

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: April 20, 2020
 Time: 7:00 P.M.
 Location: Virtual Meeting/County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
<p>19-35 – Remus S. Butler, Jr. and Franklin C. & Wynee D. Butler – The applicants are requesting a 4-foot and 0.3-foot variance from the minimum 8-foot side yard setback requirement for a dwelling and a 2,530.4 square foot variance from the 9,500 square foot minimum lot size requirement that will help minimize existing nonconformities on two parcels.</p> <p>As part of the same application, Franklin C. and Wynee D. Butler are requesting a 3-foot variance from the minimum 8-foot side yard setback requirement for an accessory structure. The application involves three parcels that are being reconfigured in order to make each one less nonconforming.</p> <p>The properties are located at 8600 and 8610 Caulks Field Road in the Sixth Election District and are zoned Village.</p> <p><u>Applicant:</u> Jack Kirby, President Kirby & Associates, Inc.</p> <p><u>Staff:</u> Carla Gerber, GIS Specialist</p> <p>All were sworn in.</p> <p>No correspondence has been received.</p> <p>There were no protestants in the audience.</p>	<p>Dr. Albert Townshend, Chairperson</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate Member sitting in observing capacity only</p> <p>Mr. Christopher Drummond Attorney for the Board</p> <p>Sandy Adams, Clerk</p> <p>Brian Jones, Clerk</p>	<p>Based on the applicant’s testimony and verification of the following:</p> <ul style="list-style-type: none"> • The variances will not cause a detrimental impact to neighboring properties. • The requested variances are not at odds with the Comprehensive Plan. • The setback variances are the minimum necessary to allow Parcels 60 and Parcel 61, Parcel 1 to return to their original configurations insofar as possible while also maintaining existing driveways and correcting the front yard deficiency for Parcel 61, Parcel 1. • The need for the Lot Line Adjustment plat and setback and lot size variances are not the result of the actions of the Applicants. • The Applicants did not create the practical difficulty. <p>Mr. Massey made a motion to approve the variance with the following condition:</p> <ul style="list-style-type: none"> • The variance shall lapse if the plat is not recorded within one (1) year of the termination of the state of emergency declared by Governor Larry Hogan on March 5, 2020. <p>Ms. Horsey seconded the motion; all were in favor.</p>	<p>Unanimous Approval</p>

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
<p>20-11 – Chester River Yacht and Country Club – The applicant originally requested a variance to allow 828 square feet of lot coverage within the 100-foot Critical Area Buffer. Prior to the meeting, the applicant submitted a revised plan via email which reduced the variance request to 176 square feet of lot coverage within the Buffer by removing 5 parking spaces. The revised plans are on the record labeled as Exhibits 1, 2, and 3.</p> <p>The surrounding area is characterized by single-family residential development and the parcel is zoned Critical Area Residential, “CAR”, Community Residential, “CR” and Rural Residential “RR”. The parking lot expansion is entirely within the CAR district.</p> <p>The property is located on Quaker Neck Road in the Seventh Election District.</p> <p><u>Applicant:</u> Kevin Shearon, DMS Associates & Engineering</p> <p><u>Staff:</u> Carla Gerber, GIS Specialist</p> <p>All were sworn in.</p> <p>Also, in attendance representing the Chester River Yacht and Country Club were Joe Baker and Jim Gillespie who did not give testimony.</p> <p>Ms. Adams read into the record correspondence received from the Critical Area Commission.</p> <p>There were no protestants in the audience.</p>	<p>Dr. Albert Townshend, Chairperson</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate Member sitting in observing capacity only</p> <p>Mr. Christopher Drummond Attorney for the Board</p> <p>Sandy Adams, Clerk</p> <p>Brian Jones, Clerk</p>	<p>Based on the applicant’s testimony and verification of the following:</p> <ul style="list-style-type: none"> • Due to the location of the existing structures, related improvements, and Quaker Neck Road, the literal enforcement and strict application of the Ordinance would result in an unwarranted hardship. • The reasonable use of the entire parcel has been considered. • Locating a new parking area elsewhere on the property will likely disturb other natural resources on the property. • Increased parking onsite will eliminate or, at least, reduce parking along the shoulder of Quaker Neck Road. • The minor intrusion into the Buffer is necessary to construct a parking area that is safe to enter and exit and to navigate once within the parking area. • The country club was in existence prior to the Critical Area Program. <p>Mr. Massey made a motion to approve the variance with the following conditions:</p> <ul style="list-style-type: none"> • Applicants will submit a mitigation plan for an onsite mitigation area of 11,218 sq. ft. • The variance shall lapse if construction of the parking area is not commenced within one (1) year of the termination of the state of emergency declared by Governor Larry Hogan on March 5, 2020. <p>Ms. Horsey seconded the motion; all were in favor.</p>	<p>Unanimous Approval</p>

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
Adjourn		<p>At 8:02 PM, Dr. Townshend asked for motion.</p> <p>Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; the motion passed with all in favor.</p>	Unanimous Approval

Albert S. Townshend, DVM.

Dr. Albert Townshend, Chairman

Brian Jones

Brian Jones, Clerk

Approved 6/15/20

