

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: April 16, 2018
 Time: 7:00 P.M.
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
<p>Minutes – March 19, 2018.</p> <p>17-07 – Chester River 2, LLC- Requesting a one-year extension to a variance that was granted in 2017, Case No. 17-07.</p> <p>The property is located at 25341 Learman Road in the Seventh Election District and is zoned Resource Conservation District and Agricultural Zoning District.</p> <p>Ryan Showalter; Counsel for the Applicant.</p> <p>Amy G. Moredock, Director</p> <p>All were sworn in.</p>	<p>Dr. Albert Townshend, Chairperson</p> <p>John Massey, Member</p> <p>Joan Horsey, Member</p> <p>David A. Hill, Observing</p> <p>Mr. Christopher Drummond Attorney for the Board</p> <p>Tonya Thomas, Clerk</p>	<p>Minutes were approved as presented.</p> <p>Mr. Massey made a motion to approve the request for a one-year extension of the variance with the previously approved conditions remain consistent with the granting of one-year extension as follows:</p> <ul style="list-style-type: none"> • A Critical Area Tree Plan be submitted and implemented for any proposed tree removal affiliated with the project. • A Buffer Enhancement Plan be submitted and implemented for any additional lot coverage affiliated with the project. • The Habitat Protection Plan must be recorded and implemented and maintained accordingly. It is recognized that his Plan may evolve over time. • The Silver Maple tree must be preserved in accordance with the testimony offered by the applicant’s Narrative. The tree must be protected during construction and all efforts to maintain the health of the tree must be implemented for the natural lifespan of the tree. <p>The Board based their approval of the findings made during the April 26, 2017 review with the following additional facts:</p> <ul style="list-style-type: none"> • There have been no Ordinance changes to the provisions applicable to this application since the 	<p>Unanimous Approval</p> <p>Unanimous Approval</p>

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<p>18-20 Enrique and Laura Pallares- Requesting a special exception review for an adaptive reuse of a historic structure.</p> <p>The property is located at 8355 Broad Neck Road in the Seventh Election District in the Mount Pleasant Plantation Subdivision and is zoned Rural Character.</p> <p>Enrique Pallares; Applicant. Robert Nickerson; Land Surveyor</p> <p>Amy G. Moredock, Director</p> <p>All were sworn in.</p>	<p>Dr. Albert Townshend, Chairperson</p> <p>John Massey, Member</p> <p>Joan Horsey, Member</p> <p>David A. Hill, Observing</p> <p>Mr. Christopher Drummond Attorney for the Board</p> <p>Tonya Thomas, Clerk</p>	<p>granting of this variance.</p> <ul style="list-style-type: none"> • The applicants are currently asking for an extension of one-year because substantial construction will not begin within the one-year approval of the 2017 variance. • The applicants are continuing to evaluate several design considerations, including size, location and orientation of the replacement home; however, no changes to the approved design or conditions of approval are proposed at this time. • Start of construction has been estimated for winter 2018; while the one-year extension would allow for it to begin in April of 2019. <p>Ms. Horsey seconded the motion; all were in favor.</p> <p>Dr. Townshend made a motion to approve the request for a special exception for an adaptive reuse of a historic structure based on the following facts:</p> <ul style="list-style-type: none"> • The proposal is consistent with many comprehensive plan strategies relative to promotion of existing local businesses, support of agritourism, and reuse and preservation of existing historic structures. • The Almshouse, Mount Pleasant County Farm, is located at the entrance of the Mt. Pleasant Plantation 	<p>Denied 2:1</p>

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<p>General Public testimony was offered by the following adjacent property owners: James Price, Rosie Elgin, David and Linda Thomas, Virginia Johnston, and Dottie LaPlaca.</p>		<p>Subdivision. Built in 1847, the Almshouse is listed in the Maryland Inventory of Historic Properties (K-95).</p> <ul style="list-style-type: none"> • The applicant intends to preserve the history of the Almshouse and proposes as minimal alteration as possible while ensuring the stability and longevity of the structure. Half of the Almshouse is underroof and the other half is exposed to the elements. In order to preserve the entire structure, the applicant proposes to carry out the renovation in two phases. Phase I consists of finishing the portion that has a roof by reinstalling the original door and finishing the windows and the interior for use as an artisanal winery tasting room and a place to see their locally-crafted wine. Phase II consists of securing the ruins from further deterioration and repurposing the basement to serve as a wine cellar. • The landscape plan as been addressed through the applicant's site plan application. • The applicant proposes access to the site from the existing driveway off of Mt. Pleasant Plantation Drive. There is currently no success point from the site to MD Route 446, and the existing driveway is approximately 75 feet from the state road. The applicant has provided verification to State 	

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		<p>Highway Administration (SHA) staff that the proposed use shall not generate traffic of a type or amount inappropriate for all access roads and the surrounding area and that the use does not require road improvements detrimental to the character of the area.</p> <ul style="list-style-type: none"> • The applicant proposes operating hours from 12pm to 6pm on Fridays, Saturdays, Sundays, and select holidays. The Commission conditioned its support on limiting the number of people and traffic onsite. • The surrounding area is characterized by residential development within the Mt. Pleasant Plantation Subdivision approved in 1990 and along Broad Neck Road. Otherwise, the property is surrounded by both agricultural and forested land. • This property is located approximately 2 miles south-west of the Town of Chestertown where the closest churches, schools, and places of public gathering are located. • The site is served by an onsite well and septic system. The Kent County Environment Health Department has assessed the adequacy of these onsite services, and the site plan reflects the location of the existing septic system, as well as the sewage disposal areas. 	

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		<p>In addition, the existing well will be abandoned and replaced per Health Department specifications.</p> <ul style="list-style-type: none"> • The applicant proposes to maintain the Mount Pleasant County Farm property in its natural state while preserving the Almshouse from destruction by neglect by repurposing it for their agribusiness. The Almshouse is a significant historic structure and will be renovated and repurposed in two phases. • The proposed use is consistent with many aspects of the purpose and intent of the Rural Character District. • The Comprehensive Plan and the Ordinance encourage the preservation of historic structures. In the sense that this project involves the adaptive reuse of a documented historic structure, it is appropriate to both land and structure (s). • In a deteriorating condition for decades, the restoration of the Almshouse should have a positive impact on property values. The applicant has outlined use of the property which is specific and clearly defined which should not have a negative impact on property values. • The proposed renovations to the structure and additional area of construction (patio and sidewalk) should not negatively 	

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		<p>impact water quality or the overall habitat onsite.</p> <p>Mr. Massey seconded the motion; the motion was denied 2-1.</p>	
Adjourn		<p>At 10:30 PM, Dr. Townshend asked for motion; Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; all were in favor.</p>	<p>Unanimous Approval</p>

Dr. Albert Townshend, Chairman

Tonya Thomas, Clerk