



Department of Planning, Housing, and Zoning

**ADMINISTRATIVE HEARING
COUNTY COMMISSIONERS HEARING ROOM
400 HIGH STREET
CHESTERTOWN, MARYLAND**

AGENDA

Friday, April 11, 2025
10:30 AM

APPLICATIONS FOR REVIEW

- 25-02 James and Michelle Genovese – Administrative Special Exception – Large Accessory Structure
26047 Bessicks Corner Road – Second Election District – Zoned AZD
- 25-07 Robert and Shelley Sheker – Administrative Hearing - Waterfront Pool
24000 Macs Lane, Worton –Third Election District – Zoned RCD
- 25-08 Morgan Brown – Administrative Variance – Side Setback
207 Pondview Court, Chestertown –Fourth Election District – Zoned Village
- 24-09 George and Cynthia Lees – Administrative Special Exception – Large Accessory Structure
12169 Homestead View Road, Worton – Third Election District – Zoned Rural Residential

Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **371 904 098#**

PHONE PARTICIPATION – Members of the public are asked to mute their phones/devices, until the Administrator opens the floor for comment. Please note that phone participation is dependent on service carriers and internet providers, this option may not be available for all meetings or be available during the entire meeting. In-person attendance is always recommended.

ONLINE VIEWING – Please note that although many meetings are recorded, the availability of video online is dependent on internet availability and functionality. Some members of the public may be able to watch a live video feed and/or view the video after the meeting at the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

PROTOCOL – Meetings are conducted in open session unless otherwise indicated. All or part of the meetings can be held in closed session under the authority of the MD Open Meetings Law. Breaks are at the call of the Administrator. Meetings are subject to audio and video recordings. All applicants will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.

APPLICANT OR REPRESENTATIVE MUST BE PRESENT

To: William Mackey, AICP, Planning Director
From: Rob Tracey, AICP, Associate Planner
Date: April 11, 2025
Subject: 25-2 – James and Michelle Genovese
Administrative Special Exception – Accessory Storage Structure

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Mr. and Mrs. Genovese are requesting an administrative special exception to construct a 676-square foot pole building with a 572-square foot second-floor apartment that will also exceed the median height limit of 17 feet on a property less than five acres. The proposed use is for the storage of boats, an RV, and miscellaneous equipment. The two-acre property is located at 26047 Bessicks Corner Road, Still Pond, 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 (AZD) Zoning District.
- B. *Staff and TAC Comments:* The applicant is proposing to construct a 676-square foot pole building with a 572-square foot second-floor apartment that will also exceed the median height limit of 17 feet on a property less than five acres. Accessory structures with a floor area over 1,200 square feet and/or a median height over 17 feet on a parcel less than five acres require an administrative special exception.

II. Special Exception – General Standards

Special exception uses are allowed and presumed to be compatible with other permitted uses in a zoning district; however, a review process is required to evaluate whether the particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zoning district; and to ensure that development complies with the Comprehensive Plan, the Land Use Ordinance, and various agency requirements, thereby promoting the health, safety, and general welfare of Kent County's residents.

The Planning Director, or his designee, must consider the impacts of the specifically proposed special exception use as indicated on the submitted site plan upon neighboring uses and the surrounding area of that particular location. The Planning Director, or his designee, may place conditions and restrictions authorized by the Land Use Ordinance to limit the special exception use to address the identified impacts on neighbors and the area. The Planning Director, or his designee, may also place conditions and restrictions to ensure that the special exception use that is granted does not exceed the reasonable expectations of that specific and particular use as proposed on the concept site plan.

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. According to the applicant's site plan, the proposed accessory building will be approximately eight feet from the west property line, 162 feet from the east, 173 feet from the south property line, and 210 feet from the north property line. There are no neighbors on the west side of the property.
- The existing two-acre parcel is currently unimproved and according to aerial imagery is open field. The applicant has submitted a building permit for the new single-family dwelling.
- The site is approximately one quarter mile from the New Christian Chapel of Love Church and is over three and a half miles from the Kent County High School.
- No adverse impacts to the environment, property values, or character of the neighborhood are anticipated.
- There are no known impacts on community facilities and services.
- The Comprehensive Plan is neutral on this matter.
- The proposal is consistent with the intent of the Ordinance.

STAFF RECOMMENDATION

Staff recommends approval with the following condition:

1. That the special exception hereby granted would lapse after two years 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)

James & Michelle Genovese
102 Brix Drive, Church Hill, MD 21623

Email: willowcreekfarm3@gmail.com

For Office Use Only:

Case Number: 25-2
Date Filed: 1/8/2025
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: buck@extrememeasuresllc.com

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article V
Section 1.3.1 of the Kent County Land Use Ordinance, 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.) 26047 Bessicks Corner Road

In the 2 Election District of Kent County.

Size of lot or parcel of Land: 2.00 acres

Map: 12 Parcel: 287 Lot #: 4 Deed Ref: SLK 1298/55

List buildings already on property: Property is vacant

Subdivision name and address, if applicable: n/a

PRESENT ZONING OF PROPERTY: AZD - Agricultural Zoning District

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Owner would like to build a garage with a second floor apartment.

Present owner of property: James & Michelle Genovese Telephone: 443-822-6538

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: Nancy Miller (now deceased) her daughters Dianna Nordhoff and Caroline Miller are in charge. 26050 Bessicks Corner Road, Still Pond, MD 21667

Owner(s) on the South: Lynn Sutton, 12844 Still Pond Road, Still Pond, MD 21667

Owner(s) to the East: Lynn Sutton, 12844 Still Pond Road, Still Pond, MD 21667

Owner(s) to the West: Phillip & Susan Nickerson, 26055 Bessicks Corner Road, Still Pond, MD 21667

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.

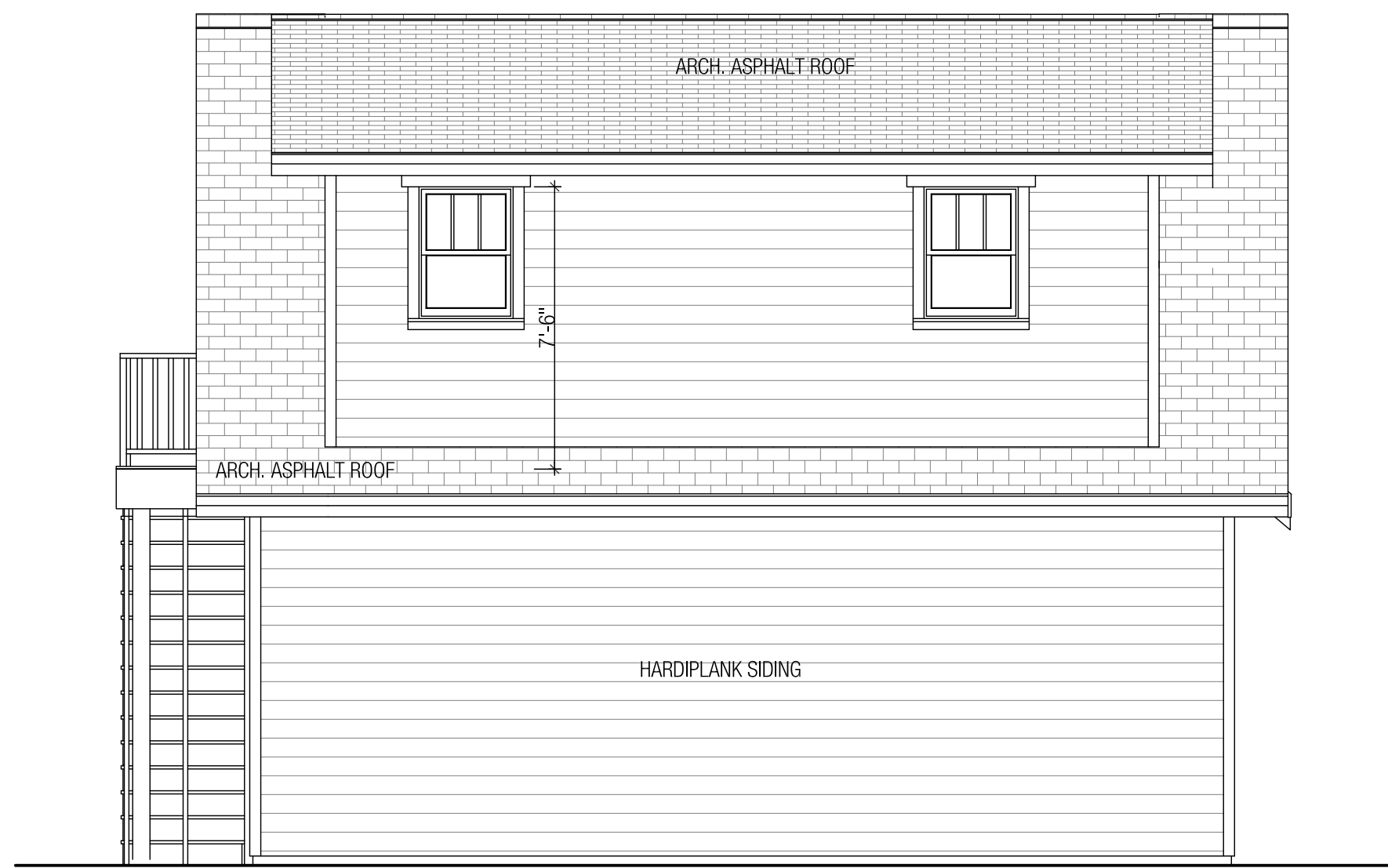
(JAMES GENOVESE) Michelle Lynn Genovese
Signature of Owner/Applicant/Agent or Attorney

01/03/2025
Date

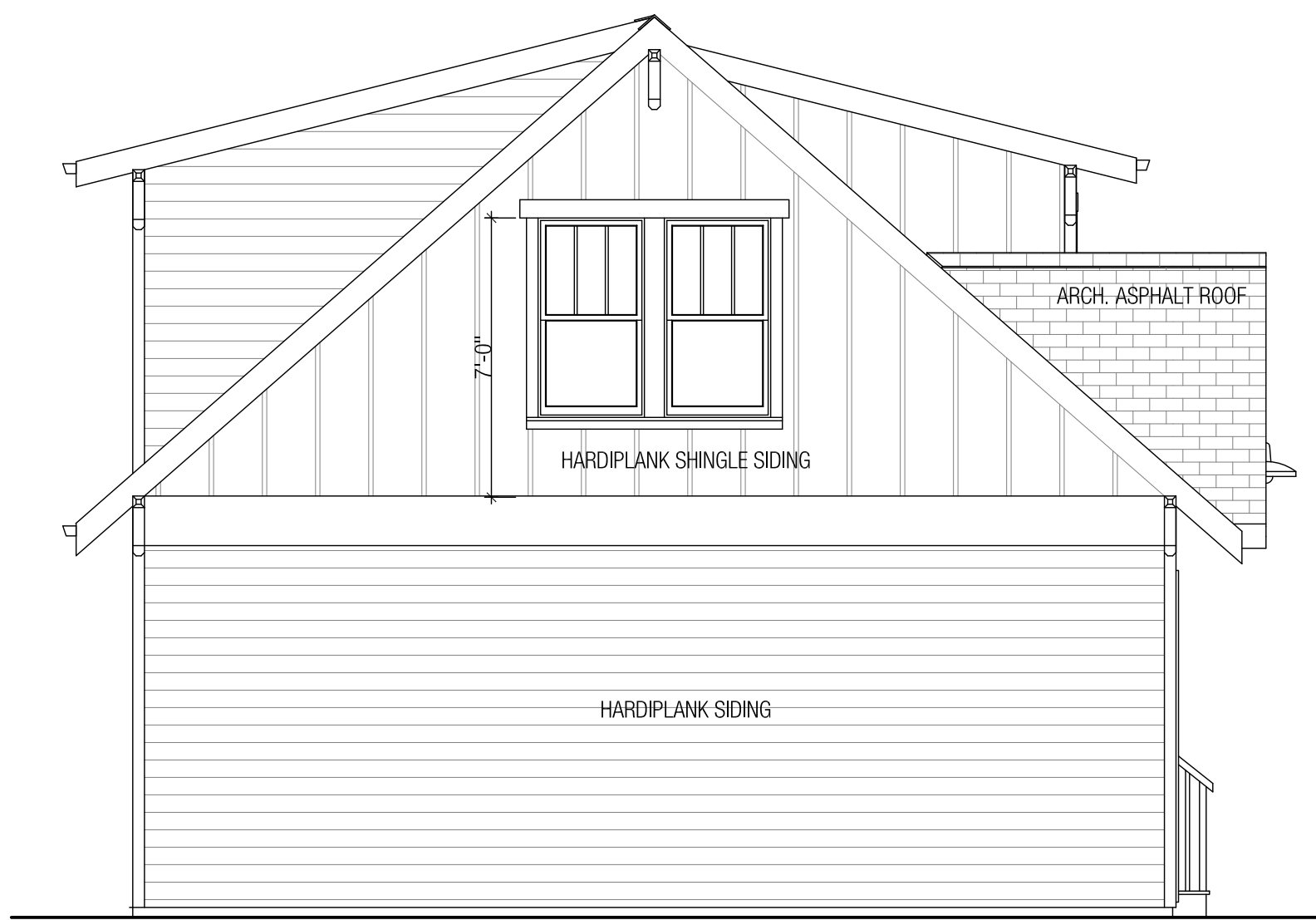
Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the County Commissioners of Kent County. If you have any questions, contact the Kent County Department of Planning, Housing and Zoning.

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.

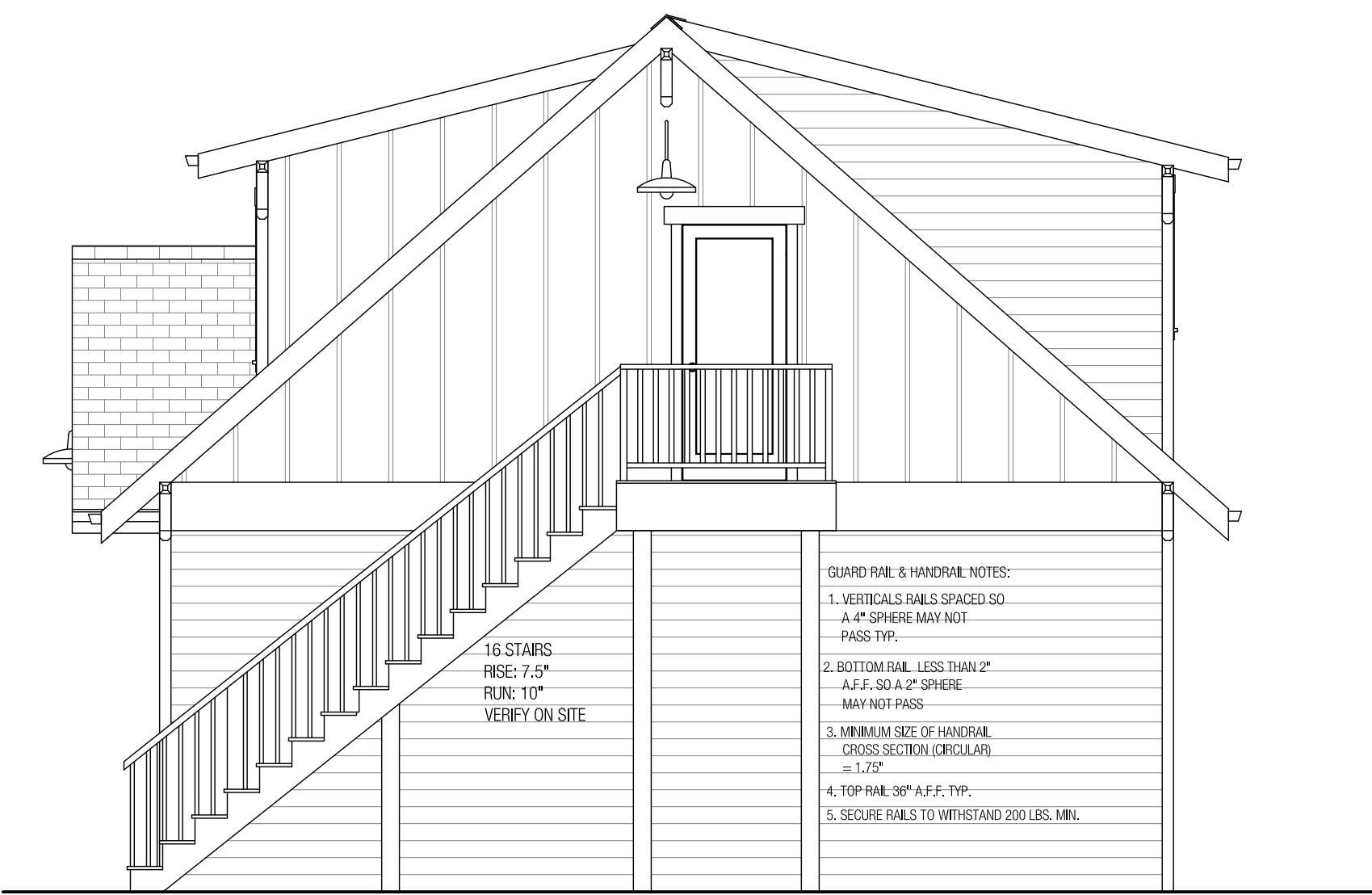
Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.



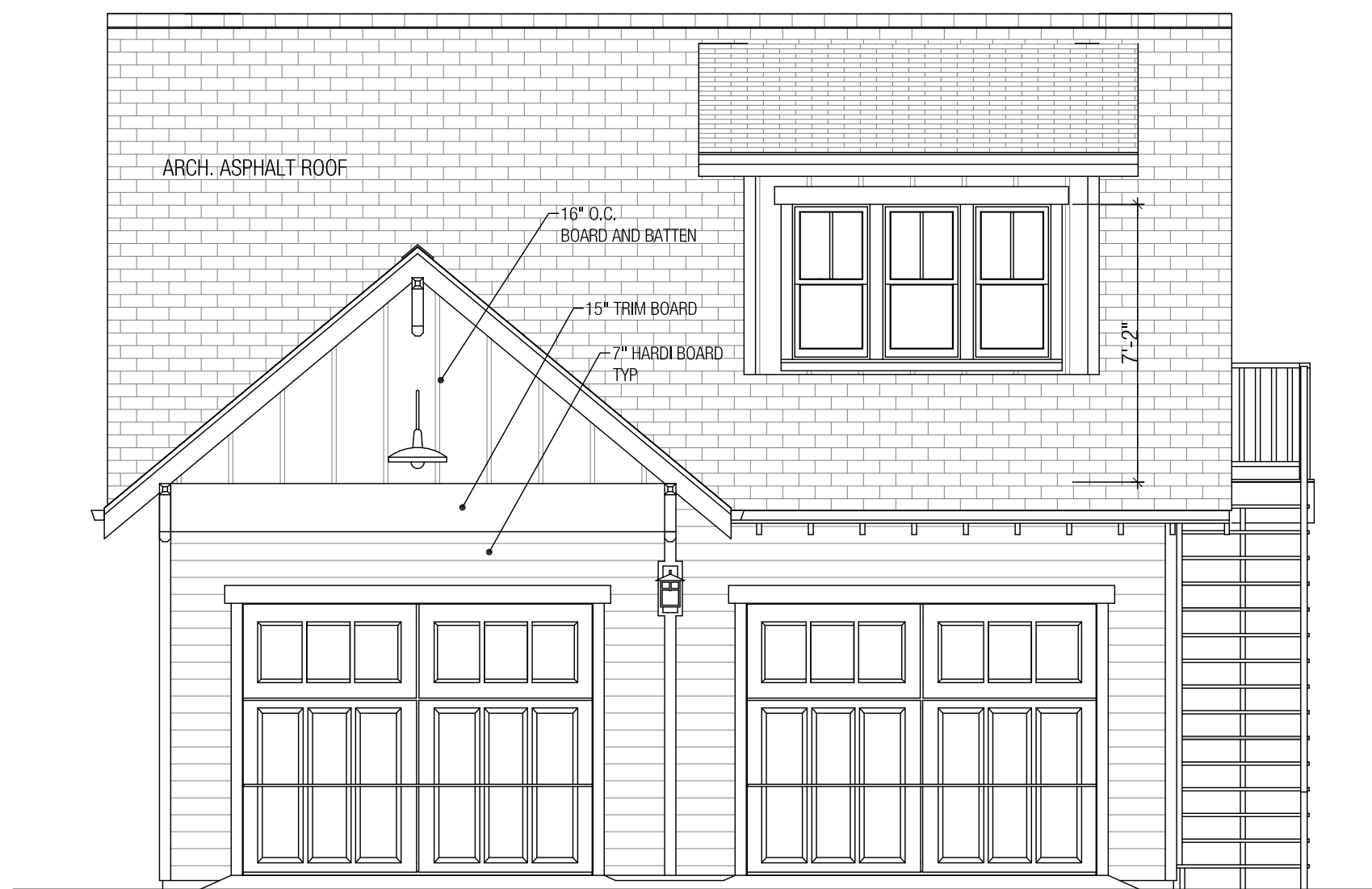
5 BACK ELEVATION
1/4"=1'-0"



6 LEFT ELEVATION
1/4"=1'-0"



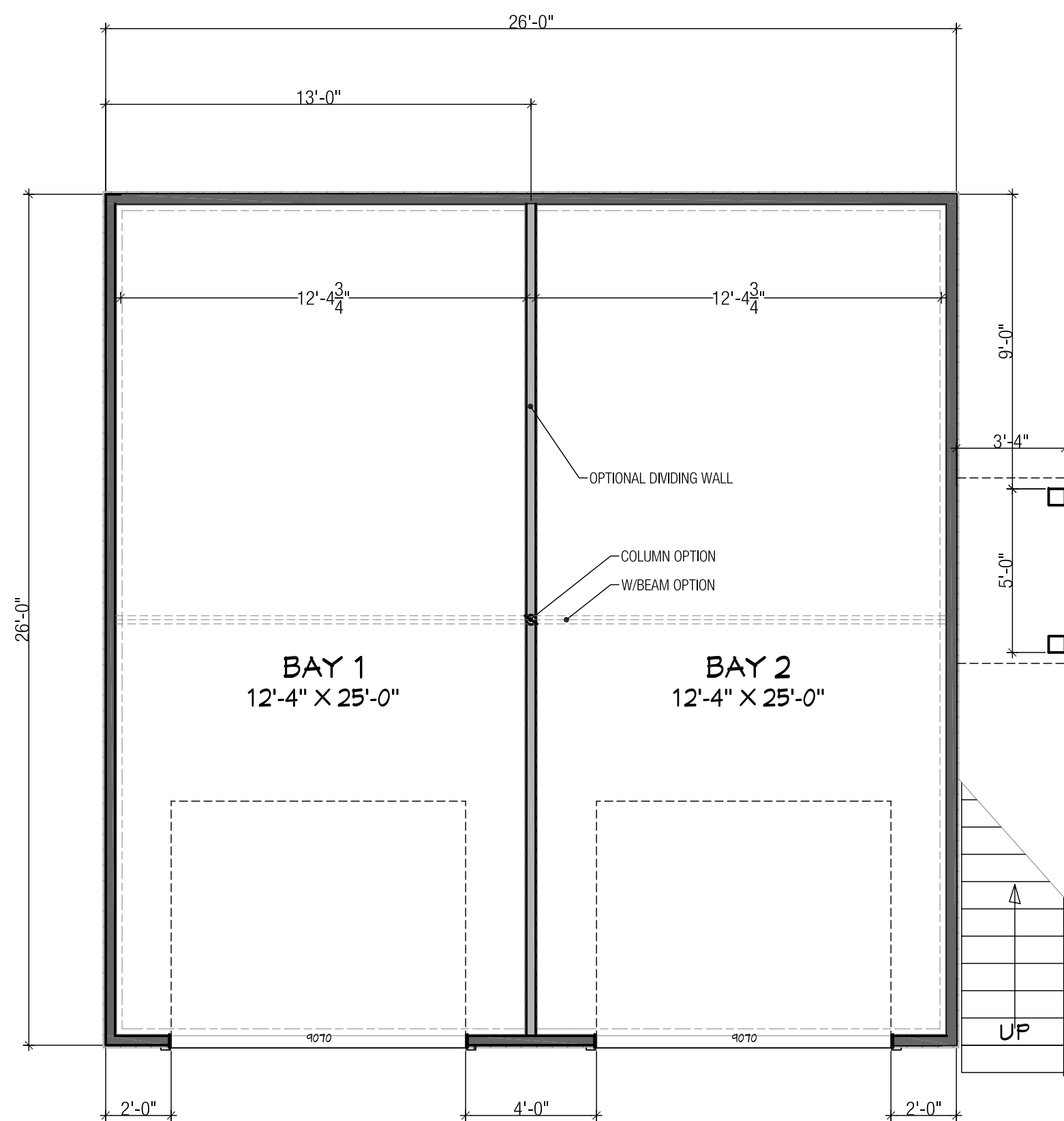
4 RIGHT ELEVATION
1/4"=1'-0"



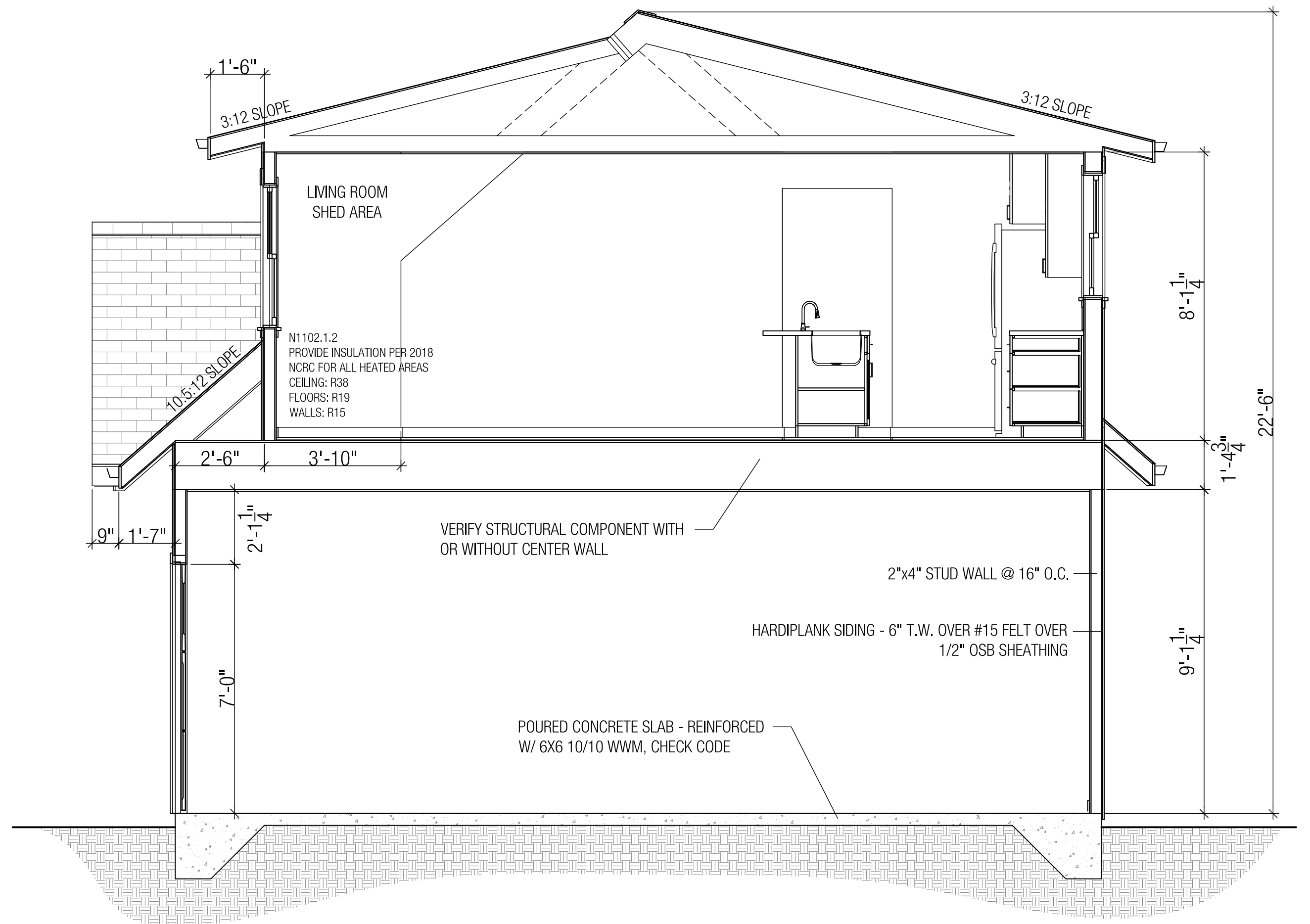
3 FRONT ELEVATION
1/4"=1'-0"

FLOOR PLAN NOTES

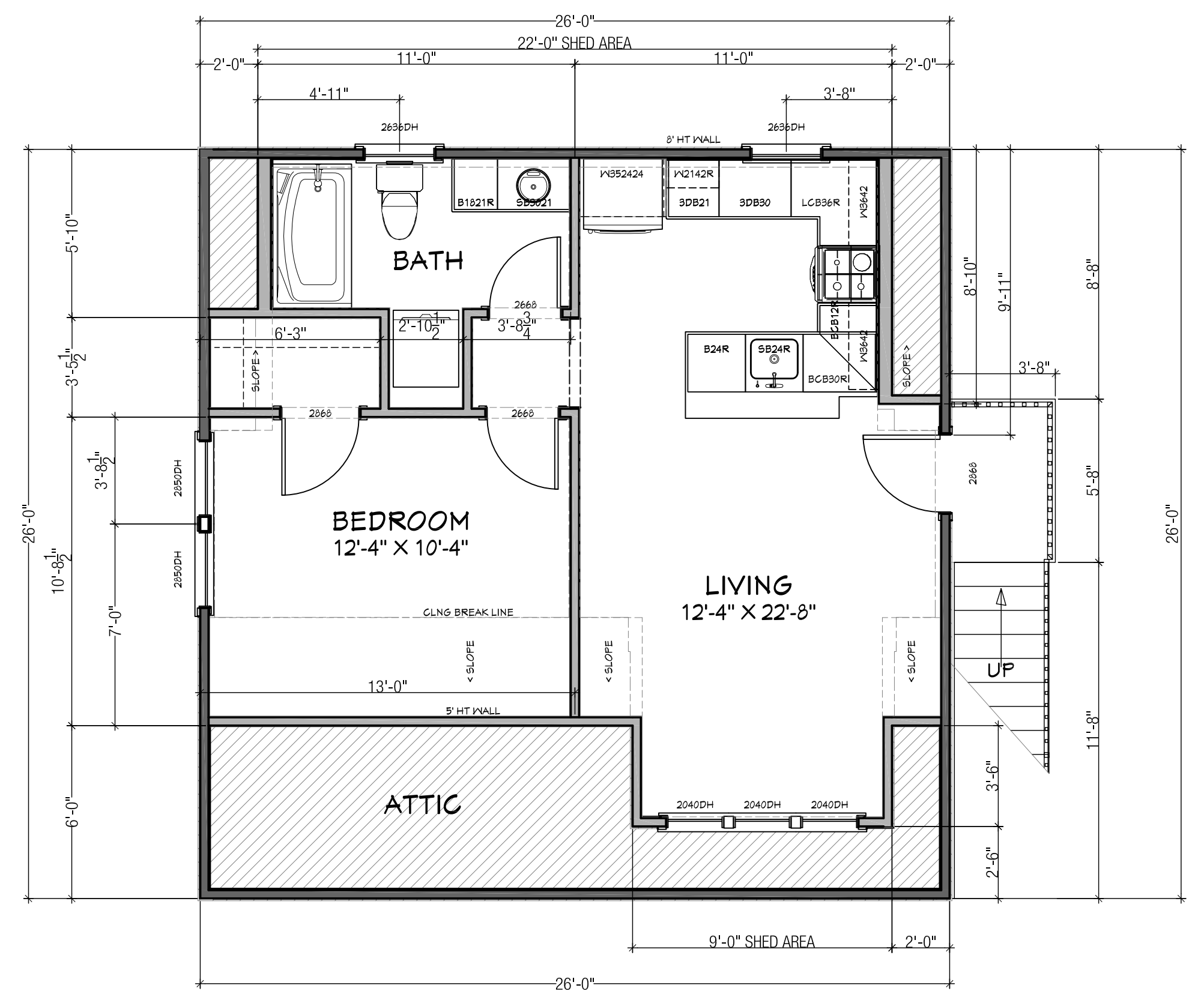
- INTERIOR DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD, DIMENSIONS TAKEN TO EXTERIOR EDGE OF THE BUILDING ARE MEASURED TO THE FACE OF STUD.
- WINDOW SIZES INDICATED ON PLANS ARE NOTED BY ROUGH OPENING SIZES, REFER TO PLANS AND EXTERIOR ELEVATIONS FOR WINDOW TYPES, WINDOW SIZES/AVAILABILITY VARY LOCALLY, PLEASE VERIFY ALL OPENINGS. DO NOT SCALE DRAWINGS, FOLLOW DIMENSIONS ONLY.
- CONTRACTOR SHALL FIELD VERIFY ALL CABINET DIMENSIONS BEFORE FABRICATION.
- ALL BATH AND TOILET AREA WALLS AND CEILINGS SHALL HAVE WATER RESISTANT GYPSUM BOARD.
- ALL INTERIOR WALLS SHALL BE COVERED WITH 1/2" GYPSUM BOARD AND METAL CORNER REINFORCING. USE 5/8" GYPSUM BOARD ON CEILINGS.
- HANDRAILS SHALL BE MOUNTED 34"-38" ABOVE NOSING OF STAIRS. GUARDRAILS SHALL BE MOUNTED AT 36" PROVIDE ACCESS TO ALL CONCEALED ATTIC SPACES.



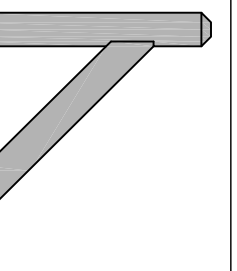
1 FIRST FLOOR PLAN
1/4"=1'-0"



7 GARAGE SECTION
3/8"=1'-0"



2 SECOND FLOOR PLAN
1/4"=1'-0"



Revision Table	Description
Number	Revised By
Date	

HOME PATTERNS crafted simplicity
30 Elm Place, Hastings on Hudson, NY 10706
(864) 276 0068 INFO@HOMEPATTERNS.COM

DO NOT COPY
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Although Home Patterns LLC strives to create the most complete package available, it is impossible for Home Patterns LLC to, in good faith, guarantee that this plan will meet all local building requirements. Home Patterns LLC provides a house plan that strives to meet critical and common national building codes (International Residential Code One & Two Family Dwelling Code). Present and local building codes and zoning regulations may or may not be met with said drawings. Such regulations and laws may include building requirements, flood zone measures, seismic conditions, etc. Some states, cities, or municipalities may require a professional's seal or stamp. The home plan buyer is responsible for working directly with a local professional for these services. Home Patterns LLC grants permission for all home plan buyers to consult with local architects, engineers, or builders to ensure local code compliance. Home Patterns LLC grants permission to alter plans but takes no responsibility for said alterations. Home Patterns LLC will make reasonable efforts to insure national code compliance, however the plan is sold as is with no guarantee of strict local code compliance. All structural determinations should be verified and/or made locally by trained professionals with experience of local and site specific conditions and codes.

PROJECT #23-126
LICENSED ADDRESS:
102 BRIX DRIVE
CHURCH HILL, MD
21623

RELEASE DATE
January 1, 2023

ONE LICENSED USE.
IF DOCUMENTS HAVE BEEN ALTERED,
PLEASE CONTACT HOME PATTERNS LLC.

SHEET

G1

GENERAL NOTES

- ALL WORK SHALL CONFORM TO CURRENT INTERNATIONAL RESIDENTIAL CODES AND LOCAL AND STATE BUILDING CODES, RULES, AND REGULATIONS.
APPLICABLE CODES:
- VERIFY ALL DIMENSIONS, DATUMS, SQUARE FOOTAGES, AND LEVELS PRIOR TO CONSTRUCTION. ALL DIMENSIONS ARE TO FACE OF STUD OR FACE OF CONCRETE UNLESS OTHERWISE NOTED. AS CRITERIA FOR SQUARE FOOTAGE EVALUATIONS CHANGE BY LOCALITY, VERIFY SQUARE FOOTAGE COUNTS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED SAFETY PRECAUTIONS AND THE METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES REQUIRED TO PERFORM THE WORK.
- DO NOT SIGNIFICANTLY VARY OR MODIFY THE WORK SHOWN, EXCEPT WITH WRITTEN INSTRUCTIONS FROM DESIGNER/ARCHITECT.
- REPORT ERRORS OR OMISSIONS TO THE DESIGNER/ARCHITECT IMMEDIATELY.
- THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF THE DESIGNER/ARCHITECT AND MAYBE REPRODUCED ONLY WITH THE PERMISSION OF THE DESIGNER/ARCHITECT. AUTHORIZED REPRODUCTIONS MUST INCLUDE THE NAME OF THE DESIGNER/ARCHITECT.

CONSTRUCTION NOTES:

FASTENERS: FOR ALL PRESERVATIVE-TREATED & FIRE- RETARDANT TREATED; CONNECTORS SHALL BE TREATMENT RATED. FASTENERS SHALL BE HOT- DIPPED ZINC-COATED GALVANIZED, STAINLESS STEEL, SILICON BRONZE OR COPPER. FOLLOW IRC TABLE R602.3 (1) FASTENER SCHEDULE FOR STRUCTURAL MEMBERS.

SITE PREPARATION: A SURFACE DRAINAGE PATTERN SHOULD BE ESTABLISHED WHICH WILL DRAIN THE ENTIRE AREA AND DIRECT WATER AWAY FROM THE HOUSE. THE FINISHED GRADE WILL BE SLOPED AWAY FROM THE FOUNDATION WALL OF THE HOUSE.

CONCRETE FOUNDATION: REMOVE ALL LOOSE & ORGANIC MATERIALS & EXCAVATE FOR FOOTINGS & PADS AS PER PLANS. THE DISTANCE OF THE FOOTING BASE TO THE FINISHED GRADE MUST BE NO LESS THAN THE DEPTH OF LOCAL FROST PENETRATION. FOOTINGS MUST BE ACCURATELY POSITIONED AND ROUGHLY LEVEL. FOOTINGS VARY IN SIZE & DEPTH DEPENDING ON THE ALLOWABLE SOIL PRESSURE AND THE LOAD. THE BOTTOM OF THE FOOTING IS ALWAYS PLACED ON UNDISTURBED SOIL OR COMPACTED GRANULAR FILL WITH EACH RUN LEVEL.

WATERPROOFING: CONCRETE WALLS BELOW GRADE SHOULD BE WATERPROOFED WITH A NON-TOXIC ELASTOMERIC MATERIAL APPLIED ON THE EXTERIOR SURFACE FROM THE FOOTINGS TO THE FINISHED GRADE LINE, TO MAKE THE WALL WATERTIGHT AGAINST ORDINARY SEEPAGE THAT MAY OCCUR.

FRAMING: PRIOR TO SILL PLATE INSTALLATION, INSPECT CONCRETE WORK CONDITION AND COMPARE ALL SITE DIMENSIONS WITH FOUNDATION PLAN DIMENSIONS. SILL ANCHOR: THE SILL PLATE SHOULD BE LEVELED CAREFULLY. IF THE TOP OF THE FOUNDATION IS LEVEL, THE SILL PLATE MAY BE LAID ON FOUNDATION WITH A CLOSED CELL FOAM GASKET OR OTHER AIR-IMPERMEABLE MATERIAL IN BETWEEN, AND OF SAME WIDTH AS SILL PLATE. SILL PLATES SHOULD BE PRESSURE TREATED 2x MATERIAL DF #2 OR BETTER & ANCHORED TO CONCRETE WALL WITH 5/8" ANCHOR BOLTS EMBEDDED 7" MIN. IN CONCRETE & 2" MIN. ABOVE CONCRETE. ANCHOR BOLT SHOULD BE PLACED 4'-0" o.c. MAX. APART AND 12" FROM ENDS WITH TWO BOLTS MIN. PER SILL PLATE.

FLOOR JOISTS: JOISTS SHOULD BE INSTALLED, LOCATED & SPACED ACCORDING TO LOCAL DESIGN PROS - VERIFY BUILDING SECTIONS VS LOCAL CONDITION REQUIREMENTS.

ANY JOISTS HAVING A SLIGHT BOW EDGEWISE SHOULD BE PLACED WITH THE CROWN ON TOP. ALL JOISTS TO HAVE A MINIMUM OF 1-1/2" BEARING AT SUPPORT. FLUSH FRAMED JOISTS TO BE FASTENED TO BEAMS WITH FULLY NAILED JOIST HANGERS. ALL FLOOR OPENINGS TO BE FRAMED WITH DOUBLE TRIMMER JOIST AND DOUBLE HEADER JOIST. INSTALL DOUBLE JOIST OR SOLID BLOCKING UNDER ALL FRAMED PARTITION WALLS. INSTALL BLOCKING BETWEEN JOISTS TO TRANSFER CONCENTRATED LOADS TO BEARING BELOW.

PRODUCT QUALITY:

- CONSIDER SPECIAL ORDERING FORMALDEHYDE-FREE PLYWOOD.
- ZERO-VOC, NON-TOXIC & NON-CARCINOGENIC PAINTS & STAINS ARE RECOMMENDED.
- ZERO-VOC, NON-TOXIC & NON-CARCINOGENIC CAULKS, SEALANTS & ADHESIVES RECOMMENDED.

BUGS & PESTS:

- NO BROAD SPECTRUM INSECTICIDES OR HERBICIDES TO BE APPLIED BEFORE, DURING OR AFTER THE FOUNDATION WORK. APPLY TERMITES SHIELDS ONLY, IF REQ'D. PROPERLY SCREEN VENTING & OPENINGS.

ROOF FRAMING NOTES:

- NUMBER OF JACK STUDS FOR ALL GIRDER & HEADER SPANS PER IRC TABLE 602.7 (1) & (2).
- POSITIVE CONNECTION & TRANSFER OF LOAD FROM ROOF TO LOAD SUPPORTING ELEMENTS REQ'D.
- PROVIDE ANCHORAGE OF BEAMS OR GIRDERS TO POSTS PER IRC SEC'S R407.3, R502.9 & R802.11
- THIS STRUCTURE TO COMPLY WITH MIN. FASTENER SCHEDULE, IRC TABLES R602.3 (1) THRU (5).
- SOLID BLOCKING REQ'D @ ALL BEARING POINTS OF FLOOR, CEILING & ROOF SYSTEMS ACCORDING TO IRC SEC'S R602 & R802
- ATTIC VENTILATION PER IRC SEC R806.

FLOOR PLAN NOTES:

EGRESS:

- ALL ROOMS TO BE USED FOR SLEEPING PURPOSES & BASEMENTS WITH HABITABLE SPACE REQUIRE EMERGENCY & RESCUE OPENING COMPLYING WITH IRC SEC R310.1.
- AT LEAST ONE DOOR SHALL MEET EGRESS REQ. IRC R311. THIS DOOR MUST BE SIDE HINGED WITH MIN. 32" (813 MM) CLEAR WIDTH WHEN MEASURED B/T THE FACE OF THE DOOR & THE STOP W/ DOOR AT 90 DEGREES (1.57 RAD.). MIN. CLEAR HEIGHT OF DOOR MUST NOT BE < THAN 78" (1981 MM) MEASURED FROM TOP OF THRESHOLD TO BOTTOM OF STOP.

WINDOW REQUIREMENTS:

- MINIMUM 5.7 SQ. FT. NET CLEAR OPENABLE AREA, EXCEPT GRADE FLOOR OPENINGS PERMIT MIN. 5 SQ. FT. OPENABLE AREA.
- MINIMUM 24" NET CLEAR OPENABLE HEIGHT.
- MINIMUM 20" NET CLEAR OPENABLE WIDTH.
- SILL HEIGHT SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR.
- OPENINGS SHALL BE OPERATIONAL FROM THE INSIDE OF THE ROOM WITHOUT THE USE OF KEYS, TOOLS OR SPECIAL KNOWLEDGE.

MINIMUM ROOM AREAS & CEILING HEIGHT:

- HABITABLE ROOMS PER IRC SEC R304 FOR FLOOR AREA.
- HABITABLE ROOMS PER IRC SEC R305 FOR CEILING HEIGHT. SECOND FLOOR HALLWAYS, BEDROOMS & BATHROOMS TO MEET R305 EXCEPTIONS (1) AND (2) FOR SLOPED CEILINGS.

STAIRS:

- STAIRWAYS & STAIRWAY LANDINGS, HANDRAILS & ILLUMINATION SHALL COMPLY WITH IRC SEC R311. GUARDS PER IRC SEC R312.

MINIMUM FIREPLACE REQUIREMENTS:

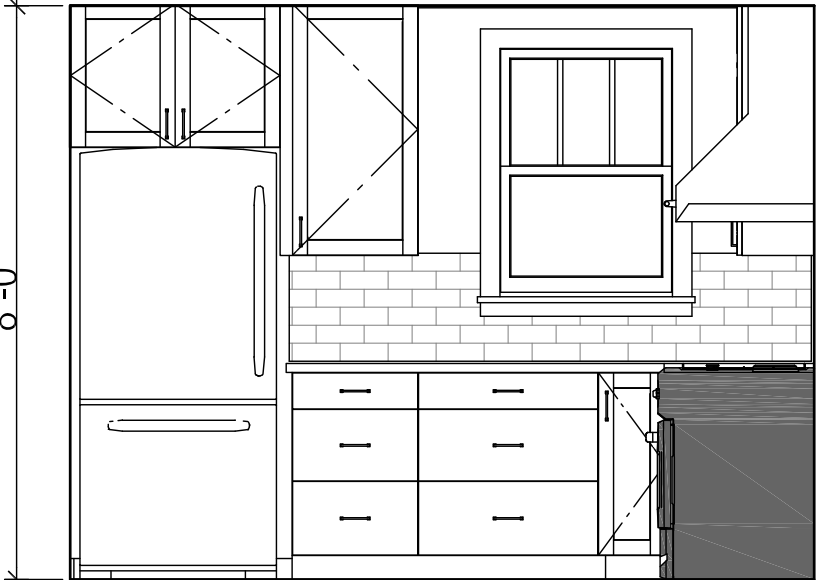
- PROPANE & SOLID FUEL BURNING FIREPLACES INSTALLATION SHALL COMPLY WITH IRC CHAP. 10 2. PROPANE & SOLID FUEL BURNING FIREPLACES TO BE INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS.

OWNERSHIP OF DOCUMENTS

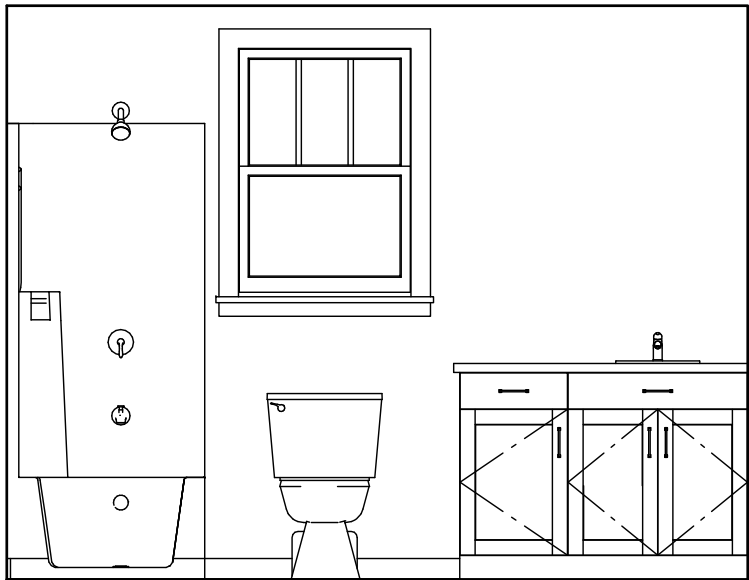
By accepting these Drawings, Property owners signify their agreement that residential Designer shall remain the owner of the Drawings and non-standard design concepts produced in connection with this construction project. Property owners understand and agree that the Drawings and non-standard design concepts may be used exclusively for purposes of this project and that the Drawings and non-standard design concepts may not be used in connection with any extension of this project or any other project in whole or part. Property owners may retain copies of the Drawings for information and reference in connection with the use and occupancy of the Property. Architectural Works Copyright Protection ACT of 1990.



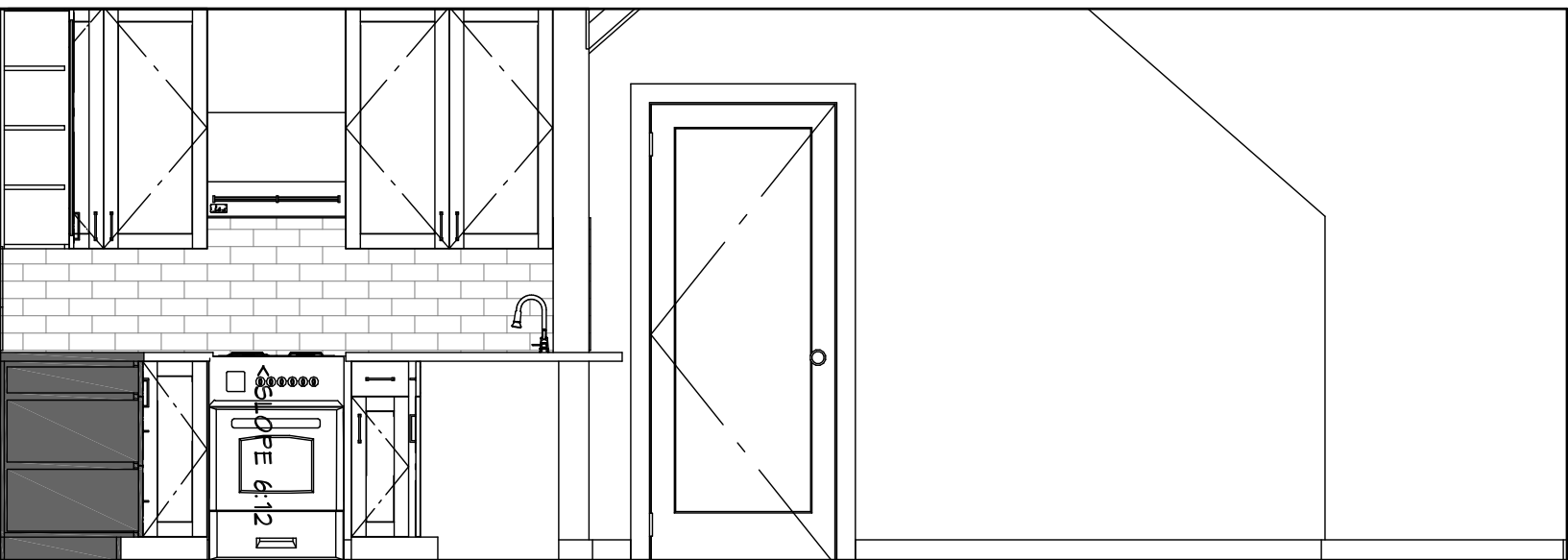
MASTER BR



KITCHEN 1



BATHROOM



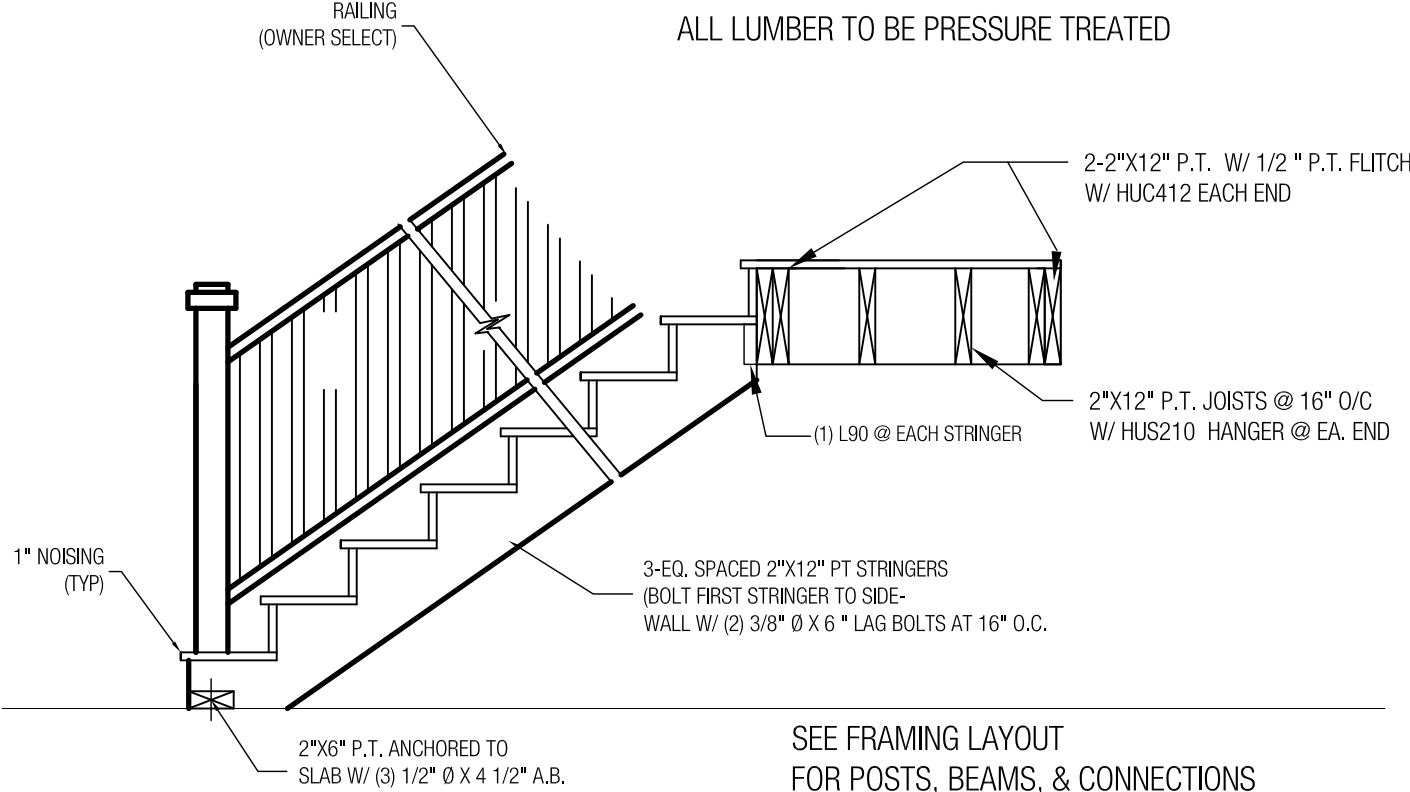
KITCHEN 2

1 INTERIOR ELEVATIONS

3/8"=1'-0"

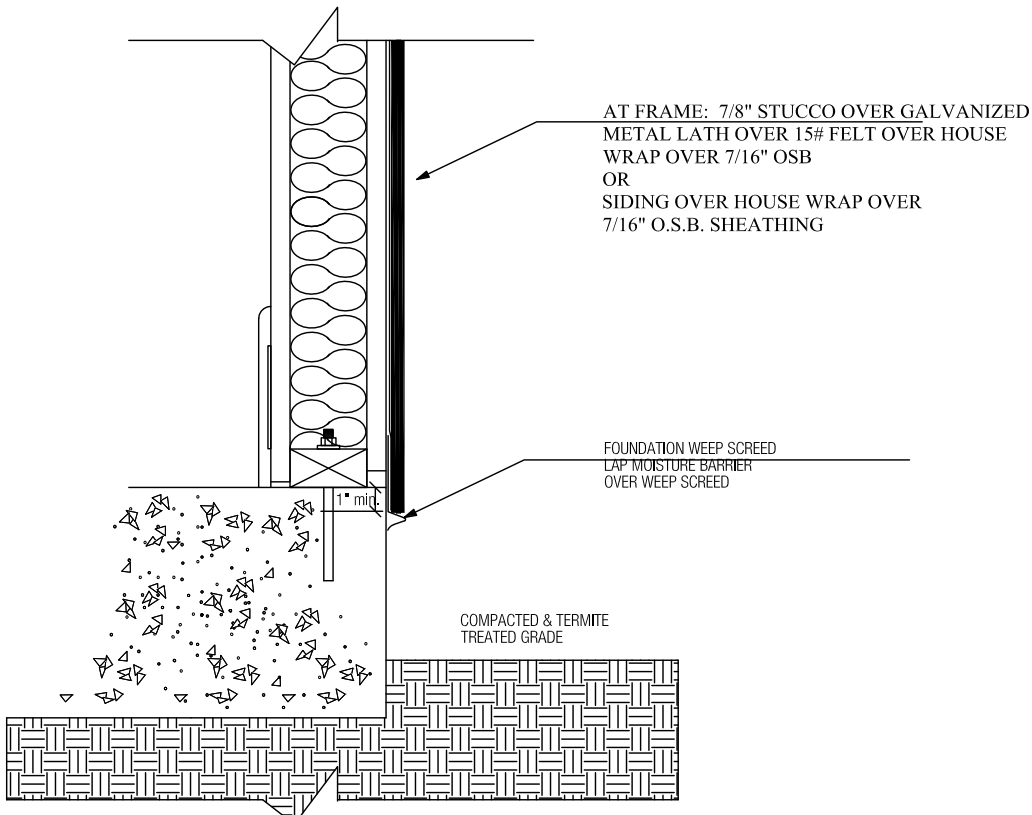
THIS DESIGN COMPLIES WITH 2018 INTERNATIONAL RESIDENTIAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL. HOME PATTERNS LLC DOES NOT ASSUME ANY RESPONSIBILITY FOR ADHERING TO LOCAL AND STATE CODES. IT IS USER'S SOLE RESPONSIBILITY TO DETERMINE THE NECESSARY LOCAL AND STATE CODES WHICH THE DESIGNS MAY NEED IN ORDER TO BE IN COMPLIANCE. YOU UNDERSTAND THAT WE DO NOT PROVIDE ANY SERVICES IN RELATION TO THE DESIGNS AVAILABLE FOR PURCHASE ON OUR SITE, INCLUDING BUT NOT LIMITED TO BUILDING SERVICES OR OTHER PROFESSIONAL SERVICES SUCH AS GEOTECHNICAL ENGINEER'S SOILS REPORT, STRUCTURAL ENGINEER FOR FOUNDATION AND FRAMING DESIGN. WE STRONGLY ENCOURAGE YOU TO WORK WITH PROFESSIONALS IN THE IMPLEMENTATION OF OUR DESIGNS. ANY CHANGES TO THE DESIGNS AS PURCHASED ARE DONE AT YOUR OWN RISK.

WE WILL ENTERTAIN REQUESTS FOR MODIFICATIONS AND MAY ACCEPT OR DENY THE SERVICE REQUEST AT OUR SOLE DISCRETION. YOU ARE SOLELY RESPONSIBLE FOR PROVIDING, AT YOUR OWN EXPENSE, ALL EQUIPMENT NECESSARY TO USE THE SERVICES.



2 TYPICAL STAIR DETAIL

N.T.S.

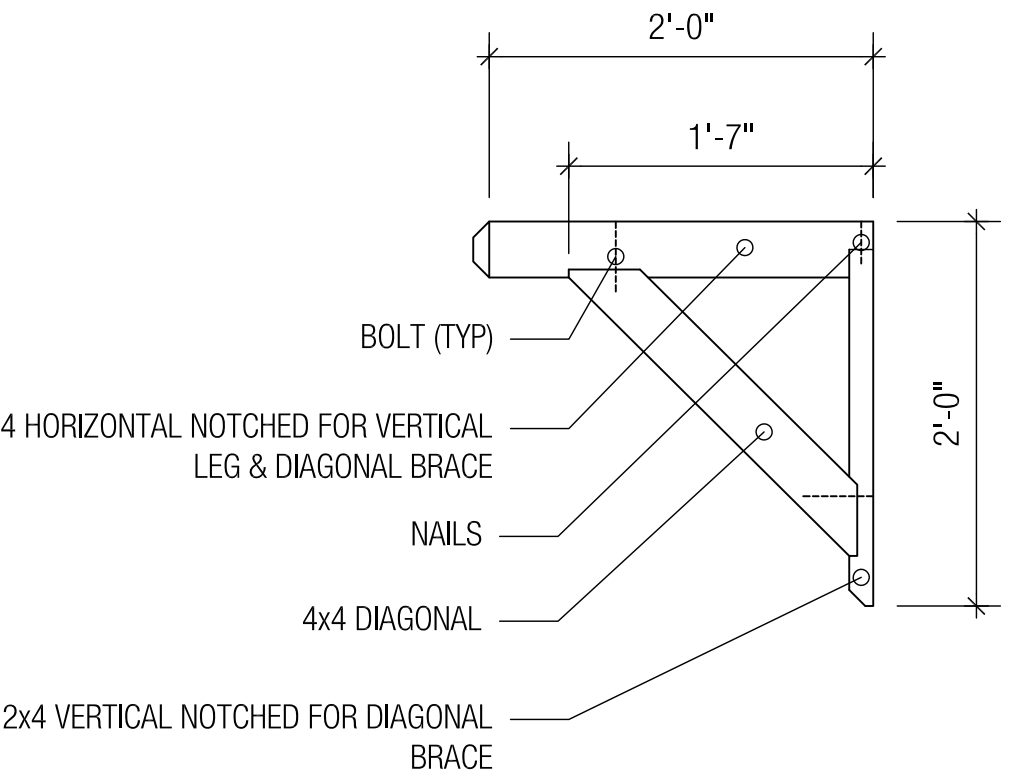


WEEP SCREED DETAIL AT SILL PLATE

N.T.S.

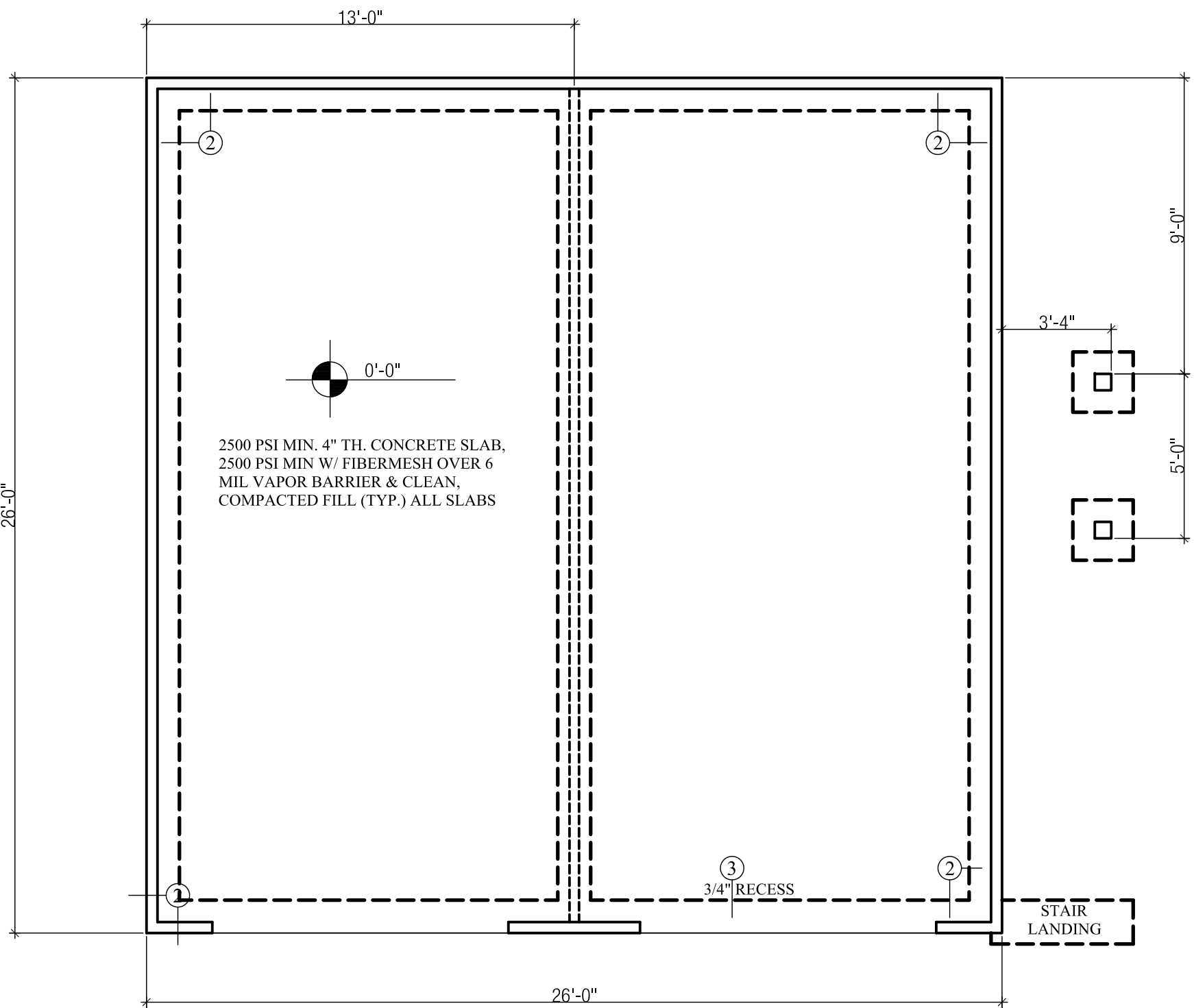
3 WEEP SCREED

N.T.S.



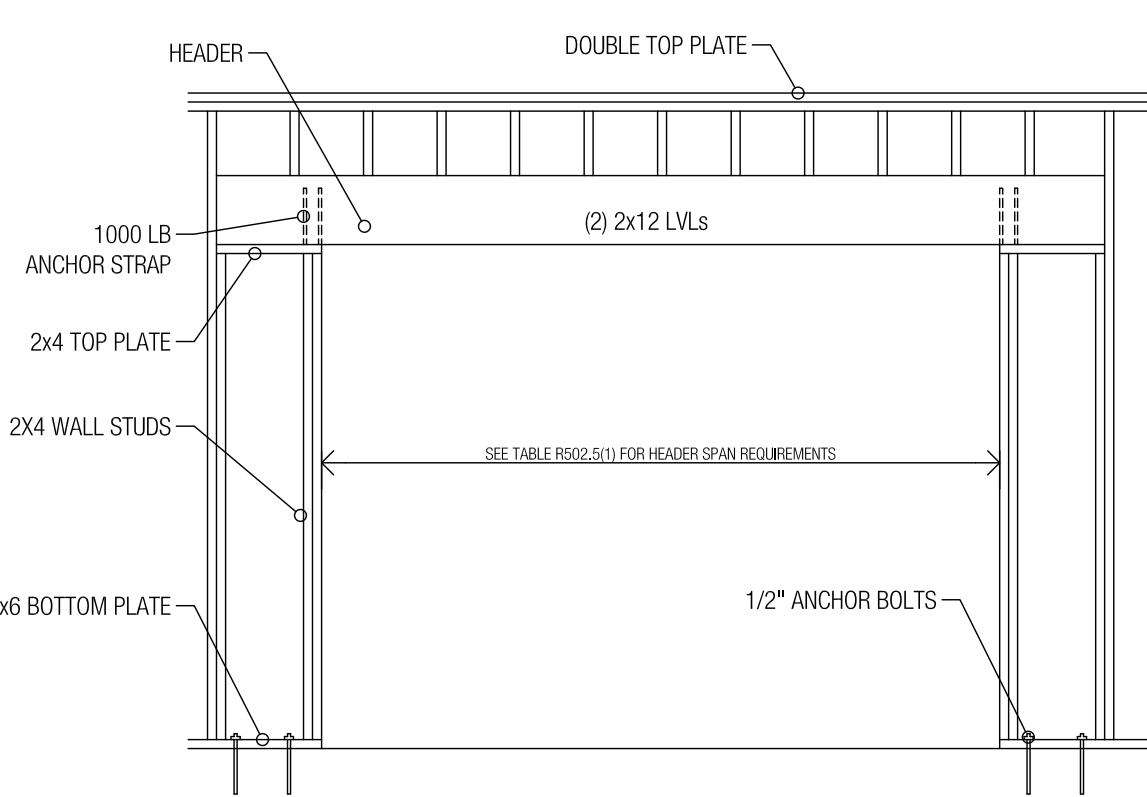
4 GARAGE BRACKET DET

1"=1'-0"



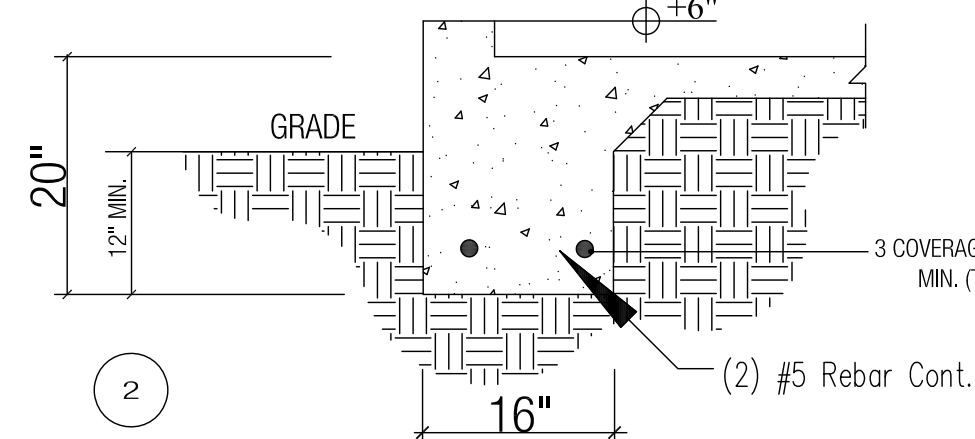
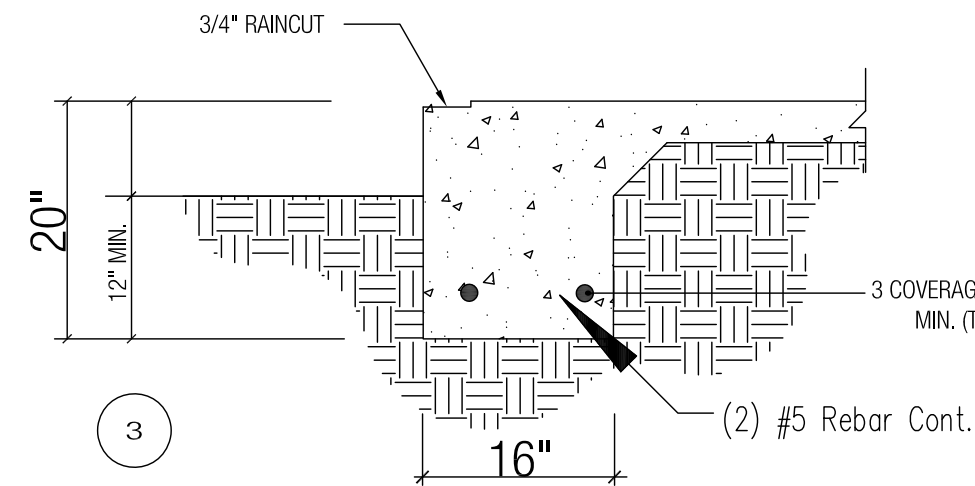
5 GARAGE FOUNDATION PLAN

1/4"=1'-0"



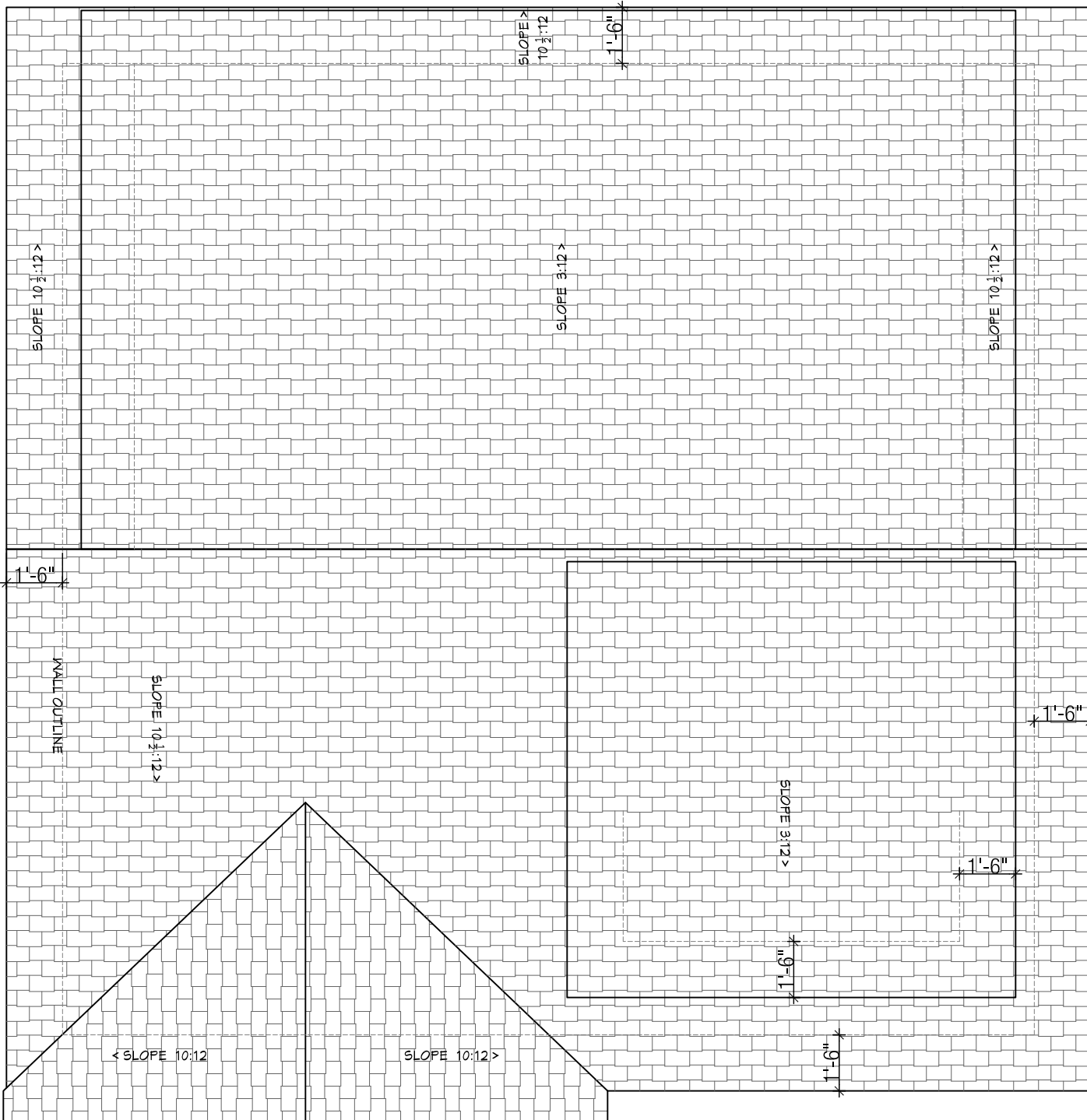
6 GARAGE DOOR OPENING

3/8"=1'-0"



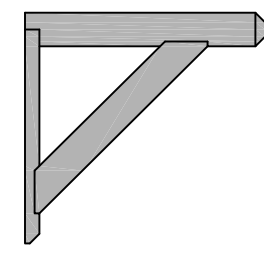
7 GARAGE FOUNDATION DET

3/4"=1'-0"



8 ROOF PLAN

1/4"=1'-0"



Revision Table	Number	Date	Revised By	Description

HOME PATTERNS crafted simplicity
30 Elm Place, Hastings on Hudson, NY 10706
(864) 276 0068 INFO@HOMEPATTERNS.COM

DO NOT COPY
Reproduction, either in whole or in part, including any direct copying and/or preparation of derivative works, for any reason without the prior written permission of Home Patterns is strictly prohibited. The purchase of construction plans in no way transfers any ownership to the buyer, except for a limited license to use these construction plans to construct one, and only one, dwelling unit. Additional construction plan sets do not entitle the buyer to construct more than one dwelling unit. Contact Home Patterns (864 276 0068) with further questions regarding reproduction and copyright issues.

BUILDING CODE INFORMATION
Although Home Patterns LLC strives to create the most complete package available, it is impossible for Home Patterns LLC to, in good faith, guarantee that this plan will meet all local building requirements. Home Patterns LLC provides a house plan that strives to meet critical and common national building codes (International Residential Code One & Two Family Dwelling Codes). Present and local building codes and zoning regulations may or may not be met with said drawings. Such regulations and laws may include building requirements, flood zone measures, seismic conditions, etc. Some states, cities, or municipalities may require a professional's seal or stamp. The home plan buyer is responsible for working directly with a local professional for these services. Home Patterns LLC grants permission for all home plan buyers to consult with local architects, engineers, or builders to ensure local code compliance. Home Patterns LLC grants permission to alter plans but takes no responsibility for said alterations. Home Patterns LLC will make reasonable efforts to insure national code compliance, however the plan is sold as is with no guarantee of strict local code compliance. All structural determinations should be verified and/or made locally by trained professionals with experience of local and site specific conditions and codes.

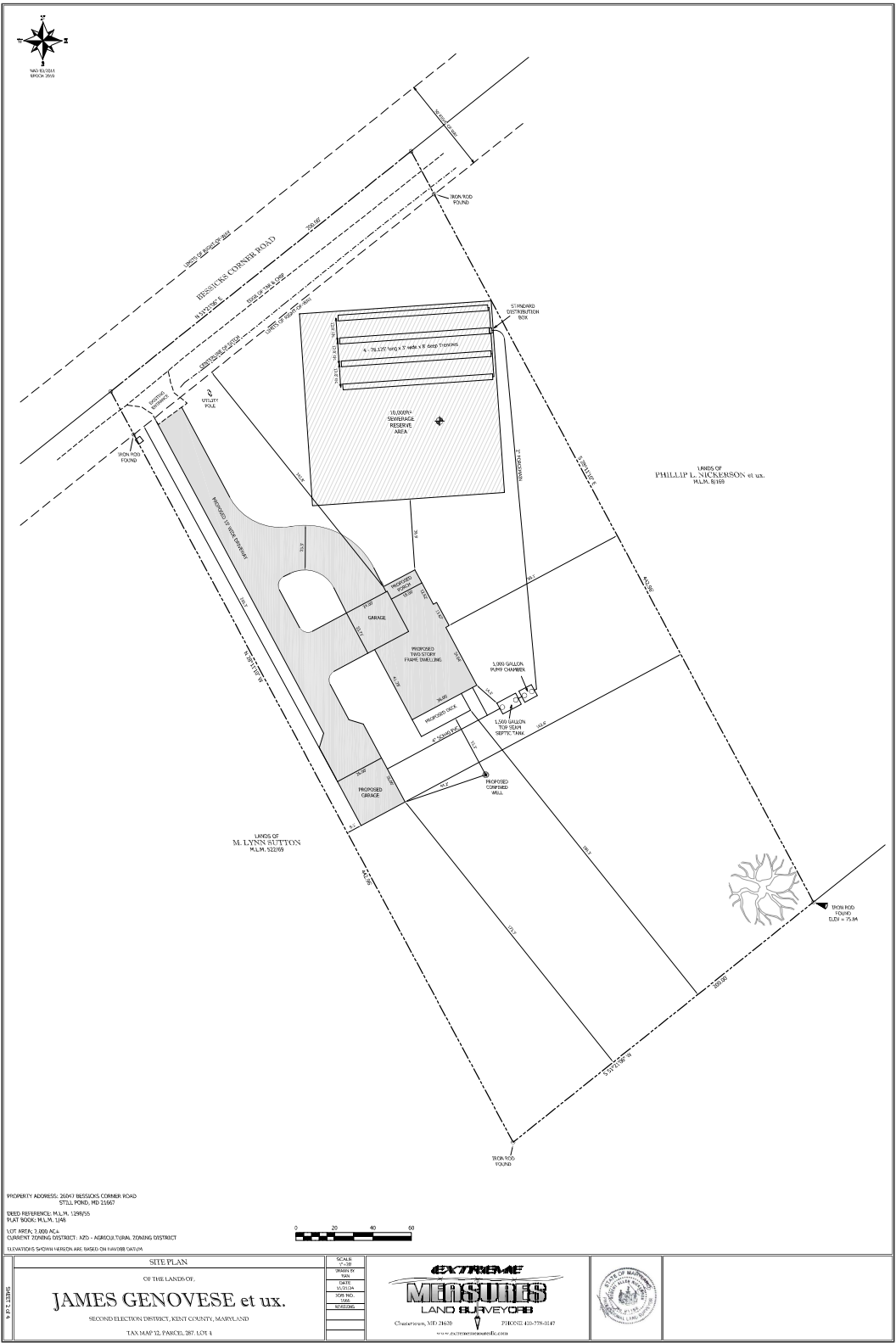
PROJECT #23-126
LICENSED ADDRESS:
102 BRX DRIVE
CHURCH HILL MD
21623

RELEASE DATE
January 1, 2023

ONE LICENSED USE.
IF DOCUMENTS HAVE BEEN ALTERED,
PLEASE CONTACT HOME PATTERNS LLC.

SHEET

G2



PROPERTY ADDRESS: 20001 BESSIE ANN CORNER ROAD
STILL POND, MD 21167

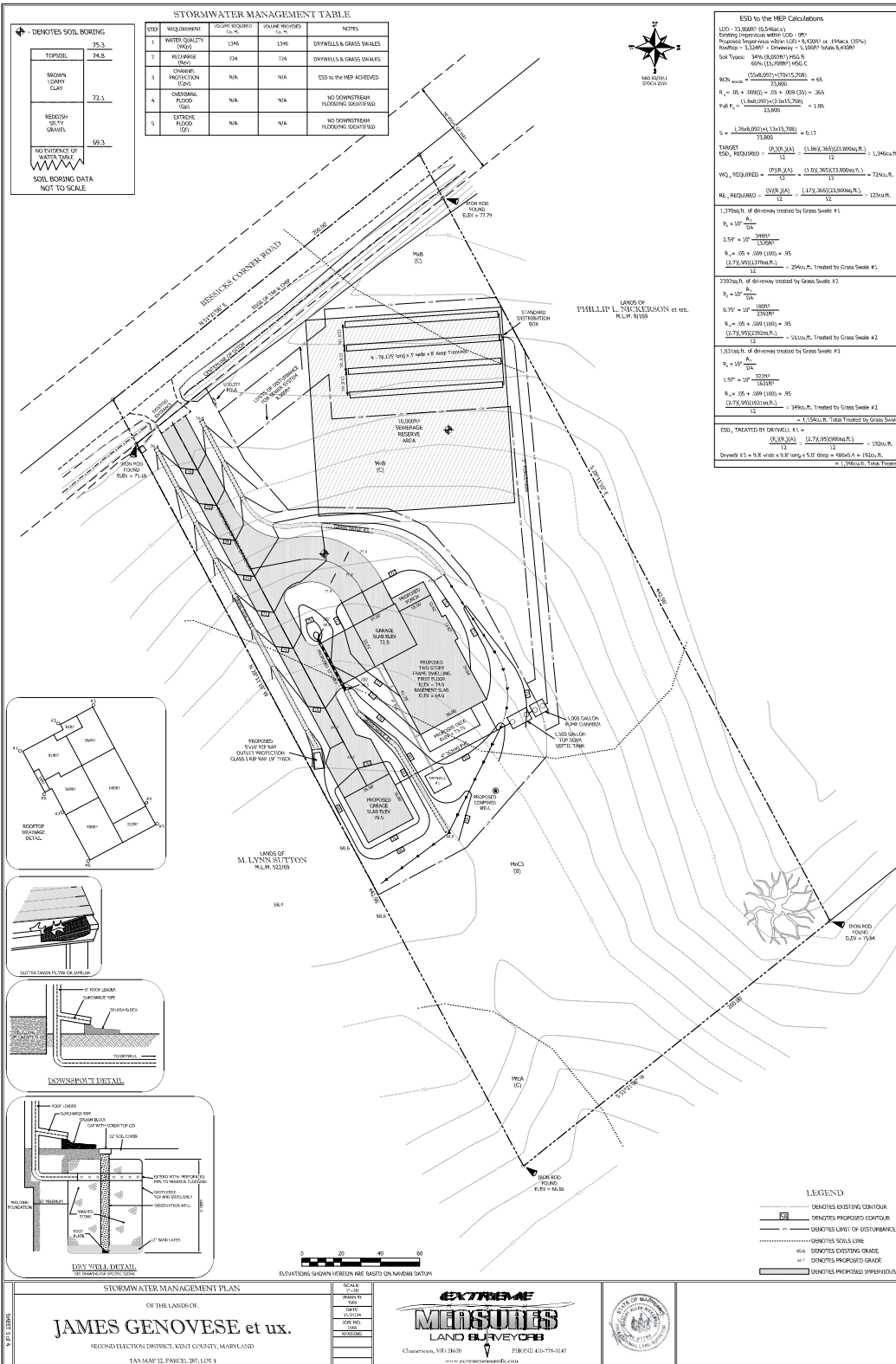
DEED REFERENCE: PLM 1288755
PLAT BOOK: PLM 1288755

LOT AREA: 3.000 AC.
CURRENT ZONING DISTRICT: A-20 - AGRICULTURAL ZONING DISTRICT

TO UNITS: 10000 SQ FT. 10000 SQ FT. 10000 SQ FT.



<p>SITE PLAN</p> <p>OF THE LANDS OF:</p> <p>JAMES GENOVESE et ux.</p> <p>SECOND ELECTION DISTRICT, KENT COUNTY, MARYLAND</p> <p>TAX MAP 12, PARCEL 207, LOT 1</p>	<p>SCALE</p> <p>1" = 20'</p> <p>DATE</p> <p>10/1/2020</p> <p>FOR NO.</p> <p>10000</p> <p>BY</p> <p>10000</p>	<p>EXTREME MEASURES</p> <p>LAND SURVEYORS</p> <p>Chesapeake, MD 20620</p> <p>PHONE: 410-778-5547</p> <p>www.extrememeasuresllc.com</p>	<p>STATE OF MARYLAND</p> <p>NOTARY PUBLIC</p> <p>COMMISSION EXPIRES 12/31/2022</p>
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To: William Mackey, Planning Director
From: Carla Gerber, Deputy Director
Date: April 11, 2025
Subject: 25-07 – Robert and Shelley Sheker
Administrative Special Exception – Accessory Structure in Front Yard of Waterfront Parcel

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Mr. and Mrs. Sheker are requesting an Administrative Special Exception for the installation of a swimming pool within the front yard of a waterfront property. The applicants are proposing to build a 2,036 square-foot inground pool, patio, and steps in the front yard of their parcel which will be located between the house and the water. It will not be within the buffer. The 49-acre property is located at 24000 Macs Lane, Worton, in the Third 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, patio, and steps in the front yard of their parcel
- II. Special Exception – General Standards

Special exception uses are allowed and presumed to be compatible with other permitted uses in a zoning district; however, a review process is required to evaluate whether the particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zoning district; and to ensure that development complies with the Comprehensive Plan, the Land Use Ordinance, and various agency requirements, thereby promoting the health, safety, and general welfare of Kent County's residents.

The Planning Director, or his designee, must consider the impacts of the specifically proposed special exception use as indicated on the submitted site plan upon neighboring uses and the surrounding area of that particular location. The Planning Director, or his designee, may place conditions and restrictions authorized by the Land Use Ordinance to limit the special exception use to address the identified impacts on neighbors and the area. The Planning Director, or his designee, may also place conditions and restrictions to ensure that the special exception use that is granted does not exceed the reasonable expectations of that specific and particular use as proposed on the concept site plan.

- 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, patio, and steps will be located between the principal dwelling and the shoreline.
- The proposed improvements will be positioned more than 1,000 feet from the nearest neighboring residence. Established forest separates the Sheker residence from adjacent parcels. The developed area of the property is outside of Forest Interior Dwelling Bird habitat. There are no known negative impacts on surrounding properties.
- The Health Department has no objections to the proposal.
- There are no known impacts on cultural or historic landmarks.
- There are no known impacts on community facilities and services.
- The proposed pool was included in the development plans for the new dwelling which received a Certificate of Occupancy on March 5, 2025.
- Buffer enhancement requirements for the construction of the new single-family dwelling, accessory structure, and the proposed swimming pool have been met. The buffer is determined to be fully established.
- The proposed development is well within the lot coverage limits.
- 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, patio, and steps with the following condition:

1. 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
410-778-7475 (phone) • 410-810-2932 (fax)

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

ROBERT & SHELLEY SHELTER
1752 MARLIN RIDGE
CAMP HILL, PA 17011
717-379-2036 Email: RES@ENVIRONMENTALSYSTEMS.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: DUMBHOME@GMAIL.COM

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article V1
Section 3.6 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.) 24000 MACS LN, WARTON

In the 3RD Election District of Kent County.

Size of lot or parcel of Land: 49.000 AC

Map: 11 Parcel: 4 Lot #: - Deed Ref: 1142/177

List buildings already on property: GARAGE, GARAGE

Subdivision name and address, if applicable: WILLIAM BALDERSON LANDS, NOV 1971

PRESENT ZONING OF PROPERTY: RCD

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

WE REQUEST A SPECIAL EXCEPTION TO
CONSTRUCT AN ACCESSORY STRUCTURE (SWIMMING POOL)
IN THE FRONT YARD, BETWEEN THE HOUSE AND MEAN
HIGH WATER LINE.

Present owner of property: ROBERT & SHELLEY SHELTER Telephone: 717-379-2036

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

Has property involved ever been subject to a previous application? 1 SEC, 2 BUILDING

If so, please give Application Number and Date: 21-282, 21-283, 21-284

9/30/2021 EARLY 2022?

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: JAMES NORTH, RITA MARIE ALKINS, ETALS

Owner(s) on the South: DAJOS PROPERTIES, LLC SMITHFIELD ROAD PROPERTY, LLC

Owner(s) to the East: HILL FAMILY LIMITED PARTNERSHIP

Owner(s) to the West: WATER

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.

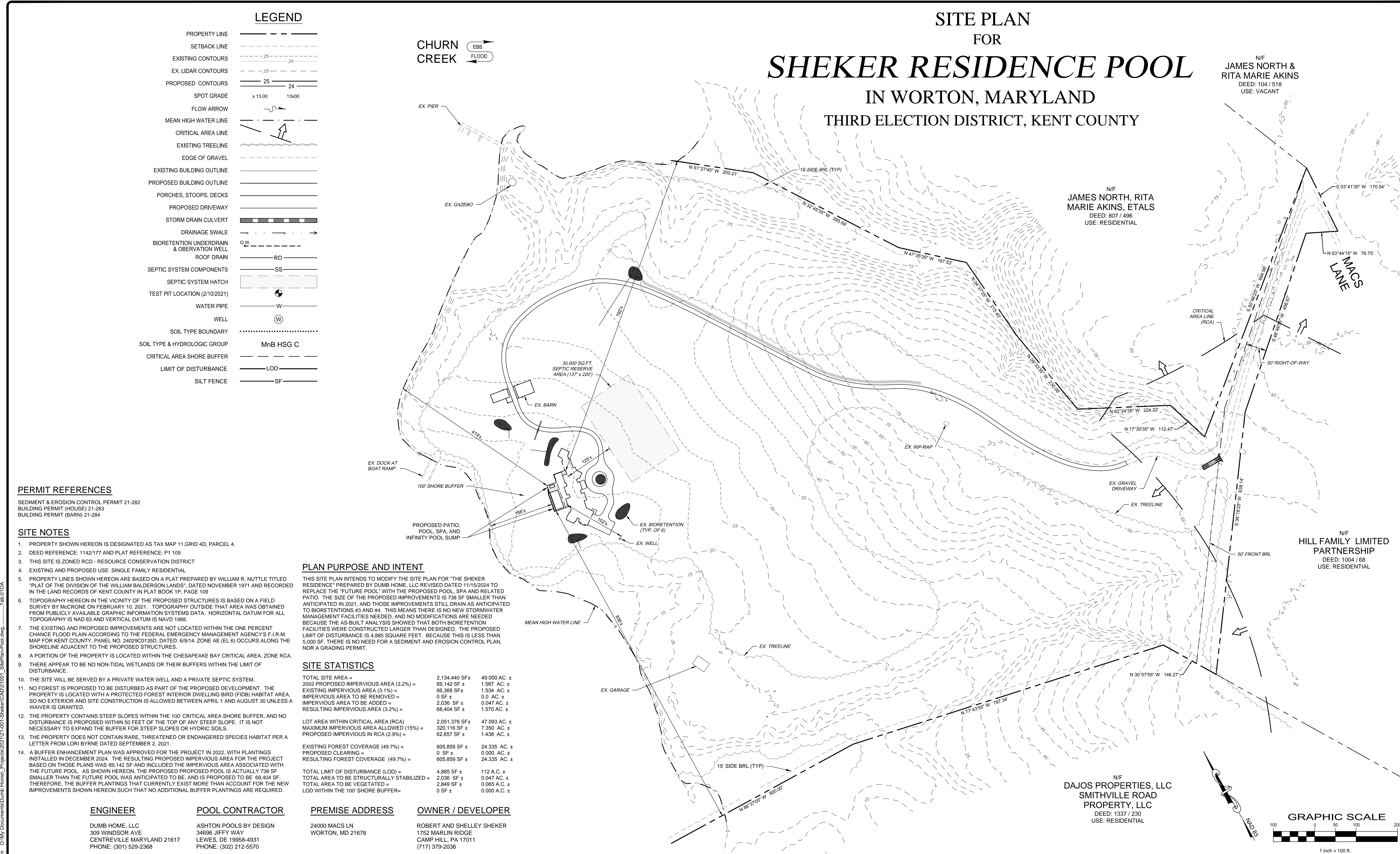
Stephen E. Layden STEPHEN E. LAYDEN 2/24/2025
Signature of Owner/Applicant/Agent or Attorney Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the Department of Planning, Housing & Zoning. 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 Office 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.

Plotted: Mar 03, 2025 - 4:18pm D:\My Documents\Dumb Home\Projects\2021\21-001-Sheker\CAD\21001_SitePlan-Pool.dwg Tab 010A



PLOTTED: Mar 03, 2025 - 4:19 PM

KENT
COUNTY
MARYLAND

DATE:
FEB 26, 2025

SCALE:
1" = 100'


JOB NUMBER:
21-001


DESIGNER:
SEL

REVISIONS:

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No. 31184, Expiration Date: 1-16-23.

DATE: 2/26/25





Dumb Home, LLC

309 Windsor Ave

Centreville, MD 21617

dumbhome@gmail.com

www.dumbhome.com

301-529-2368

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OVERALL SITE PLAN

FOR:

SHEKER RESIDENCE POOL

3rd ELECTION DISTRICT, KENT COUNTY, MD

TAX MAP 11, GRID 4D, PARCEL 4

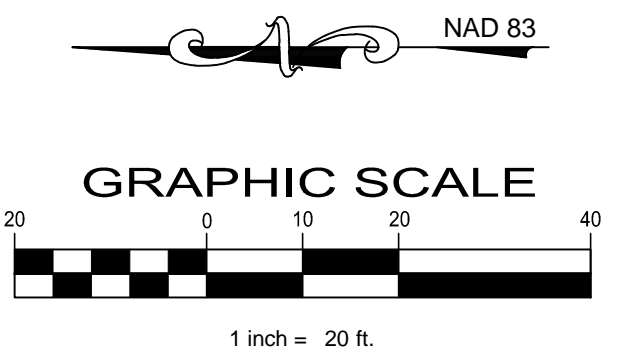
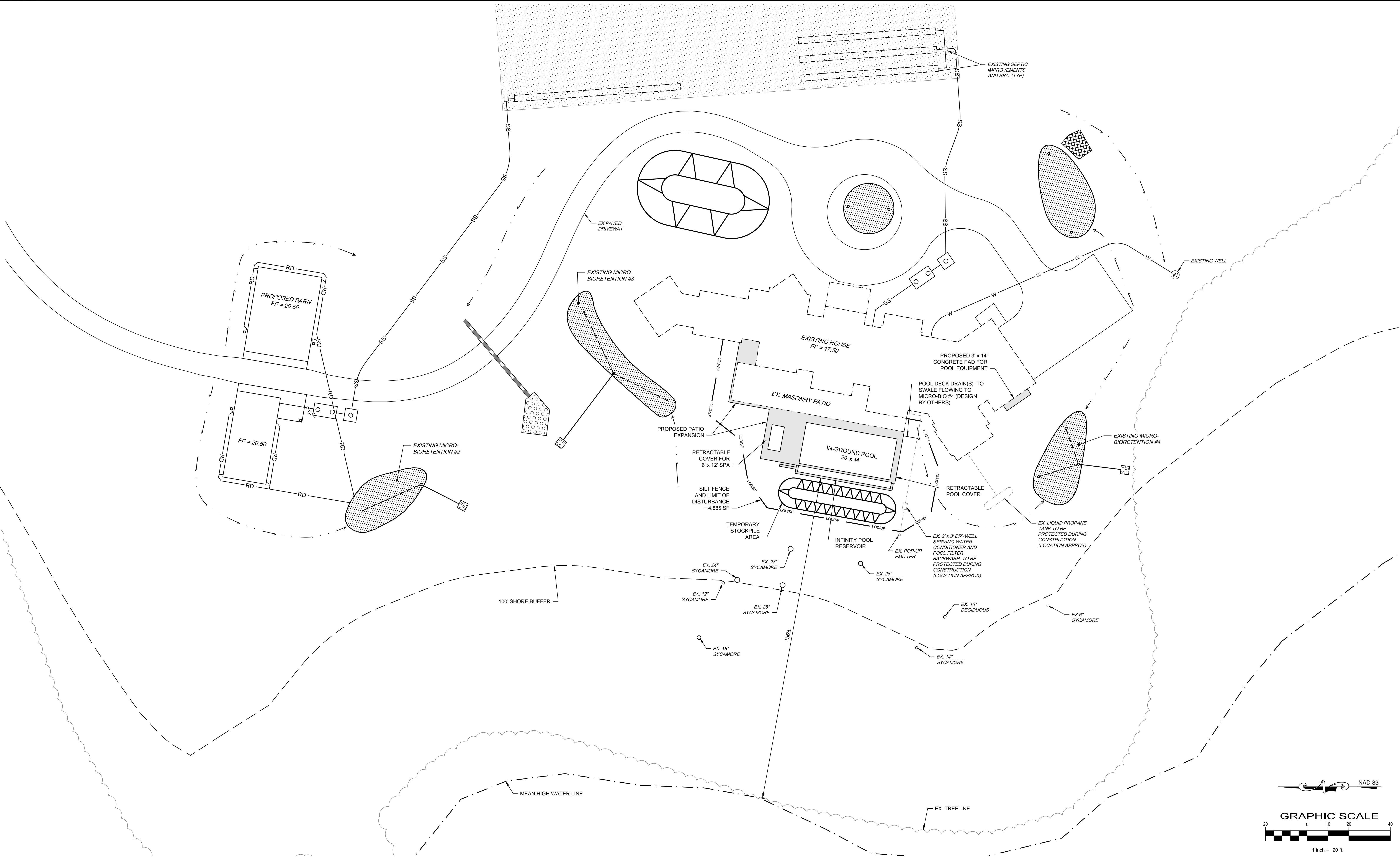
PREPARED FOR: ROBERT & SHELLEY SHEKER

SHEET:

1

of 2

PLOTTED: Mar 03, 2025 - 4:19pm D:\My Documents\Dumb Home\Projects\2021\21-001-Sheker\CAD\21001_SitePlan-Pool.dwg Tab 02 Site



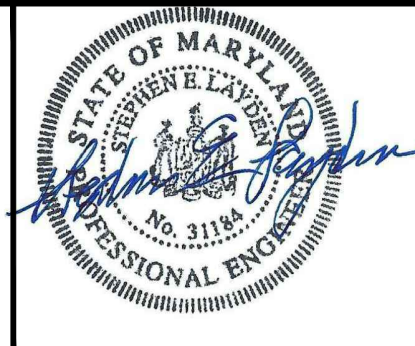
KENT
COUNTY
MARYLAND

REVISIONS:	
1	11/15/2021 POOL & POOL PATIO ARE FUTURE IMPROVEMENTS
2	1/5/2022 BARN: ROTATE 180°, EXTEND 1', ADJUST DRIVEWAY

DATE:
FEB 26, 2025
SCALE:
1" = 20'
JOB NUMBER:
21-001
DESIGNER:
SEL

Professional Certification: I
hereby certify that these
documents were prepared or
approved by me, and that I am a
duly licensed Professional
Engineer under the laws of the
State of Maryland, License No.
31184, Expiration Date: 1-16-23.

DATE: 1/5/22



Dumb Home, LLC
309 Windsor Ave
Centreville, MD 21617
dumbhome@gmail.com
www.dumbhome.com
301-529-2368

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DETAILED SITE PLAN
FOR:
SHEKER RESIDENCE POOL
3rd ELECTION DISTRICT, KENT COUNTY, MD
TAX MAP 11, GRID 4D, PARCEL 4
PREPARED FOR: ROBERT & SHELLEY SHEKER

SHEET:
2
of 2

To: William Mackey, Planning Director
From: Carla Gerber, Deputy Director
Date: April 11, 2025
Subject: 25-08 – Morgan Brown
Administrative Variance – Side Yard Setback

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Mr. and Mrs. Brown are requesting a 12.5-foot variance from the 25-foot side yard setback requirement for pools in the Village district to construct an in-ground pool in the rear yard. The 1.06-acre property is located at 207 Pondview Court, Chestertown, and is zoned Village (V).

RELEVANT ISSUES

- I. Density, Height, Width, Bulk, and Fence Requirements
 - A. *Applicable Law:* Article V, Section 7.4.8 of the Kent County *Land Use Ordinance* requires that recreational uses such as swimming pools, game courts, and other like recreational facilities be located a minimum of 25 feet from all property lines.
 - B. *Staff and TAC Comments:*
The applicant proposes to construct a pool 12.5 feet from the side property line.

- II. 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 of 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 due to the topography of the parcel, as the rear yard slopes away from the dwelling. The proposed pool is also the minimum required distance from the well. Shifting the pool away from the property line would move it closer to the well.
- The side property line abuts an access point to the community open space.
- The variance is not a result of action from the property owner.
- The variance would not change the character of the neighborhood.
- There are no known houses of worship, schools, public structures, or other places of public gathering immediately adjacent to the property.
- There are no known impacts on community facilities and services.
- The Comprehensive Plan is neutral on this matter.
- The proposal is consistent with the intent of the Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the proposed variance with the condition 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)

Morgan Brown

207 Pondview Court

Chestertown, MD 21620

Email: Morgan.brown@gacps.org
443-988-2765

For Office Use Only:

Case Number: 25-8 #200912 #75/10

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: Morgan.brown@gacps.org

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article IX
Section 2.1.4 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.) Pondview Court

In the 4-1 Election District of Kent County.

Size of lot or parcel of Land: 1.06

Map: 37 Parcel: 170 Lot #: 76 Deed Ref: S24-17805

List buildings already on property: House

Subdivision name and address, if applicable: Crestview

PRESENT ZONING OF PROPERTY: RR

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) In ground Pool - sloping hill on side yard If pool

was moved it would encroach the septic area. Unusual
Size and shape of the property lines. Open space adjacent to
the property would not be effected. Topography wise no other option
to relocate pool.

Present owner of property: Henry + Morgan Brown Telephone: 443-988-2765

Any Questions please reach out to Gary Sipes 410-310-1163

If Applicant is not owner, please indicate your interest in this property: N/A

Has property involved ever been subject to a previous application? N/A

If so, please give Application Number and Date: N/A

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: _____

(68) Owner(s) on the South: Garret and Pat Falcone 207 Woodview Court
Chestertown, MD 21620 410-215-0725

(77) Owner(s) to the East: Dave and Carolyn 208 Pondview Court (Menzie)
Chestertown, MD 21620 571-228-9677

(75) Owner(s) to the West: Patricia Willard 205 Pondview Court
Chestertown, MD 21620 410-778-4032

Homeowners Association, name and address, if applicable: Crestview Homeowners
Association

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.

Morgan Brown
Signature of Owner/Applicant/Agent or Attorney

2/24/25
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.

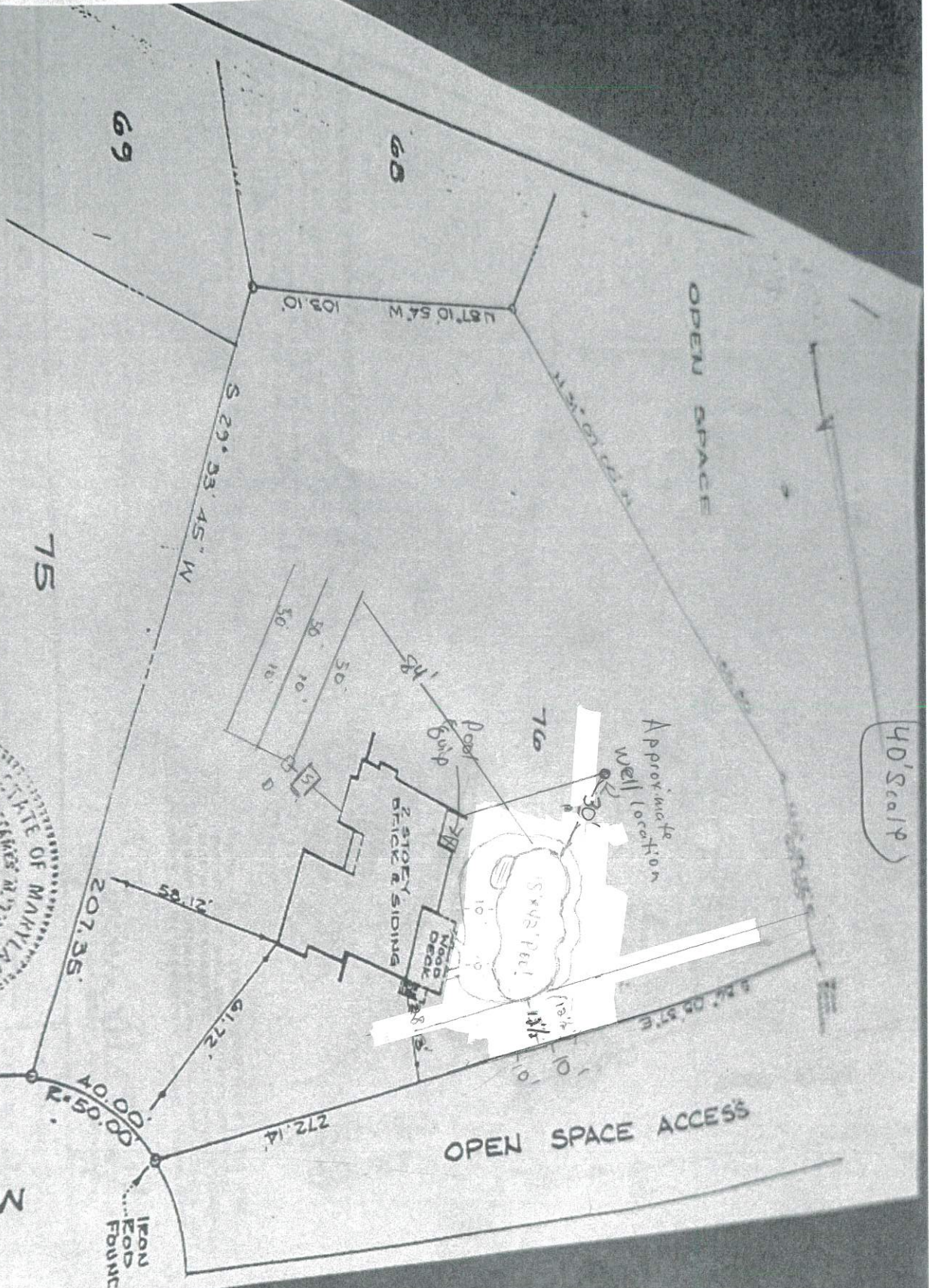
Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.

DEED REFERENCE, SEE EMP 215/208.

WELLING SHOWN HEREON APPEARS TO WITHIN FLOOD ZONE "C" AS SCALED FLOOD INSURANCE RATE MAP (FIEM) CITY - PANEL NO. 240045 0135 D 12/14/02



PONDVIEW
COURT



To: William Mackey, AICP, Planning Director
From: Rob Tracey, AICP, Associate Planner
Date: April 11, 2025
Subject: 25-9 – George and Cynthia Lees
Administrative Special Exception – Accessory Storage Structure

Preliminary Staff Report

DESCRIPTION OF PROPOSAL

Mr. and Mrs. Lees are requesting an administrative special exception to construct a 1,600 square foot pole building that will also exceed the median height limit of 17 feet on a property less than five acres. The proposed use is for the storage of boats, an RV, and miscellaneous equipment. The 4.53-acre property is located at 12169 Homestead View Road, Worton, in the Third Election District and is zoned Community Residential (CR).

RELEVANT ISSUES

I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 6.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Community Residential (CR) Zoning District.
- B. *Staff and TAC Comments:* The applicant is proposing construct a 1,600 square foot pole building that will also exceed the median height limit of 17 feet on a property less than five acres. Accessory structures with a floor area over 1,200 square feet and/or a median height over 17 feet on a parcel less than five acres require an administrative special exception.

II. Special Exception – General Standards

Special exception uses are allowed and presumed to be compatible with other permitted uses in a zoning district; however, a review process is required to evaluate whether the particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zoning district; and to ensure that development complies with the Comprehensive Plan, the Land Use Ordinance, and various agency requirements, thereby promoting the health, safety, and general welfare of Kent County's residents.

The Planning Director, or his designee, must consider the impacts of the specifically proposed special exception use as indicated on the submitted site plan upon neighboring uses and the surrounding area of that particular location. The Planning Director, or his designee, may place conditions and restrictions authorized by the Land Use Ordinance to limit the special exception use to address the identified impacts on neighbors and the area. The Planning Director, or his designee, may also place conditions and restrictions to ensure that the special exception use that is granted does not exceed the reasonable expectations of that specific and particular use as proposed on the concept site plan.

- 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 side yard. According to the applicant's site plan, the proposed accessory building will be approximately 220 feet from the west property line, 30 feet from the east, 35 feet from the south property line, and 450 feet from the north property line. According to aerial imagery, the east property line is lined with existing trees.
 - The existing 4.53-acre parcel is currently improved by a 6,341 square foot single family dwelling.
 - The site is approximately 1.65 miles from the Christ Church I.U and is over two miles from Kent County High School.
 - There are no known impacts on community facilities and services.
 - The Comprehensive Plan is neutral on this matter.
 - The proposal is consistent with the intent of the Ordinance.

STAFF RECOMMENDATION

Staff recommends approval with the following condition:

1. That the special exception hereby granted would lapse after two years 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)

George & Cynthia Lees
12169 Homestead View Road
Worben MD 21678
Email: Lees12169@Breezeline.net
302-383-3164

For Office Use Only:

Case Number: 25-9
Date Filed: 3/5/25 \$200 P&Z pd. \$75 HP pd.
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: Lees12169@Breezeline.net

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article II
Section 4 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.) Homestead View Road

In the 3rd Election District of Kent County.

Size of lot or parcel of Land: 4.53 Ac
Map: 20 Parcel: 0000242 Lot #: 42 Deed Ref: 1284 / 103

List buildings already on property: Two story Frame Dwelling - primary Residence

Subdivision name and address, if applicable: Montabello Hills II

PRESENT ZONING OF PROPERTY: Rural Residential

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

Place a pole Building in the side yard, using in part existing driveway to store our 2 Boats, motor, trailer, tools and other related items. We want to keep everything inside to keep the look of the property neater and more aesthetically pleasing.

Present owner of property: George & Cynthia Lees Telephone: 302-383-3164

If Applicant is not owner, please indicate your interest in this property: N/A

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date: N/A

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: Mattakes Farm LLC

Owner(s) on the South: Homeshead view Road

Owner(s) to the East: ① Richard L. Crew ② Rita Jo Gillis ③ Donald & Wendy Wharton
④ Michelle Timmons

Owner(s) to the West: David & Georgianne Scott

Homeowners Association, name and address, if applicable: Montabello Hills II

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.

Meagan Lee
Signature of Owner/Applicant/Agent or Attorney

March 4, 2025
Date March 4, 2025

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.

George & Cynthia Lees
12169 Homestead View Road
Worton, MD 21678
(302) 383-3164
Email: lees12169@breezeline.net

March 4, 2025

Kent County Department of Planning,
Housing and Zoning
Kent County Government Center
400 High Street
Chestertown, MD 21620

RE: Request for Special Exception to Build a 1,600 Sq. Foot Accessory Structure

Dear Sir/Madam:

We write to request a Special Exception to build a 1,600 square foot (40 foot long by 40 foot wide by 24 feet high) accessory structure pole barn on our existing property located in Montabello Hills II, Worton. Earlier this year we received a final Certificate of Occupancy for our recently built home and now we would like to build the aforementioned accessory structure to store personal items such as our boats, ATV, yard equipment and other items one acquires when living in and enjoying a rural area such as Kent County.

It is our understanding that Article II, Section 4 of the Kent County Land Use Ordinance is the controlling authority for this request and that it limits a proposed accessory structure on our 4.53 acre property to 1,200 square feet with a maximum height of 17 feet. Additionally, in doing our research, we learned that currently there is a comprehensive Zoning and Land Use Ordinance Update pending. If implemented, the Update will allow for accessory structures of up to 2,000 square feet, with a height not to exceed the height of the primary structure, to be built without the need for a Special Exception. Finally, it is our understanding the Update is still under review. Therefore, we will require a Special Exception to construct our proposed accessory structure of 1,600 square feet. This is our request for that Special Exception.

In designing and proposing the location of the accessory structure on our property, we have considered not only our needs, but also those of our neighbors, the community and any deed restrictions to which we are subject. We have chosen colors that complement our home and blend in with the character of the surrounding area. We have proposed locating it in an area where it will be concealed on two (2) sides by existing trees and vegetation that will not be removed during construction. While it will be partially visible from Homestead View Road, the view of the façade of the structure will conform with other accessory structures within the community and allow us to store inside, personal items that are currently being stored outside, within view of our neighbors.

Four (4) of our neighbors: one (1) on Belleau Wood Road and three (3) on Homestead View Road, have accessory structures on their properties. Our construction of a pole barn will

not be unique to our property or cause our home and/or property to alter the overall appearance or character of the community.

To summarize, we are seeking your approval to construct a 40 foot long by 40 foot wide by 24 feet high accessory structure pole barn on our 4.53 acre property located in Montabello Hills II, Worton. The proposed 1,600 square foot accessory structure will be lower than the main roofline of our home, it will conform to the existing appearance and character of our community, will provide us storage for personal items and provide flexibility for any future storage needs we may have.

We appreciate your time and consideration of our request and are available to answer any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "George T. Lees III". The signature is stylized, with the first name "George" written in a cursive script and the last name "Lees III" in a more formal, blocky style.

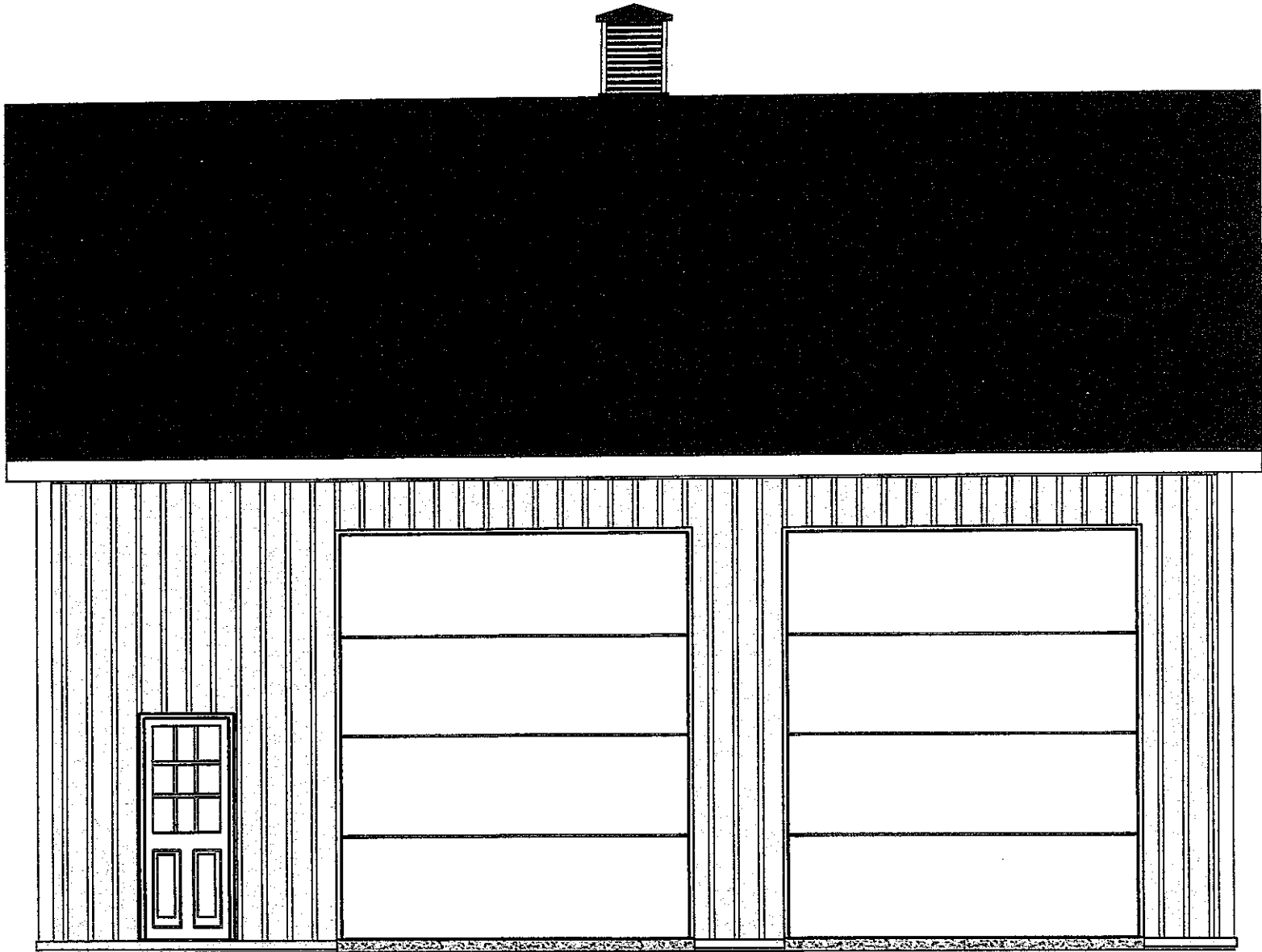
George T. Lees III

Sincerely,

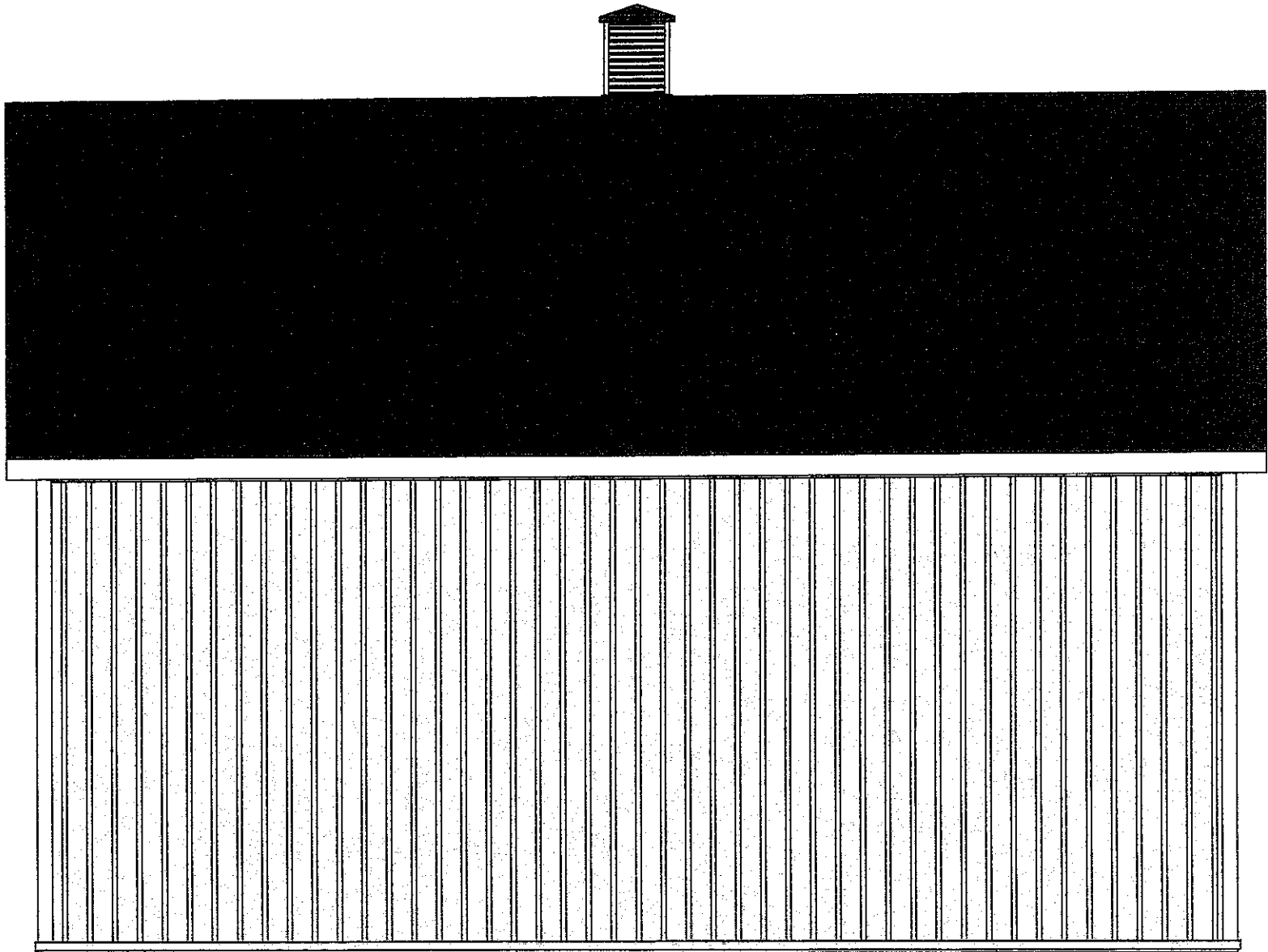
A handwritten signature in blue ink that reads "Cynthia M. Lees". The signature is written in a cursive script, with the first name "Cynthia" and the last name "Lees" being the most prominent parts.

Cynthia M. Lees

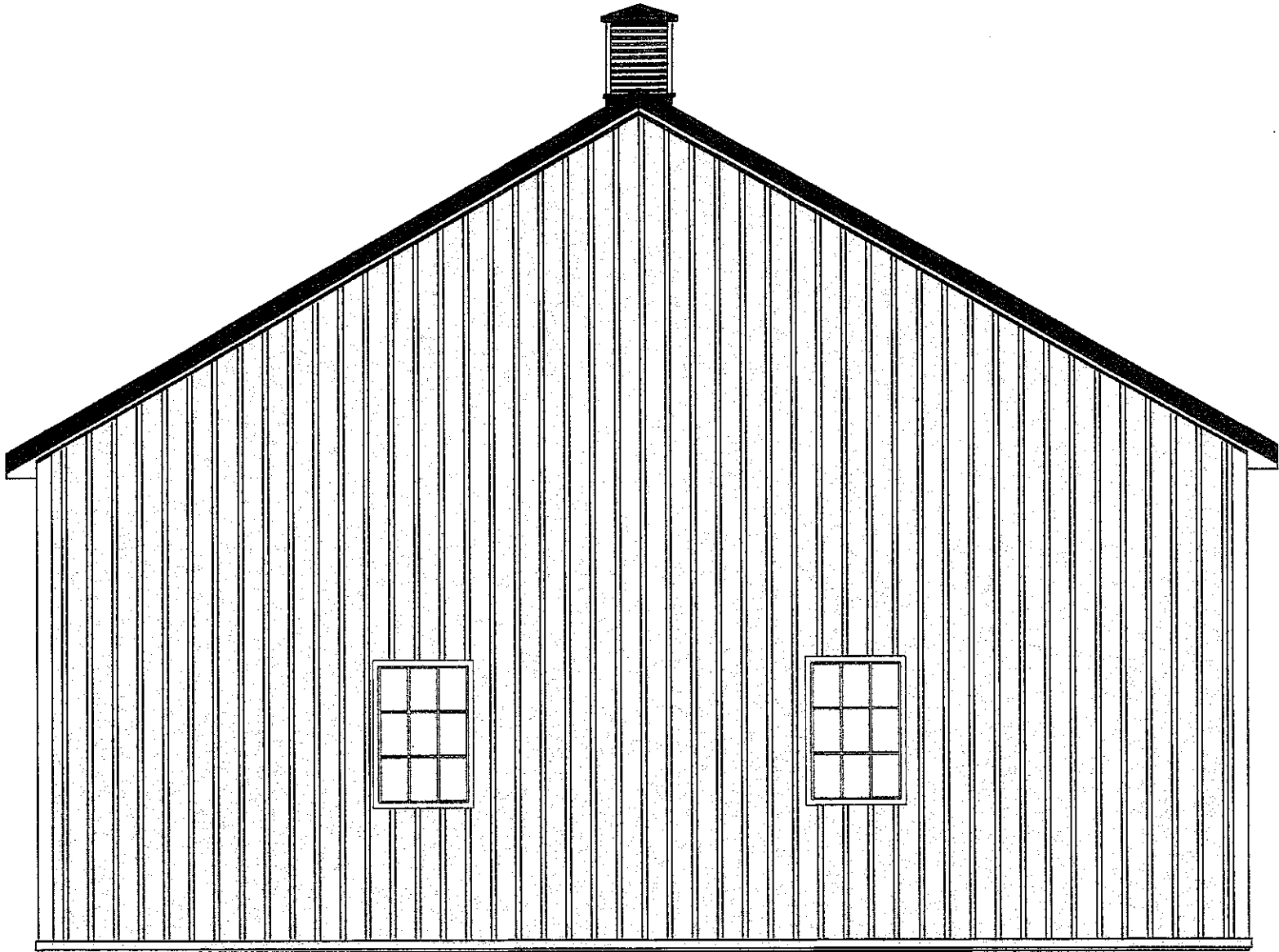
EAVE 2 ELEVATION



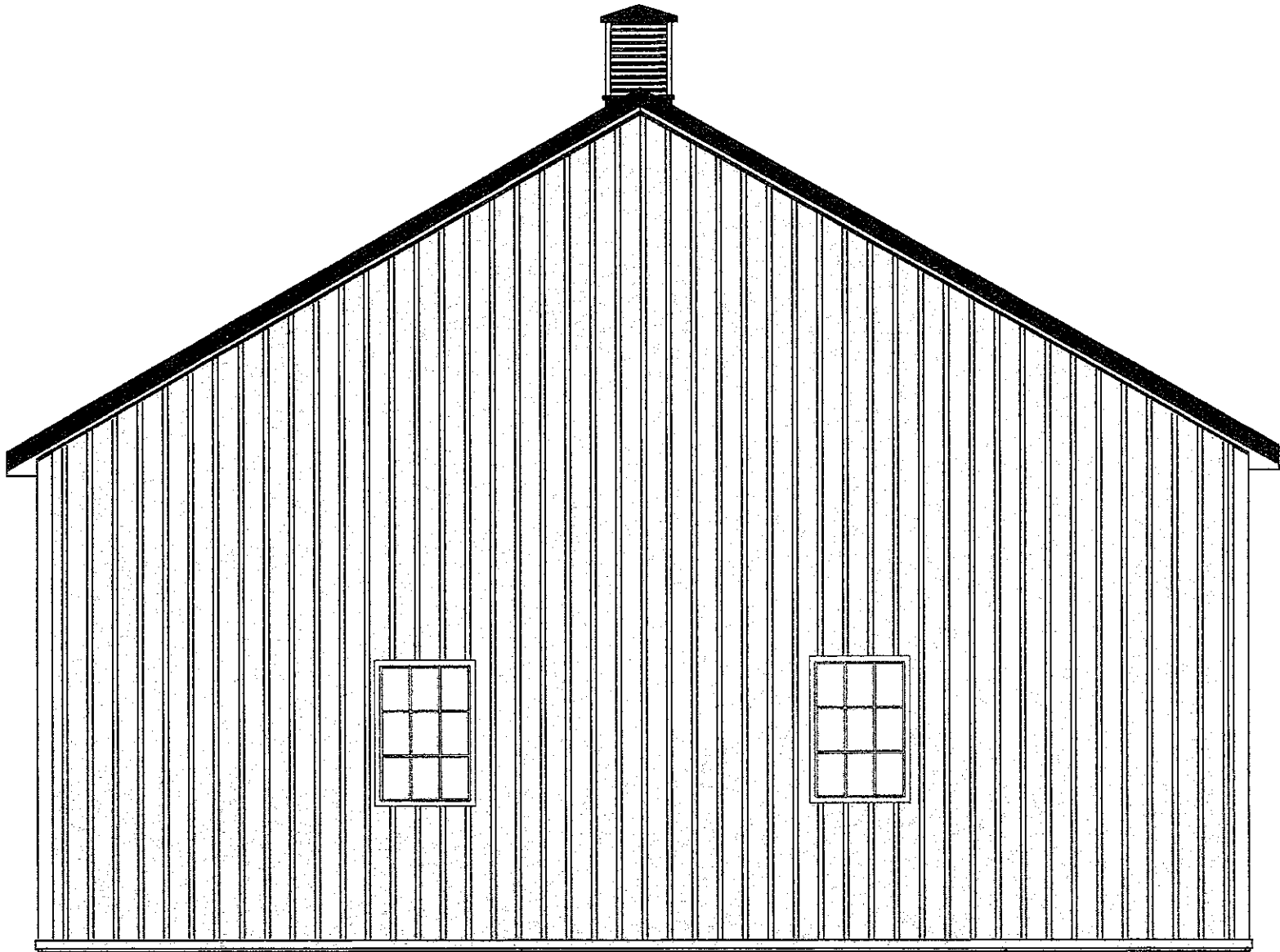
EAVE 1 ELEVATION



GABLE 2 ELEVATION



GABLE 1 ELEVATION



CROSS SECTION

ROOF LAYER 1: RFOIL BUBBLE WHITE/FOIL 750 1/8 IN
X 72 IN X 125 FT
ROOF LAYER 2: 29 GA. STEEL PANEL

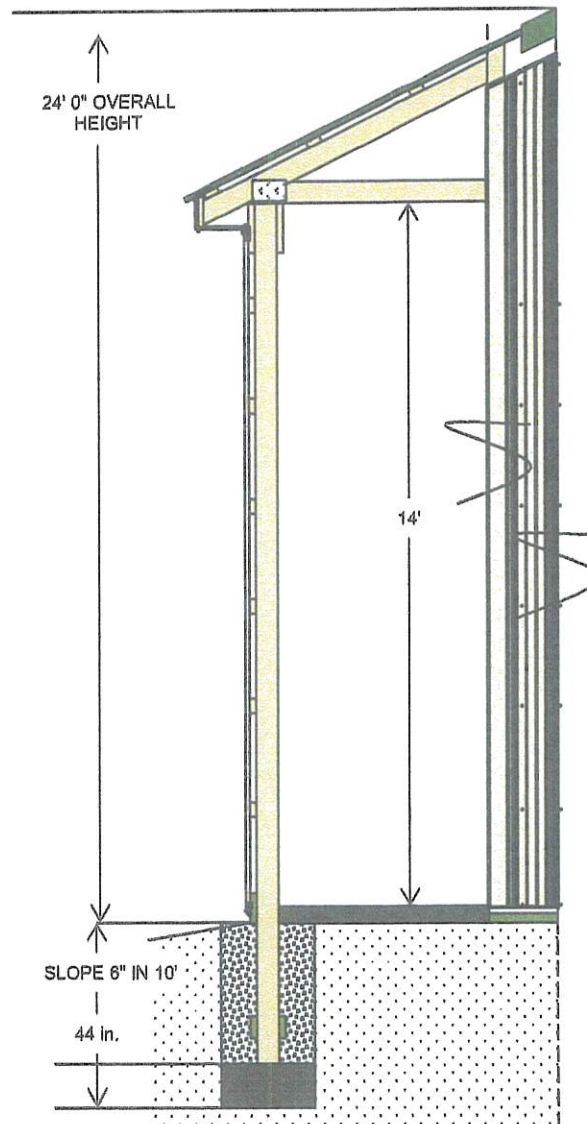
PURLINS: 2 X 4 SPF #2/BETTER FASTENED LAYING FLAT
SUB FACIA: 2 X 8 SYP #1
FACIA COVERING: STEEL 1 1/2 IN. X 7 1/2 IN. ANGLE 8
X 10 FT
UNDEREAVE: VINYL CENTER VENT SOFFIT 12 IN X 12
FT

CORNER POSTS: 3 PLY 4.5 X 5.25
INTERMEDIATE POSTS: 3 PLY 4.5 X 5.25 SPACING 8 FT
O.C.
EXTERIOR CARRIER: L.V.L. 1.5 X 11.88
INTERIOR CARRIER: L.V.L. 1.5 X 11.88
EXTERIOR WALL GIRTS: SPF #2/BETTER 2 X 4
WALL LAYER 1: 29 GA. STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED 2 X 8

SIDING BEGINS 3 11/16 IN. BELOW THE TOP OF SKIRT
BOARD

EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF SKIRT
BOARD



6/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL
(HEEL HEIGHT: 0-6-2 OR 6 1/8 IN.)
TRUSS SPACING: 48 IN. O.C.
TRUSS LOADING INFORMATION: TCLL/TCDL/BCLL/BCDL
20-5-0-5
TOTAL TRUSS LOADING = 30 P.S.F.
BRACE PER TRUSS MANUFACTURER'S
RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 3 1/4 IN.
BELOW THE TOP OF THE SKIRT BOARD
4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -
3500 P.S.I.
UNDISTURBED SOIL OR COMPACTED SAND FILL
BACKFILL HOLE WITH SAND/GRAVEL FILL & COMPACT
PIER FOOTING USING REDI-MIX CONCRETE
WITH MINIMUM STRENGTH/2500 P.S.I.

BARRIER BETWEEN SIDE METAL AND TREATED SKIRT
BOARD
POST CLEATS: TREATED 2 X 6 ON EACH SIDE OF POST
STARTING 6 IN. ABOVE THE FOOTING

George Lees

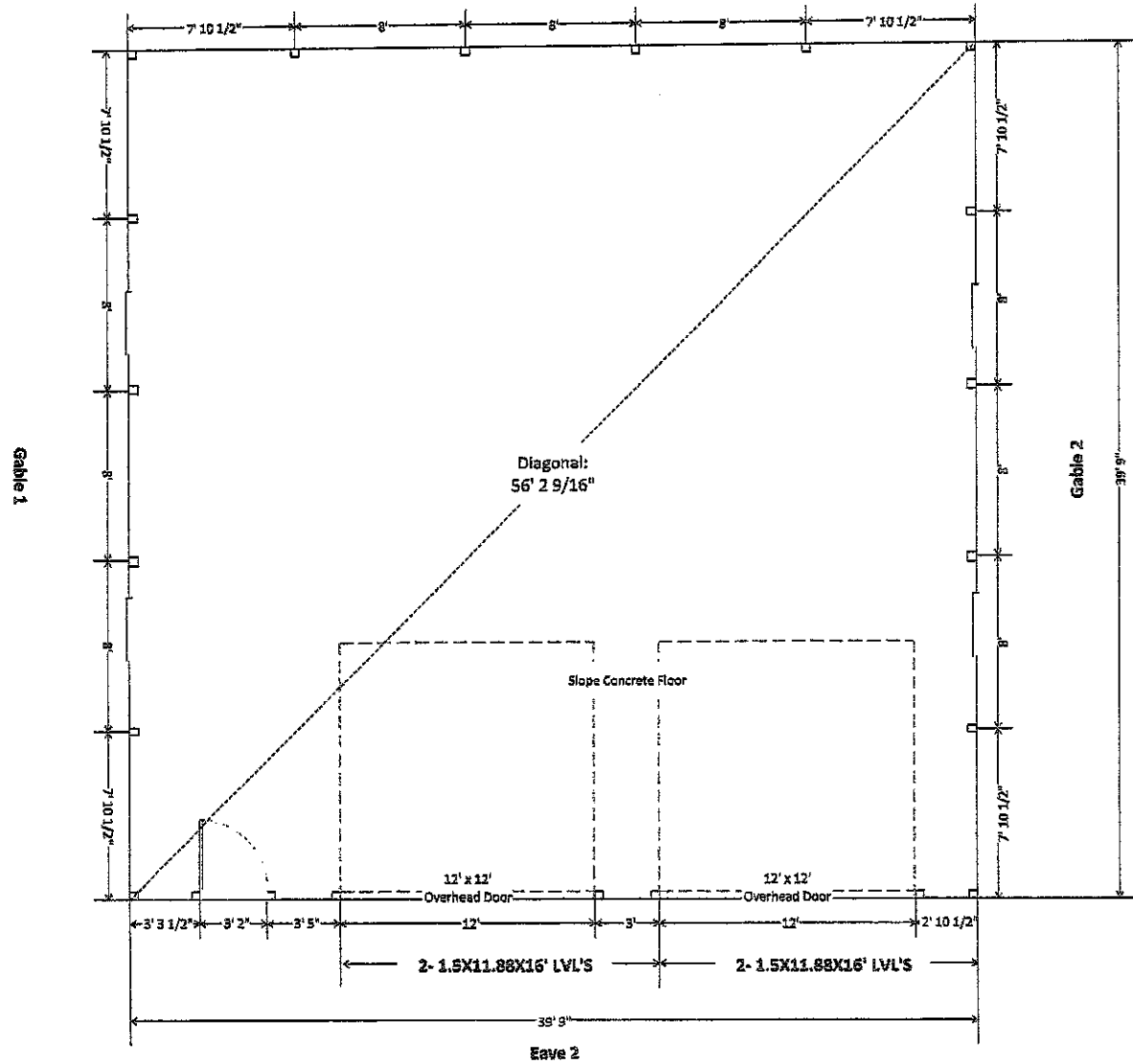
Estimate Number: 6074

1/17/2025

POLE LAYOUT

Residential Use, 1800 sq. ft.

Eave 1



ZZ

LANDS OF
MATTAKES FARM, LLC
M.L.M. 737/378

LANDS OF
PATRICIA A. BROCK
M.L.M. 529/392

LANDS OF
RICHARD L. CREW
M.L.M. 96/61

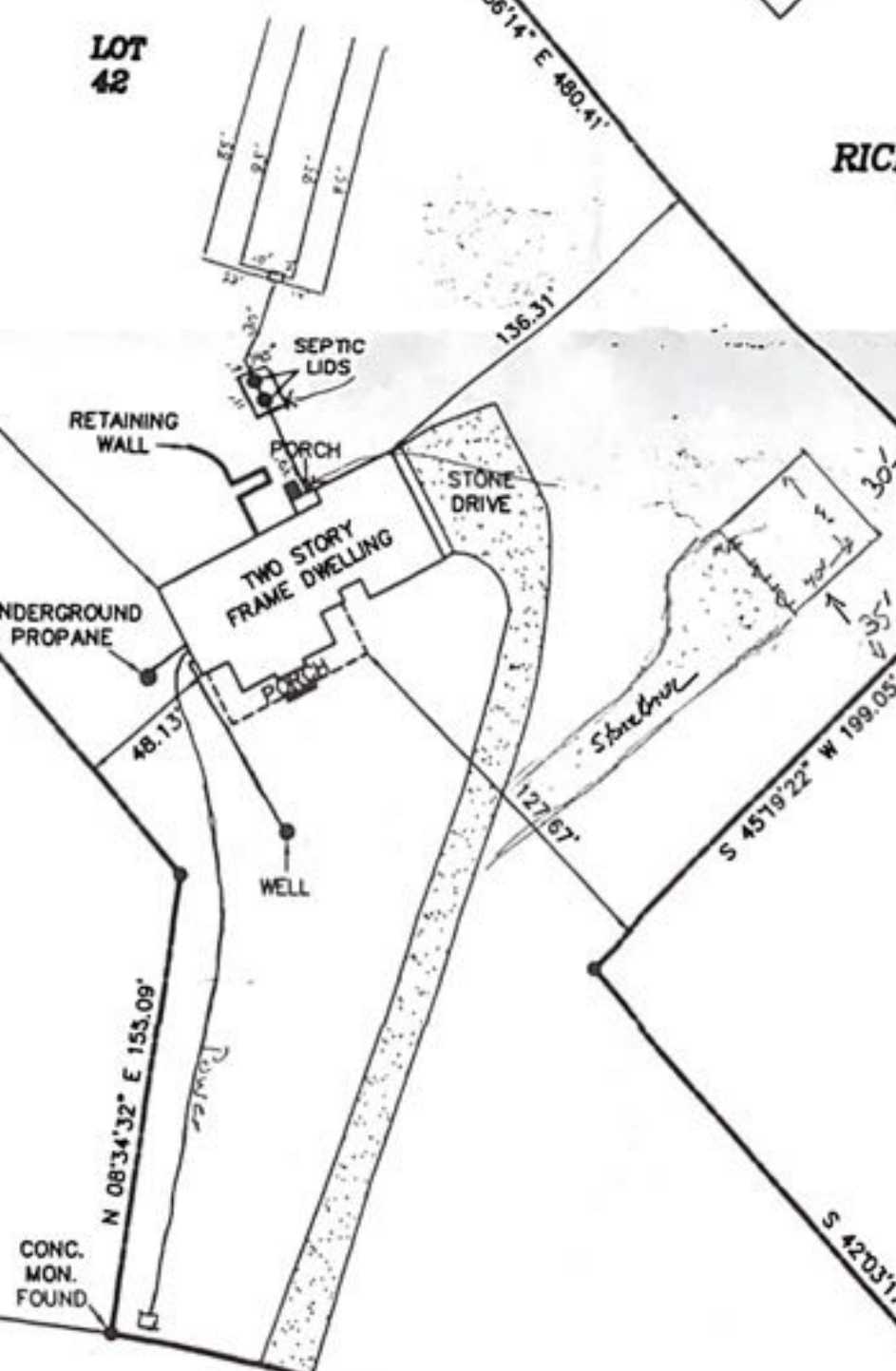
COOPERS LANE
(60' WIDE)

LOT 42

LOT 43

LOT 40

LOT 41



HOMESTEAD VIEW ROAD
(50' WIDE)
R=750.00' L=344.83'
CHD=N 88°15'39" W 341.60'

R=30.00' L=40.29'
CHD=S 86°25'27" W 37.33'

40'x40'x24' pole Barn



MICHAEL A. SCOTT, INC.
400 S CROSS ST STE 3, CHESTERTOWN, MD 21620 (410)778-2310

DATE	SCALE	DATE	SCALE
06-10-24	1" = 80'	06-10-24	1" = 80'
JOB NO. 7812	DRAWN BY JMB	JOB NO. 7812	DRAWN BY JMB
FOLDER REF K-151	REVISION	FOLDER REF K-151	REVISION
DATE		DATE	

IMPROVEMENTS LOCATION

ON THE LANDS OF
GEORGE T. LEES, III, et ux.
THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND
PREPARED FOR: GEORGE T. LEES, III

THIS IMPROVEMENTS LOCATION WAS PREPARED BY A LICENSED PROPERTY LINE SURVEYOR OR A LICENSED PROPERTY LINE SURVEYOR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND SURVEYING WORK REFLECTED HEREON, IN COMPLIANCE WITH MINIMUM STANDARDS AS REQUIRED IN COMAR 09.13.06.12.

DWG. NAME — 7812

NOTES:
FOR DEED REFERENCE SEE: S.L.K. 1284/103
FOR PLAT REFERENCE SEE: M.L.M. 3/863
PROPERTY ADDRESS: 12169 HOMESTEAD VIEW ROAD
WORTON MARYLAND 21678