



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 conference call. Please note that the County's live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **833 633 192#**

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

AGENDA
May 19, 2022
12:30 PM

APPLICATIONS FOR REVIEW:

- #22-24 Jacob and Barbara Zeigler –Administrative Variance – Side Yard Setback
9194 Bay View Ave. – Sixth Election District - Critical Area Residential (CAR)
- #22-18 John and Elizabeth Herrera – Administrative Variance – Front Yard Setback
6075 Broad Neck Road – Seventh Election District – Critical Area Residential (CAR)

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.



Kent County Department of Planning, Housing, and Zoning

PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
FROM: Mark Carper, Associate Planner
SUBJECT: 22-24, Jacob and Barbara Zeigler
Administrative Variance – Side yard setback
District 6, Map 35C, Parcel 878
DATE: May 10, 2022

DESCRIPTION OF PROPOSAL

Jacob and Barbara Zeigler, owners, are requesting a 5-foot variance from the minimum 15-foot side yard setback to construct an outdoor shower that would be attached to the principal structure. The 14,000 square foot property is located at 9194 Bayview Avenue, in the Sixth Election District and is zoned Critical Area Residential (CAR).

RELEVANT ISSUES

I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 5.2 of the *Kent County Land Use Ordinance* establishes permitted principal uses and structures within the Critical Area Residential District.
- B. *Staff and TAC Comments:* The applicant is proposing to construct an outdoor shower to the side of an existing, single-family dwelling.

II. Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Law:* Article V, Section 5.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Critical Area Residential District.

Minimum Lot Size	½ acre
Minimum Lot Width	75 feet
Minimum Yard	
Front	50 feet
Side	15 feet
Rear	30 feet

- B. *Staff and TAC Comments:* The site plan indicates that the existing home is set 15.7 feet from the side yard property line. The proposed outdoor shower platform will extend 5 feet from the principal structure, encroaching a minimum of 4.3 feet into the required side yard setback.

III. 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 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:

- MDOT SHA has reviewed this application and has no issues or concerns with County/Town approval.
- The Department of Public Works has no comments on this application.
- The Health Department comments that the greywater must be discharged to the sewer.
- A community access lane to the Chesapeake Bay is adjacent to that side of the parcel, and there would be no perception of encroachment toward a privately held parcel.
- The variance will not cause a substantial detriment to adjacent or neighboring properties.
- The practical difficulty is caused by the spotting of the existing principal dwelling, which was built in 1939 by previous owners. While there is adequate clearance on the other side of the home, away from the Bay access, the use of the proposed structure, to wash after being out on the water, does not make it practical to locate on that side.
- The Comprehensive Plan is neutral on this application. The request is consistent with the Critical Area Law. The proposed development is a reasonable use of the property.

STAFF RECOMMENDATION

Staff recommends approval of a 5-foot variance from the minimum 15-foot side yard setback to construct an outdoor shower that would be attached to the principal structure. Recommended conditions include:

1. The greywater will be discharged into the sewer as required by the Kent County Health Department.
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)

Jacob & Barbara Zeisler
9194 Bay View Ave Chestertown MD 21620

Email: Bobby @TLC 21620.COM

For Office Use Only:

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

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

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article _____
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.) Pennsylvania Ave

In the 6th Election District of Kent County.

Size of lot or parcel of Land: 3053

Map: 06-007864 Parcel: 878 Lot #: 4 Deed Ref: 1877 F 287

List buildings already on property: House, Shed

Subdivision name and address, if applicable: Telechester Estates

PRESENT ZONING OF PROPERTY: Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires

the Appeal Hearing.) We would like to add an outdoor shower to spray off from the beach before entering the house. We proposed this spot because it would make the most sense walking up to the house from the water side

Present owner of property: Jacob & Barbara Zeisler Telephone: 410 708 1408

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

Has property involved ever been subject to a previous application? Yes

If so, please give Application Number and Date: 17-00000056 3-1-2017

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: Pennsylvania Ave Acres

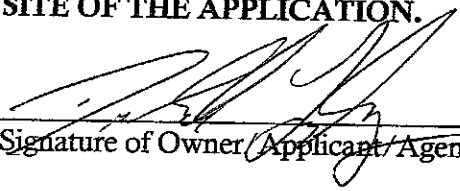
Owner(s) on the South: Gerard C Lesley WO Leary

Owner(s) to the East: Michael S & Linda A Sharkey

Owner(s) to the West: Bay

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.


Signature of Owner (Applicant/Agent or Attorney)

4-4-2022
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.

Deck Plan Submittal

Deck Size (Overall Dimensions): 6 x 5'
 Note: All fasteners must be approved for exterior
 Plan View Drawing Required

Guardrail:
 Required is deck floor is 30" or more above ground:
 Constructed so no 4" or larger may pass through:
 Must withstand 200 lb. side load:

Stairs (Where applicable):
 No. of treads 10 max:
 No. of risers 7 3/4"
 Min. 4" toe high kick

Handrails: Shower walls
 Treated 1x4
34" to 38" above nosing of stair:
 See detail below for acceptable handrails

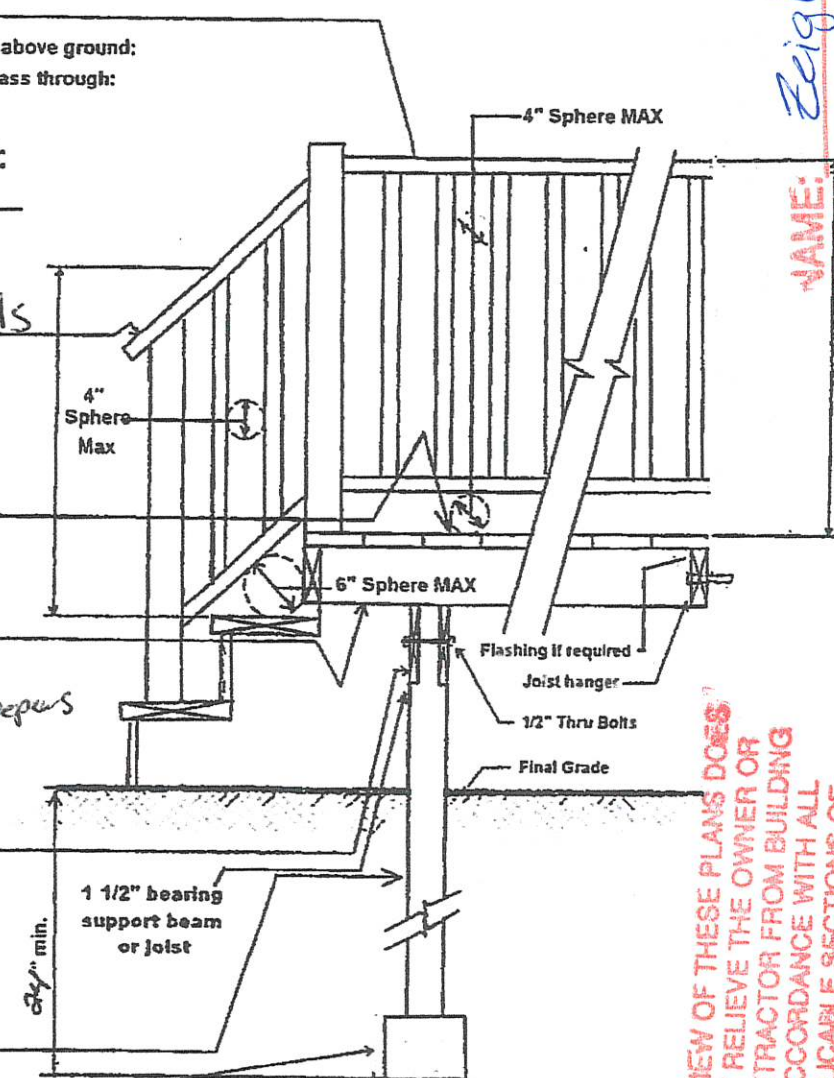
Flooring:
 Material: 1pc
 Size (nominal): 5/4 x 6"

Floor Joists:
 Material: Treated
 Size (nominal): 2 x 4 Sleepers
 Spacing center to center: _____
 Clear span distance: _____

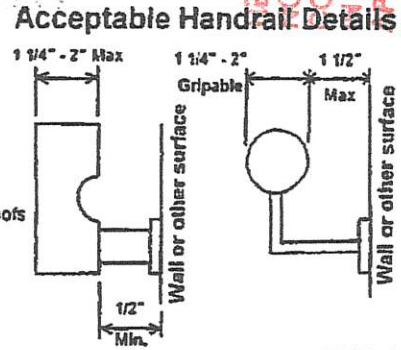
Carrier Beam:
 Material: _____
 Size (nominal): X
 Spacing Center to Center _____
 Clear span distance _____

Support post:
 Material: Treated
 Size (nominal): 4 x 4
 Post length 8'

Footer:
 Depth (below grade): 24"
 Width: 12"
 Thickness 8" (Min)



Cannot use screws for framing or joist hangers
 Risers shall have no more than 4" opening
 Guards are required on both sides of stairs
 Handrail required on one side
 Homes on piers shall have free standing decks and roofs



REVIEW OF THESE PLANS DOES NOT RELIEVE THE OWNER OR CONTRACTOR FROM BUILDING IN ACCORDANCE WITH ALL APPLICABLE SECTIONS OF THE KENT COUNTY BUILDING CODE
 PLANS CHECKED BY: [Signature] 3/25/22

NAME: Zeigler
 APPLICATION #: 22-100
 KEEP PLANS AT JOB SITE AT ALL TIMES.
 POST PERMIT & PROTECT FROM THE WEATHER

From: Justin Taylor justin@taylorloughryconstruction.com
Subject: Fwd: "sketch" of shower area
Date: November 23, 2021 at 3:10 PM
To: Bobby Loughry bobby@taylorloughryconstruction.com



Justin Taylor
Co-Owner
314 Park Row, Unit 1
Chestertown, MD 21620
Office: (410) 778-3266
Cell: (410) 708-6879

Begin forwarded message:

From: Barbara Zeigler <barbarazeigler@gmail.com>
Subject: "sketch" of shower area
Date: October 11, 2021 at 11:10:35 AM EDT
To: Justin Taylor <justin@taylorloughryconstruction.com>

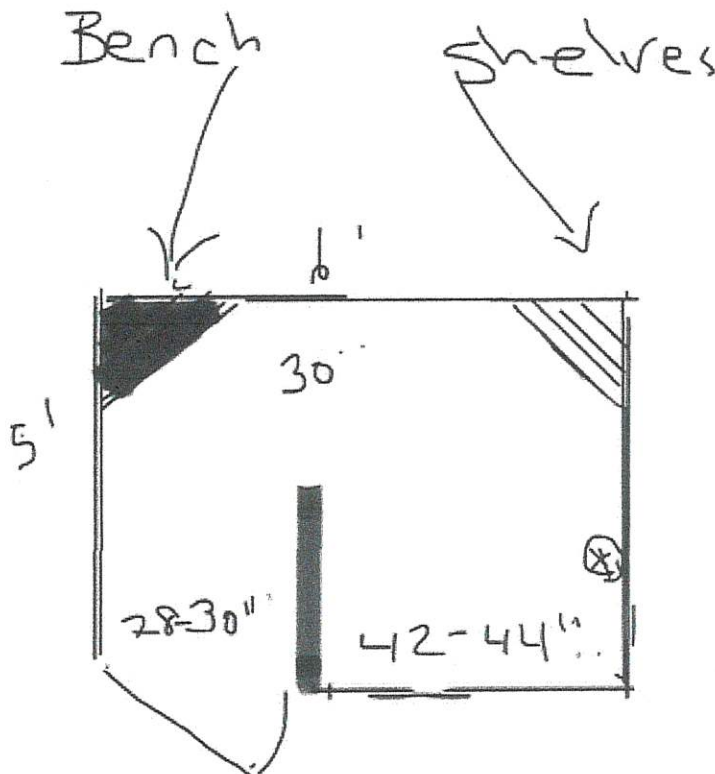
this is our idea... sending a second email
with pics that we had collected as ideas.(since i am so bad a drawing!)

Barbara

11:10



< All iCloud





Kent County Department of Planning, Housing, and Zoning

PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
FROM: Mark Carper, Associate Planner
SUBJECT: 22-18, John and Elizabeth Herrera
Administrative Variance – Front yard setback
District 7, Map 52, Parcel 116
DATE: May 10, 2022

DESCRIPTION OF PROPOSAL

John and Elizabeth Herrera, owners, are requesting a 12.5-foot variance from the minimum 50-foot front yard setback to construct a front porch and residential addition to an existing, single-family dwelling. The 1.79-acre property is located at 6075 Broad Neck 5268 Quacker Neck Road, in the Seventh Election District and is zoned Critical Area Residential (CAR).

RELEVANT ISSUES

I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 5.2 of the *Kent County Land Use Ordinance* establishes permitted principal uses and structures within the Critical Area Residential District.
- B. *Staff and TAC Comments:* The applicant is proposing to construct a front porch and residential addition to an existing, single-family dwelling.

II. Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Law:* Article V, Section 5.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Critical Area Residential District.

Minimum Lot Size	½ acre
Minimum Lot Width	75 feet
Minimum Yard	
Front	50 feet
Side	15 feet
Rear	30 feet

- B. *Staff and TAC Comments:* The existing home was constructed prior to the current bulk standards and currently encroaches 6.1 feet into the required front yard setback. The proposed improvements will require a minimum 6 feet of additional encroachment. Due to the presence of septic distribution box and drain fields to the rear of the dwelling and the driveway, underground electrical systems, propane gas, and septic plumbing systems, there are no other options for the proposed improvements.

III. 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 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:

- MDOT SHA has reviewed this application and has no issues or concerns with County/Town approval.
- The Department of Public Works has no comments on this application.
- The Health Department comments that the property would need to be evaluated for adequacy of water and sewer.
- The variance will not cause a substantial detriment to adjacent or neighboring properties.
- The practical difficulty is caused by the spotting of the existing principal dwelling, which does not comply with current bulk standards, and the locations of septic and utility structures elsewhere on the property.
- The Comprehensive Plan is neutral on this application. The request is consistent with the Critical Area Law. The proposed development is a reasonable use of the property.

STAFF RECOMMENDATION

Staff recommends approval of a 12.5-foot variance from the minimum 50-foot front yard setback to construct a front porch and residential addition to an existing, single-family dwelling. Recommended conditions include:

1. An evaluation by the Health Department for adequacy of water and sewer.
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)

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 3/3/22 AB

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

John & Elizabeth Herrera
17427 Astoria Lane
Silver Spring, MD 20905
Email: liz1961@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: _____

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.) 6075 Broadneck Rd. Chestertown, MD 21620

In the 7 Election District of Kent County.

Size of lot or parcel of Land: 1.784 ac File# 88978-14FM
Map: 0052 Parcel: 0116 Lot #: _____ Deed Ref: Tax ID 07-009615

List buildings already on property: House + Shed

Subdivision name and address, if applicable: N/A

PRESENT ZONING OF PROPERTY: _____

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) add addition to left end of house to make Master Bathroom and large walkin closet. add a front porch where the front stairs are.

Present owner of property: John & Elizabeth Herrera Telephone: Office 301-319-5120
Cell 443-995-9769

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: ~~Fred J. Wehden~~ New owner - House under Construction


Owner(s) on the South: Fred J. Wehden

Owner(s) to the East: Fred J. WEHDEN

Owner(s) to the West: County road

Homeowners Association, name and address, if applicable: NA

BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.


Signature of Owner/Applicant/Agent or Attorney

3/1/2022
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.

May 09, 2022

NARRATIVE:

John and Elizabeth Herrera

6075 Broad neck Road, Chestertown, MD 21620

7th Election District Map 52, parcel 116, Tax ID 07-009615

Zoning: CAR

We are requesting a 12.5-foot variance from the required 50-foot front yard setback. Our home was constructed in 1980 prior to current land use ordinance standards, and, resultingly, it currently encroaches 6.1 feet into that required setback. With a desire to improve the quality of our home, we wish to enlarge our front porch and to construct an additional room to our dwelling, which will require further encroachment into the setback as conditions of the property do not allow for placement elsewhere.

Our front entryway is little more than steps, and the proposed front porch would put the dwelling into more of the character of the neighborhood as the current one is small and atypical. The back of the dwelling space is limited due to the septic distribution box and drain fields, thus prohibiting expansion in that direction, leaving us only the area on the northside of the home. The proposed left side addition would also be consistent with the neighborhood and similar to the existing architecture of the present dwelling.

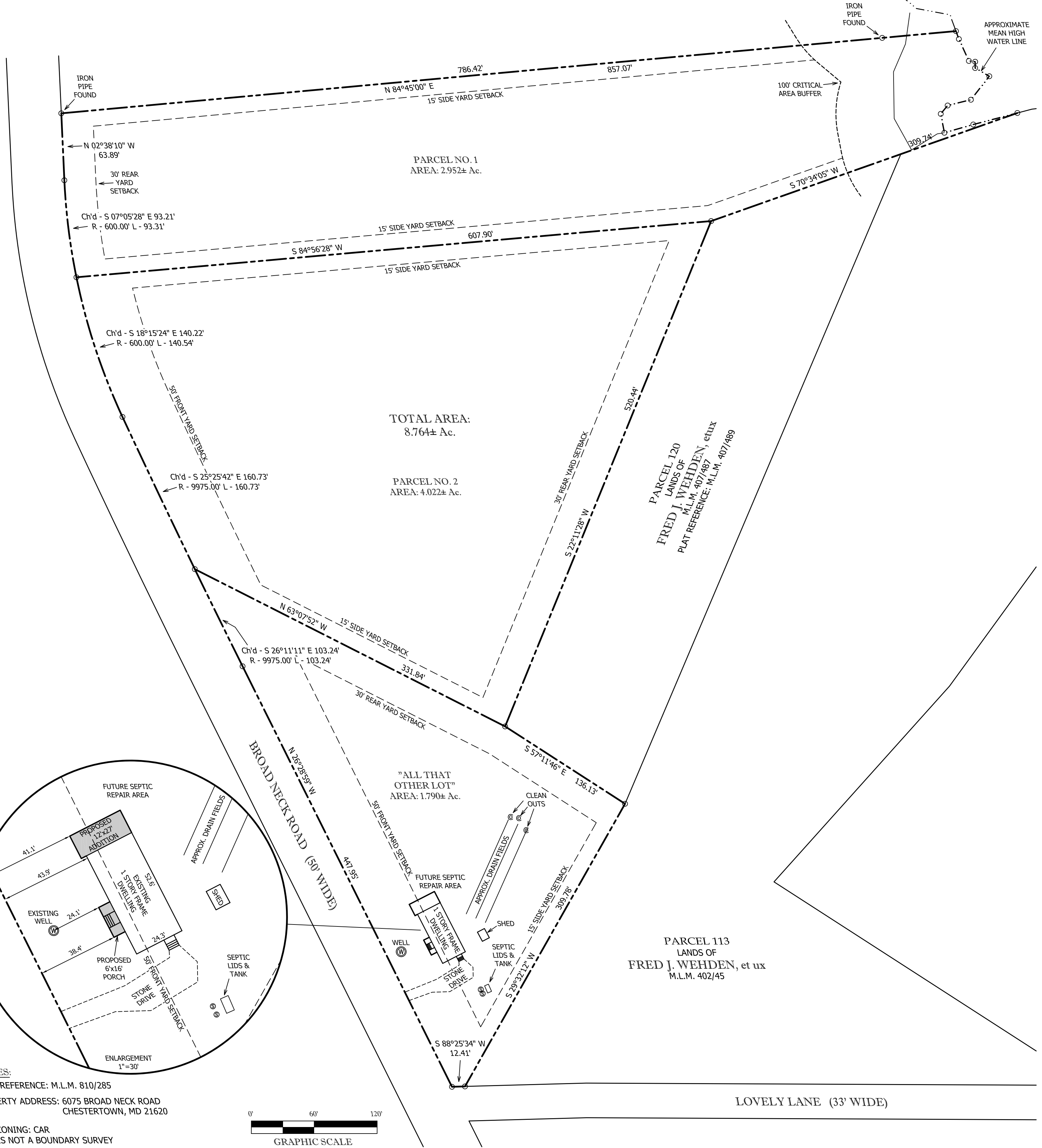
Within the last 7 years a new deep well was put in, and the septic system was upgraded to the best available technology (BAT) system. It is not practical to add to the right side of the dwelling because the underground electrical systems, propane gas and septic plumbing systems are located there. Furthermore, the entrance into the dwelling would not make it a useful layout and would crowd out the driveway, causing parking to be too close to the street.

We will be joining the zoning meeting on May 19th by telephone.



PARCEL 114
 LANDS OF
 AMOS T. YOUNG, et ux
 M.L.M. 166/62
 PLAT REFERENCE: M.L.M. 161/116

LOVELY COVE
 FLOOD
 EBB



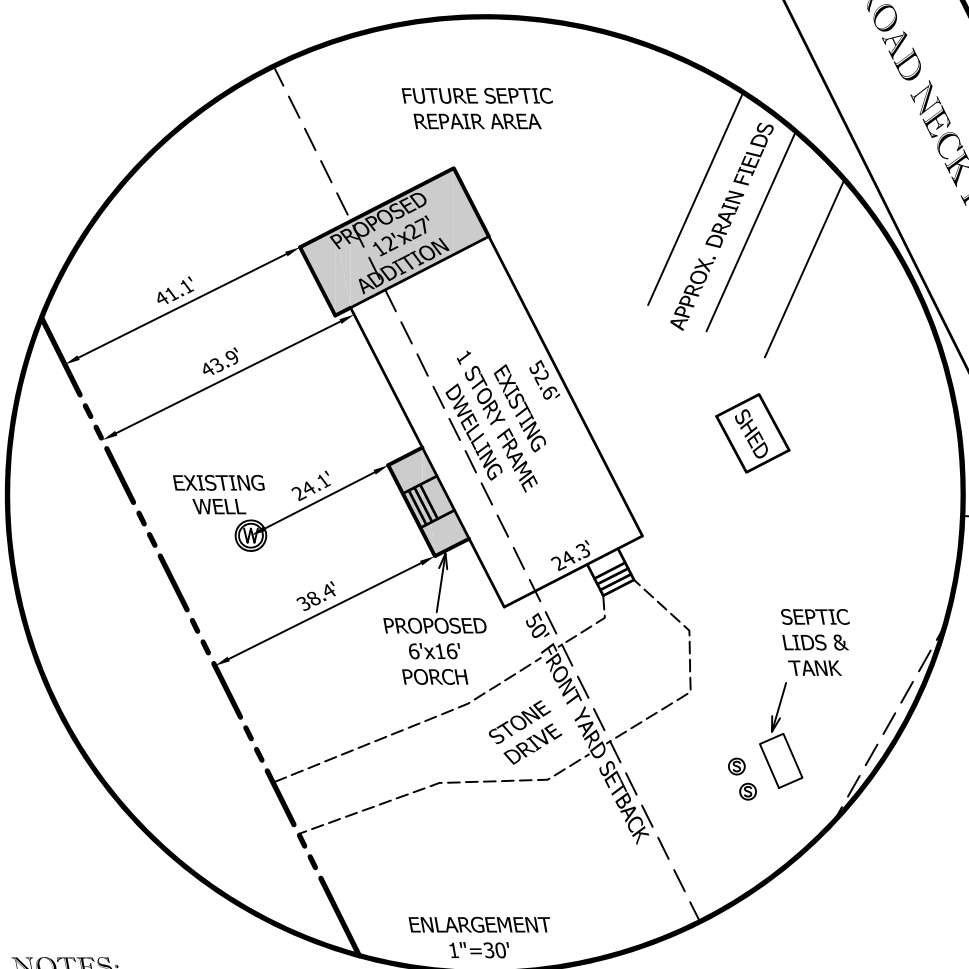
TOTAL AREA:
 8.764± Ac.

PARCEL NO. 2
 AREA: 4.022± Ac.

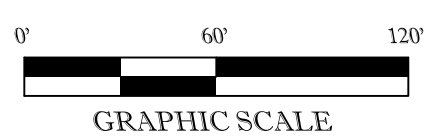
"ALL THAT OTHER LOT"
 AREA: 1.790± Ac.

PARCEL 120
 LANDS OF
 FRED J. WEHDEN, et ux
 M.L.M. 407/487
 PLAT REFERENCE: M.L.M. 407/489

PARCEL 113
 LANDS OF
 FRED J. WEHDEN, et ux
 M.L.M. 402/45



NOTES:
 DEED REFERENCE: M.L.M. 810/285
 PROPERTY ADDRESS: 6075 BROAD NECK ROAD
 CHESTERTOWN, MD 21620
 SITE ZONING: CAR
 THIS IS NOT A BOUNDARY SURVEY



SITE PLAN
 OF THE LANDS OF
JOHN FRANCISCO HERRERA, et al
 SEVENTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
 MAP 52 PARCEL 115

SCALE	1"=60'
DRAWN BY	WJE
DATE	1/24/22
JOB NO.	478-A
REVISIONS	

EXTREME MEASURES
 LAND SURVEYORS
 Chestertown, MD 21620 PHONE 410-778-0147
 www.extrememeasuresllc.com



Herrens

6095 Broadneck Rd.

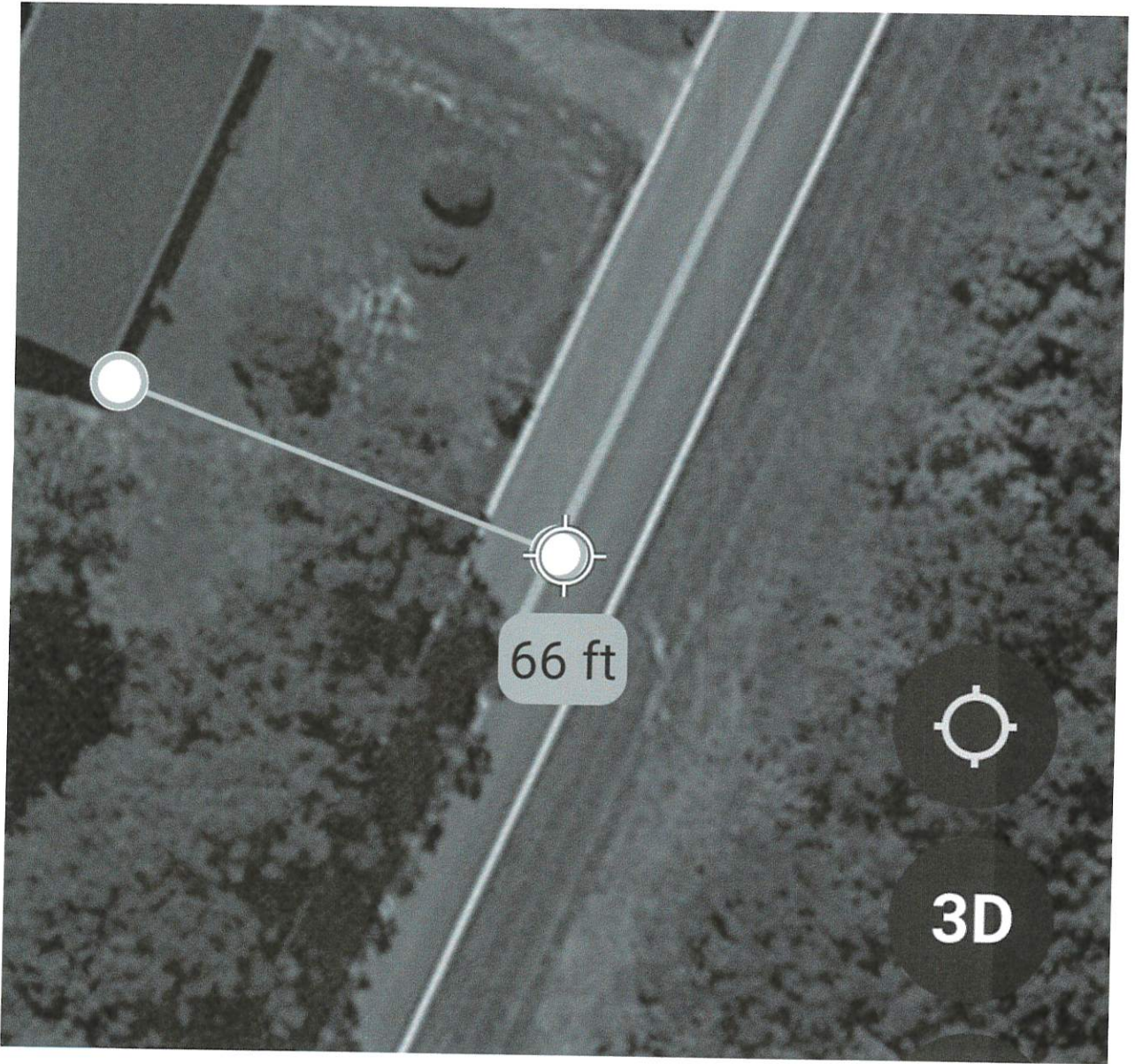
Chester town

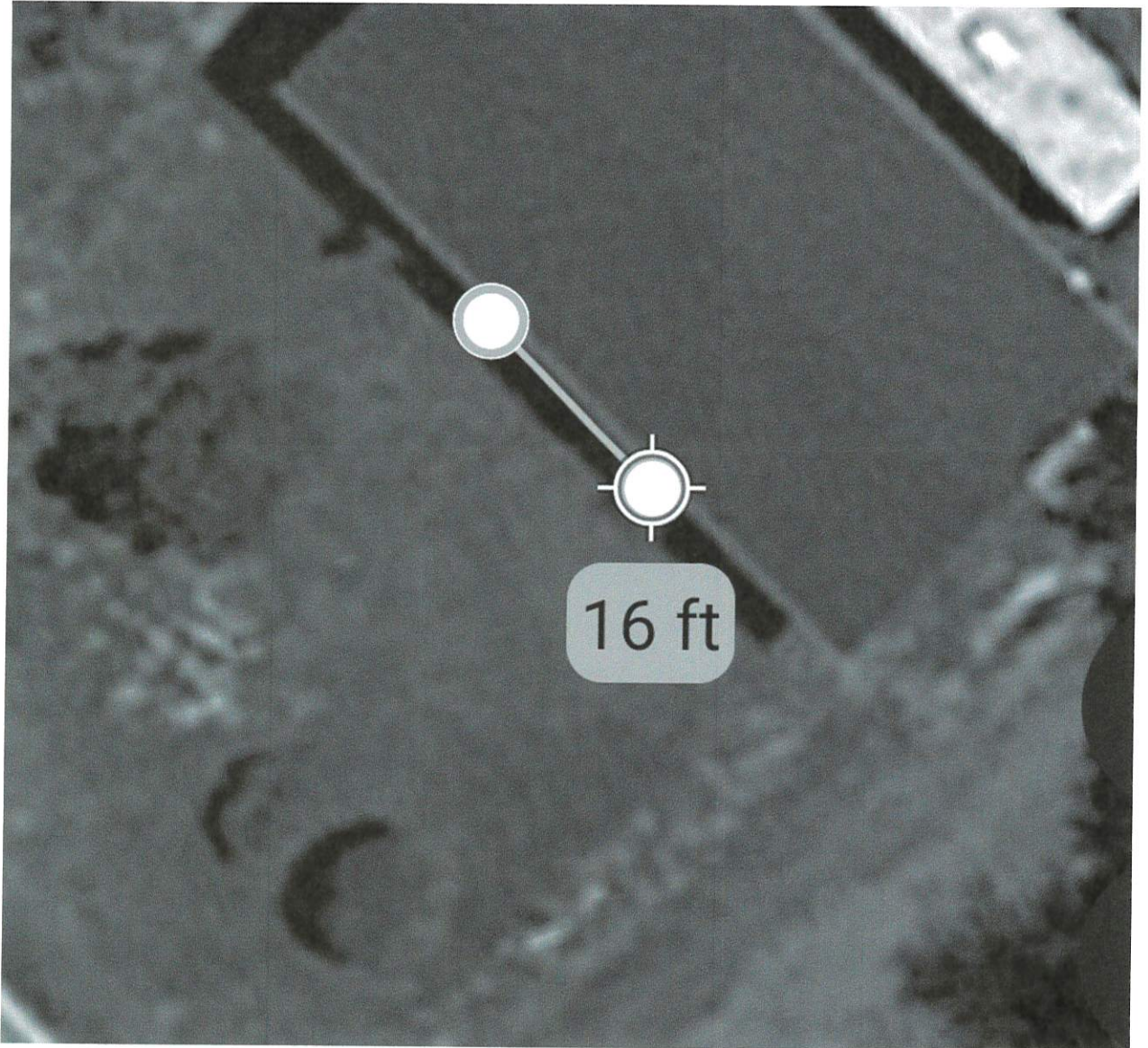
Front Porch example

Size

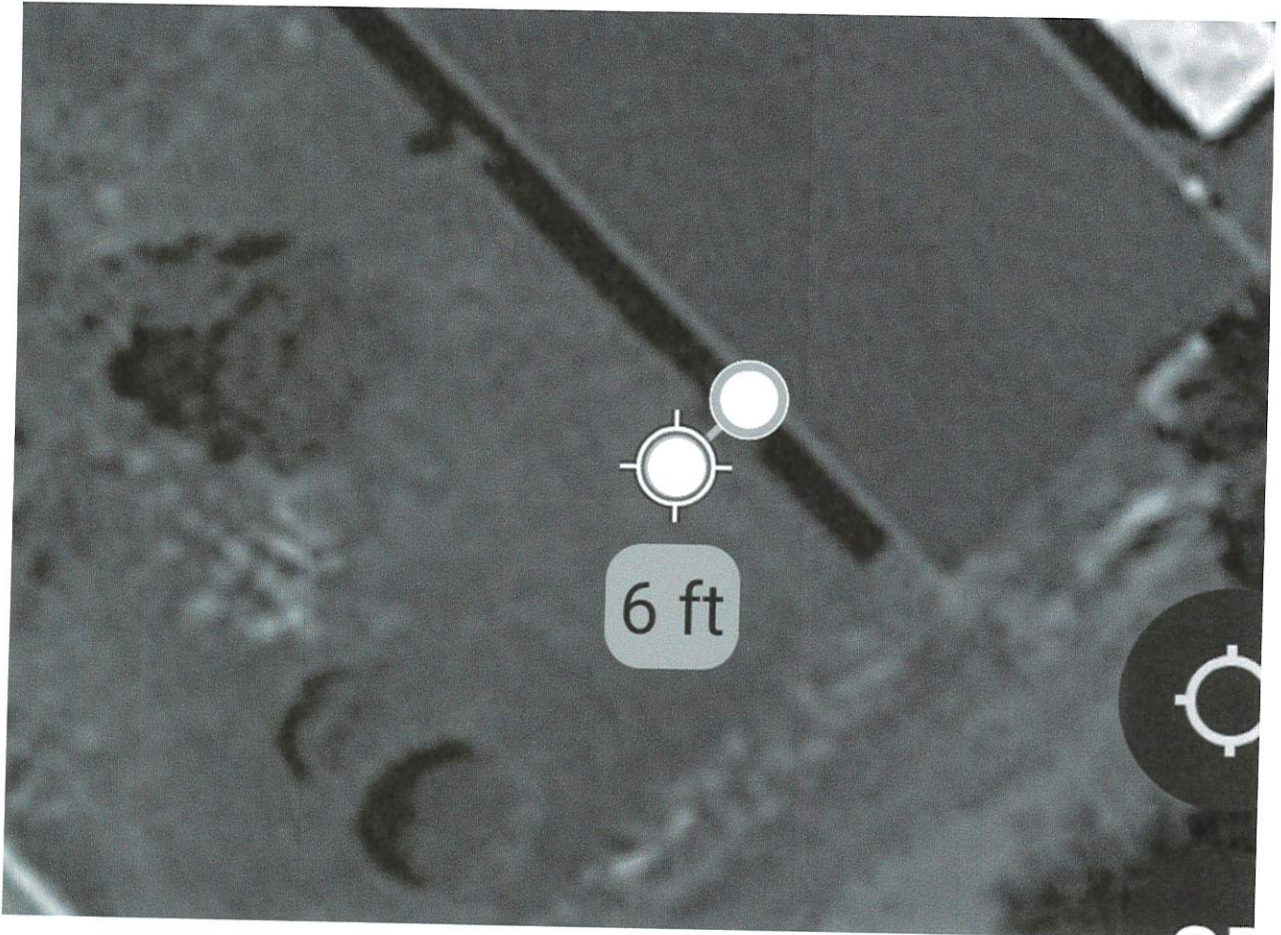
16' x 6'

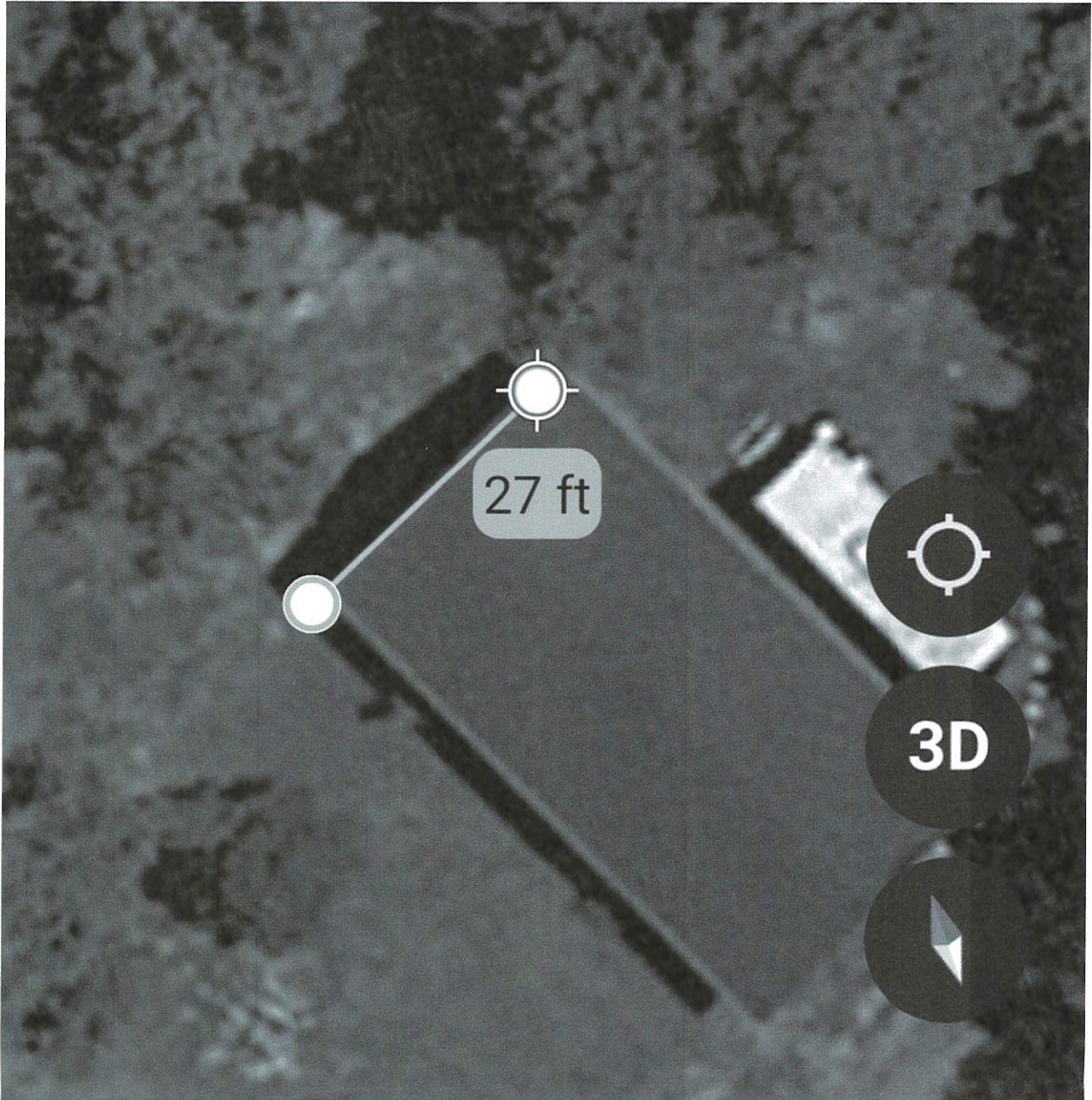






16 ft



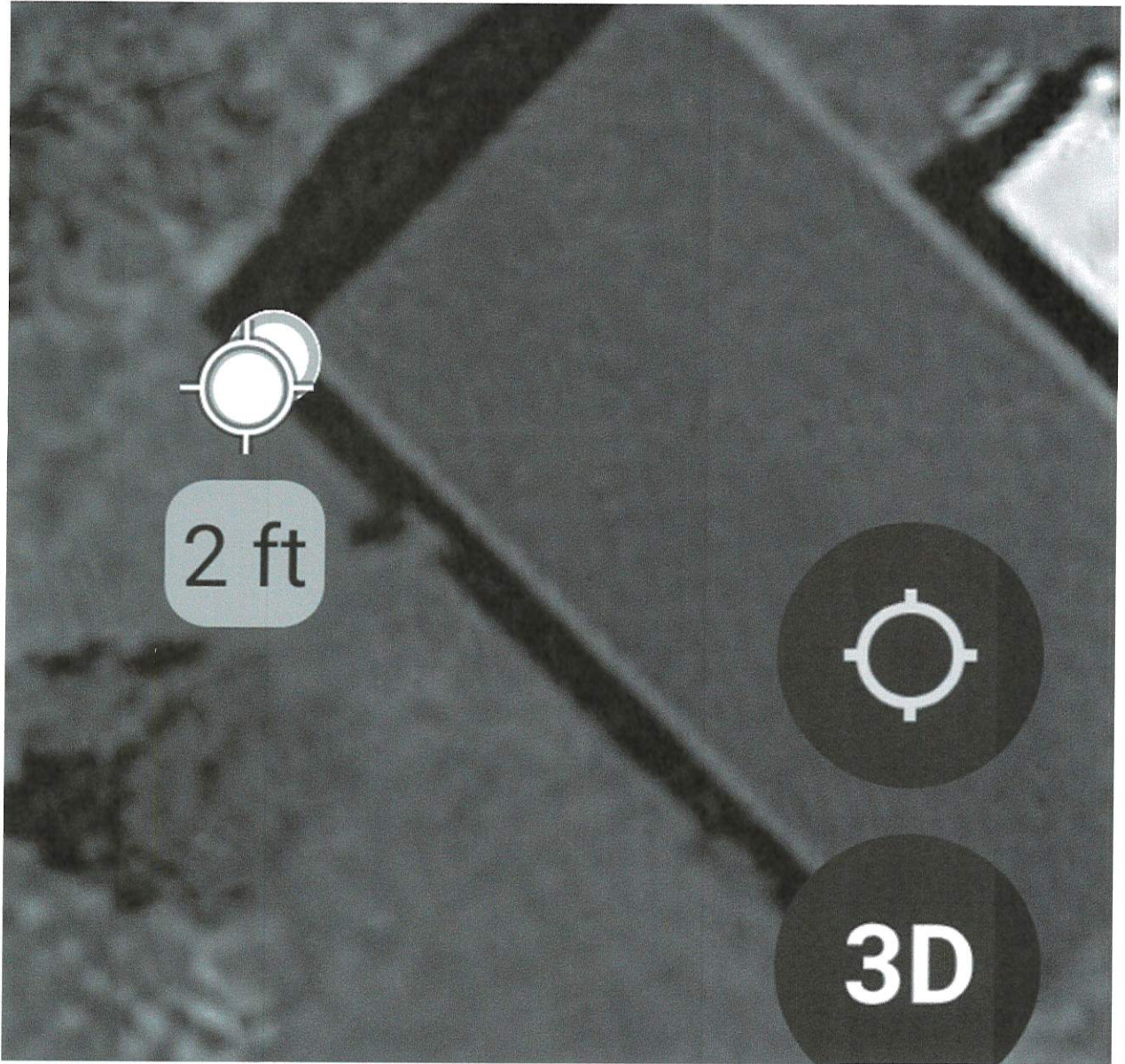


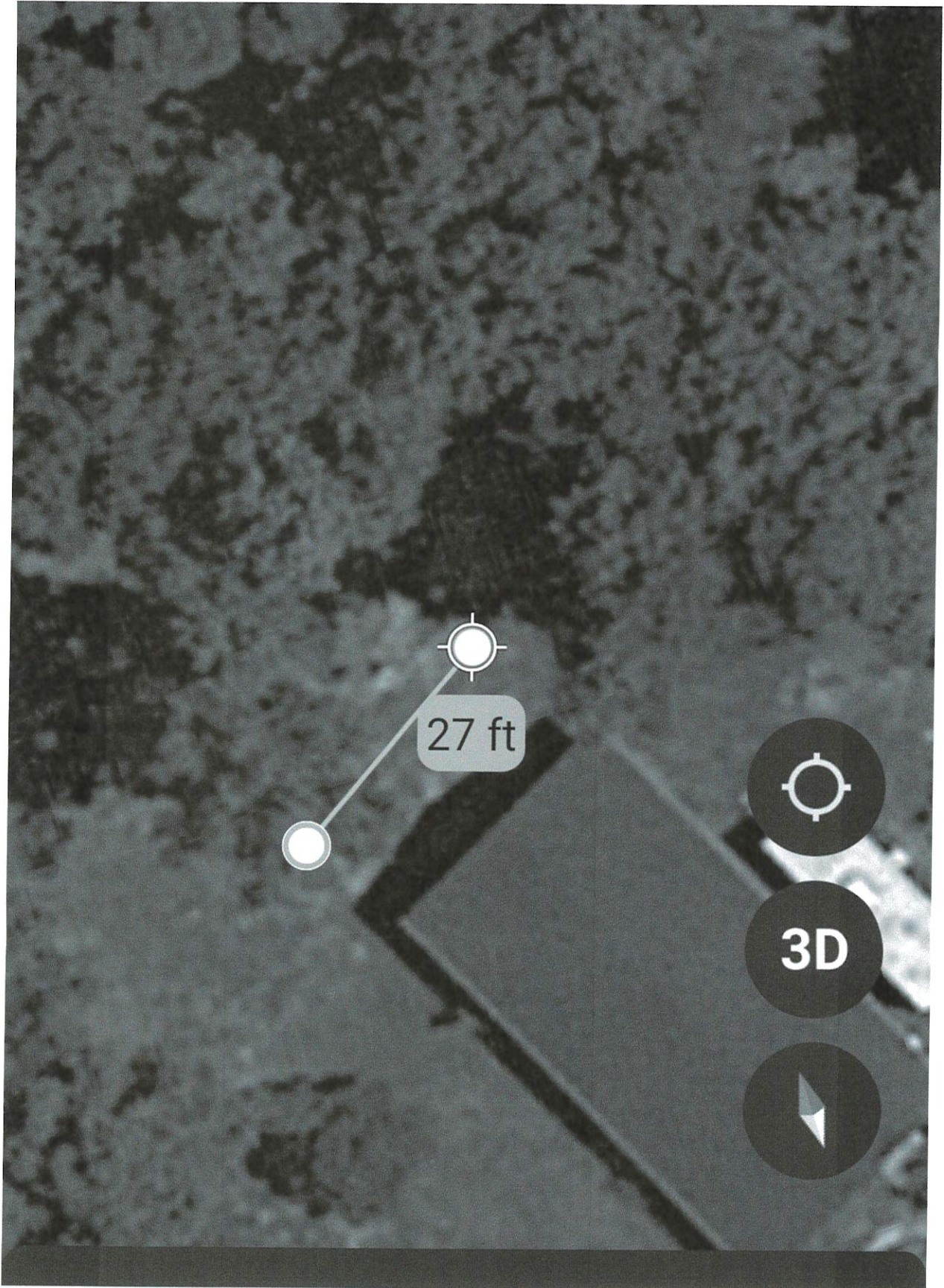
HERRERA

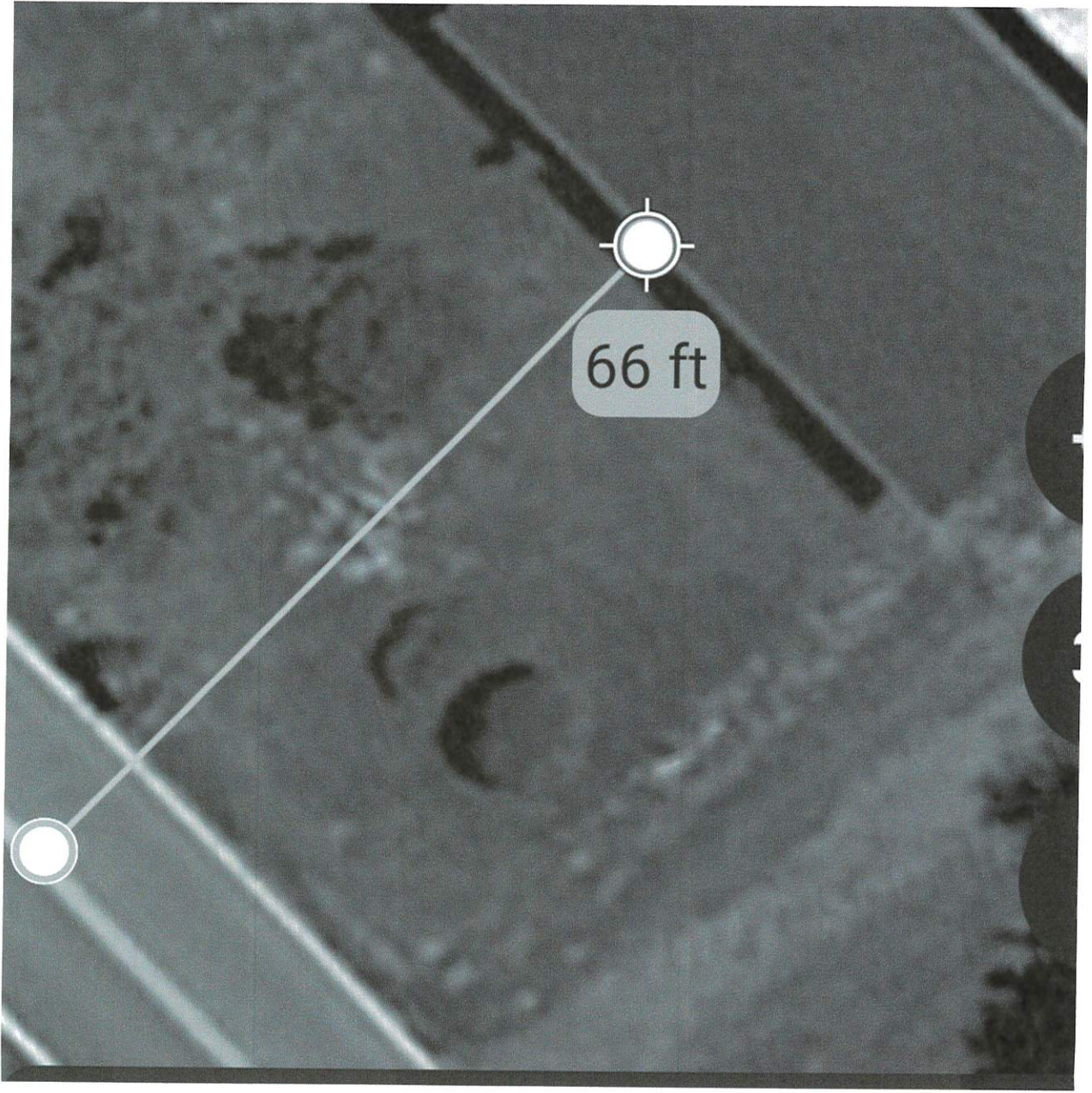
6075 Broad neck Rd.

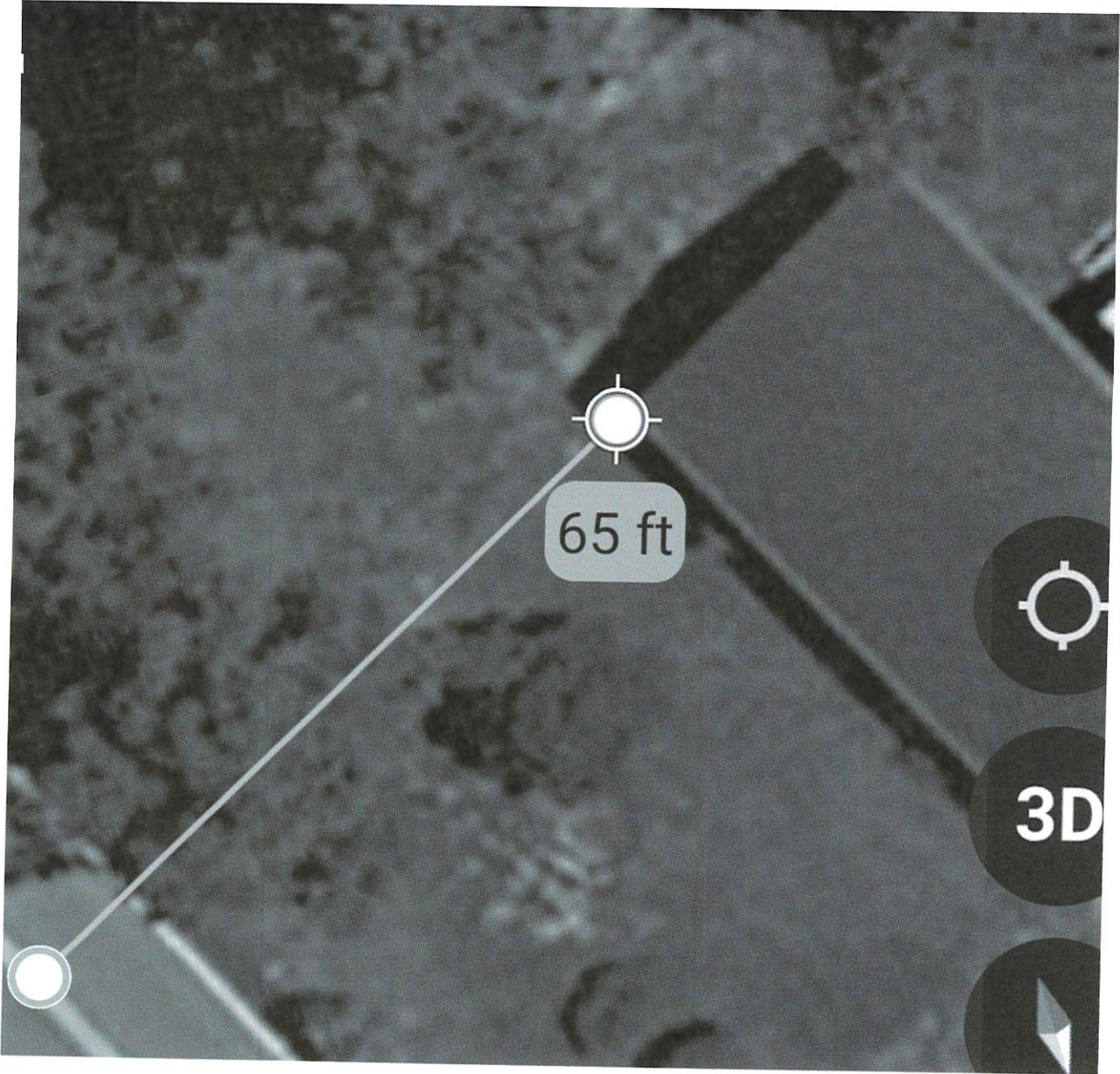
Chester town

addition left side
27' x 12'









65 ft

3D

