

**MINUTES**

Meeting: Kent County Board of Zoning Appeals  
 Date: February 21, 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><b>17 -61 – Travis P. Biggs is requesting a variance from the buffer requirements in order to retain an approximate 325 square foot waterfront deck which was constructed within the 100-foot Critical Area Buffer.</b></p> <p>The property is located at 14594 Stirrup Lane in the First Election District and is zoned, Critical Area Residential (CAR)</p> <p>Lance Young, Attorney, and Travis P. Biggs, Applicant.</p> <p>Stephanie I. Jones, Environmental Planner</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>At the February 12, 2018 meeting the Board of Appeals members requested to table the request for a variance from the buffer requirements. In continuation of that meeting Ms. Horsey made a motion to remove the hearing from the table and reconvene the meeting.</p> <p>Mr. Massey seconded the motion, all were in favor.</p> <p>Ms. Horsey made a motion to grant the variance from the buffer requirements based on the following findings:</p> <ul style="list-style-type: none"> <li>• The variance will neither cause a substantial detriment to adjacent property or neighboring properties, nor will it change the character of the neighborhood and district.</li> <li>• The variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.</li> <li>• The dwelling including the waterfront deck, was constructed within the 100 feet of the water in 1983, prior to the adoption of the Critical Area program.</li> <li>• The applicant was advised by the home inspector, when purchasing the property, that the deck was in poor condition and was a safety hazard.</li> <li>• This subdivision</li> </ul>	<p>Unanimous</p>

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
		<p>consists of waterfront and non-waterfront properties on one to three acre lots. Within Foxhole Estates, the dwelling on Lot 17 (built in 1987) is also located predominately within the 100' buffer. This dwelling is a fairly large waterfront deck located within the buffer.</p> <ul style="list-style-type: none"> <li>• The practical difficulty was not caused by the applicant.</li> <li>• The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.</li> <li>• The deck was constructed to allow water to pass freely, not creating lot coverage within the buffer and minimizing the adverse effects on water quality.</li> <li>• The strict application of the Ordinance would produce an unwarranted hardship.</li> <li>• The house would have an existing set of sliding doors without an adequate secondary form of ingress and egress.</li> <li>• The literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.</li> <li>• Without the variance, the applicant would be deprived of a use of land or structure permitted to others in accordance with the provisions of the</li> </ul>	

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
		<p>Critical Area Program. Granted with the following condition:</p> <ul style="list-style-type: none"> <li>The applicant must submit a buffer mitigation plan acceptable to the Department of Planning, Housing, and Zoning that provides a mitigation at a 3:1 ratio to the area of the deck which shall be in addition to the 4:1 buffer mitigation plan submitted by the applicant in connection with the resolution of the Critical Area violation citation issued by the Department to the applicant.</li> </ul> <p>Mr. Massey seconded the motion; all were in favor.</p>	
<b>Adjourn</b>		At 7:27 PM, Dr. Townshend asked for motion; Ms. Horsey made a motion to adjourn the meeting, and Mr. Massey seconded the motion; all were in favor.	Unanimous Approval

*Albert S. Townshend, Dr.*

Dr. Albert Townshend, Chairman

*Tonya K. Thomas*

Tonya Thomas, Clerk