONCRETE PAD TO THE WEST. THIS REPLACEMENT DWELLING WILL REQUIRE A SIDE YARD SETBACK OF 10' FROM THE WEST PROPERTY LINE IN LIEU OF THE ZONING REQUIRED 15'. PLEASE ALSO REFER TO PROJECT NARRATIVE ON SHEET A.O.01.
Present owner of property: STEPHEN DRISCOLL Telephone: 610.517.0016

If Applicant is not owner, please indicate your interest in this property: I, JOHN HUTCHISON, AM THE OWNERS ARCHITECT, APPLYING ON THE OWNER'S BEHALF.

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

If so, please give Application Number and Date: 21-55, 21-56 11/18/21

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

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

SEE ATTACHED DRAWINGS

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

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: N/A - SASSAFRAS RIVER

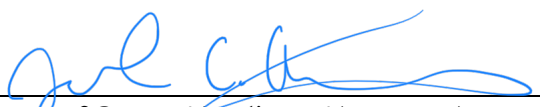
Owner(s) on the South: STEPHEN DRISCOLL (ACROSS SASSAFRAS AVE)

Owner(s) to the East: KEVIN McFADDEN

Owner(s) to the West: LEONARD LABATTAGLIA

Homeowners Association, name and address, if applicable: GREGG NEAL

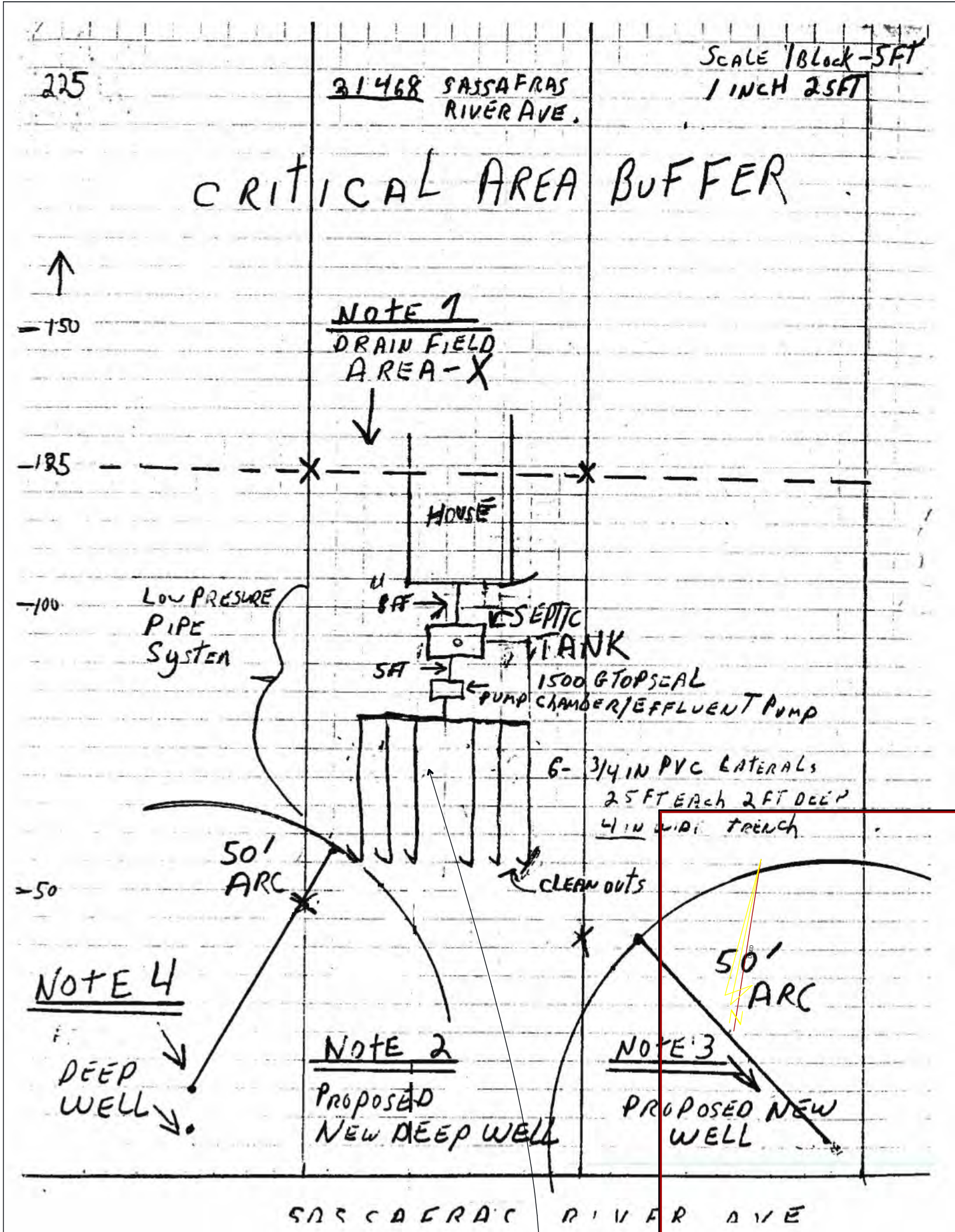
BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.

 3/30/23
Signature of Owner/Applicant/Agent or Attorney Date

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

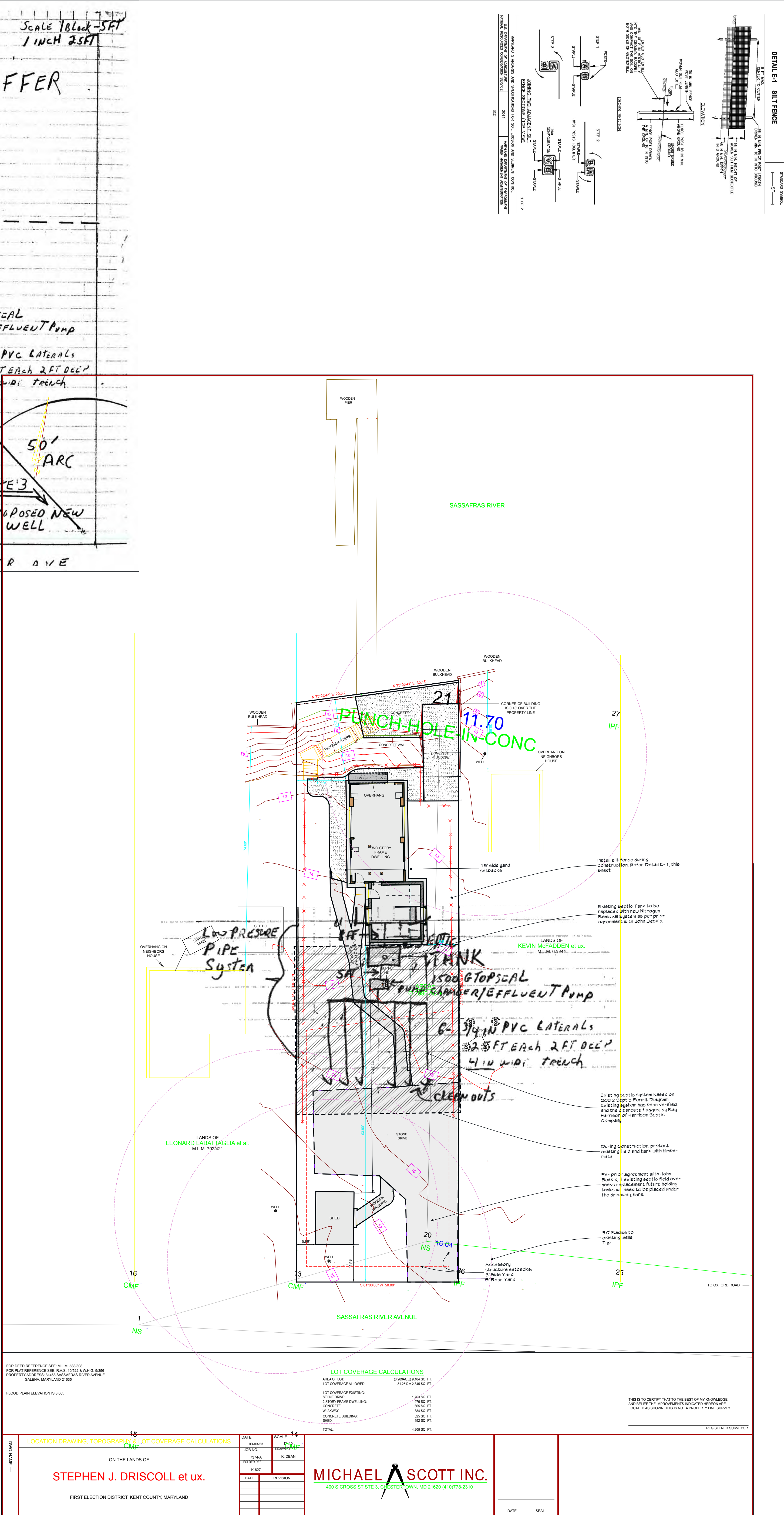
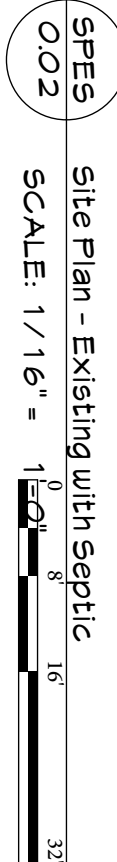
NOTICE: The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Department assists you, they cannot be held responsible for its contents.

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



Existing septic system based on 2002 Septic Permit Diagram. Existing system has been verified, and the cleanouts flagged, by Ray Harrison of Harrison Septic Company

DS1	Driscoll Septic 1
0.02	

[illegible]

Stephen and Lisa Driscoll

Project Number: JHA 20013

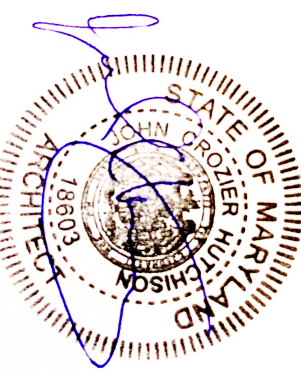
**Sassafras River
Renovations**

31468 Sassafras River Avenue
Galena, MD 21635
Kent County

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Architect will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

John Hultcrust Architecture

that I am a duly Licensed Architect under the Laws of the State of Maryland, License Number 18603,
Expiration Date 6/14/2024.



Note: Drawings are not authorized for Permit or Construction unless affixed with a Professional Seal and Signature of the Architect below. Drawings authorized for Construction must also be stamped "Issued for Construction" above the Sheet Title below. Drawings stamped "Preliminary" or "For Permit Only" are not authorized for Construction.



John
Hutchison
Architecture

Existing site Hall and Sepulchre Analysis

Variance Subm: Modular Re-Design
2/21/03

PRELIMINARY
FOR PERMITTING ONLY
NOT FOR CONSTRUCTION

Note: 3D images are shown for reference only and shall not be used for Actual Construction.

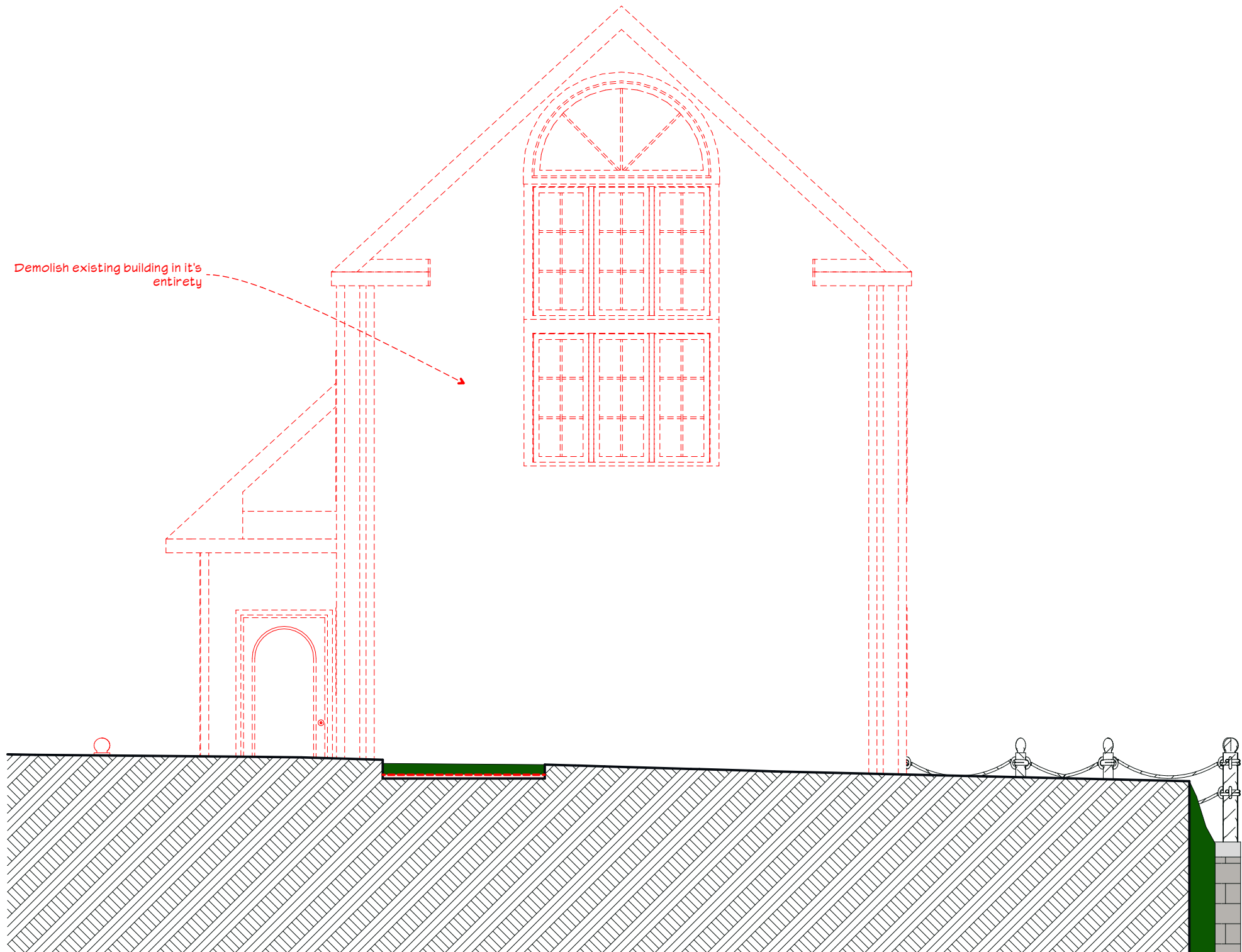
0.02

General Demolition Notes

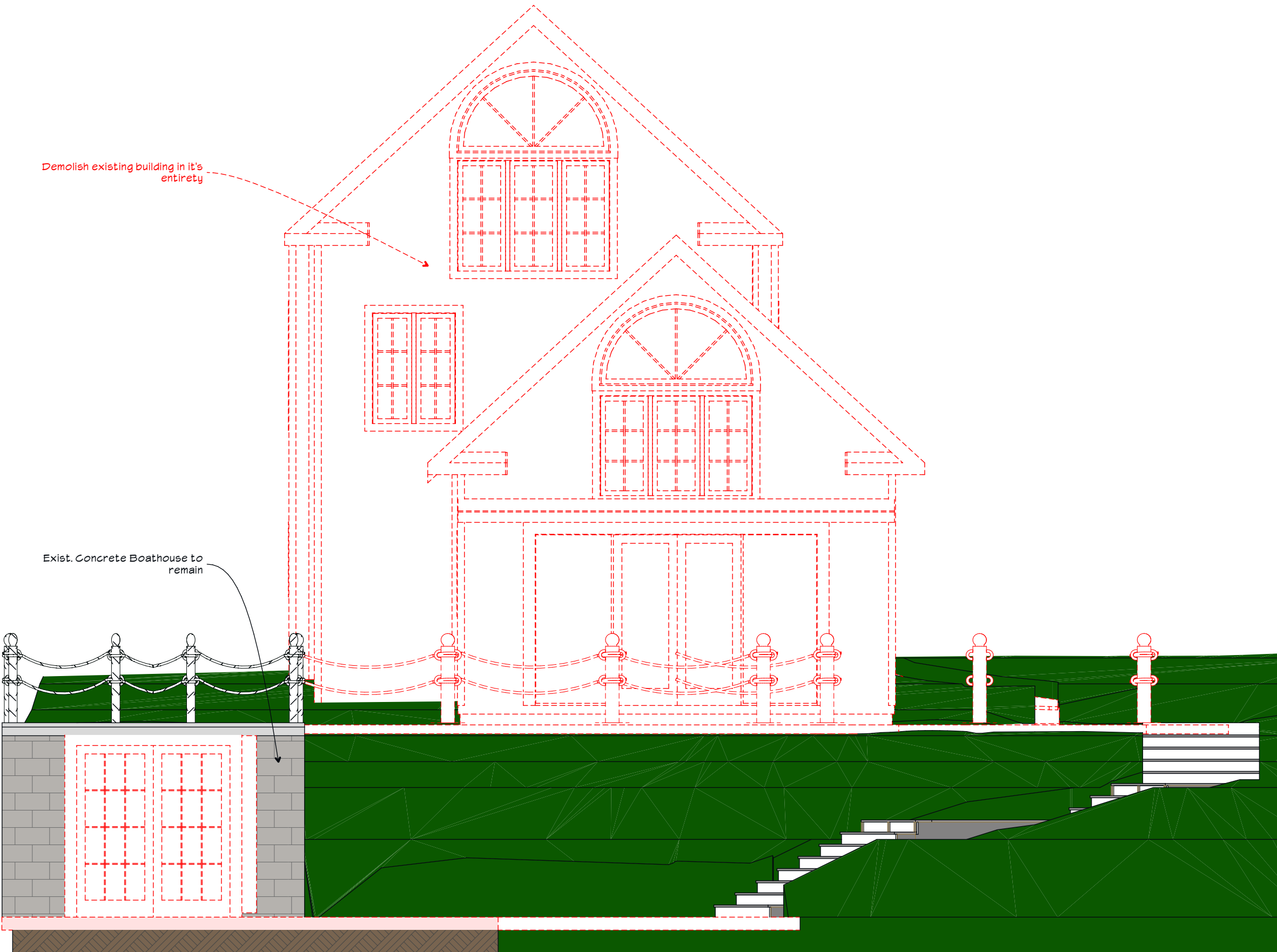
- A. Remove partitions, walls, floor and roof systems, and other associated construction as indicated on demolition plans.
- B. Terminate all electrical lines in walls and ceilings in a safe and secure manner and in accordance with all applicable local, state and national codes.
- C. Secure and protect existing main electrical panels during demolition.
- D. Secure all hvac equipment, ductwork, electrical equipment and cabling that is identified to remain.
- E. Secure all drains/soil line inlets with plumbing caps and/or covers as required.
- F. Securely store all removed lighting and plumbing fixtures, furniture and equipment as per owner's direction.
- G. U.O.N. all existing mechanical equipment and ductwork is to be demolished.
- H. Remove all demolition debris from site in full accordance with all applicable local, state and national codes and regulations, prevent injury to personnel and damage to adjoining property. Maintain any existing rights of way.
- I. Protect existing exposed foundation walls from damage.
- J. Protect all surfaces indicated to remain (windows, doors, frames, walls etc.) from damage during demolition.
- K. Prior to demolition, G.C. to verify all temporary shoring and bracing of all existing construction to remain.
- L. For all existing roof structures to remain: demolish existing finish roofing material and install new per proposed roof plan.
- M. For all existing exterior walls to remain: demolish existing finish siding material and install new per proposed plans and elevations.
- N. U.O.N. all existing windows and doors are to be replaced with new per the Proposed Plans and Exterior Elevations.
- O. On demolition drawings, construction identified with dashed red lines is scheduled for demolition, bring any discrepancies or questions to the attention of the Architect.

Framing General Notes

- A. Unless otherwise noted, framing members are #2 hem-fir or engineered wood as follows:
- 1st Floor Joists: Joists per Modular company
- 2nd Floor Joists: Joists per modular company.
- Deck Joists (where applicable): P.T. 2x10's @ 16" o.c.
- Typical building rafters: Trusses per Modular Company.
- B. Unless otherwise noted, dimensions are shown to the outside of exterior bearing walls (not to include sheathing) 4" to the centerline of framing members.
- C. Building Rim Joists are LSL, typ.
- D. Except where otherwise indicated, framing members shown close to each other are snug together.
- E. Provide Simpson or equivalent joist hangers where indicated/as necessary.
- F. U.O.N. Subfloor is 2 3/8" Advantech, 48/24 span rating, glued and nailed to joists.
- G. U.O.N. roof sheathing to be 1/2" Advantech.
- H. U.O.N. Exterior walls are 2x6 studs @ 16" o.c. w/ r-21 batt insulation. Wall sheathing to be 1/2" ZIP sheathing.
- I. Where joists bear on perpendicular walls, partitions and beams, provide blocking between joists using same joist type. Provide (2) joists directly below walls or partitions above.
- J. Unless otherwise noted, hips and valleys are (1) 1 3/4" x 1 1/4" lvs with framing anchors both sides @ top bracing.
- K. Unless otherwise noted, headers are as follows:
- Openings up to 5' in width: (2) 2x10's, 2 jacks/2 kings ea. jamb.
- Openings up to 7' in width: (3) 2x10's, 2 jacks/2 kings ea. jamb.
- L. G.C. shall use standard steel connectors for PSL connections as per Trus-Joist specifications. Provide connection shop drawings to architect prior to installation.
- M. Prior to start of framing: general contractor shall verify all framing requirements for mechanical equipment, mechanical chases, plenums, cabinets and other construction elements within this building not specifically detailed in these construction documents.



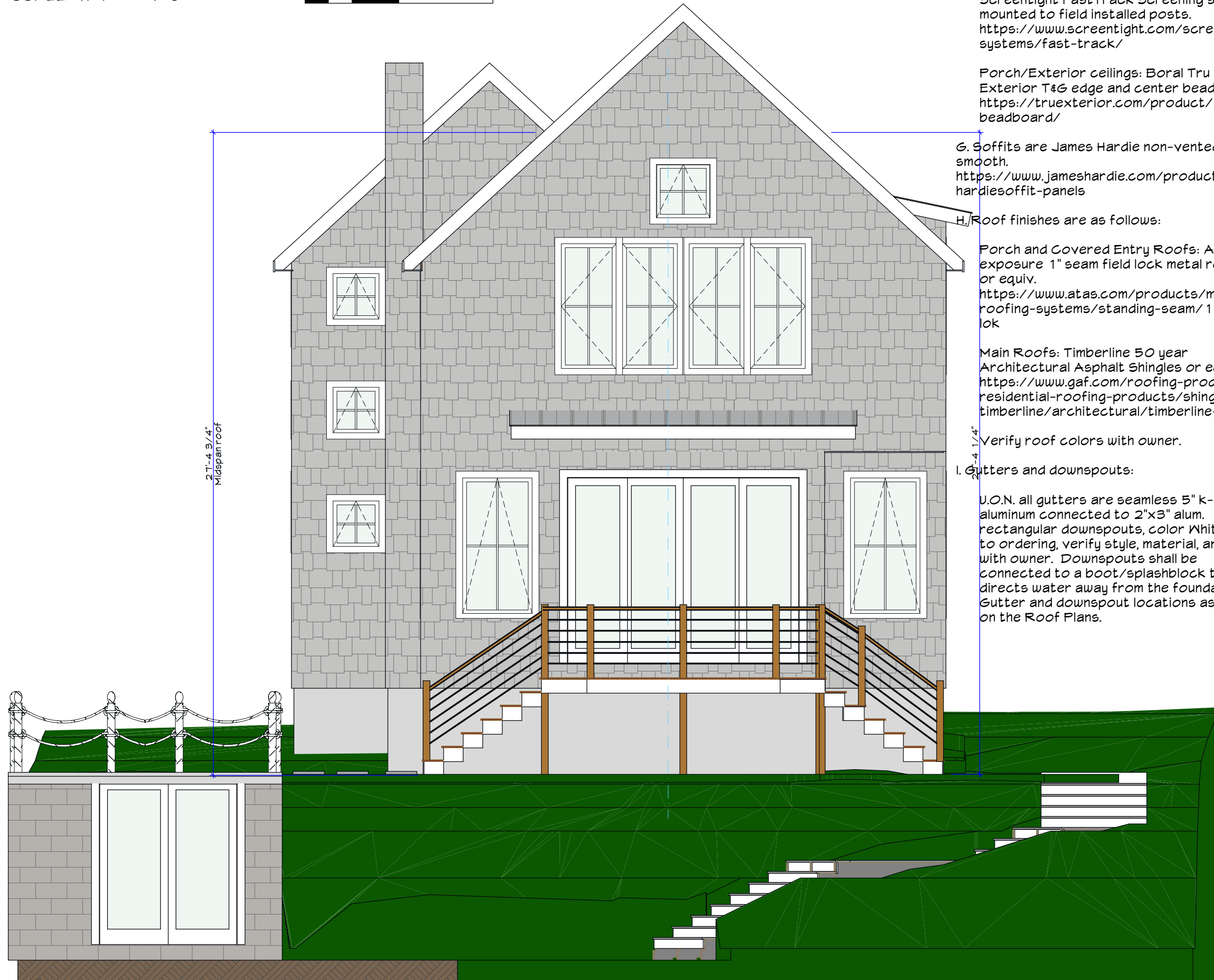
SE 2.01 South Elevation - Demo
SCALE: 1/4" = 1'-0"



NE 2.01 North Elevation - Demo
SCALE: 1/4" = 1'-0"



SE 2.01 South Elevation - Proposed
SCALE: 1/4" = 1'-0"



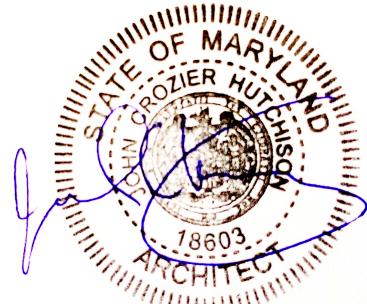
NE 2.01 North Elevation - Proposed
SCALE: 1/4" = 1'-0"

Exterior General Notes

- A. The following openings in the building shall be caulked or otherwise sealed to limit infiltration:
- Exterior joints around the window and door frames.
 - Openings for electrical and plumbing.
 - All other penetrations of the building envelope.
- B. U.O.N. new and/or replacement windows and exterior patio doors shall be Andersen 400 series with 5DL muntin patterns per elevations. Color: White exterior, White interior. Operation per Exterior Elevations. Interior hardware to be Standard in Oil Rubbed Bronze finish - coordinate/verify selection with owner. U.O.N. glazing to be LowE. <https://www.andersenwindows.com/windows-and-doors/series/400-series/#low-e>.
- Alternate: Provide deduct alternate for Viwinco 5-Series vinyl windows with 5DL muntin patterns per Elevations, color: White. Interior hardware to be oil rubbed bronze. Verify with Owner.
- C. Coor. window head heights with Exterior Elevations.
- D. U.O.N. replacement and new siding to be as follows:
- Shakes: James Hardie staggered edge shingle siding panels, pre-finished statement collection. <https://www.jameshardie.com/products/hardieshingle-siding>
- Coor. siding colors with owner.
- Alternate: Provide deduct alternate for "Cedar Impressions" vinyl siding in lieu of James Hardie.
- E. U.O.N. exterior trim is Boral 5/4 TruExterior, size per Exterior Elevations and Wall Sections. <https://truexterior.com/product/trim/>
- F. Decking and Porch Materials:
- Exposed "Drip-Through" Finish Decking: TimberTech Pro Terrain, color per owner. <https://www.timbertech.com/products/decking/>
Note: If drip-through decking is installed at Screened Porches, install screen material between joists and decking.
- Screen Systems (where applicable): Screentight FastTrack Screening system mounted to field installed posts. <https://www.screentight.com/screening-systems/fast-track/>
- Porch/Exterior ceilings: Boral Tru Exterior T&G edge and center bead, 4" exp. <https://truexterior.com/product/beadboard/>
- G. Goffits are James Hardie non-vented, smooth. <https://www.jameshardie.com/products/hardiesoffit-panels>
- H. Roof finishes are as follows:
- Porch and Covered Entry Roofs: Atas 12" exposure 1" seam field lock metal roofing, or equiv. <https://www.atas.com/products/metal-roofing-systems/standing-seam/1-field-lok>
- Main Roofs: Timberline 50 year Architectural Asphalt Shingles or equiv. <https://www.gaf.com/roofing-products/residential-roofing-products/shingles/timberline/architectural/timberline-hdz>
- Verify roof colors with owner.
- I. Gutters and downspouts:
- U.O.N. all gutters are seamless 5" k-style aluminum connected to 2"x3" alum. rectangular downspouts, color White. Prior to ordering, verify style, material, and color with owner. Downspouts shall be connected to a boot/splashblock that directs water away from the foundation. Gutter and downspout locations as shown on the Roof Plans.

**John Hutchison Architecture**
302 Park Row, Flr 1
Chesterstown, MD 21620
410.449.0466
john@johnhutcharch.com
www.johnhutcharch.com

Note: Drawings are not authorized for Permit or Construction unless affixed with a Professional Seal and Signature of the Architect below. Drawings authorized for Construction must also be stamped "Issued for Construction" above the Sheet Title below. Drawings stamped "Preliminary" or "For Permit Only" are not authorized for Construction.



Professional Certification: I 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 Maryland, License Number 18603, Expiration Date 6/14/2024.

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© John Hutchison Architecture

Project Number: JHA 20013

Sassafras River Renovations

31468 Sassafras River Avenue
Galena, MD 21635
Kent County

for

Stephen and Lisa Driscoll

REVISIONS

ID	Change Name	Date

Note: 3D Images are shown for reference only and shall not be used for Actual Construction.

Note: Full Size drawings are typically printed on 22x34 or 24x36 paper. If printed on 11x17 or 13x19 paper, it is likely the drawings are printed using a 50% reduction. Please verify scale of all drawings.

**PRELIMINARY
FOR PERMITTING ONLY
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Variance Subm: Modular Re-Design
3/31/23
Printed: 3/31/23

North and South Elevations

A
2.01

BN:\cloud:\johnhutcharch - BN\cloud as a Service\Driscoll Sassafrae River Cottage\Arch\Cad Files\Driscoll Modular Re-Design 2

Framing General Notes

A. Unless otherwise noted, framing members are #2 hem-fir or engineered wood as follows:

1st Floor Joists: Joists per Modular company

2nd Floor Joists: Joists per modular company.

Deck Joists (where applicable): P.T. 2x10's @ 16" o.c.

Typical building rafters: Trusses per Modular Company.

B. Unless otherwise noted, dimensions are shown to the outside of exterior bearing walls (not to include sheathing) & to the centerline of framing members.

C. Building Rim Joists are LSL, typ.

D. Except where otherwise indicated, framing members shown close to each other are snug together.

E. Provide Simpson or equivalent joist hangers where indicated/as necessary.

F. U.O.N. Subfloor is 23/32" Advantech, 48/24 span rating, glued and nailed to joists.

G. U.O.N. roof sheathing to be 1/2" Advantech.

H. U.O.N. Exterior walls are 2x6 studs @ 16" o.c. w/ 1-2 1 batt insulation. Wall sheathing to be 1/2" ZIP sheathing.

I. Where joists bear on perpendicular walls, partitions and beams, provide blocking between joists using same joist type. Provide (2) joists directly below walls or partitions above.

J. Unless otherwise noted, hips and valleys are (1) 1 3/4" x 1 1/4" lvs with framing anchors both sides @ top bracing.

K. Unless otherwise noted, headers are as follows:

Openings up to 5' in width: (2) 2x10's, 2 jacks/2 kings ea. jamb.

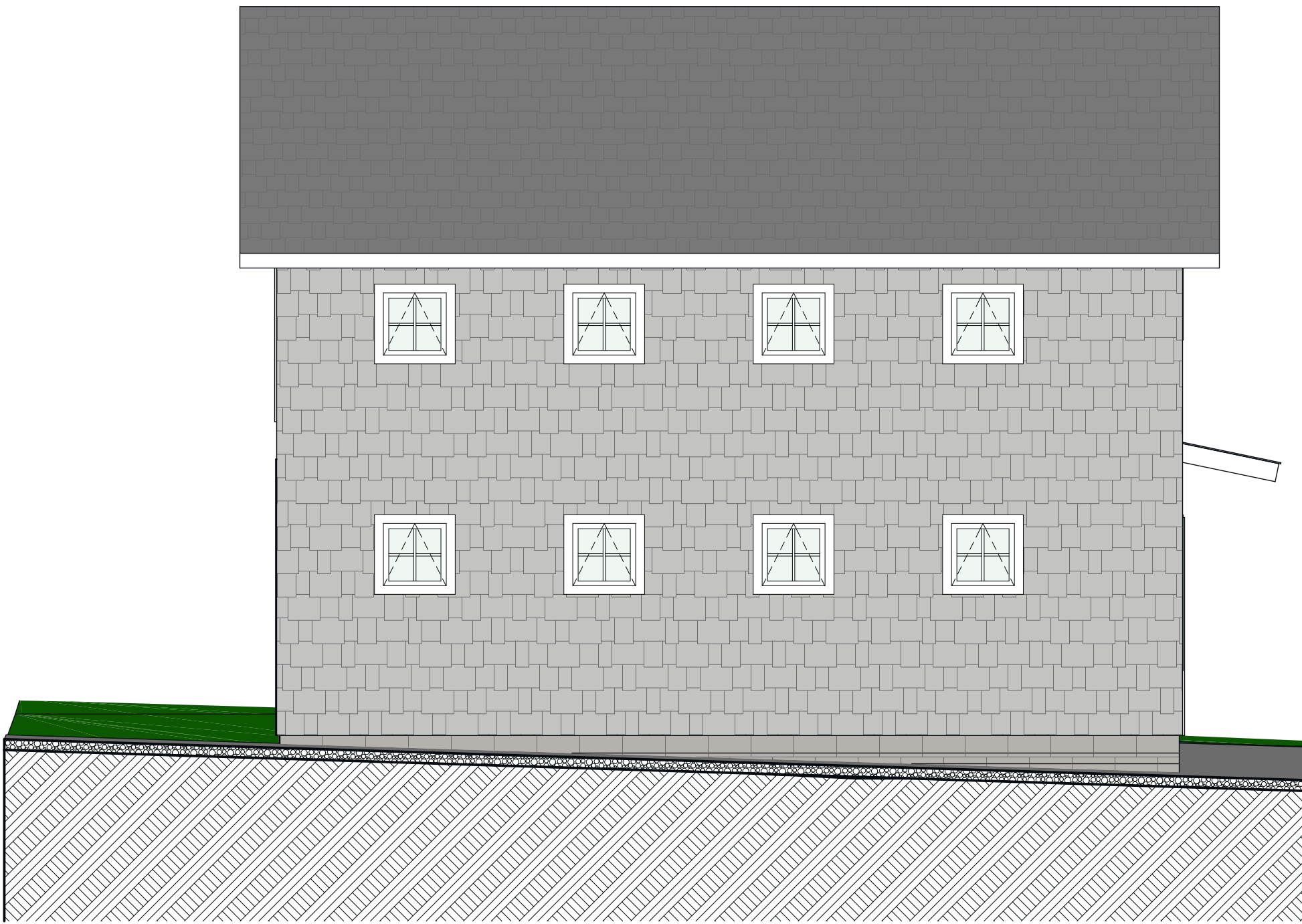
Openings up to 7' in width: (3) 2x10's, 2 jacks/2 kings ea. jamb.

L. G.C. shall use standard steel connectors for PSL connections as per Trus-Joist specifications. Provide connection shop drawings to architect prior to installation.

M. Prior to start of framing, general contractor shall verify all framing requirements for mechanical equipment, mechanical chases, plenums, cabinets and other construction elements within this building not specifically detailed in these construction documents.



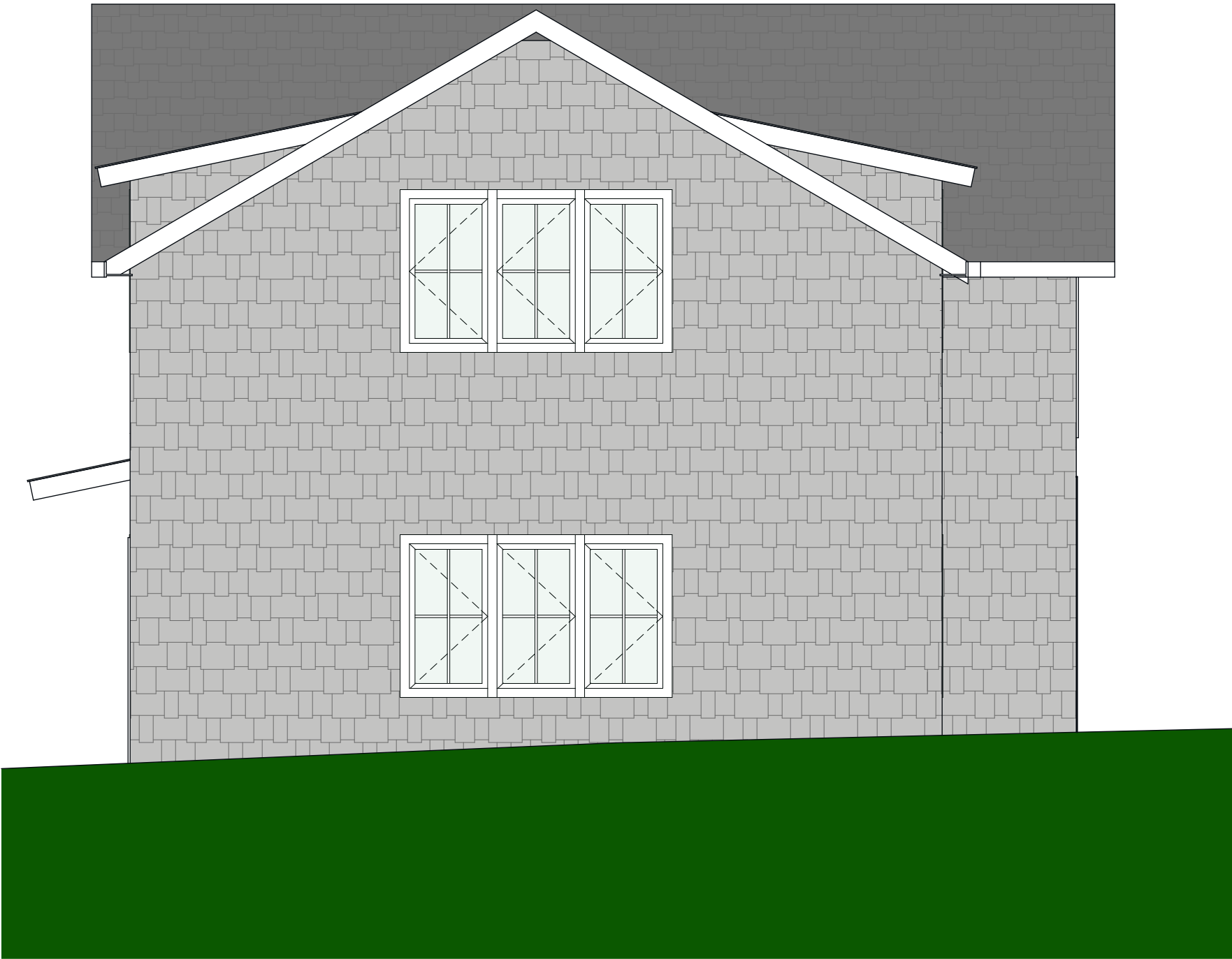
SEA 2.04 South Elevation-Garage
SCALE: 1/4" = 1'-0" 0 2' 4' 8'



EEA 2.04 East Elevation-Garage
SCALE: 1/4" = 1'-0" 0 2' 4' 8'



NEA 2.04 North Elevation-Garage
SCALE: 1/4" = 1'-0" 0 2' 4' 8'



WEA 2.04 West Elevation-Garage
SCALE: 1/4" = 1'-0" 0 2' 4' 8'

Exterior General Notes

A. The following openings in the building shall be caulked or otherwise sealed to limit infiltration:

1. Exterior joints around the window and door frames.
2. Openings for electrical and plumbing.
3. All other penetrations of the building envelope.

B. U.O.N. new and/or replacement windows and exterior patio doors shall be Andersen 400 series with SDL muntin patterns per elevations. Color: White exterior, White interior. Operation per Exterior Elevations. Interior hardware to be Standard in Oil Rubbed Bronze finish - coordinate/verify selection with owner. U.O.N. glazing to be LowE. <https://www.andersenwindows.com/windows-and-doors/series/400-series/#low-e>.

Alternate: Provide deduct alternate for Viwinco S-Series vinyl windows with SDL muntin patterns per Elevations, color: White. Interior hardware to be oil rubbed bronze. Verify with Owner.

C. Coor. window head heights with Exterior Elevations.

D. U.O.N. replacement and new siding to be as follows:

Shakes: James Hardie staggered edge shingle siding panels, pre-finished statement collection. <https://www.jameshardie.com/products/hardieshingle-siding>

Coor. siding colors with owner.

Alternate: Provide deduct alternate for "Cedar Impressions" vinyl siding in lieu of James Hardie.

E. U.O.N. exterior trim is Boral 5/4 TruExterior, size per Exterior Elevations and Wall Sections. <https://truexterior.com/product/trim/>

F. Decking and Porch Materials:

Exposed "Drip-Through" Finish Decking: Timbertech Pro Terrain, color per owner. <https://www.timbertech.com/products/decking/>
Note: If drip-through decking is installed at Screened Porches, install screen material between joists and decking.

Screen Systems (where applicable): Screentight FastTrack Screening system mounted to field installed posts. <https://www.screentight.com/screening-systems/fast-track/>

Porch/Exterior ceilings: Boral Tru Exterior T&G edge and center bead, 4" exp. <https://truexterior.com/product/beadboard/>

G. Soffits are James Hardie non-vented, smooth. <https://www.jameshardie.com/products/hardiesoffit-panels>

H. Roof finishes are as follows:

Porch and Covered Entry Roofs: Atas 12" exposure 1" seam field lock metal roofing, or equiv. <https://www.atas.com/products/metal-roofing-systems/standing-seam/1-field-lok>

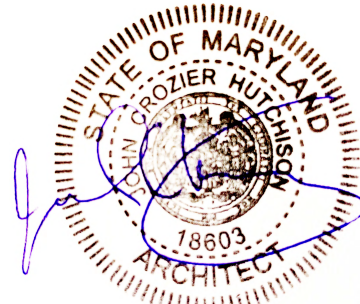
Main Roofs: Timberline 50 year Architectural Asphalt Shingles or equiv. <https://www.gaf.com/roofing-products/residential-roofing-products/shingles/timberline/architectural/timberline-hdz>

Verify roof colors with owner.

I. Gutters and downspouts:

U.O.N. all gutters are seamless 5" k-style aluminum connected to 2"x3" alum. rectangular downspouts, color White. Prior to ordering, verify style, material, and color with owner. Downspouts shall be connected to a boot/splashblock that directs water away from the foundation. Gutter and downspout locations as shown on the Roof Plans.

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© John Hutchison Architecture

Project Number: JHA 20013

Sassafras River Renovations

31468 Sassafras River Avenue
Galena, MD 21635
Kent County

for

Stephen and Lisa Driscoll

REVISIONS

ID	Change Name	Date

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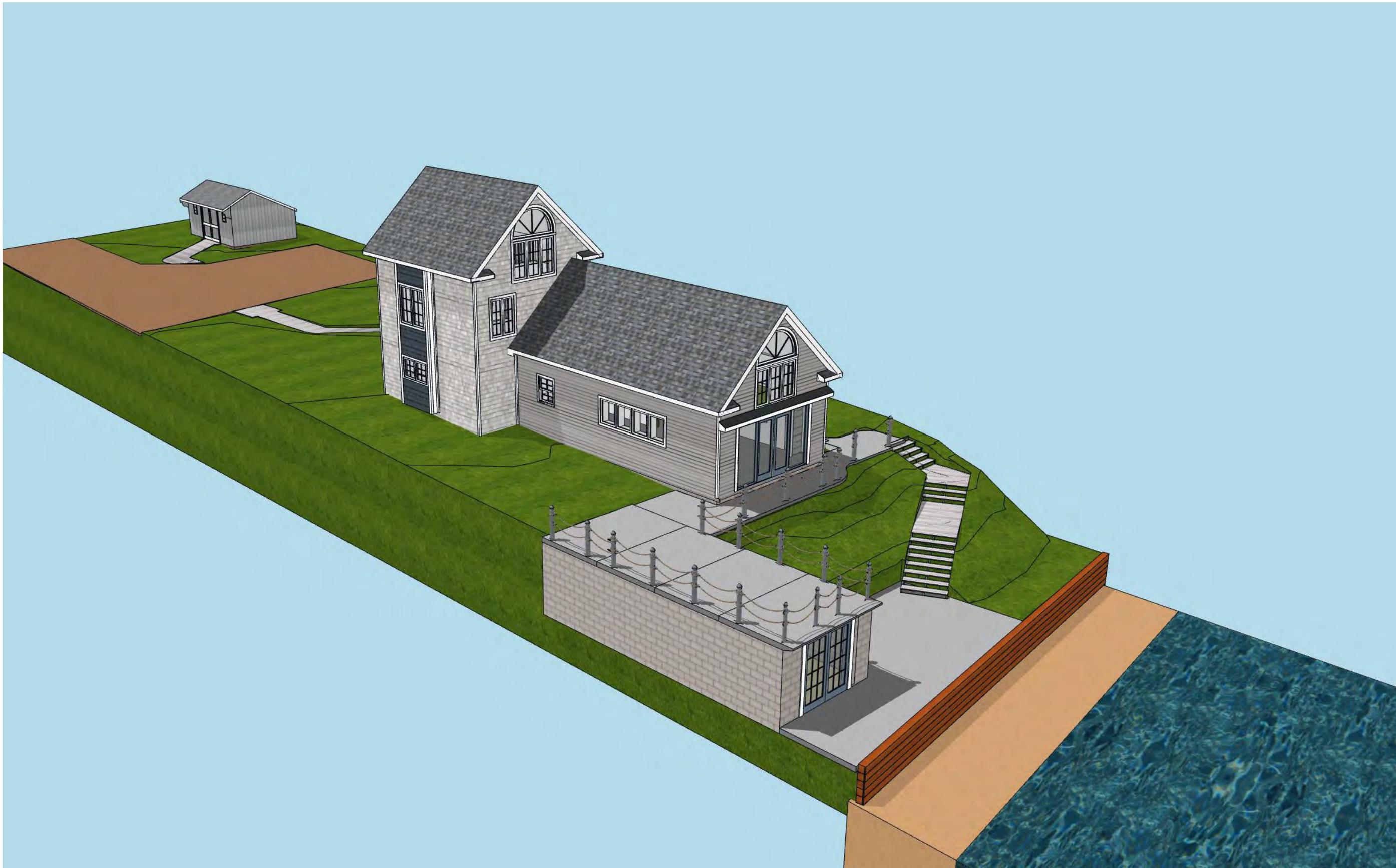
Variance Subm: Modular Re-Design
3/31/23
Printed: 3/31/23

Garage Elevations

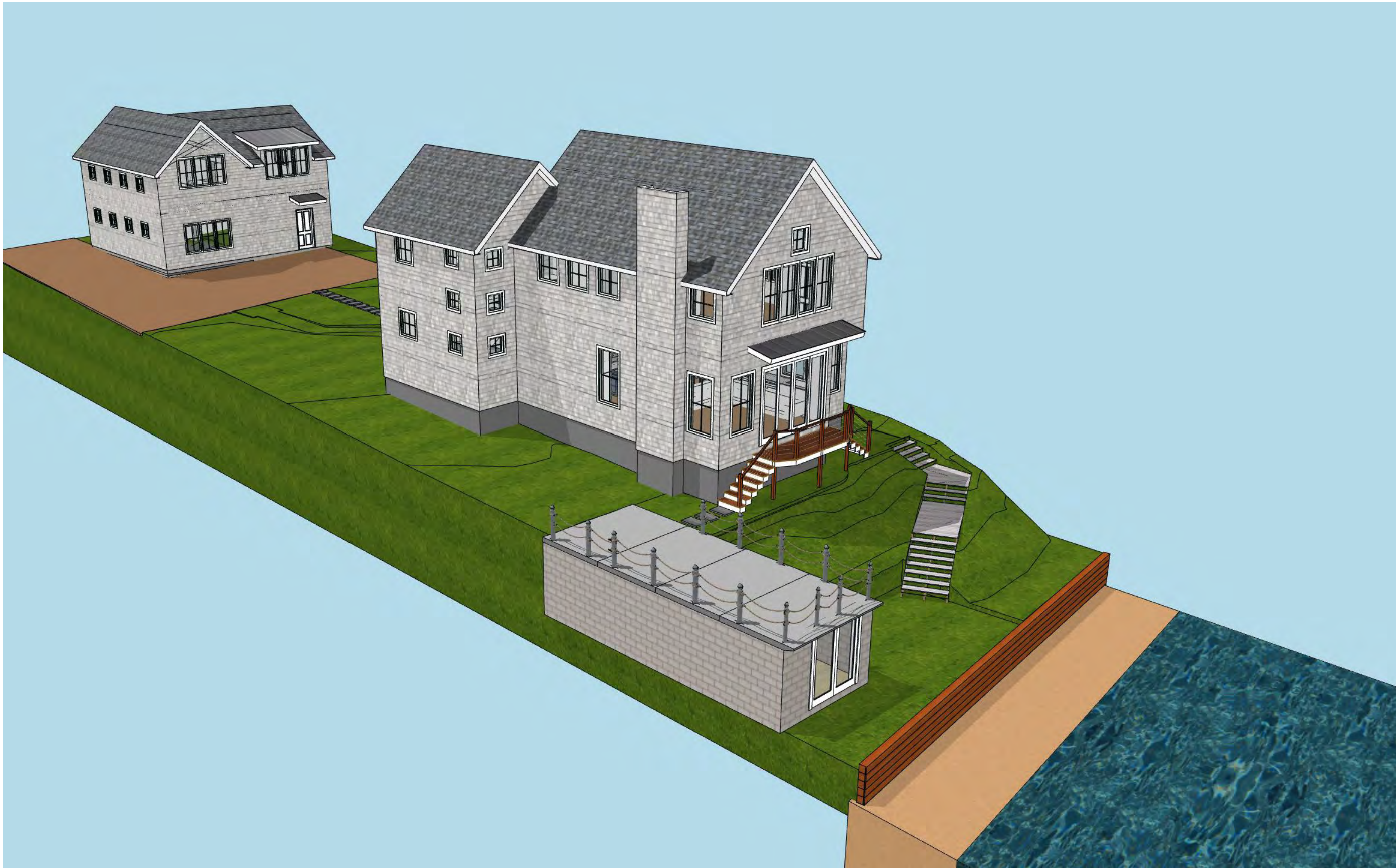
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2.04

ENWcloud: johnhutcharch - ENWcloud as a Service/Driscoll Sassafra River Cottage/Arch/Cad Files/Driscoll Modular Re-Design 2



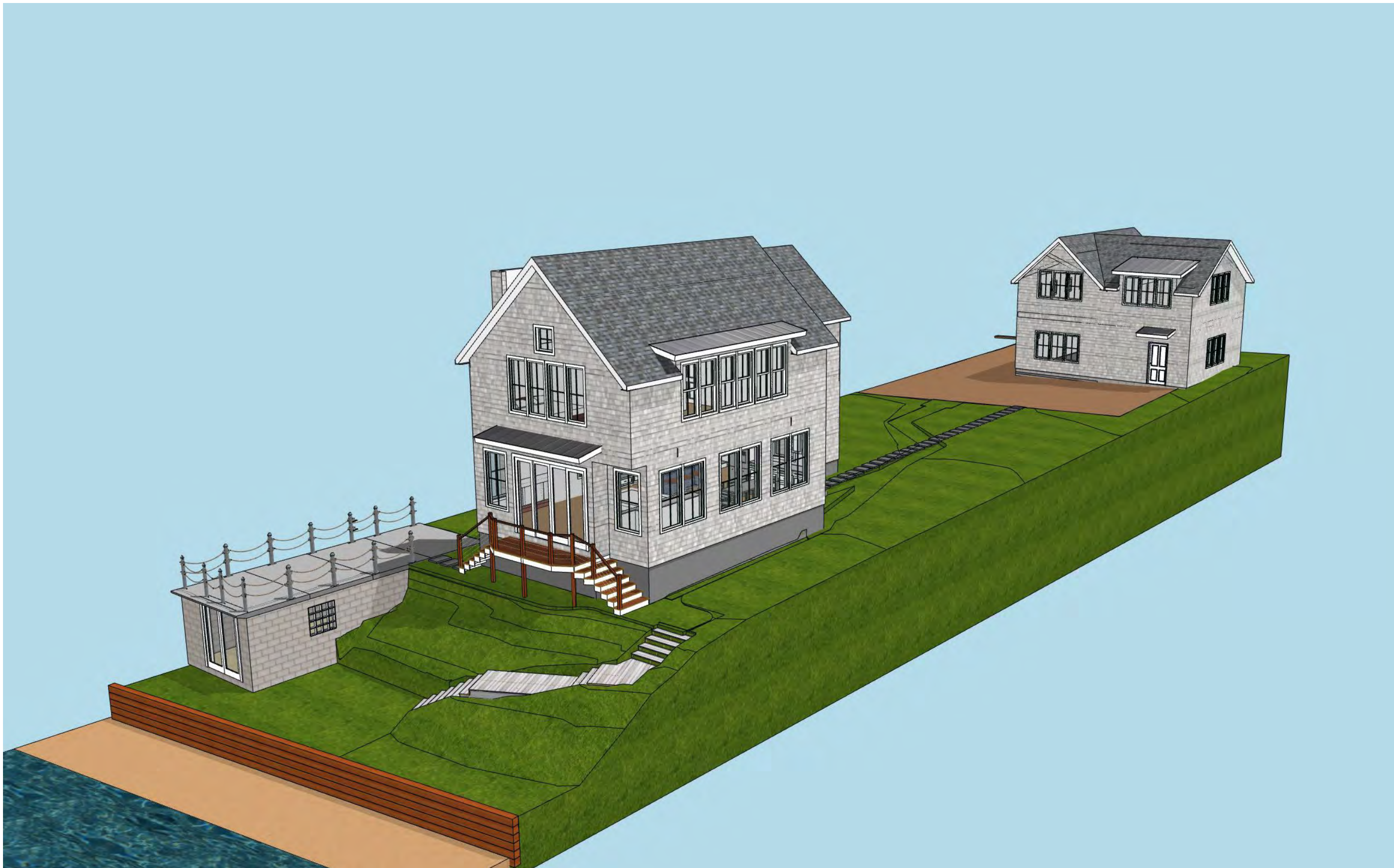
1
9.02
Birdseye View from Northeast - Existing
SCALE: 1:106.67




2
9.02
Birdseye View from Northeast - Proposed
SCALE: 1:106.67



3
9.02
Birdseye View from Northwest - Existing
SCALE: 1:106.67



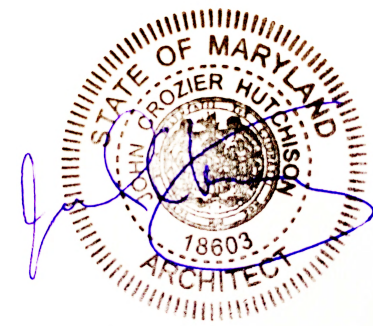
4
9.02
Birdseye View from Northwest - Proposed
SCALE: 1:106.67



John Hutchison Architecture

302 Park Row, Flr 1
Chestertown, MD 21620
410.449.0466
john@johnhutcharch.com
www.johnhutcharch.com

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© John Hutchison Architecture

Project Number: JHA 20013

Sassafra River Renovations

31468 Sassafra River Avenue
Galena, MD 21635
Kent County

for

Stephen and Lisa Driscoll

REVISIONS		
ID	Change Name	Date

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Variance Subm: Modular Re-Design
3/31/23
Printed: 3/31/23

Exterior 3D Birdseye Views

A

9.02



Kent County Department of Planning, Housing, and Zoning

PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
FROM: Mark Carper, Associate Planner
SUBJECT: 23-31, Stephen Driscoll
Administrative Special Exception (Accessory Storage Structure)
District 1, Map 7, Parcel 232
DATE: May 3, 2023

DESCRIPTION OF PROPOSAL

Stephen and Lisa Driscoll, owners, are requesting a special exception to construct an accessory building in excess of 1,200 square feet and with a height greater than 17 feet. The proposed 1,212 square foot accessory storage structure with a median height of 19 feet will be used for storage and a home office. The 9,104 square foot property is located at 31468 Sassafra River Avenue, Galena, in the First Election District and is zoned Critical Area Residential (CAR). The waterfront property is also within a Modified Buffer Area. The approximate dimensions of the lot are 55 feet wide by 180 feet deep. The surrounding area is characterized by small lots with single-family dwellings.

RELEVANT ISSUES

I. Permitted and Accessory Uses

- A. *Applicable Law*: Article V, Section 5.3 of the *Kent County Land Use Ordinance* establishes permitted principal uses and structures that may be permitted as special exceptions within the Critical Area Residential District.
- B. *Staff and TAC Comments*: The applicant is proposing to construct an accessory building in excess of 1,200 square feet and with a height greater than 17 feet.

II. Critical Area

- A. *Applicable Law*: Article V, Section 5.7.B of the *Kent County Land Use Ordinance* establishes specific environmental standards for the Critical Area Residential District.

Forest Interior Dwelling Birds

- Forest areas used by forest interior dwelling birds and other wildlife species shall be managed according to the guidelines developed by the Maryland Department of Natural Resources and the Chesapeake Bay Critical Area Commission.
- The Planning Director may waive a site survey for forest interior dwelling birds provided the forest is managed for all forest interior dwelling bird species, which is time of year restrictions from April 1 to August 31 for cutting of trees and exterior construction.

Impervious Surfaces

- Man caused impervious surfaces on parcels that are 8,001 to 21,780 square feet and existed on or before December 1, 1985 shall be limited to 31.25% of the property provided:
 - i. New impervious surfaces on the property have been minimized.
 - ii. Water quality impacts associated with runoff from new impervious surfaces have been minimized through site design or use of best management practices.

- iii. The property owner performs on-site mitigation as may be required by the Planning Director or designated representative to offset potential adverse water quality impacts from the new impervious surfaces or the property owner pays a fee in lieu of performing the mitigation.

B. *Staff and TAC Comments:* According to Maryland's Environmental Resource and Land Information Network (MERLIN), the property is within a Forest Interior Dwelling Species area as defined by the Maryland Department of Natural Resources, and any exterior construction is prohibited between April 1 through August 31. With the property at 9,104 square feet, Critical Area Law allows for 2,845 square feet of lot coverage. Existing lot coverage is 4,305 square feet, and the property is nonconforming, a result of the 1949 development having occurred prior to establishment of Critical Area Law. The proposed project will result in a decrease in the lot coverage of 253 square feet, bringing the total to 4,052 square feet.

III. Special Exception – General Standards

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

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

B. *Staff and TAC Comments:*

- The Health Department has commented that the garage cannot have plumbing or conditioned air.
- Several other parcels in the neighborhood have larger structures near to the road, which is considered the rear yard. The proposed structure will not have adverse impacts to adjacent or neighboring properties or to the character of the neighborhood.
- This is a Forest Interior Dwelling Species area as defined by the Maryland Department of Natural Resources, and any exterior construction is prohibited between April 1 through August 31.

- As the proposed development requires the removal of two trees, a Critical Area Forest Tree Clearing Plan is required to address the mitigation for their removal.
- The Comprehensive Plan is neutral on this application. The request is consistent with the Critical Area Law. The proposed development is a reasonable use of the property.

STAFF RECOMMENDATION

Staff recommends approval for the construction of 19-foot tall, 1,212 square foot accessory structure that will be used for storage and a home office. Recommended conditions include:

1. Submission and approval of a Critical Area Forest Tree Clearing Plan.
2. Any exterior construction shall be restricted to September 1 through May 31.
3. Lot coverage may not be increased beyond what is permitted by Critical Area Law.
4. The special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

ADMINISTRATIVE HEARING APPLICATION

Kent County Department of Planning, Housing, and Zoning

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

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

APPLICANT

OWNER

JOHN HUTCHISON FOR STEPHEN DRISCOLL
302 PARK ROW, FLR 1 31468 SASSAFRAS RIVER AVE
CHESTERTOWN, MD 21620 GALENA, MD 21635

Email: JOHN@JOHNHUTCHARCH.COM STEPHEN.DRISCOLL@FISHER
BOYLES.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: JOHN@JOHNHUTCHARCH.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.) SASSAFRAS RIVER AVENUE, GREGG NECK

In the FIRST Election District of Kent County.

Size of lot or parcel of Land: .209 ACRES (9,104 SF)
Map: 0007 Parcel: 0232 Lot #: PLAT # Deed Ref: M.L.M. 588/308
69 356

List buildings already on property: 2 STORY FRAME DWELLING, SHED,
CONCRETE BUILDING

Subdivision name and address, if applicable: 0011

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.) ZONING IDENTIFIES MAX HT. OF

ACCESSORY STRUCTURE AS 17'. WE ARE REQUESTING 19'.

ZONING IDENTIFIES MAX FLOOR AREA OF ACCESSORY STRUCTURE AS

1200 SF. WE ARE REQUESTING 1212 SF.

PLEASE ALSO REFER TO PROJECT NARRATIVE ON SHEET A.O.01.

Present owner of property: STEPHEN DRISCOLL Telephone: 610.517.0016

If Applicant is not owner, please indicate your interest in this property: I, JOHN HUTCHISON, AM THE OWNERS ARCHITECT, APPLYING ON THE OWNER'S BEHALF.

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

If so, please give Application Number and Date: 21-55, 21-56 11/18/21

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

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

SEE ATTACHED DRAWINGS

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

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: N/A - SASSAFRAS RIVER

Owner(s) on the South: STEPHEN DRISCOLL (ACROSS SASSAFRAS AVE)

Owner(s) to the East: KEVIN MCFADDEN

Owner(s) to the West: LEONARD LABATTAGLIA

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.

 3/30/23
Signature of Owner/Applicant/Agent or Attorney Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the 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.



Kent County Department of Planning, Housing, and Zoning

PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
FROM: Mark Carper, Associate Planner
SUBJECT: 23-23, Robert and Catherine Gundlach
Administrative Variance – Front and side yard setback
District 5, Map 55, Parcel 60
DATE: May 3, 2023

DESCRIPTION OF PROPOSAL

Robert and Catherine Gundlach are requesting a 15-foot variance from the minimum 50-foot front yard setback and a 5-foot variance from the minimum 15-foot side yard setback to construct a 1,350 square foot detached single-family dwelling and a 480 square foot detached garage in the side yard. The 34,848 square foot property is located at 22460 Crouchs Lane, Rock Hall, in the Fifth Election District and is split zoned dual zoned Critical Area Residential (CAR) and Community Residential (CR).

RELEVANT ISSUES

I. Establishment of Critical Area Line

- A. *Applicable Law:* Article III, Section 6 of the *Kent County Land Use Ordinance* establishes regulations applicable to the Critical Area. For any land referenced to be within the Critical Area according to the “Critical Area Line Map of Kent County” one must follow the Critical Area requirements and regulations as follows:
- a. If referenced on the “Zoning Map” as a Critical Area zoning district, then the established zoning district must be adhered by.
 - b. If according to the “Critical Area Line Map” the land is within the Critical Area then the requirements and regulations of the most similar Critical Area zoning district and the established Critical Area designation must be followed. This includes Title 27 of the Code of Maryland Regulations (COMAR).
- B. *Staff and TAC Comments:* Based on the adopted 2021 Critical Area Line, all but approximately 1,250 square feet of the applicant property is within the Critical Area. The proposed single-family dwelling and detached accessory structure are within the Critical Area and are subject to the bulk standards of the Critical Area Residential zoning district.

II. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Sections 5.2 and 5.4 of the *Kent County Land Use Ordinance* establishes permitted principal uses and structures and permitted accessory structures within the Critical Area Residential District.
- B. *Staff and TAC Comments:* The applicant is proposing to construct a 1,350 square foot detached single-family dwelling and a 480 square foot detached garage in the side yard.

III. Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Law:* Article V, Section 5.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Critical Area Residential District.

Minimum Yard	
Front	50 feet
Side	15 feet
Rear	30 feet

- B. *Staff and TAC Comments:* The property owners wish to construct a 1,350 square foot detached single-family dwelling that is to sit approximately 35 feet from the front yard property line and to construct a 480 square foot detached garage that is to sit 10 feet from the side yard property line.

IV. Variance

- A. *Applicable Law:* Article IX Section 2.1 of the *Kent County Land Use Ordinance* authorizes the Planning Director, or the Planning Director's designee, to grant variances from the yard (front, side, or rear) requirements in an amount that does not exceed 50% of the required yard for the applicable zoning district so as to relieve practical difficulties or other injustices arising out of the strict application of the provision of the Ordinance.

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

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

- a. That the *variance* will not cause a substantial detriment to adjacent or neighboring property.
- b. That the *variance* will not change the character of the neighborhood or district.
- c. That the *variance* is consistent with the *Comprehensive Plan* and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or *development* of property immediately adjacent to the property, except that this criterion shall not apply in the *Critical Area*.
- e. That the practical difficulty or other injustice was not caused by the applicants' own actions.
- f. ...
- g. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, shall consider the reasonable use of the entire parcel or lot for which the *variance* is requested.
- h. In considering an application for a *variance*, the Planning Director, or the Planning Director's designee, shall presume that the specific *development* activity in the Critical Area that is subject to the application and for which a *variance* is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Planning Director, or the Planning Director's designee, may consider the cause of the *variance* request and if the *variance* request is the result of actions by the applicant, including the commencement of *development* activity before an application for a *variance* has been filed.

B. Staff and TAC Comments:

- The practical difficulty is that the rear 1/3 portion of the yard is non-tidal wetlands and that the rear of the parcel is wooded to within 100 feet of the front yard property line. Removal of woody vegetation in the Critical Area requires in-kind replacement. So as not to disturb the existing forest, the proposed improvements will be installed in the existing cleared portion of the property. This will require the proposed 15-foot, front yard variance.
- Existing principal structures across the street, also within the Critical Area and zoned CAR, are within 20 to 35 feet of their front yard property lines. The variance will not cause a substantial detriment to adjacent or neighboring properties nor change the character of the neighborhood or district.
- To maximize the efficiency of roof mounted solar panels, the roof of the dwelling is to be oriented to the south, different from the axis of the road. The proposed configuration will require them to site the proposed detach garage to within 10 feet of the side property line. This requires the 5-foot side yard variance.
- The Kent County Health Department has no objection to the proposal and comments that a well driller must submit a well application when ready to drill.
- The Comprehensive Plan is neutral on this application. The request is consistent with the Critical Area Law. The proposed development is a reasonable use of the property.

STAFF RECOMMENDATION

Staff recommends approval of a 15-foot variance from the minimum 50-foot front yard setback and a 5-foot variance from the minimum 15-foot side yard setback to construct a 1,350 square foot detached single-family dwelling and a 480 square foot detached garage in the side yard. Recommended conditions include:

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

ADMINISTRATIVE HEARING APPLICATION

Kent County Department of Planning, Housing, and Zoning

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

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

ROBERT + CATHERINE GUNDLACH
1443 HAMMOCK WAY
LANCASTER, PA 17601
Email: RJGUNDLACH@MSN.COM
208-371-5443

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: RJGUNDLACH@MSN.COM

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article IX
Section 2 of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

X Variance _____ Special Exception _____ Determination of Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 22460 CROUCHS LANE, ROCK HILL, MD 21661

In the 5TH Election District of Kent County.

Size of lot or parcel of Land: 0.80 AC. (34,848 S.F.)

Map: 0055 Parcel: 0060 Lot #: — Deed Ref: 100221/00394

List buildings already on property: N/A

Subdivision name and address, if applicable: N/A

PRESENT ZONING OF PROPERTY: NW 40% IS COMMUNITY RESIDENTIAL; SE 60% IS CRITICAL AREA RESID.

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

Present owner of property: ROBERT + CATHERINE GUNDLACH Telephone: 208-371-5443
(PURCHASED LOT FROM ALAN DECKELMAN, JR. ON 21 MAR 2023)

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

Has property involved ever been subject to a previous application? UNKNOWN, BUT LOT WAS SPLIT 2014
FROM LAND OWNED BY ALAN
DECKELMAN, JR.

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: KAREN + KEVIN NELSON ; ROBIN + HOWARD BAUER

Owner(s) on the South: EDMUND SCHENCK; THE ESTATE OF ROBERT SIMS

Owner(s) to the East: ALAN DECKELMAN, JR.

Owner(s) to the West: MELINDA + ROSEMARY ZUPON

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

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

 Christopher L. Gendrich

Signature of Owner/Applicant/Agent or Attorney

18 MAR 2023

Date

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

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

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

Our lot at 22460 Crouchs Lane, Rock Hall

- is about $\frac{2}{3}$ wooded (with one large tree in the grassy part near the SE corner that we will keep)
- has the northern $\frac{1}{3}$ in a non-tidal wetland (all of that wetland is wooded)
- Has > 90% in the critical area (the lot is 800-1000 feet from Long Cove creek)
- Is entirely out of the 500 year floodplain
- Has a gentle slope away from Crouchs Lane
- Is split zoned, with 40% in community residential (west side) and 60% as critical area residential (east side)
- Does have a grinder pump and associated standpipe installed for Kent County sewer service
- Will need a potable water well drilled
- Did have some type of structure on the lot visible in the 1972 wetlands map satellite imagery, but there is no record of when the structure was removed or the old potable water well capped (according to Ryan at Kent Co. environmental health)
- Requires water well setbacks of 15' from road, 10' from a property line, 50' from the existing grinder pump, and 30' from our future house, and an adequate distance from existing trees (to be able to drill)
- Has a drainage ditch along the western property line that separates us from 4959 Piney Neck Road. It was recommended by Kent Co. environmental health to locate our water well as far away from this ditch, if possible

We will submit the permit to build our future home 2nd quarter of 2023 and intend to build a single family residence (living area < 1500 sq. ft. and minimal porches), with a 2-car garage adjacent to the drainage ditch. The garage may be permitted and built after we gain occupancy (to allow me to build it myself) or may be built concurrent with the house; we are still working on the budget. The water well will be constructed east of our house, as dictated by its setbacks.

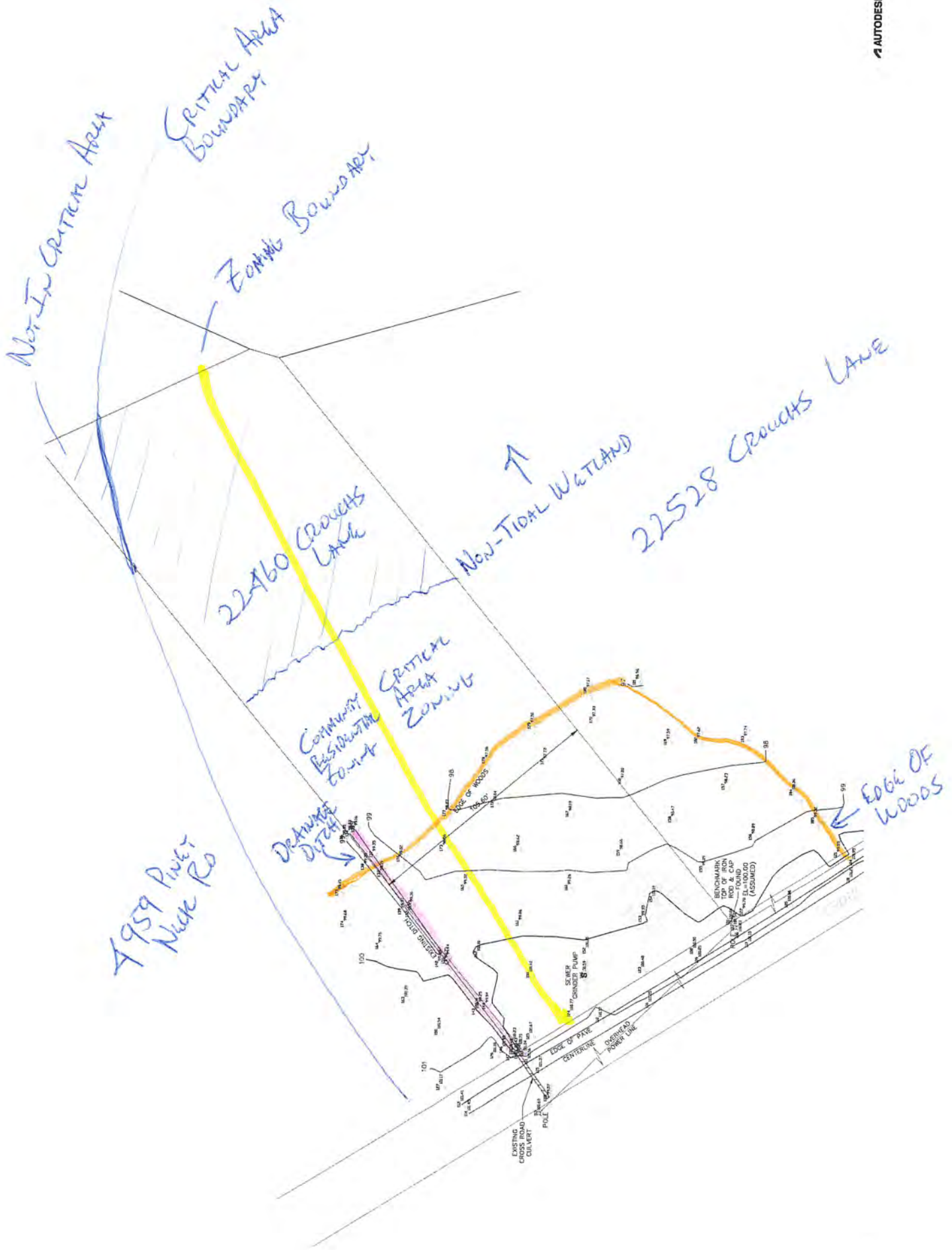
We have been doing planning with Delmarva Power and a Elkton solar installer and want to add some roof mounted solar panels shortly after occupancy. To maximize the efficiency of this system, we want to orient a significant part of our roof directly towards the south; Crouchs Lane is on a different axis (SE-NW), so we will not site the house directly facing the road, but intend the garage to face Crouchs Lane.

Because this lot is split-zoned and is mostly in the critical area, I was instructed by Mark Carper that *"If according to the "Critical Area Line Map" the land is within the Critical Area then the requirements and regulations of the most similar Critical Area zoning district and the established Critical Area designation must be followed. This includes Title 27 of the Code of Maryland Regulations (COMAR)."* Because of this requirement, our front and side setbacks, as they exist without variance, are 50 and 15 feet. We will site our structures at least 25 feet from the non-tidal wetland (which is pretty deep in the existing wooded part).

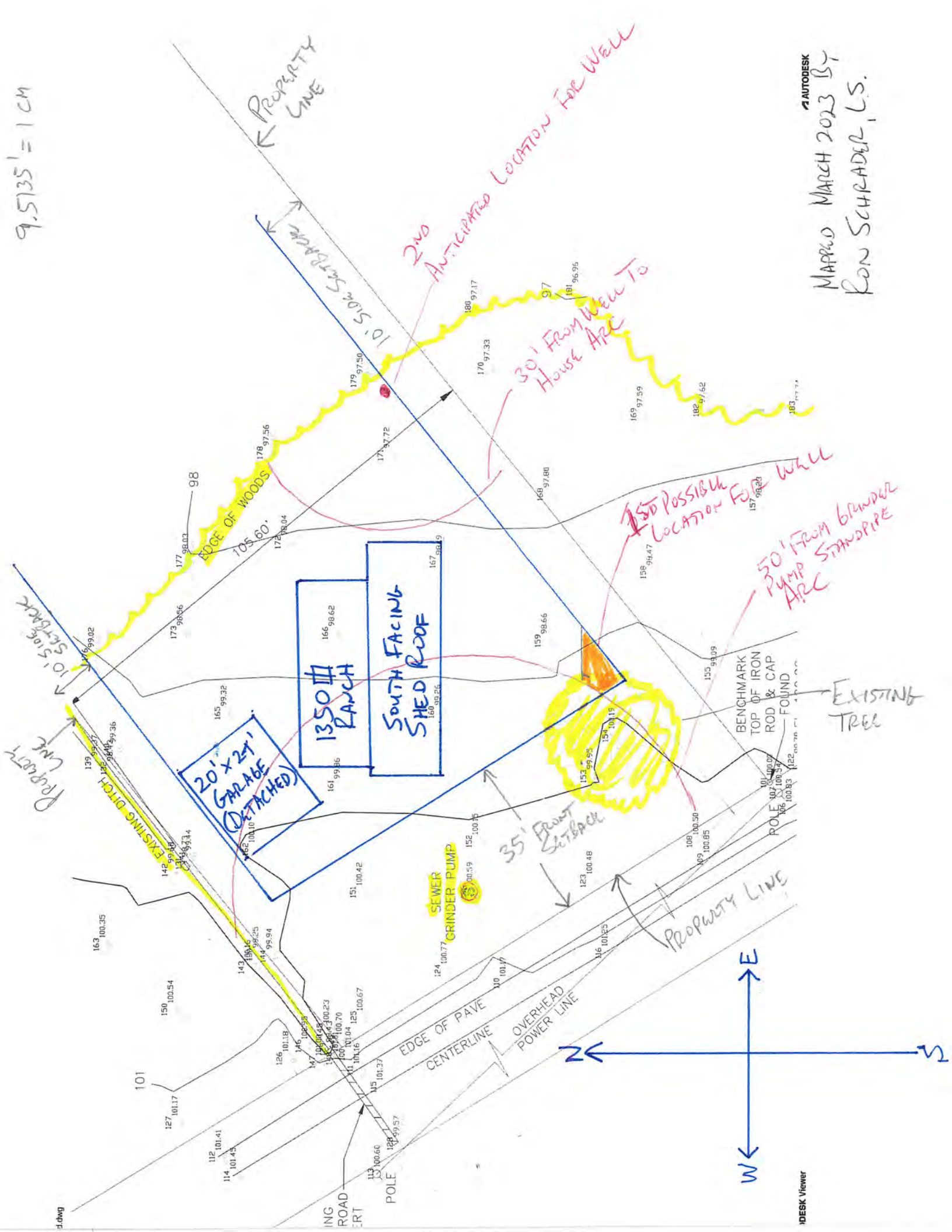
We request a variance of the front setback from 50 feet to 35 feet from the front (facing Crouchs Lane) and a variance of the side setback from 15 feet to 10 feet. We feel that this gives us the best chance to site our house and garage away from existing trees (to eliminate the need to cut and replant trees because of the critical area), orient the house to work best with rooftop solar, and give us the proper setbacks needed for the grinder pump and water well. We do not want to cut any trees to build this house, but do want to have a reasonable amount of living space behind our house in the cleared part of our lot to create a buffer from the existing woods. We feel that our future house will be further from Crouchs Lane than the existing houses to the south that are closest to us (22459, 22465, and 22469 Crouchs Lane) and will not hurt the character of the neighborhood.

Thank you for your consideration.

Robert and Catherine Gundlach
208-371-5443
rjgundlach@msn.com



9.5135' = 1 CM



1 AUTODESK

MAPED MARCH 2023 BY
RON SCHRADER, L.S.

IDEK Viewer