



Board of Zoning Appeals
Department of Planning, Housing, and Zoning

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: September 19, 2022
 Time: 5:00 P.M.
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>22-51 Mark Vansant – Variance – Front Yard Setback</p> <p>The applicant is requesting a 30-foot variance from the required 50-foot front yard setback to construct a new sunroom that will be 20 feet from the front property line. The property is located at 21542 East Sharp Street, Rock Hall.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Mark Vansant, property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Bill Mackey, AICP, Director of Planning, Housing, and Zoning, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Campbell Safian, Clerk</p>	<p>Ms. Horsey moved to approve the 30-foot variance from the minimum 50-foot front yard setback requirement in order to construct a new sunroom on the front of the house for Mark and Lu Ann Vansant at 21542 East Sharp Street near Rock Hall in the Fifth Election District.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>22-54 Mary Lou Hurtt – Special Exception – Adaptive Use of an Historic Structure</p> <p>The applicant is requesting a special exception for the adaptive reuse of an historic structure to convert an existing barn and granary for the display and sale of cut Christmas trees. The property is located at 32762 Galena Sassafras Road, Galena.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Buck Nickerson, LS, representative of the property owner, was sworn in and presented a summary of the case.</p> <p>John Hickey, applicant representing the property, was sworn in and presented a summary of his case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p>Mary Hurtt Tazewell from Galena and Margaret Hurtt from Arlington were sworn in and spoke in support of the application.</p> <p>Jean Hurtt Taylor from Galena was sworn in and spoke in opposition to the application.</p> <p><u>Planning Staff</u> Mark Carper, LEED Green Associate, Associate Planner, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Campbell Safian, Clerk</p>	<p>Mr. Massey made a motion to approve the application by Mary Lou Hurtt, Trustee, for the adaptive reuse of an historic structure located at 32762 Galena Sassafras Road to sell Christmas trees on the weekends, beginning the first Friday after Thanksgiving through Christmas Eve, during the hours of 8am-5pm.</p> <p>The motion was seconded by Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>22-55 Andrew and Emily Kaiser – Buffer Variance -- Addition to Existing Dwelling</p> <p>The applicant is requesting a buffer variance to construct a mudroom, stoop, and stairs within the buffer. The addition will not encroach further into the buffer than the existing dwelling. The property is located at 24212 Comegys Bight Lane, Chestertown.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> John Hutchison, AIA, representative of the property owner, was sworn in and presented a summary of the case.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p><u>Planning Staff</u> Mark Carper, LEED Green Associate, Associate Planner, was sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Campbell Safian, Clerk</p>	<p>Ms. Horsey moved to approve the application of Andrew and Emily Kaiser for the buffer variance to partially renovate an existing residential dwelling located at 24212 Comegys Bight Lane in the Seventh Election district. Approval is granted to add a small mudroom to the landward side of the principal structure. An existing stoop and partial walkway are to be demolished, and replaced with the mudroom, associated stoop, and steps for a net gain of 26.75 square feet of permanent disturbance within the buffer. A buffer mitigation plan as proposed, is to be implemented within two growing seasons and maintained to ensure survivability. The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Mr. Massey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>22-42 25809a Still Pond Neck, LLC – Special Exception – Utility-Scale Solar in the AZD</p> <p>The applicant is requesting a special exception to construct a 5-acre, utility-scale, solar array system within the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located at the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road, and it has been assigned the street address of 26001 Still Pond Neck Road.</p> <p>The Kent County Planning Commission forwarded a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Bruce Wilson, Pivot Energy, representative of the property owner, and Anthony Kupersmith, Esq., were sworn in and presented a summary of the case.</p> <p>Seth Shafer, Pivot Energy, spoke on behalf of the applicant.</p> <p><u>Public Comment</u> No correspondence was received on this application.</p> <p>Bob Payne, Jimmy Payne, Andy Simmons, and Frank DeYoung from Still Pond were sworn in and spoke in opposition to the application.</p> <p><u>Planning Staff</u> Mark Carper, LEED Green Associate, Associate Planner, and Bill Mackey, AICP, Director of Planning, Housing, and Zoning, were sworn in.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Campbell Safian, Clerk</p>	<p>Mr. Massey moved to approve the special exception application of 25809a Still Pond Neck, LLC, located at 26001 Still Pond Neck Road. A special exception is granted to build the 1 megawatt, 5-acre, array of solar panels to county standards, with a maintained 60-foot buffer around the site. The applicant must obtain all state and federal permits, and the project must comply with all bonds related requirements as listed in Article 6 Section 11 of the Land Use Ordinance. Final site approval is granted by the Planning Commission. Special attention is to be paid to the screening conditions. The special exception will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.</p> <p>The motion was seconded by Ms. Horsey; the motion passed by majority vote with Mr. Massey opposed.</p>	<p>2-1</p>

Agenda Item	Sitting for the Board	Action Taken	Vote
22-73 Richard and Donna Wadsley – Appeal of Zoning Administrator’s Decision	Dr. Albert Townshend, Chairman Joan Horsey, Member John Massey, Member Mr. Christopher Drummond, Attorney for the Board Campbell Safian, Clerk	Dr. Townshend made a motion to defer the hearing to the October Board of Zoning Appeals meeting. The motion was seconded by Mr. Massey; the motion passed with all in favor.	Unanimous Approval
MINUTES: August 15, 2022		Ms. Horsey moved to approve the minutes. Mr. Massey seconded the motion; the motion passed with all in favor.	Approved
Adjourn		Ms. Horsey made a motion to adjourn the meeting, and Mr. Massey seconded the motion; the motion passed with all in favor. The meeting adjourned at 7:42 p.m.	Unanimous Approval

 Dr. Albert Townshend, Chairman

/s/ Campbell Safian
 Campbell Safian, Planning Specialist