



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.

AGENDA

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 Director
From: Mark Carper, Associate Planner
Date: November 27, 2023
Subject: #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 on 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 Applicant)**

Michael P. Martin
21 Palco Lane
Elkton, MD 21921
Email: mndmartin36@comcast.net

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: mndmartin36@comcast.net

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, MD

In the 05 Election District of Kent County.

Size of lot or parcel of Land: 4.859 Acres

Map: 0045 Parcel: 0049 Lot #: 4 Deed Ref: 0122300065

List buildings already on property: None

Subdivision name and address, if applicable: Little Neck Farms

PRESENT ZONING OF PROPERTY: Resource conservation District

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 pool, patio & fence.

There is no impact to the environment or buffer and no impact to neighborhood.

Present owner of property: Michael P. & Deborah A. Martin Telephone: 413-907-8043

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. & Diana L. Sonntag

Owner(s) on the South: No property to the south as Swan Creek makes up the southern border.

Owner(s) to the East: No property to the East as Swan Creek makes up the eastern border.

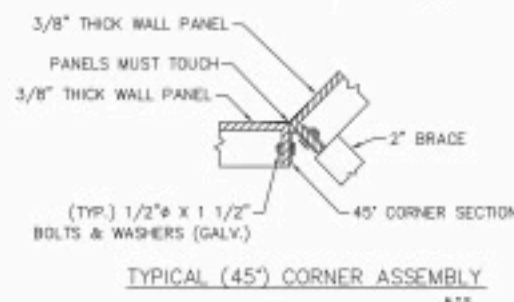
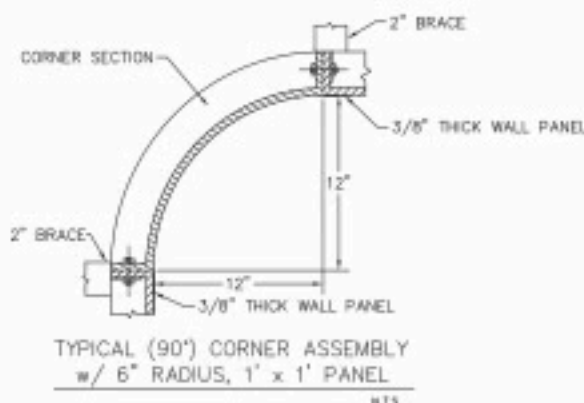
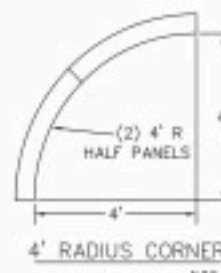
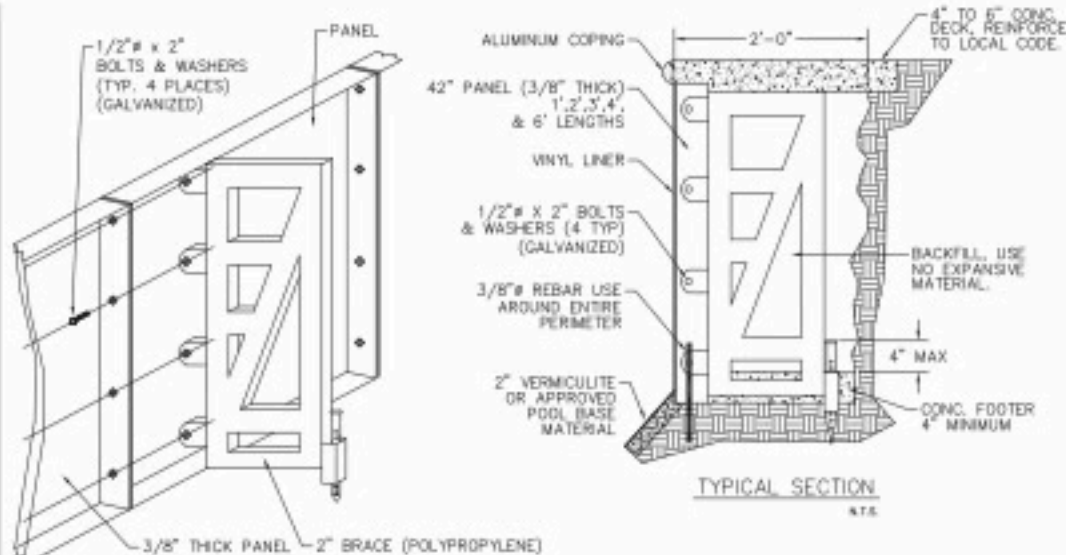
Owner(s) to the West: William & Robyn McKinstry

Homeowners Association, name and address, if applicable: Little Neck Farms HOA
PO Box 622, Rock Hall, MD 21661
Cheryl Beach, Treasurer
20697 Andrew Rd, Rock Hall, MD 21661

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.

Michael P. Martin
Signature of Owner/Applicant/Agent or Attorney

10/25/23
Date



Pool Builders Supply 1124 CENTRAL AVE. CHARLOTTE, NC 28204		THIS DRAWING IS THE PROPERTY OF POOL BUILDERS SUPPLY POOLS AND IS LOANED FOR CONFINED USE ONLY, AND SHOULD NOT BE COPIED OR USED FOR ANY PURPOSE DETRIMENTAL TO THE INTEREST OF POOL BUILDERS SUPPLY POOLS.			
		STANDARD ASSEMBLY DRAWING & POOL CORNERS			
DATE	DRAWN BY	SIZE	SCALE	DWG NO.	REV
04/20/10	JMH	A	NTS	PBS-RP-SAD01	0

GENERAL NOTES:

- All pools are N.P.S.I. Type II and only Type II equipment is to be used, unless otherwise noted.
- Vertical dimensions on all pools are from liner extrusions.

EXCAVATION NOTES:

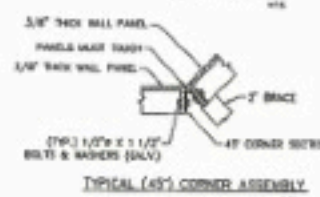
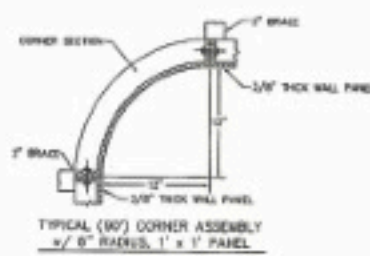
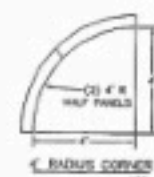
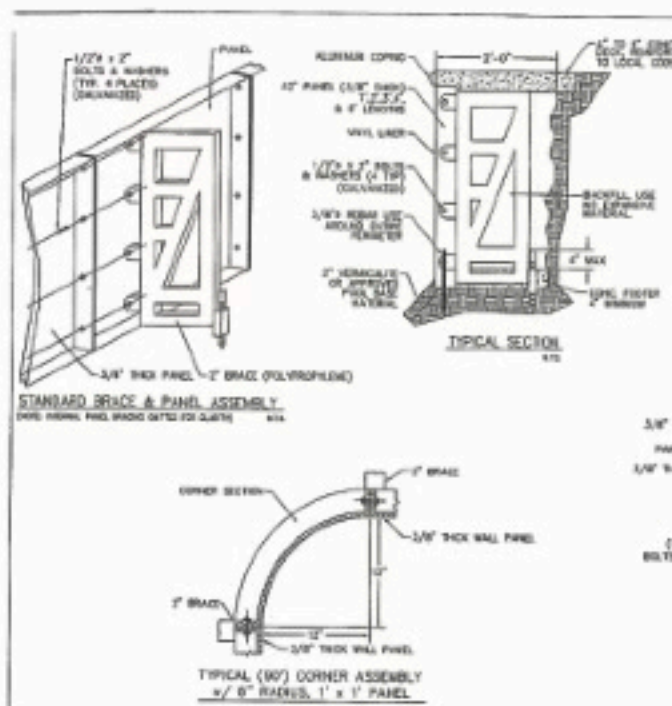
- Surrounding land elevation to be 6" lower than top of pool.
- 2' to be allowed all around pool for working area in excavation. All voids under panels to be filled and compacted in 6" to 8" layers.
- At no time should compacted backfill exceed water level or vice versa more than 12".
- Use non-expansive material (no clay content) for backfill (i.e. sand, gravel, etc.)

FOUNDATION NOTES:

- Footing design based on 1500 PSF soil bearing capacity (minimum).
- Reggie Pools shall not be responsible for local foundation design, as local conditions must be investigated to determine proper soil bearing capacity.

MATERIAL SPECIFICATIONS:

Pool Panels:	Polyethylene PS 331
Pool Braces:	2-inch Polypropylene
Pool Liner:	20 MIL PVC Liner
Concrete:	f'c=2500PSI, 28days
Reinforcing Steel:	ASTM-A615-GR 60
Vermiculite:	Light-weight aggregate concrete conforming to AD 613A & AD 318-83 Standard specifications
	Concrete wt. = 75 PCF



Pool Builders Supply 1124 CENTRAL AVE. CHARLOTTE, NC 28204		THIS DRAWING IS THE PROPERTY OF POOL BUILDERS SUPPLY POOLS AND IS LOANED FOR CONFINED USE ONLY, AND SHOULD NOT BE COPIED OR USED FOR ANY PURPOSE DETRIMENTAL TO THE INTEREST OF POOL BUILDERS SUPPLY POOLS.			
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	Concrete wt. = 75 PCF

CODE COMPLIANCE
A. MARYLAND
INTERNATIONAL RESIDENTIAL CODE 2018
INTERNATIONAL SWIMMING POOL & SPA CODE - 2018

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



JAMES A. MAC, JR.
Professional Certification. I hereby certify that these documents were prepared or approved by me, and I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 18962, Expiration Date: 12/27/2024.