

## 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: 184 197 144#

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

## <u>AGENDA</u> December 1, 2022 10:00 AM

#### **APPLICATIONS FOR REVIEW:**

22-86 Travis Fletcher – Administrative Special Exception – Oversize Accessory Structure 13371 Golts Caldwell Road – First 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:	Carla Gerber, Deputy Director
Date:	November 28, 2022
Subject:	#22-86 – Travis Fletcher
-	Administrative Special Exception – Accessory Storage Structure

# **Preliminary Staff Report**

## **DESCRIPTION OF PROPOSAL**

Travis Fletcher is requesting an administrative special exception in order to construct an accessory building with a median height of approximately 19 feet on a parcel less than 5 acres. The structure exceeds the 17-foot height limit, thereby requiring a special exception. The additional height is desired to allow for storage of farm equipment. The 4.07-acre property is located at 13371 Golts Caldwell Road in the First Election District and is zoned 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 Rural Residential District.
  - B. *Staff and TAC Comments:* The applicant is proposing to construct a 30-foot x 40-foot accessory building with a median height of 19 feet and overall height of 22 feet. Accessory structures with 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 150 feet from the front property line and 150 feet from the closest side property line.
  - There is a 1½ story dwelling already on the property that was built in 2021.
  - The proposed building will be replacing a smaller existing accessory building.
  - The parcel is surrounded on three sides by forest.
  - The surrounding area is characterized by single family dwellings on similarly sized lots. The closest dwelling is over 500 feet away.
  - Other homes in the neighborhood have large accessory buildings.
  - The Comprehensive Plan does not address this matter.
  - The proposal is consistent with the intent of the Ordinance.
  - Property values should not be negatively impacted by the proposed structure as it is keeping with the common use of a residential property.
  - No mapped sensitive species or nontidal wetlands are within the area to be developed.

## STAFF RECOMMENDATION

Staff recommends approval of a special exception to construct an accessory building with median height of 19 feet. Recommended conditions include:

- 1. Obtaining a demolition permit for the existing building which will be replaced.
- 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 Pla	anning, Housing, and Zoning
Kent County Gov	
400 High Street • Ches	
410-778-7423 (phone)	• 410-810-2932 (fax)
IN THE MATTER OF THE APPLICATION OF:	For Office Use Only:
(Name, Address and Telephone Number of Applicant)	Case Number: Date Filed:
	Filed by:
Travis Fletcher (302-632-2629)	Applicant:
13371 Golts Caldwell Rd, Galena, Md 21635	Date of Hearing:
	Parties Notified:
Email: secretary.dreamstructuresllc@gmail.com	Property Posted:
Please provide the email of the one person who will be re- person will be contacted by staff and will be the person re	
additional information to any other interested parties. EN	AIL: secretary.dreamstructuresllc@gmail.com
and a second second to any other interested parties. 21	
TO THE DEPARTMENT OF PLANNING, HOUSING	AND ZONING: In accordance with Article
Section of the Kent County Land Use Ordir	nance, as amended, request is hereby made for an
Administrative Hearing for:	
Variance X Special Exception	Determination of Nonconforming Use
DESCRIPTION OF PROPERTY INVOLVED:	
Located on: (Name of Road, etc.) 13371 Golts Caldy	vell Rd, Galena, MD 21635
In the <u>1st</u> Election District of Kent County.	
Size of lot or parcel of Land: 4.5 ac	
Map:17 Parcel:42 Lot #:	Deed Ref:
List buildings already on property:	
	Calto Caldwall Rd. Calana, Md 21625
Subdivision name and address, if applicable: 13371 C	Solts Caldwell Rd, Galena, Md 21635
Decidential	
PRESENT ZONING OF PROPERTY: Residential	
DECONTRACT OF DELETE DECLEDENCE (1 1 1	
DESCRIPTION OF RELIEF REQUESTED: (List here in	
the Appeal Hearing.) Would like to make the builidng ta	ller than 17' to adequetly store farm equipement
in building. The footprint of the building isnt larger th	an Kent Co. code for accessory structures
Present owner of property: Travis Fletcher	Telephone: 302-632-2629
	1
	DEPARTMENT OF
Revised – 09/17/2021	PLANNING, HOUSING & ZONING
1 = 0 = 0 = 0 = 1 = 1 = 0 = 0 = 0 = 0 =	RECEIVED 10/24/2022

Dly

If Applicant is not owner, please indicate your interest in this proper	rty:
Has property involved ever been subject to a previous application?	
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:

i will attach property sketch

Owner(s) on the North:	
Owner(s) on the South:	
Owner(s) to the East:	
Owner(s) to the West:	
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.

JM Fletan

10/20/22

Signature of Owner/Applicant/Agent or Attorney

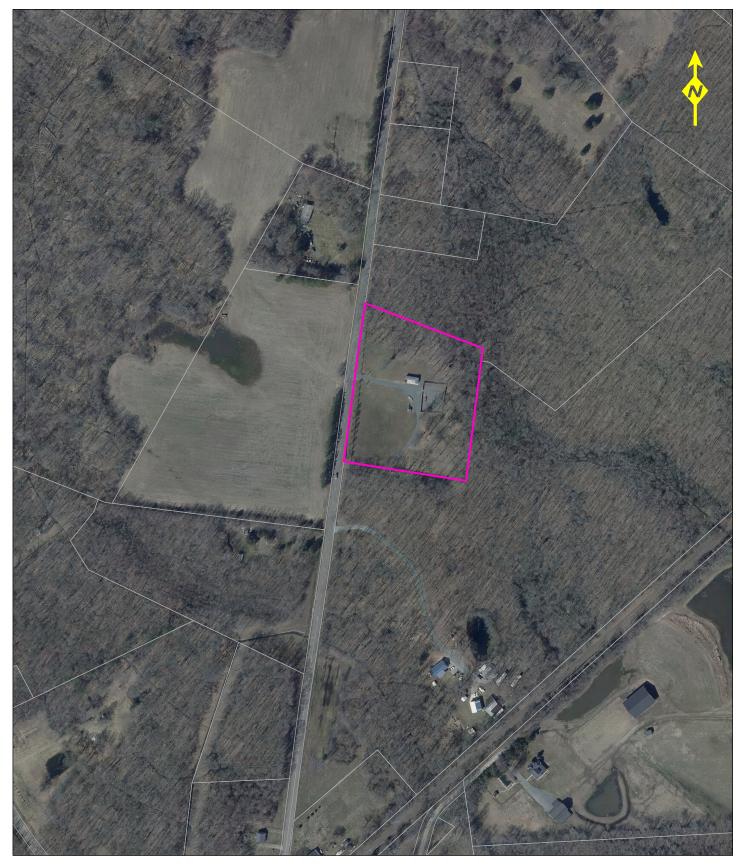
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by <u>\$200.00</u> 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.

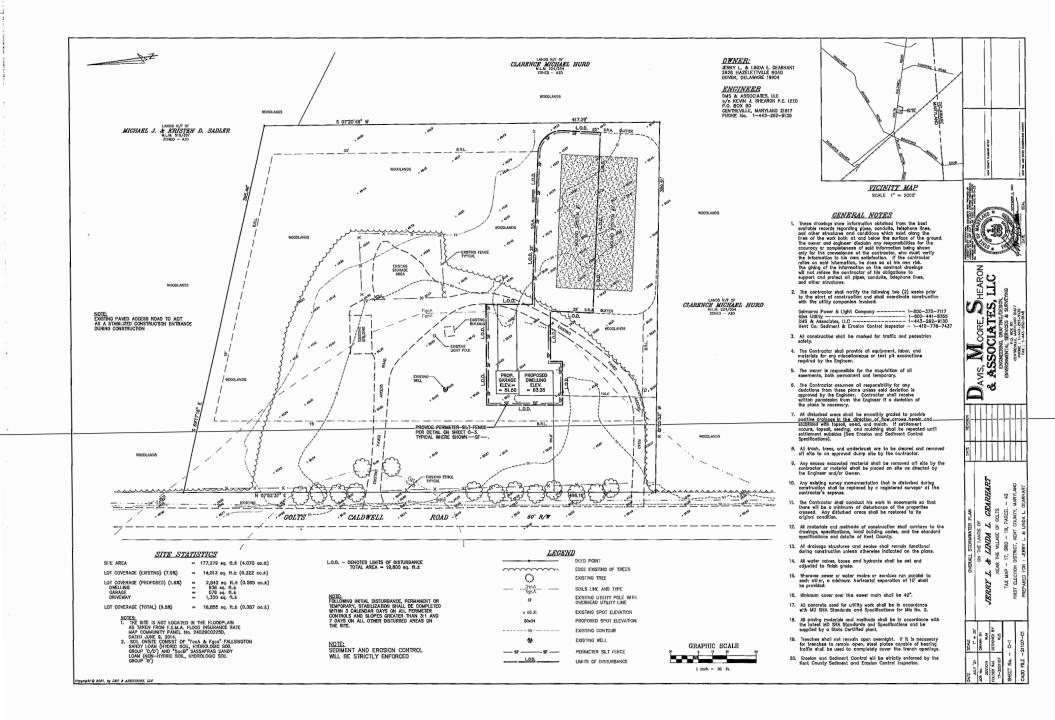
NOTICE: The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Department assists you, they cannot be held responsible for its contents.

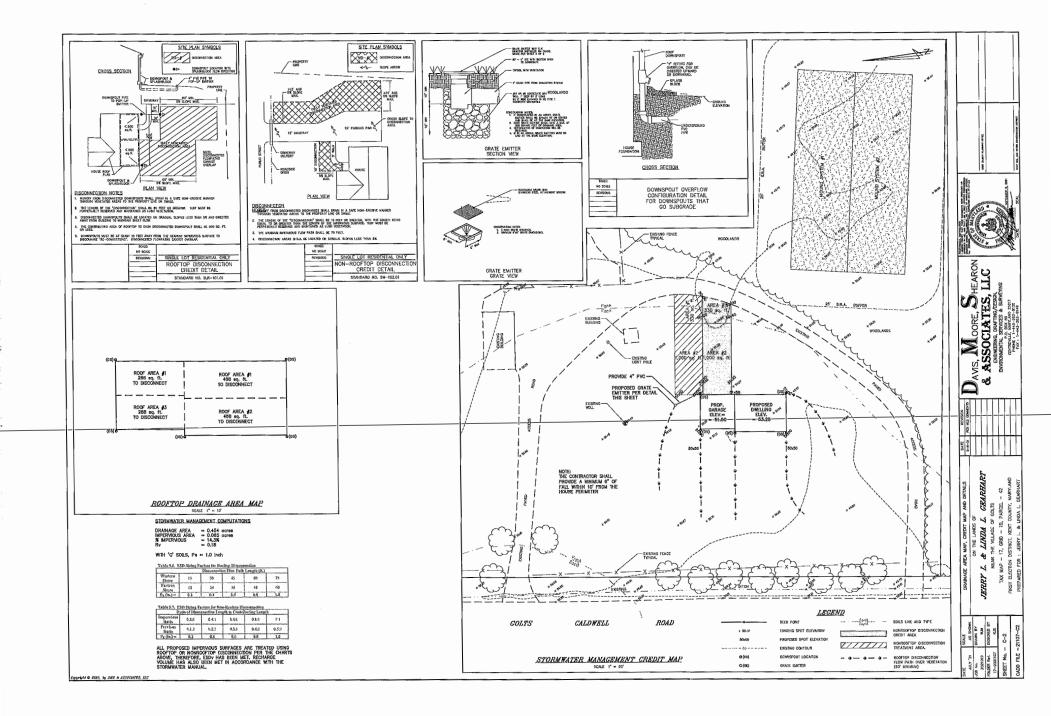
Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.

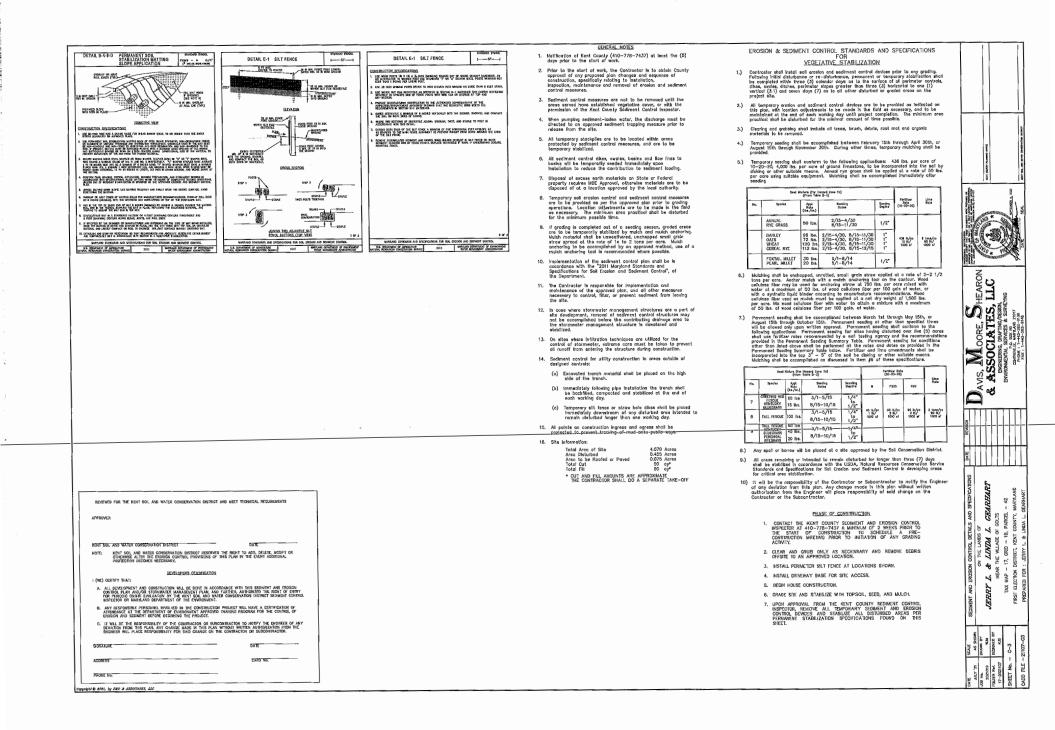
## Travis Fletcher, 13371 Golts Caldwell Road 22-86 - Administrative Special Exception - Accessory Storage Structure

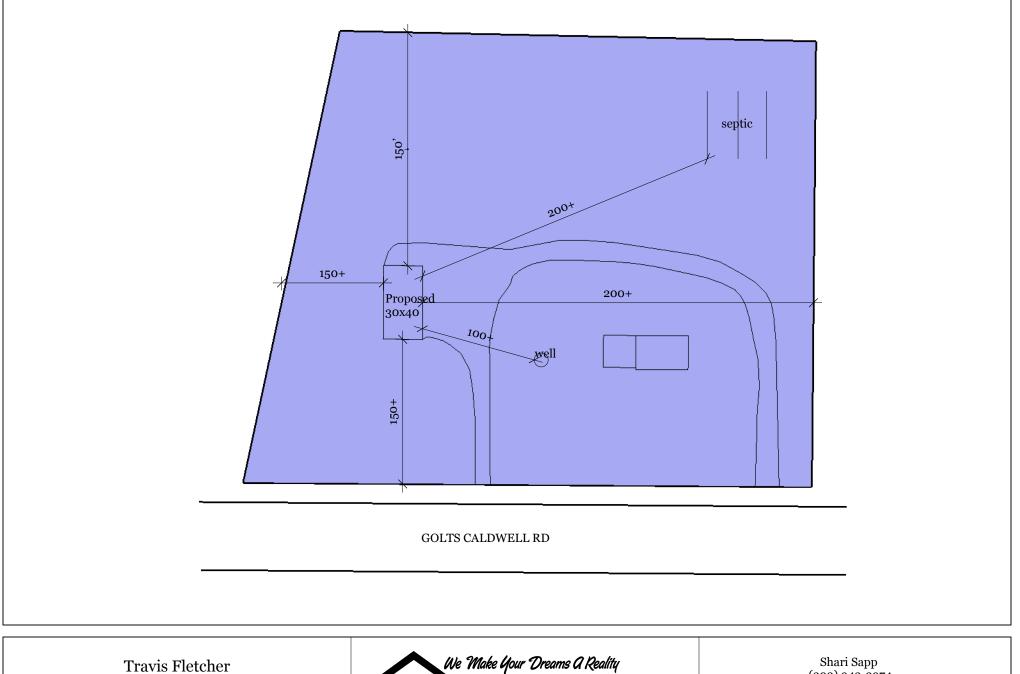


Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared November 2022.







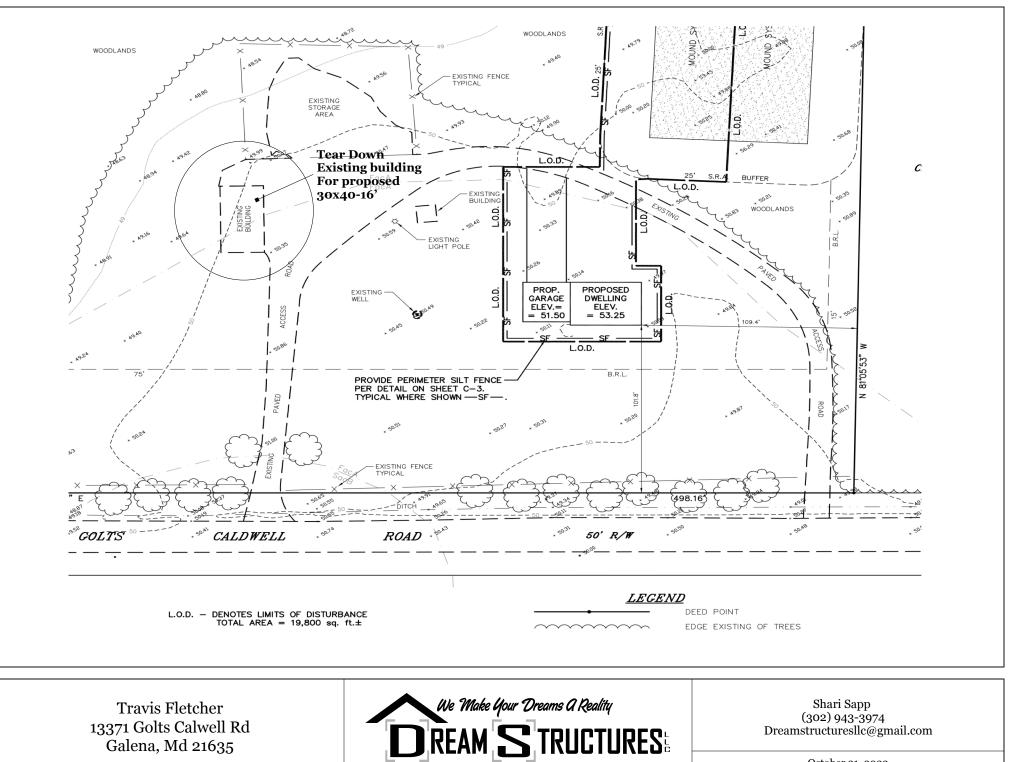


13371 Golts Calwell Rd Galena, Md 21635

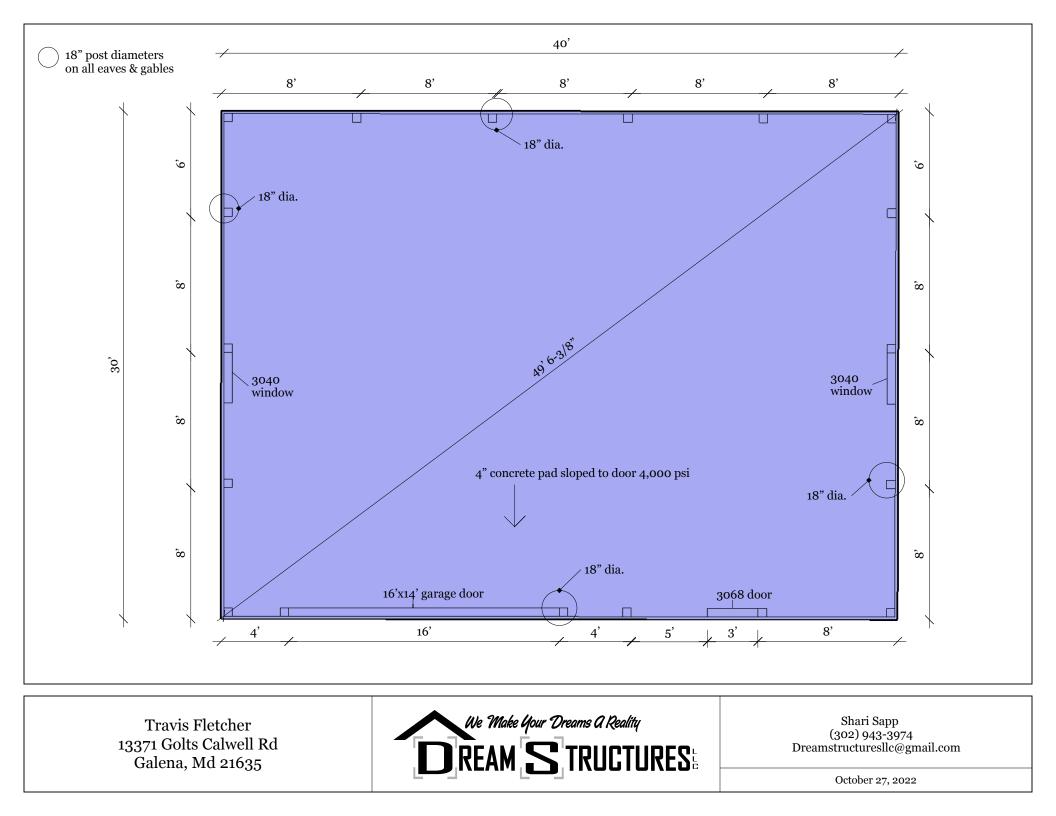


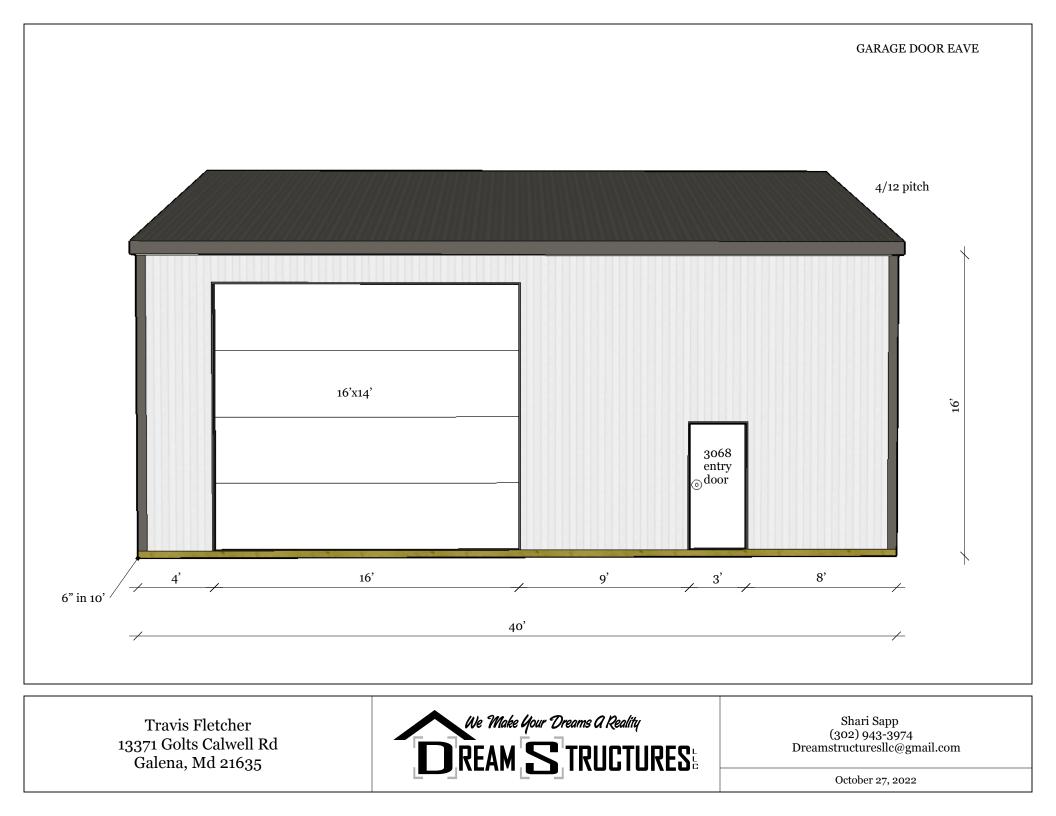
Shari Sapp (302) 943-3974 Dreamstructuresllc@gmail.com

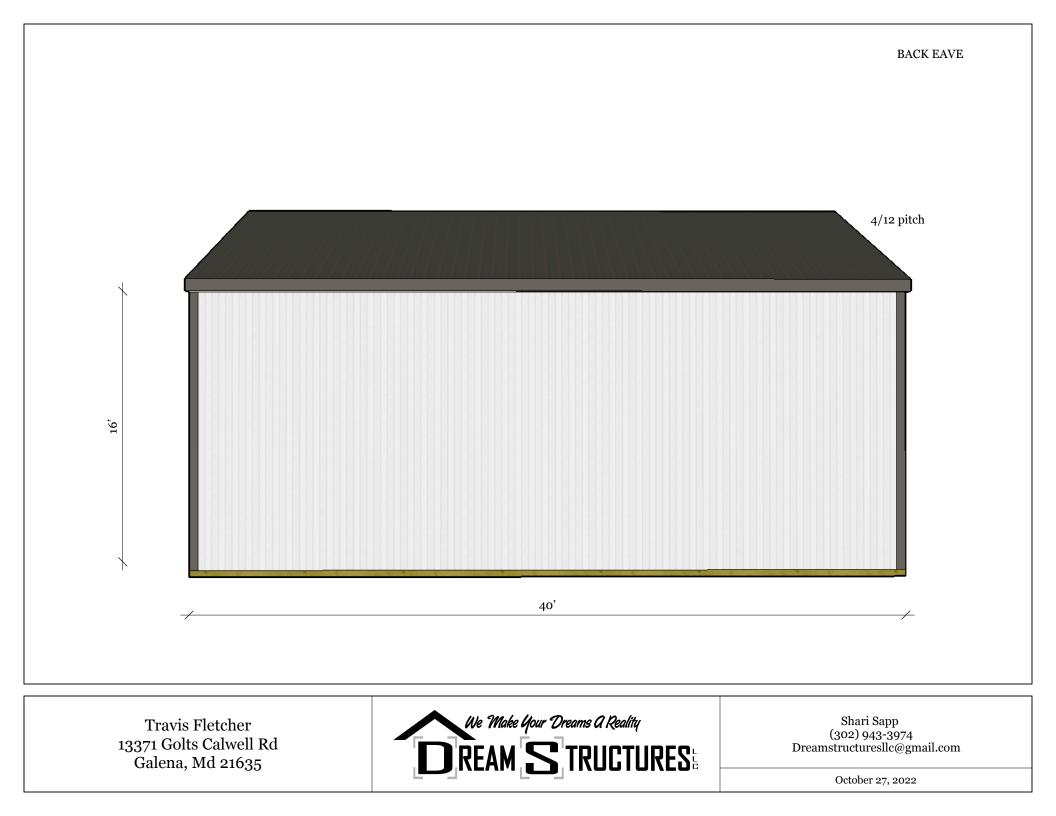
October 31, 2022

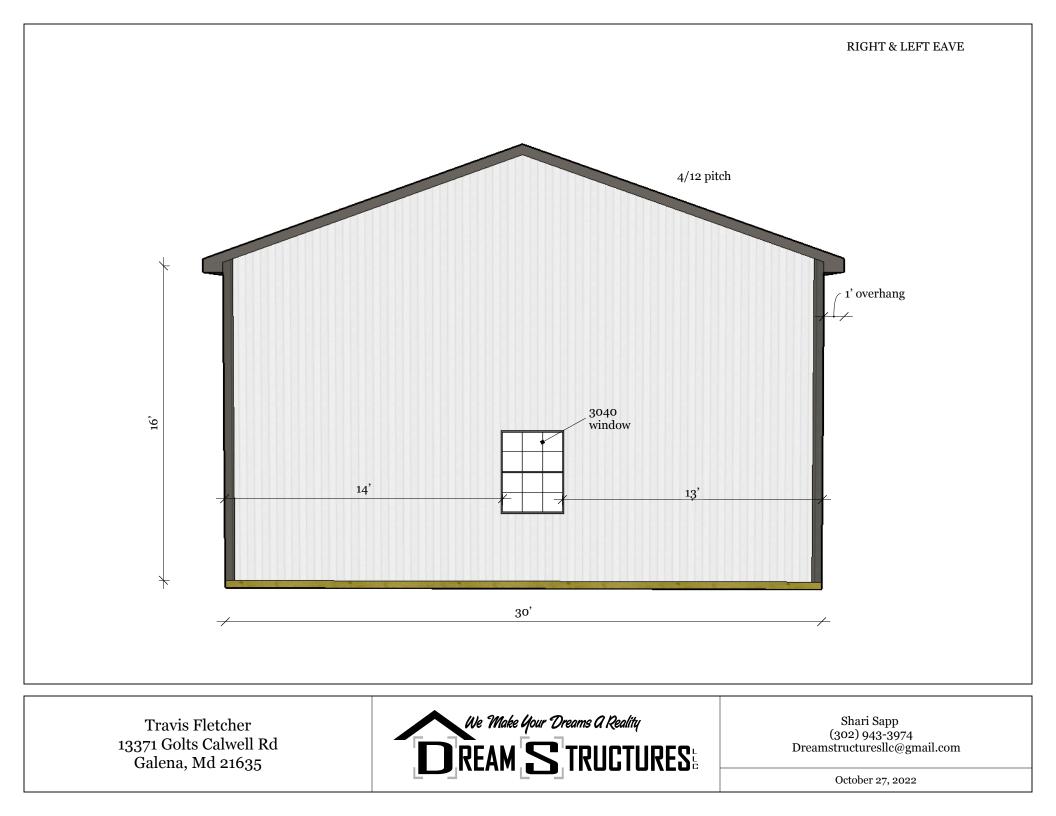


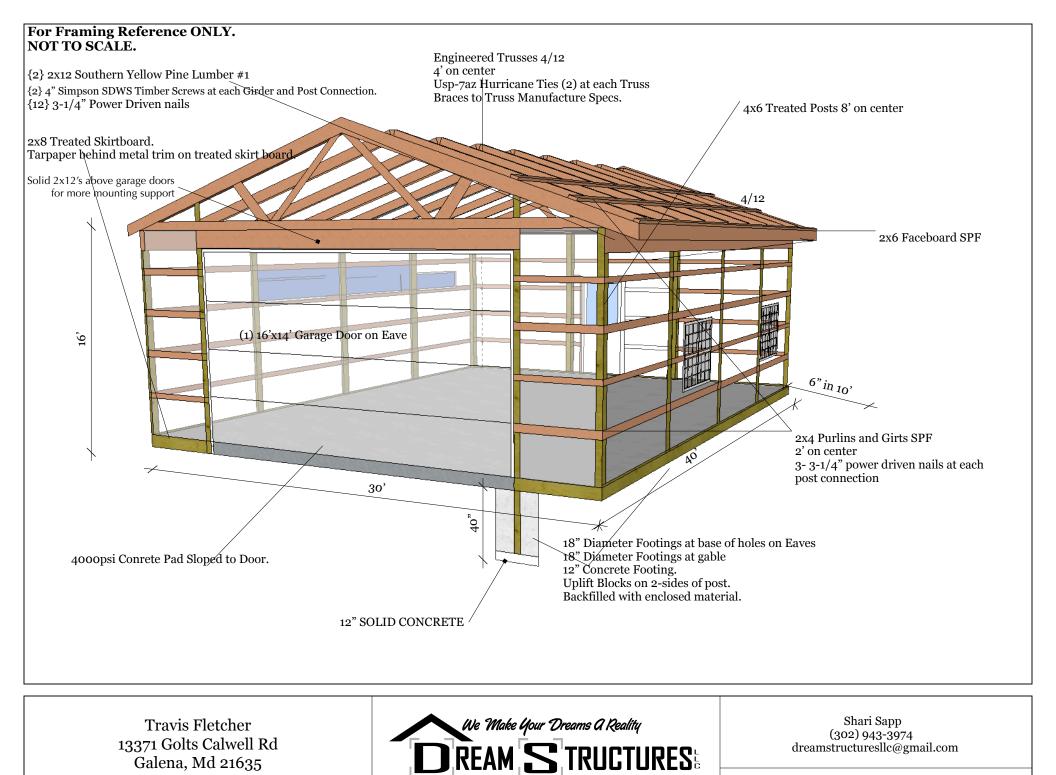
October 31, 2022











October 27, 2022