



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: **201 756 142#**

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

AGENDA

August 10, 2023

11:00 AM

APPLICATIONS FOR REVIEW:

- 23-44 Bernard Kohl – Administrative Special Exception – Oversize Accessory Structure
30004 Morgnec Road, Millington – Second Election District – Agricultural Zoning District (AZD)

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.

To: William Mackey, Planning Director
From: Mark Carper, Associate Planner
Date: August 2, 2023
Subject: #23-44 – Bernard Kohl
Administrative Special Exception – Accessory Storage Structure

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Mr. Kohl is requesting an administrative special exception in order to construct an accessory building with a floor area of 1,560 square feet and a median height of 19.4 feet on a parcel less than 5 acres. The proposed structure will be a 52-foot by 30-foot detached garage. According to the narrative, the proposed structure will be used for storage of a boat and woodworking equipment. The property is improved with a single-family dwelling and detached garage. The 2.01-acre property is located at 30004 Morgnec Road in the Second Election District and is zoned Agricultural Zoning District (AZD).

RELEVANT ISSUES

- I. Permitted and Accessory Uses
 - A. *Applicable Law:* Article V, Section 1.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Agricultural Zoning District.
 - B. *Staff and TAC Comments:* The applicant is proposing to construct an accessory building with a floor area of 1,560 square feet and a median height of 19.4 feet. Accessory structures with a floor area over 1,200 square feet and/or a median height over 17 feet on a parcel less than 5 acres require an administrative special exception.
- II. 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 proposed accessory building will be located in the rear yard. It will be approximately 12 feet from the rear and 15 feet from the closest side property line. It will be 320 feet from the front and 500 feet from the other side property line.
- Mr. Kohl's property is surrounded by agricultural lands.
- The Comprehensive Plan is neutral on this matter.
- The proposal is consistent with the intent of the Ordinance.
- There will be no adverse impact on property values of adjacent properties nor the character of the neighborhood as the proposed structure is in keeping with the common use of a residential property.
- Per the Health Department, a sewage reserve area (SRA) will need to be established.

STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

1. A sewage reserve area (SRA) is to be established.
2. That the special exception 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)

BERNARD KOHL
30004 MORGNEE RD. MILLINGTON MD. 21651
410-708-174
Email: bernardkohl@gmail.com

For Office Use Only:

Case Number: _____
Date Filed: _____
Filed by: _____
Applicant: _____
Date of Hearing: _____
Parties Notified: _____
Notice in Paper: _____
Property Posted: _____

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

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article 7
Section 2 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.) MORGNEE RD. .3 MILE WEST OF CHESTERTOWN

In the 2ND Election District of Kent County.

Size of lot or parcel of Land: 2.01
Map: 30 Parcel: 47 Lot #: _____ Deed Ref: _____

List buildings already on property: HOUSE + DETACHED GARAGE

Subdivision name and address, if applicable: _____

PRESENT ZONING OF PROPERTY: AGRICULTURAL

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) SQUARE FOOTAGE IS 400 FT² OVER ALLOWED (1600 VS 1200)

HEIGHT MAY BE 1' OVER ALLOWED HEIGHT

Present owner of property: BERNARD KOHL Telephone: 410-708-1747

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: CASEY OWINGS

Owner(s) on the South: WILLIAM DAVIDSON

Owner(s) to the East: CASEY OWINGS

Owner(s) to the West: CASEY OWINGS

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.

B. P. Kelly 6/20/23
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 Dept. of Planning and Zoning

July 5, 2023

400 High Street

Chestertown, MD 21620

RE:

23-44 Bernard Kohl – Administrative Special Exception – Oversize Accessory Structure

30004 Morgnec Road, Millington – Second Election District – Agricultural Zoning District (AZD)

TAC & Planning Commission members.

This building's purpose is to store a boat and inherited woodworking equipment. The needed dimensions for this building are to allow for a 14' overhead door and square footage to accommodate both needs. I am requesting a 2'4" height exception as the median building height is 19'4'. And a 360 sq. ft. area exception as the floor is 1560 sq. ft.

The building will not be visible from the road frontage. And is surrounded by open farmland on all other sides.

Thank you
Bernie Kohl, Jr.

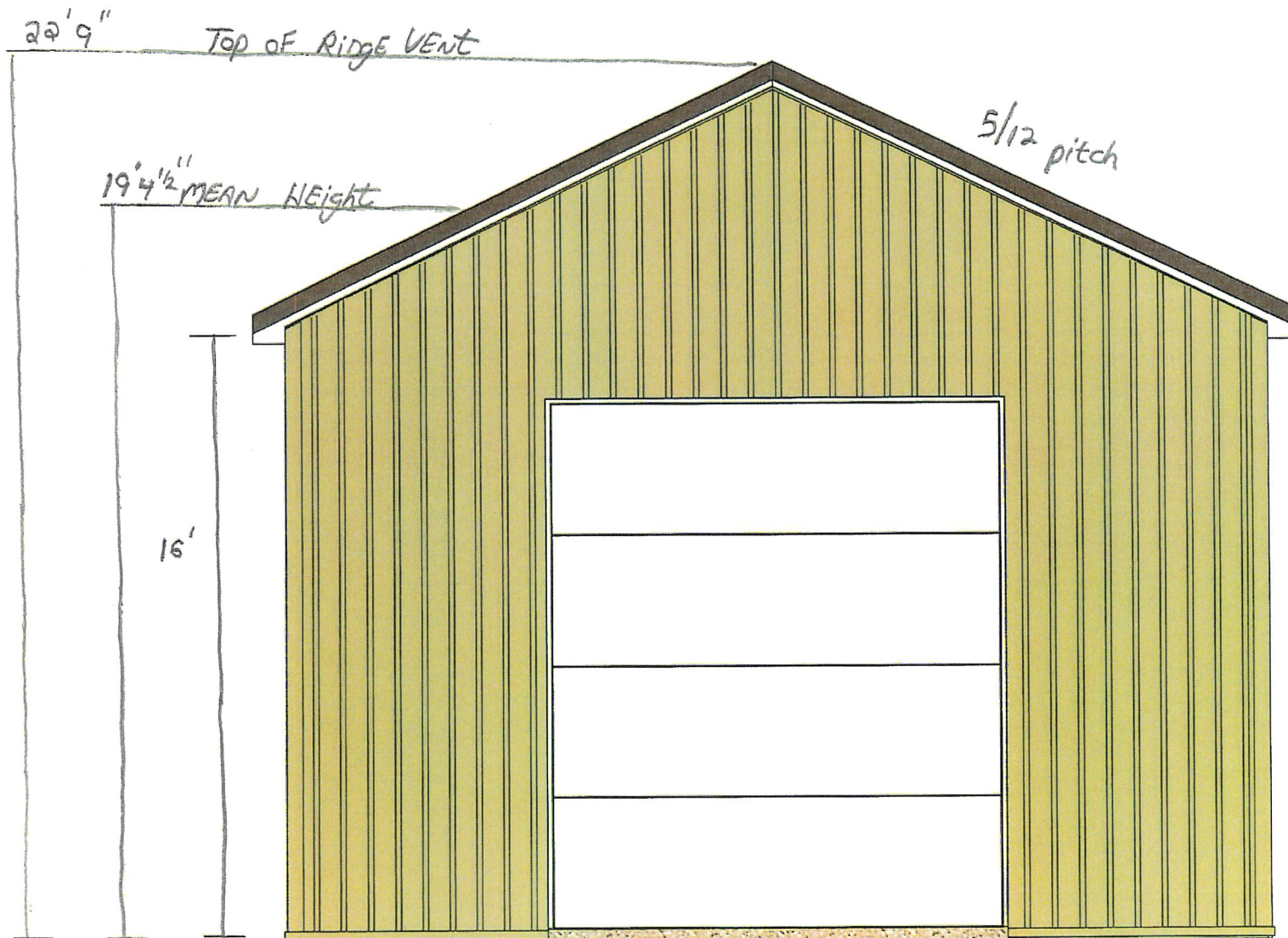
Setbacks
Front 320'
Side 15'
Side 500'
Rear 12'

- ★ Well
- Septic
- Proposed Building

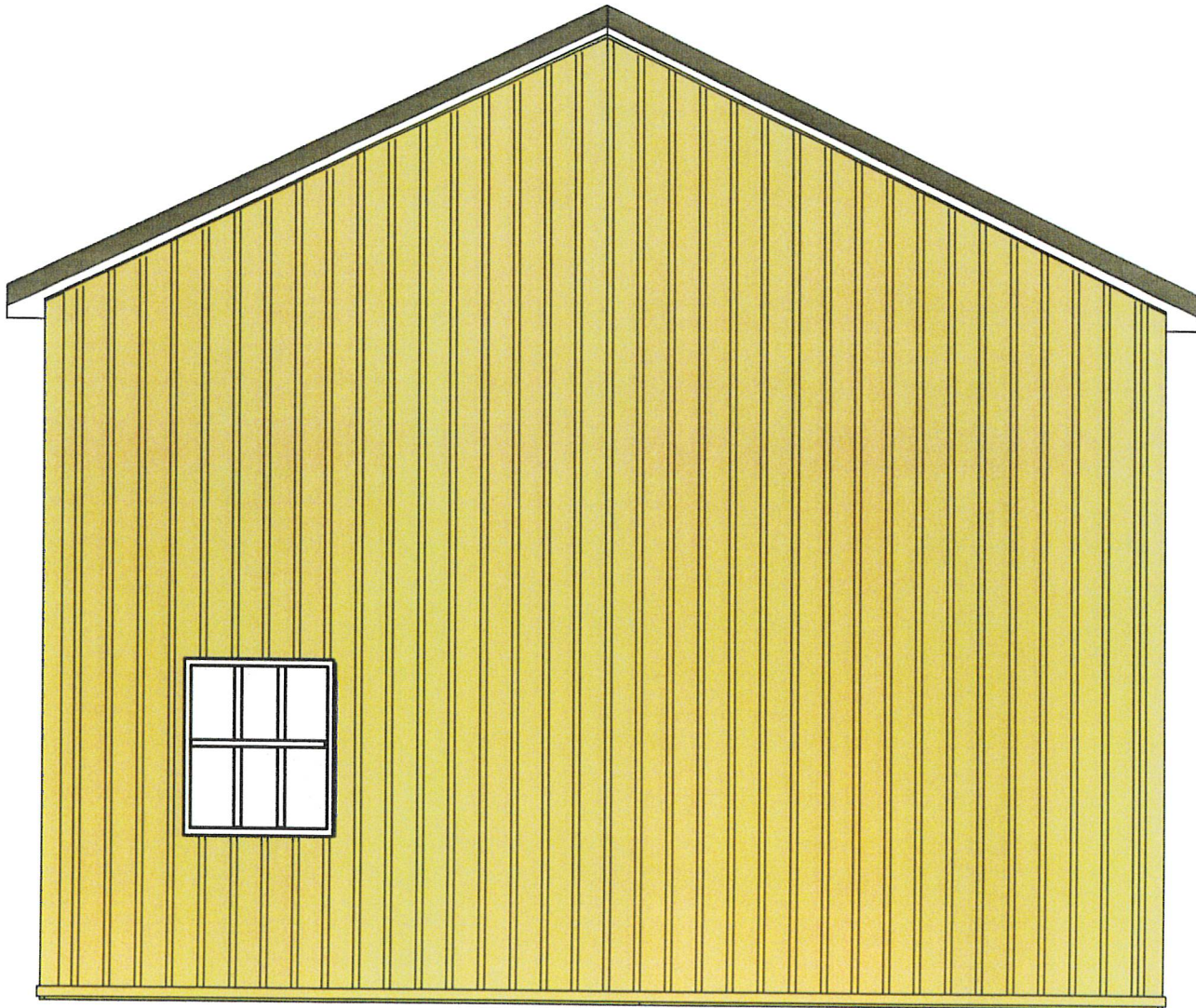
50'

1/5/12

GABLE 2 ELEVATION



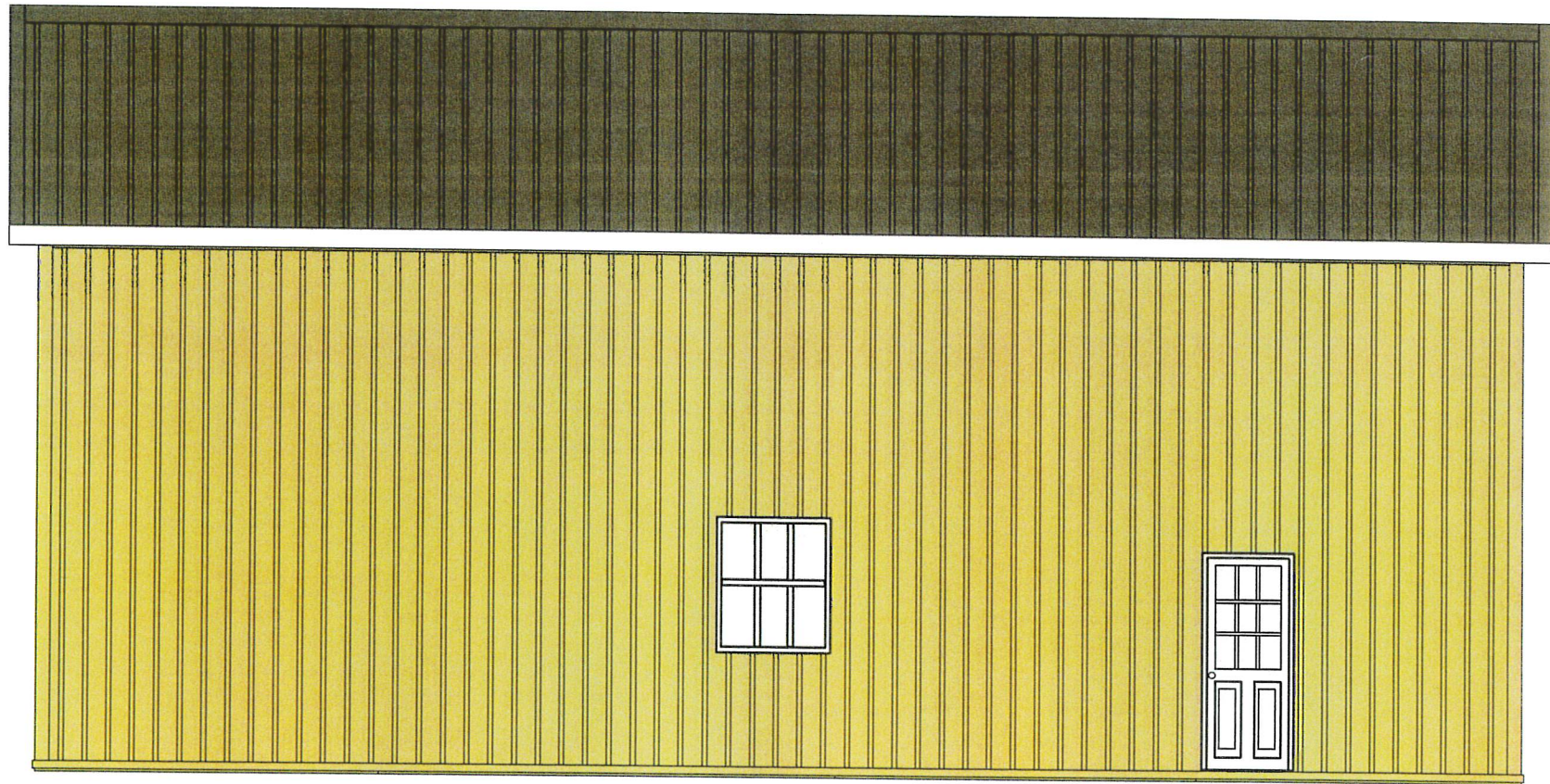
GABLE 1 ELEVATION



BKJ

Bernard Kohl
30X52X16

EAVE 2 ELEVATION

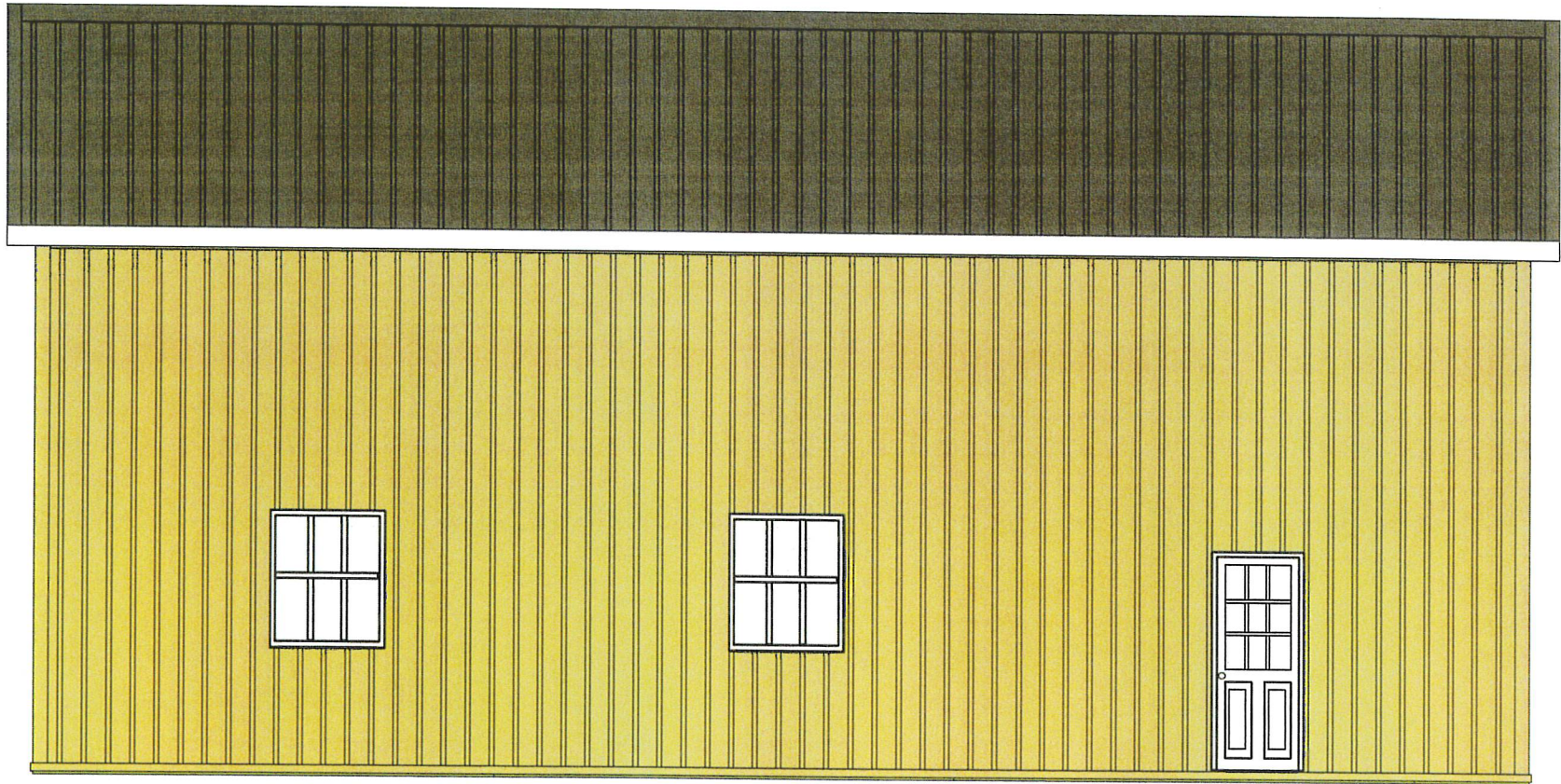


B. Kohl

06 / 14 / 2023

Bernard Kohl
30X52X16

EAVE 1 ELEVATION



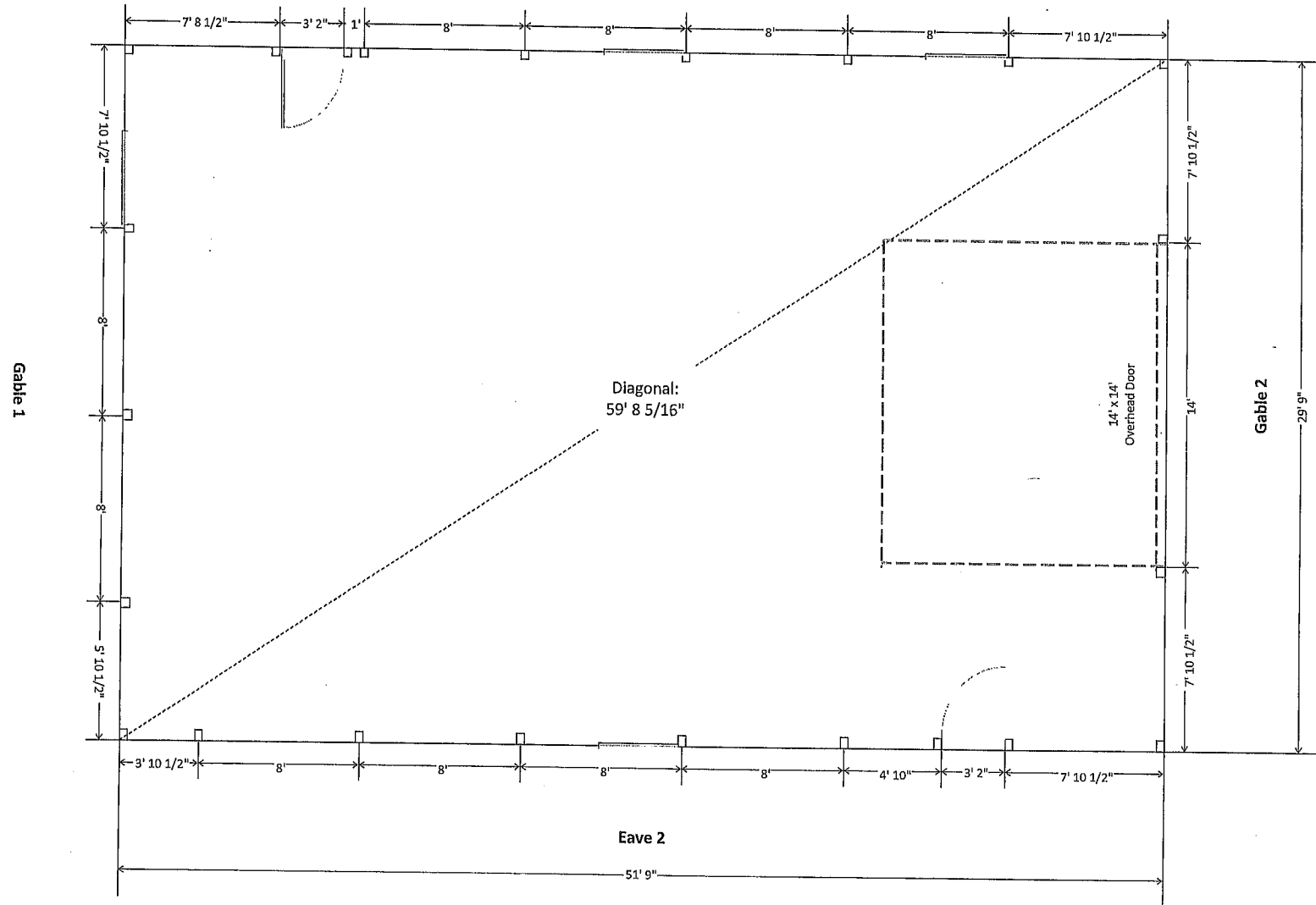
BKJ

Bernard Kohl
30X52X16

POLE LAYOUT

Residential Use, 1660 sq. ft.

Eave 1



BK2

Bernard Kohl
Estimate Number: 4999
6/10/2023