

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: 541 688 962#

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

<u>AGENDA</u> November 30, 2023 10:00 AM

APPLICATIONS FOR REVIEW:

23-63 Michael Martin and Deborah Martin – Administrative Special Exception - Swimming Pool in Front Yard Map 45, Parcel 49, Lot 4, Jamieson Road – Fifth Election District – Resource Conservation District (RCD)

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 DirectorFrom:Mark Carper, Associate PlannerDate:November 27, 2023Subject:#23-63 – Michael and Deborah Martin
Administrative Special Exception – Accessory Structures in Front Yard of Waterfront
Parcel

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Mr. and Mrs. Martin are requesting a special exception for accessory structures in the front yard of a waterfront parcel. The applicants are proposing to build a 719 square-foot inground pool and patio in the front yard of their parcel. The 4.852-acre property is located om Map 45, Parcel 49, Lot 4 on Jamieson Road in the Fifth Election District and is zoned Resource Conservation District (RCD).

RELEVANT ISSUES

- I. Permitted and Accessory Uses
 - A. *Applicable Law*: Article V, Section 2.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the RCD.
 - B. *Staff and TAC Comments:* The applicants are proposing to construct an inground pool and patio in the front yard of their parcel.
- 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 pool and patio will be located between the principal dwelling and the shoreline.
 - The proposed improvements will not have a negative impact on surrounding properties. The nearest adjacent dwelling is over 300 feet away from where the proposed structure is to be placed. Setbacks of the proposed structure will be 27 feet to the west property line, 148 feet to the east property line, and 163 feet to the shoreline.
 - The lot is currently un-improved. A single-family dwelling is also proposed for this waterfront property. The total proposed lot coverage is 10,130 square feet and is well within the amount permitted.
 - A buffer enhancement plan to fully enhance the buffer has been submitted.
 - The Comprehensive Plan does not address this matter.
 - The proposal is consistent with the intent of the Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the pool and patio with the following conditions:

- 1. Accessory structure not to be installed more than six months prior to construction of principal structure (Article IV, Section 5).
- 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 A) Michael P. Martin OI Palae Lane	For Office Use Only: Case Number: Date Filed: Filed by: Applicant: Date of Hearing:
Elleton, MD 21921 Email: Mnd Martin 369 comcastinet	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: MNOMARTIN36 Comcastine?

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.) Lot 4 Jamieson Rd in Rock Hall

In the <u>05</u> Election District of Kent County.

Size of lot or parcel of Land: 4.859 Acves Lot #: Map: Parcel Deed Ref: List buildings already on property: None

Necle Subdivision name and address, if applicable: Little, grms

PRESENT ZONING OF PROPERTY: Resource conservat

DESCRIPTION OF RELIEF REQUESTED: (List here in detail, what you wish to do with property that requires the Appeal Hearing.) APproval to build in ground to the environmentor buffer to neighborhood. Revised - 09/17/2021

Present owner of property: Michael P. J. Deborah A. Mailin Telephone: 43-907-8013

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: Richard C. of Diana L. Sonntag

Owner(s) on the South: No Property to the south as SwanCreek

erty to the East as Swan Creek Owner(s) to the East: No

Owner(s) to the West: William -Robin Mckins

Homeowners Association, name and address, if applicable: Little Peck Farms HOA PO BOX 602, Rock Hall, MD 21661 Chervel, Rearch. Trenc ultor

20697 Andrew

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.

Signature of Owner/Applicant/Agent or Attorney

21661

Date

Revised - 09/17/2021

PROPERTY OWNER: MICHAEL PAUL MARTIN & DEBORAH A. MARTIN 21 PAIGE LN ELKTON, MD 21921 PROPERTY ADDRESS: JAMIESON ROAD ROCK HALL, MARYLAND 21661 DEED REFERENCE: 1223/65 PLAT REFERENCE: 2/290, 4/579 ZONING: RESOURCE CONSERVATION DISTRICT (RCD) SETBACKS: FRONT- 50 SIDE- 15' REAR- 30' MEAN HIGH WATER- 100' THE ELEVATIONS SHOWN HEREON ARE NAVD 1988 DATUM AS ESTABLISHED BY GPS METHODOLOGY TO CORS STATIONS LOYF (PID DK7414) COMBINED FACTOR: 0.99995360 & MDCT (NGS CERTIFICATE PENDING). THE COORDINATES SHOWN HEREON ARE BASED THE MARYLAND STATE COORDINATE SYSTEM NAD83 (2011), AS ESTABLISHED BY GPS METHODOLOGY TO CORS STATIONS LOYF (PID DK7414) COMBINED FACTOR: 0.99995360 & MDCT (NGS CERTIFICATE PENDING). THE DISTANCES SHOWN HEREON ARE GROUND BASED THE SEPTIC RESERVE AREAS SHOWN HEREON WERE TAKEN FROM A PLAT RECORDED AMONG THE LAND RECORDS OF KENT COUNTY, MARYLAND AT LIBER 2; FOLIO 290. THE PROPERTY SHOWN HEREON LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA AS SHOWN ON THE KENT COUNTY CRITICAL AREA MAPS IN ACCORDANCE WITH KENT COUNTY BILL No. 1-2021, ADOPTED DATE APRIL, 2021. THE IMPROVEMENTS SHOWN HEREON WERE FIELD LOCATED BY LANE ENGINEERING, LLC ON 1/11/23. MEAN HIGH WATER WAS NOT ESTABLISHED BY THIS SURVEY. MEAN HIGH WATER IS DEFINED BY ELEVATION REFERENCED TO A TIDAL BENCH MARK. THE SHORELINE WAS LOCATED TO THE EDGE OF TIDAL VEGETATION. THE BOUNDARY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND IT MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE. GRAVEL ENTRANCE NO ABSTRACT OF TITLE, TITLE COMMITMENT, NOR RESULTS OF A TITLE SEARCH HAVE BEEN FURNISHED TO LANE ENGINEERING, LLC. THE BUILDING RESTRICTION LINES AS SHOWN HEREON ARE BASED SOLELY ON THE CURRENT KENT COUNTY ZONING ORDINANCE APPLICABLE TO THE PROPERTY SHOWN HEREON AND ARE SUBJECT TO CHANGE WITH THE REVISION OF ZONING LAWS. OTHER DOCUMENTS OF RECORD MAY EXIST THAT MAY AFFECT THE SURVEYED PROPERTY REFLECTED HEREON, INCLUDING BUT NOT LIMITED TO EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, PLAT RESTRICTIONS OR ANY OTHER FACTS THAT AN ACCURATE, COMPLETE AND CURRENT TITLE SEARCH MAY DISCLOSE. THE PROPERTY SHOWN HEREON IS LOCATED IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. THE PROPERTY IS MAPPED IN THE "X" & "AE" (EL 5) FLOOD ZONE(S) AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR COMMUNITY NO. 240045, MAP NO. 24029C0245D FOR KENT COUNTY, MARYLAND, EFFECTIVE DATE JUNE 9, 2014. THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR. THE SFHA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. THE SFHA INCLUDES ZONES A, AE, AH, AO, AR, A99, V & VE. THE BASE FLOOD ELEVATION (BFE) IS THE WATER SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD. FLOOD INSURANCE MAY BE REQUIRED FOR STRUCTURES LOCATED IN THE SPECIAL FLOOD HAZARD AREA. FLOOD ZONE LEGEND ZONE AE - 1% ANNUAL CHANCE FLOOD ZONE X - AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD THE FLOOD DATA SHOWN HEREON IS BASED ON AVAILABLE MAPPED AND/OR DIGITAL INFORMATION AND IS DEPICTED AS DIRECTED AND REQUIRED BY FEDERAL, STATE AND LOCAL REGULATIONS. IT IS SUBJECT TO DATA INACCURACIES AND REGULATORY CHANGE AND SHOULD BE VERIFIED PRIOR TO FINALIZING DEVELOPMENT OR IMPROVEMENT PLANS FOR THE SUBJECT LANDS. CRITICAL AREA LOT COVERAGE CALCULATIONS (ENTIRE SITE) TOTAL LOT AREA 4.852 AC± OR 211,353 SF± 15% LOT COVERAGE THRESHOLD $15\% \text{ OF } 4.852 = 31,703 \text{ SF}\pm$ = PROPOSED LOT COVERAGE 13 STORY DWELLING 2,249 SF± = COVERED FRONT PORCH AND STEPS 224 SF± = COVERED REAR PORCH AND STEPS = 719 SF± PORTION OF GRAVEL DRIVEWAY 6.126 SF: PROPOSED WALKWAY 81 SF± = 719 SF± PROPOSED POOL AND PATIO POOL EQUIPMENT PAD 12 SF± TOTAL PROPOSED LOT COVERAGE = 10,130 SF± ALLOWABLE LOT COVERAGE REMAINING = 21,573 SF± MEAN HIGH WATER LINE TABLE LINE BEARING DISTANCE L1 S 23'00'10" E 28.07' L2 S 07"42"06" E 52.31 L3 35.78' S 24°39'37" E 13.10' L4 S 35'49'24" E L5 S 41°55'03" E 27.61 53.72' L6 S 36'42'26" E L7 S 40"41"18" E 39.72 L8 S 73 51 32" E 7.21 L9 S 41°44'40" E 8.52' L10 S 47'23'46" W 12.35' L11 S 14"51'54" E 25.99' L12 S 06'45'49" E 27.84 L13 S 09'07'39" E 29.21' L14 S 17'31'34" E 38.14 L15 S 23°16'10" E 32.11 L16 24.46' S 34°06'57" E L17 25.07 S 39°57'53" E L18 S 31°17'57" E 18.36' S 41"08'06" E 25.34 L19 H L20 S 54'02'36" E 23.34 P L21 S 43"51"59" E 22.02" S 42"11'11" E L22 33.74' 34.04' L23 S 64"09'54" E L24 S 57"31"19" E 32.68 L25 31.23 S 54°21'06" E L26 S 54"02'35" E 33.72 L27 5.50' S 11"35'19" W L28 38.33' S 19'28'00" W L29 75.33' S 35'36'56" W L30 S 40°58'51" W 55.91' L31 S 27'22'53" W 31.55'

L32

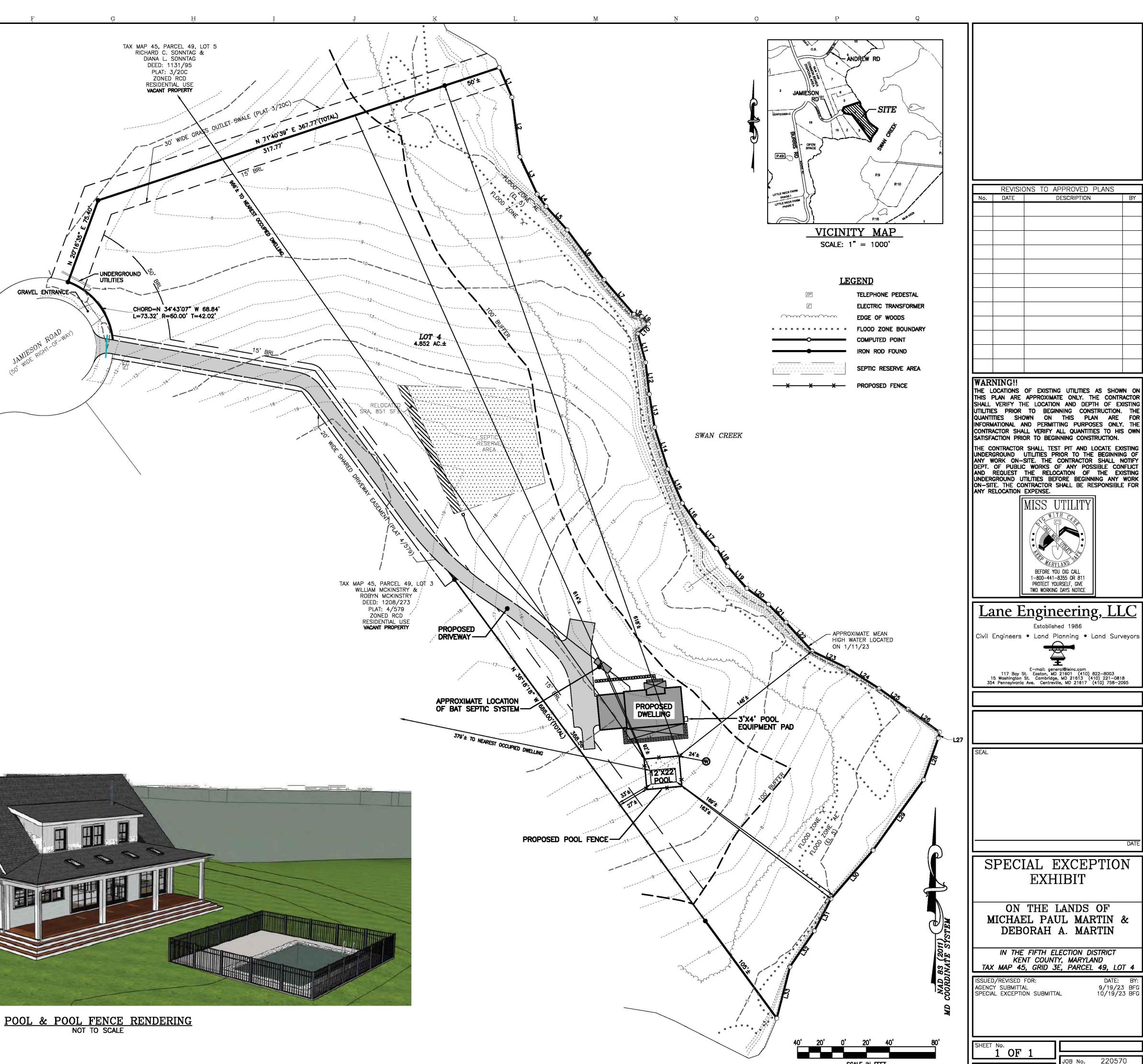
L33

S 34°13'54" ₩

S 14"18'26" W

37.86'

46.19'

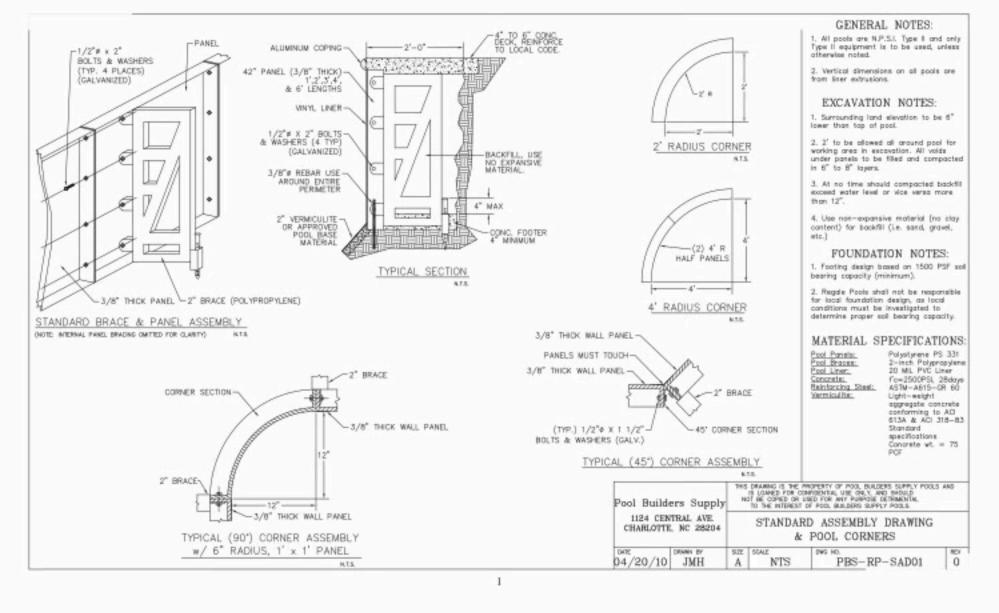


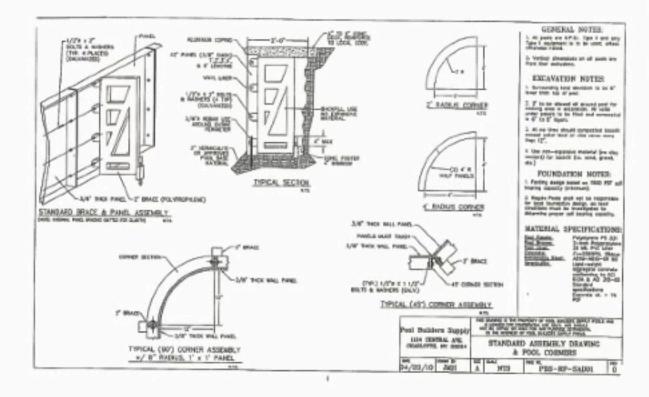
SCALE IN FEET

AS NOTED

1635

FILE No.





CODE COMPLIANCE A. MARTLAND INTERNATIONAL RESIDENTIAL CODE 2018 INTERNATIONAL SWITMENC POOL & SPA CODE - 2018

B. ELECTRICAL & PLUMEING THE CONSTRUCTION AND INSTALLATION OF ELECTRIC WIRING, OROUNDING AND BONDING, AND EQUIPMENT ARE SUBJECT TO THE STATE CODE AND TO THE CURKENT ADOPTED NATIONAL ELECTRIC CODE REQUIREMENTS. ALL PLUMEING MUST COMPLY WITH THE CURKENT ADOPTED STATE CODE.



James A, Marx, IV. Professional Confidentian. Theody novity due these descentees were prepared or reperved by ress, and James duly located projectional engineer under the lowe of the State of Maryland, License No. 18962, Expiration Date: 12/22/3024.