



County Commissioners Hearing Room

400 High Street
Chestertown, Maryland

AGENDA

Monday, March 13, 2023

5:00 p.m.

Members of the public are welcome to attend meetings in person or listen to the meeting via the audio-only phone number and conference identification number listed below.

1. Dial **1-872-239-8359**
2. Enter Conference ID: **364 093 902#**

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

MINUTES

February 27, 2023

APPLICATIONS FOR REVIEW:

23-07 Darrell and Carla Morgan – Variance – Critical Area Clearing
Map 27, Parcel 481 – Third Election District – Critical Area Residential (CAR)

23-09 Scott and Shari Smith – Variance – Side Yard Setback
26933 Mallard Road – Fourth Election District – Critical Area Residential (CAR)

GENERAL DISCUSSION

ADJOURN

APPLICANT OR REPRESENTATIVE MUST BE PRESENT

**APPLICANTS ARRIVING MORE THAN 10 MINUTES AFTER THE SCHEDULED HEARING WILL NOT BE HEARD
AND WILL BE RESCHEDULED AT THE APPLICANT'S EXPENSE.**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Board of Appeals meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.
Other business without assigned times may be discussed during the meeting.



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

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: February 27, 2023
 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>23-06 Raymond D’Esposito – Variance – Front Yard Setback</p> <p>The applicant is requesting a variance of 37.5 feet from the required 50-foot front yard setback to construct a 20-foot by 18-foot carport 12.5 feet from the front property line. The property is located at 28519 Spring Road, Kennedyville.</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> Raymond D’Esposito, 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>John Massey, Acting Chairman</p> <p>Joan Horsey, Member</p> <p>David Hill, Alternate Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Campbell Safian, Clerk</p>	<p>Ms. Horsey made a motion to approve the application of Raymond D’Esposito for a variance of 37.5 feet from the required 50-foot front yard setback to construct a 20-foot by 18-foot carport 12.5 feet from the front property line on 0.45 acres located on 28519 Spring Road in the second election district which is zoned Critical Area Residential (CAR). The approval is contingent upon the following conditions: Buffer enhancement to offset the increase in lot coverage is to be implemented within two growing seasons and is to be 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. Hill; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>

DRAFT

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>22-74 Phillip Gray – Buffer Variance</p> <p>The applicant is requesting a buffer variance to construct 448 square feet of exterior decking attached to their dwelling and 30 square feet of stairway to this deck. The entirety of the principal structure and the proposed decking are in the 100-foot buffer, and the proposed decking is to be on the waterward side. The property is located at 23550 Canvasback Road, 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> Phillip Gray, 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>John Massey, Acting Chairman</p> <p>Joan Horsey, Member</p> <p>David Hill, Alternate Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Campbell Safian, Clerk</p>	<p>Mr. Hill made a motion that the deck and buffer variance be approved at 23550 Canvasback Road in the third election district based on the 3:1 mitigation for the disturbance to bring the property into compliance with the Critical Area. 255 square feet is to be removed first before the deck is built and completed, and it shall be inspected first before the deck is built. 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 Ms. Horsey; the motion passed with all in favor.</p>	<p>Unanimous Approval</p>
<p>MINUTES: November 21, 2022</p>		<p>Ms. Horsey moved to approve the minutes. Mr. Hill seconded the motion; the motion passed with all in favor.</p>	<p>Approved</p>
<p>Adjourn</p>		<p>Ms. Horsey made a motion to adjourn the meeting, and Mr. Hill seconded the motion; the motion passed with all in favor. The meeting adjourned at 5:50 p.m.</p>	<p>Unanimous Approval</p>

John Massey, Acting Chairman

/s/ Campbell Safian
Campbell Safian, Planning Specialist

DRAFT



March 3, 2023

Dr. Al Townshend
Kent County Board of Appeals
400 High Street
Chestertown, MD 21620

RE: 23-07 Darrell and Carla Morgan – Variance (Critical Area Clearing)

Dear Dr. Townshend,

At its meeting on March 2, 2023, the Kent County Planning Commission reviewed the application of Darrell and Carla Morgan, requesting a variance to clear in excess of the 30% maximum allowance for clearing in the Critical Area. The proposed clearing of 12,845 square feet (69% of parcel area) is the minimum amount practicable to accommodate the proposed 1,320 square foot house and associated drive and to adhere to the stormwater and septic system requirements. The 0.42-acre property is located along Clarissa Road in the Chesapeake Landing Subdivision in the Third Election District and is zoned Critical Area Residential (CAR).

Following discussion, the Planning Commission voted to make a favorable recommendation for approval of a variance to allow up to 69% of the parcel to be cleared. The Planning Commission recommends the following conditions should the Board of Appeals grant approval:

- An approved Critical Area Forest Clearing plan to mitigate at a ratio of 3:1 for the area cleared. Fee in lieu of planting is acceptable.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

The decision was based on the following findings of fact:

- The variance is consistent with the Comprehensive Plan and the general intent of the Land Use Ordinance and will be in harmony with the general spirit and intent of the Critical Area Law and Kent County regulations.
- The practical difficulty is that the property is small in size and is entirely wooded, conditions that were not caused by the applicant. The proposed improvement is a reasonable use of the property.
- The granting of a variance will not cause a substantial detriment to adjacent or neighboring property, nor will it change the character of the neighborhood or district or adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
- Strict application of the Ordinance would produce an unwarranted hardship and would deprive the applicants the rights commonly enjoyed by other properties in similar areas.
- Without a variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the Critical Area program.

- The Critical Area Commission does not oppose the variance and has recommended that the Board of Appeals make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent County Land Use Ordinance and COMAR 27.01.12.04, both of which address whether the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law.

Sincerely,
Kent County Planning Commission

A handwritten signature in cursive script, appearing to read "Joe Hickman".

Joe Hickman
Chair

FJH/mc

cc: Darrell Morgan
Buck Nickerson, L.S., Extreme Measures, LLC

To: Kent County Board of Appeals
From: Mark Carper, Associate Planner
Meeting: March 13, 2023
Subject: Darrell and Carla Morgan
Variance – Critical Area Clearing

Executive Summary

REQUEST BY THE APPLICANT

Darrell and Carla Morgan are requesting a variance to clear in excess of the 30% maximum allowance for clearing in the Critical Area. The applicants propose to clear 12,845 square feet (69%) of an 18,691 square foot, fully wooded parcel to accommodate the installation of a detached single-family home, a driveway, and a septic system.

PUBLIC PROCESS

Per Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

SUMMARY OF THE STAFF REPORT

The 0.42-acre property is located along Clarissa Road in the Chesapeake Landing Subdivision in the Third Election District and is zoned Critical Area Residential (CAR). The parcel is fully wooded, and the minimum clearing required for the installation of a single-family dwelling with accompanying driveway and septic system exceeds the maximum allowable on a parcel in the Critical Area. The Critical Area Commission (CAC) has reviewed this application and does not oppose the variance if the Board of Appeals determines that the proposed clearing is the minimum necessary. Strict application of the Ordinance would produce an unwarranted hardship. Authorization of the variance will not be a substantial detriment to adjacent property, and the character of the district will not be changed.

STAFF RECOMMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the Critical Area forest clearing variance with the following conditions:

- An approved Critical Area Forest Clearing plan with mitigation at a ratio of 3:1 for the area cleared. Fee in lieu of planting is acceptable.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals
SUBJECT: #23-07 – Darrell and Carla Morgan
Variance – Critical Area Clearing
DATE: March 7, 2023

DESCRIPTION OF PROPOSAL

Darrell and Carla Morgan are requesting a variance to clear in excess of the 30% maximum allowance for clearing in the Critical Area. The applicants propose to clear 12,845 square feet (69%) of an 18,691 square foot, fully wooded parcel to accommodate the installation of a detached single-family home, a driveway, and a septic system. The 0.42-acre property is located along Clarissa Road in the Chesapeake Landing Subdivision in the Third Election District and is zoned Critical Area Residential (CAR).

The Kent County Health Department requires the establishment of a septic reserve area to accommodate an initial drain field and a replacement system. A nitrogen removal septic system will be installed. Stormwater management regulations require that a 10-foot-wide buffer strip be placed adjacent to the driveway, resulting in a 25-foot-wide lane that caused the SDA to be narrow and to extend deep into the lot. The proposed lot coverage of 2,785 square feet is below the maximum allowable limit of 5,841 square feet. The wooded area seems not to be old growth forest but rather the natural regeneration following the subdivision in 1962.

RELEVANT ISSUES

I. Development in the Critical Area

A. *Comprehensive Plan:*

Forest and Woodlands. “Goal: Conserve Existing Woodlands, Encourage Reforestation, and Promote Proper Forest Management Practices”.

Strategy: Retain and expand riparian forest and large forested areas through implementation of forest conservation regulation and education.

Strategy: Work cooperatively with Federal, State, and non-profit organizations to achieve to the habitat goals set forth in the Chesapeake Bay Critical Area and the current Chesapeake Bay agreement. (Pages 80,82)

Housing: “Goal: Provide a Wide Range of Housing Opportunities to Meet the Needs of Kent County Residents.” (Page 90)

B. *Applicable Law:* Article V, Section 5.5 of the Kent County Land Use Ordinance establishes established the bulk standards for the Critical Residential (CAR) zoning district.

Minimum lot size ½ acre

Article V, Section 5.7.B.4 of the Kent County Land Use Ordinance establishes specific environmental standards in the CAR zoning district with respect to forests.

a. ...

b. Forest shall be replaced on an acre by acre basis, but no more than 20% of any forest or developed woodlands shall be removed unless by prior agreement with the Planning Commission, the developer agrees to afforest on the following basis: a developer may clear or develop more forest than otherwise may be permitted if the total forest removed

is not increased by more than 50% of the area permitted to be disturbed provided that the afforested area consists of 1.5 times the total surface acreage of the disturbed forest or developed woodlands or both. ...

- c. Replacement trees shall be of a species similar to that which was removed or a species appropriate to the replanting site.
- d. Forest or developed woodlands that remain after development shall be maintained through recorded restrictive covenants, easements, or similar instruments.
- e. Sediment, erosion and grading permits shall be required before forest or developed woodlands are cleared. Forest cleared prior to obtaining permits or that exceeds the maximum area allowed shall be replanted at three times the acreage of the cleared forest.
- f. If the acreage of the site limits the application of reforestation requirements forest may be created on other lands in the Critical Area including County lands, or a fee in an amount determined by the Maryland Department of Natural Resources to be the equivalent to the value of the required forest may be paid to the County Commissioners of Kent County. These funds shall be placed in a dedicated fund used to ensure the restoration or establishment of an equivalent forest area, in the Critical Area or riparian areas.
- g. After development, the site shall be planted to provide a forest or developed woodlands cover of at least 20%

C. *Staff and TAC Comments:*

- The Comprehensive Plan advocates for the conservation of existing forests and encourages reforestation. The Comprehensive Plan also promotes a wide range of housing opportunities.
- At 0.42 acres, the parcel does not meet the minimum lot size requirement for this zoning district.
- The parcel is fully wooded, and the minimum clearing required for the installation of a single-family dwelling with accompanying driveway and septic system exceeds the maximum allowable on a parcel in the Critical Area.
- The proposed clearing of 12,845 square feet (69% of parcel area) is the minimum amount practicable to accommodate the proposed 1,320 square foot house and associated drive and to adhere to the stormwater and septic system requirements.

II. Variance

- A. *Applicable Law:* Article IX, Section 2.2, Variances of the Kent County *Land Use Ordinance* authorizes the Board of Appeals to grant variances ... so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

...

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.

In order to grant a *variance*, the Board of Appeals must find all of 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. That within the *Critical Area* for *variances* of 15% *slope, impervious surface, or buffer* requirements:
 - i. The granting of a *variance* will be in harmony with the general spirit and intent of the *Critical Area* Law and the *regulations* adopted by Kent County
 - ii. That the granting of a *variance* will not adversely affect water quality or adversely impact fish, wildlife, or *plant habitat*.
 - iii. That the application for a *variance* will be made in writing with a copy provided to the *Critical Area* Commission.
 - iv. That the strict application of the Ordinance would produce an *unwarranted hardship*.
 - v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - vi. The authorization of such *variance* will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the *variance*.
 - vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the *Critical Area* of Kent County.
 - viii. That the granting of a *variance* will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or *structures*.
 - ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or *structure*, a literal enforcement of this Ordinance would result in *unwarranted hardship* to the applicant.
 - x. The Board of Appeals finds that the applicant has satisfied each one of the *variance* provisions.
 - xi. Without the *variance*, the applicant would be deprived of a use of land or a *structure* permitted to others in accordance with the provisions of the critical area program.
- g. In considering an application for a *variance*, the Board 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 Board of Appeals 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 Board 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:*

- The applicant's property is within a residentially zoned district populated by single-family developments. The granting of a variance will not cause a substantial detriment to adjacent or neighboring property, nor will change the character of the neighborhood or district.
- The variance is consistent with the Comprehensive Plan and the general intent of the Land Use Ordinance.
- The practical difficulty is that the property is small in size and is entirely wooded, conditions that were not caused by the applicant.
- Mitigation at a rate of 3:1 is required for the proposed clearing, increasing the net forest area.

The granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and Kent County regulations.

- The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
- Strict application of the Ordinance would produce an unwarranted hardship that is not generally shared by other properties in the same zoning district and in the same vicinity.
- A literal interpretation of this Ordinance would deprive the applicants the rights commonly enjoyed by other properties in similar areas.
- Without a variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the Critical Area program. The Critical Area Commission has reviewed the application and is not opposed to a variance.
- The proposed improvement is a reasonable use of the property.
- The Critical Area Commission has recommended that the Board of Appeals make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent County Land Use Ordinance and COMAR 27.01.12.04, both of which address whether the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law. As the property is zoned for residential use and the required 3:1 mitigation for clearing will increase the net forest area, Staff has determined that the proposed activity conforms with the general purpose and intent of the Ordinance and Critical Area Law.

STAFF RECOMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of the Critical Area forest clearing variance to clear 12,845 square feet (69%) of an 18,691 square foot, fully wooded parcel to accommodate the installation of a detached single-family home, a driveway, and a septic system. Staff further recommends the following:

- An approved Critical Area Forest Clearing plan to mitigate at a ratio of 3:1 to the area cleared. Fee in lieu of planting is acceptable.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

Wes Moore
Governor

Aruna Miller
Lt. Governor



Charles C. Deegan
Chairman

Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

February 14, 2023

Mr. Mark Carper
Department of Planning, Housing and Zoning
Kent County
400 High Street
Chestertown, Maryland 21620

Re: Darrell and Carla Morgan – Clearing Variance – #23-07

Dear Mr. Carper:

Thank you for submitting information regarding the project referenced above for review and comment. The applicant requests a Clearing variance in order to construct a residential dwelling, a driveway, and a septic system on a fully wooded vacant lot, located along Clarissa Road in the Chesapeake Landing Subdivision in the Third Election District, Tax Map 27, Parcel 481, Lots 225 and 226. The subject property is 0.43 acres in size, located on lands zoned Critical Area Residential and designated as Limited Development Area (LDA). The applicant proposes to clear 12,845 square feet (69%) of the fully wooded lot to accommodate the residential structure and its amenities. The proposed total lot coverage is 2,785 square feet (15%). The allowable lot coverage is 5,481 square feet or 31.25%.

Based on the information provided, if the Board of Appeals determines that the proposed clearing is the minimum necessary, then we do not oppose this Clearing variance request. Mitigation at a 3:1 ratio is required for the proposed clearing as per §2.7.B.4 of the Kent County Land Use Article and COMAR 27.01.04.C(3) and (4). In addition, when deciding the proposed Clearing variance request, the Board of Appeals shall make its decision based upon the variance findings set forth in Article IX, §2.2.3h of the Kent Land Use Ordinance and COMAR 27.01.12.04.

Thank you for the opportunity to review and provide comments. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission of the decision made in this case. If you have any questions, please feel free to contact me at 410-260-3481 or tay.harris@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Tay E. Harris".

Tay E. Harris
Natural Resources Planner
KC 52-23

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

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

Darrell & Carla Morgan

3662 Goldsboro Road

Henderson, MD 21640

Email: drmorgan4444@gmail.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article _____ Section _____
of the Kent County Zoning Ordinance, as amended, request is hereby made for:

_____ Appealing Decision of Kent County Zoning Administrator _____ Variance
_____ Special Exception _____ Non-conforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) Clarissa Road
In the 3 Election District of Kent County.

Size of lot or parcel of Land: 18,691ft²
Map: 27 Parcel: 481 Lot #: 225 & 226 Deed Ref: S.L.K. 1286/168

List buildings already on property: Property is vacant

If subdivision, indicate lot and block number: Chesapeake Landing, Buck Neck Map No 2,

If there is a homeowners association, give name and address of association: _____
Chesapeake Landing Community Association 23179 Buck Neck Road, Chestertown, MD 21620

PRESENT ZONING OF PROPERTY: CAR - Critical Area Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires
the Appeal Hearing.) Requesting relief of the 30% limit of clearing for this lot

If appealing decision of Zoning Administrator, list date of their decision: _____

Present owner(s) of property: Darrell Morgan Telephone: 443-480-9491

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: _____

For Office Use Only:
Case Number/Date Filed: _____
Filed by: _____
Applicant: _____
Planning Commission: _____
Date of Hearing: _____
Parties Notified: _____
Notice in Paper: _____
Property Posted: _____

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: Joseph Geng, 7749 Watson Street, Philadelphia, PA 19111

Owner(s) on the South: William F. & Geraldine E. Pauls PO Box 157, Chestertown, MD 21620

Owner(s) to the East: Joseph Geng, 7749 Watson Street, Philadelphia, PA 19111

Owner(s) to the West: Barbara A. O'Neal, 100 Chesapeake Estates Drive, Stevensville, MD 21666

Homeowners Association, name and address, if applicable: _____

Chesapeake Landing Community Association 23179 Buck Neck Road, Chestertown, MD 21620

BY SIGNING THIS APPLICATION I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.


Signature of Owner/Applicant/Agent or Attorney

1/19/2023
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the Board of Appeals. If you have any questions, contact Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals or the Planning Office is required to make out this Application. Application should be filled in by applicant or its agent. If the Planning Office 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.



January 18, 2023

Property Owner: Darrell & Carla Morgan
3662 Goldsboro Road
Henderson, MD 21640
drmorgan4444@gmail.com

Subject Property: Chesapeake Landing, Tax Map 27, Parcel 481. Lots 225 & 226, Buck Neck Section, Map No 2

Size of Property: 18,691ft² (0.429acres)
Lot Coverage allowed (31.25%) = 5,841ft²
Tree Clearing allowed (30%) = 5,607ft²
Lot Coverage Proposed = 2,785ft² (15%)
Tree Clearing Proposed = 12,845ft² (69%)

The site is currently zoned – Critical Area Residential with an LDA (Limited Development Area) designation.

Minimum Setbacks: Front Yard – 50’, Side Yard - 15’ and Rear Yard - 30’

This site is in the Critical Area and not in the Floodplain. There are no wetlands on the site but there are wetlands on the adjacent property, according to DNR wetlands map (attached). Wetland buffers do not affect this site.

Current Use – Vacant / Wooded
Proposed Use – Residential

The property adjoins the residence of Joseph Geng to the north and East, a vacant lot belonging to Barbara A. O’Neal to the west and the residence of William & Geraldine Pauls to the south.

Background: These lots were created on 8/14/1962, as part of the Chesapeake Landing subdivision. The 1972 wetlands map (attached) does not show any trees on this site. Previously, the 30% lot clearing restriction in the Critical Area only counted the area to be cleared for the house and driveway and did not count the area to be cleared for the installation of the septic

system. The Critical Area Commission recently determined the entire area of clearing must be counted.

Mr. & Mrs. Morgan would like to build a 1,320ft² house with a 10' wide x 143.5' long gravel driveway.

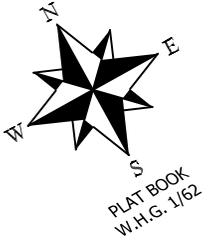
Existing Conditions: While I am not qualified to perform a Forest Stand Delineation, I can confidently say that this area is not Old Growth Virgin timber. The lot is mostly covered in 6"-8" diameter gum and maple trees. The largest tree within the proposed Limits of Disturbance is a 24" maple tree which is dead.

Restrictions: The Health Dept requires that a reserve area be established to accommodate the installation of an initial drainfield system and one replacement system, in this case 7,500ft² Sewerage Disposal Area (SDA). The SDA must be 5' from the property lines and the proposed driveway. Septic tanks are not allowed in the SDA and the well must be a minimum of 50' from the SDA. We have worked with the Health Dept to develop a drainfield layout (attached). State law also requires the installation of a nitrogen removal septic system (BAT) for new development within the Critical Area, which requires an additional septic tank.

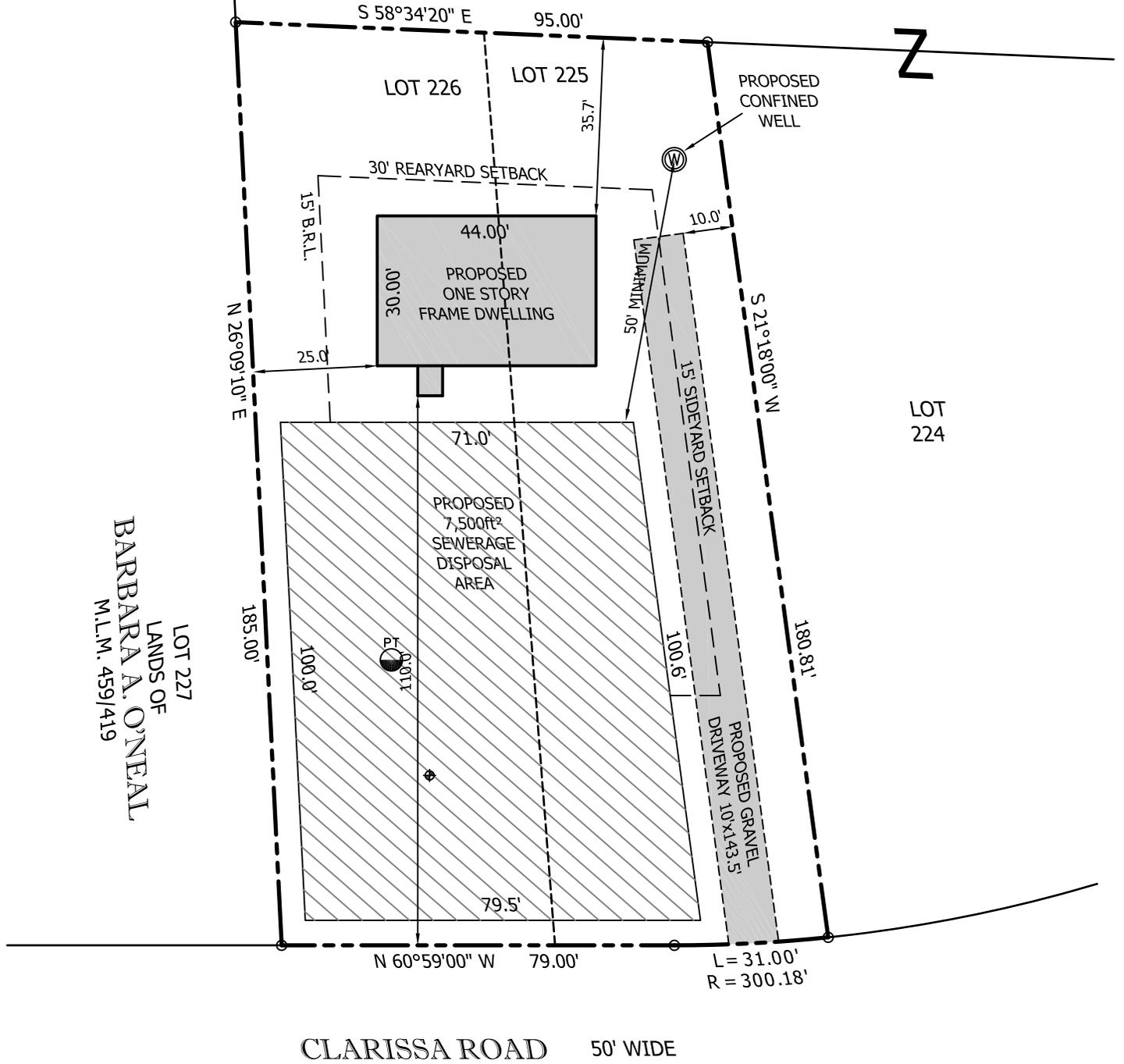
Stormwater Management regulations require that a 10' wide buffer strip (non-rooftop disconnect) be placed adjacent to the driveway. This 25' wide allowance for the driveway causes the SDA to be narrow and extend deep into the lot which pushes the proposed house to the rear of the property.

Every effort has been made to minimize disturbance and clearing. We have allowed 15' from the perimeter of the house and 5' from the driveway for construction activities and to create positive drainage (5,607ft²). Accommodations have kept to a minimum to allow room for a well drilling rig to set up and work and for the large crane truck to deliver and set the required concrete septic tanks. The area of clearing for the installation of the drainfields has also been squeezed as much as possible. 7,238ft² of clearing will be needed for the septic system.

This project should not adversely impact traffic patterns within Chesapeake Landing. This project should not adversely impact any community facilities or services. The nearest public meeting place is Mt. Pisgah Church (Melitota), 0.9 miles away. Kent County High School is 4 miles away.



LOT 286
LANDS OF
JOSEPH GENG
E.H.P. 34/334



LOT 227
LANDS OF
BARBARA A. O'NEAL
M.L.M. 459/419

NOTES:
OWNER: CARLA A. MORGAN et al.
DEED REFERENCE: S.L.K. 1286/168
PLAT BOOK: W.H.G. 1/62
PREMISES ADDRESS: CLARISSA RD
CHESTERTOWN, MD. 21620
CURRENT SITE ZONING: CAR

LOT AREA = 18,691ft²
LOT COVERAGE ALLOWED (31.25%) = 5,841ft²
PROPOSED LOT COVERAGE = 2,785ft²
LOT CLEARING ALLOWED (30%) = 5,607ft²
TOTAL LIMITS OF DISTURBANCE/CLEARING = 12,845ft² (69%)
CLEARING/LOD FOR HOUSE/DRIVEWAY = 5,607ft²
CLEARING/LOD FOR SEPTIC = 7,238ft²
SITE IS IN THE CRITICAL AREA



GRAPHIC SCALE

SITE PLAN
OF LOTS 225 & 226, BUCK NECK MAP 2
CHESAPEAKE LANDING
THIRD ELECTION DISTRICT, KENT COUNTY
MARYLAND
MAP 27 PARCEL 481

EXTREME
MEASURES
LAND SURVEYORS

Chestertown, MD 21620 PHONE 410-778-0147
www.extrememeasuresllc.com

SCALE 1"=30'
DRAWN BY RAN
DATE 11/14/22
JOB NO. 1524



ESD to the MEP Calculations

LOD - 12,845ft² (0.295ac±)
 Existing Impervious within LOD - 0ft²
 Proposed Impervious within LOD - 2,785ft² or .064ac± (22%)

Soil Types: 100% HSG C

$R_v = .05 + .009(I) = .05 + .009(22) = .248$

Target $P_e = 1.0$ " (Standard Plan)

$S = 0.13$

TARGET
 $ESD_v \text{ REQUIRED} = \frac{(P_e)(R_v)(A)}{12} = \frac{(1.0)(.248)(12,845\text{sq.ft.})}{12} = 265\text{cu.ft.}$

$WQ_v \text{ REQUIRED} = \frac{(P)(R_v)(A)}{12} = \frac{(1.0)(.248)(12,845\text{sq.ft.})}{12} = 265\text{cu.ft.}$

$RE_v \text{ REQUIRED} = \frac{(S)(R_v)(A)}{12} = \frac{(.13)(.248)(12,845\text{sq.ft.})}{12} = 35\text{cu.ft.}$

$ESD_v \text{ TREATED BY NONROOFTOP DISCONNECT} = \frac{(P_e)(R_v)(A)}{12} = \frac{(1.0)(.95)(1,435\text{sq.ft.})}{12} = 114\text{cu.ft.}$

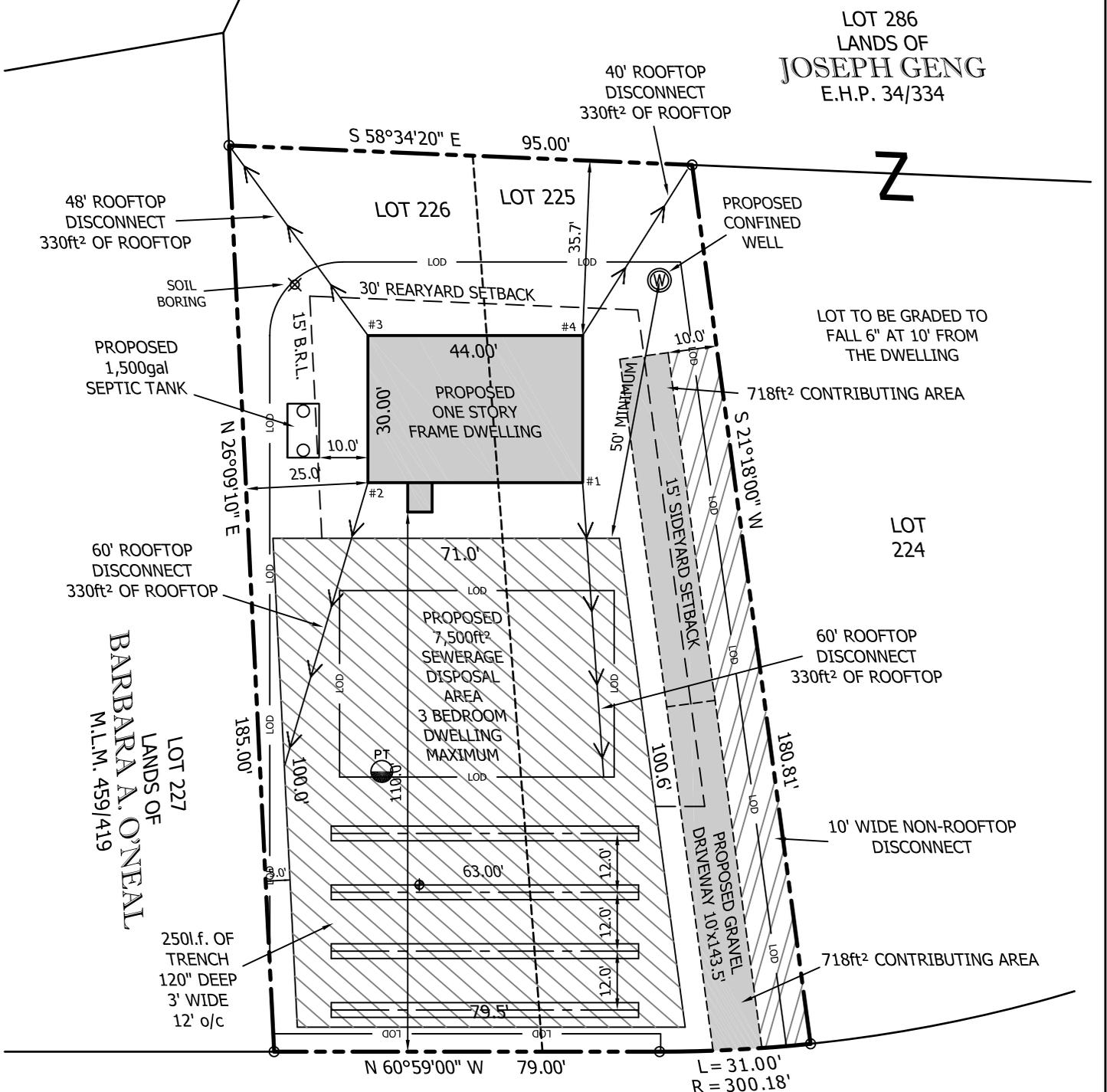
$ESD_v \text{ TREATED BY ROOFTOP DISCONNECT \#1} = \frac{(P_e)(R_v)(A)}{12} = \frac{(1.0)(.95)(330\text{sq.ft.})}{12} = 26\text{cu.ft.}$

$ESD_v \text{ TREATED BY ROOFTOP DISCONNECT \#2} = \frac{(P_e)(R_v)(A)}{12} = \frac{(1.0)(.95)(330\text{sq.ft.})}{12} = 26\text{cu.ft.}$

$ESD_v \text{ TREATED BY ROOFTOP DISCONNECT \#3} = \frac{(P_e)(R_v)(A)}{12} = \frac{(0.8)(.95)(330\text{sq.ft.})}{12} = 21\text{cu.ft.}$

$ESD_v \text{ TREATED BY ROOFTOP DISCONNECT \#4} = \frac{(P_e)(R_v)(A)}{12} = \frac{(.66)(.95)(330\text{sq.ft.})}{12} = 17\text{cu.ft.}$

TOTAL P_e TREATED = 204cu.ft.
 TOTAL P_e REMAINING = 61cu.ft.
 TOTAL P_e REMAINING = 456gal. / 50 = 10 RAIN BARRELS



LOT 286
 LANDS OF
JOSEPH GENG
 E.H.P. 34/334

LOT 227
 LANDS OF
BARBARA A. O'NEAL
 M.L.M. 459/419

CLARISSA ROAD 50' WIDE

NOTES:
 OWNER: CARLA A. MORGAN et al.
 DEED REFERENCE: S.L.K. 1286/168
 PLAT BOOK: W.H.G. 1/62
 PREMISES ADDRESS: CLARISSA RD
 CHESTERTOWN, MD. 21620
 CURRENT SITE ZONING: CAR

LOT AREA = 18,691ft²
 LOT COVERAGE ALLOWED (31.25%) = 5,841ft²
 PROPOSED LOT COVERAGE = 2,785ft²
 TOTAL LIMITS OF DISTURBANCE/CLEARING = 12,845ft² (69%)
 CLEARING/LOD FOR HOUSE/DRIVEWAY = 5,607ft²
 CLEARING/LOD FOR SEPTIC = 7,238ft²
 SITE IS IN THE CRITICAL AREA
 SOIL TYPE = EM - ELKTON SILT LOAM (HYD GROUP C/D)



GRAPHIC SCALE

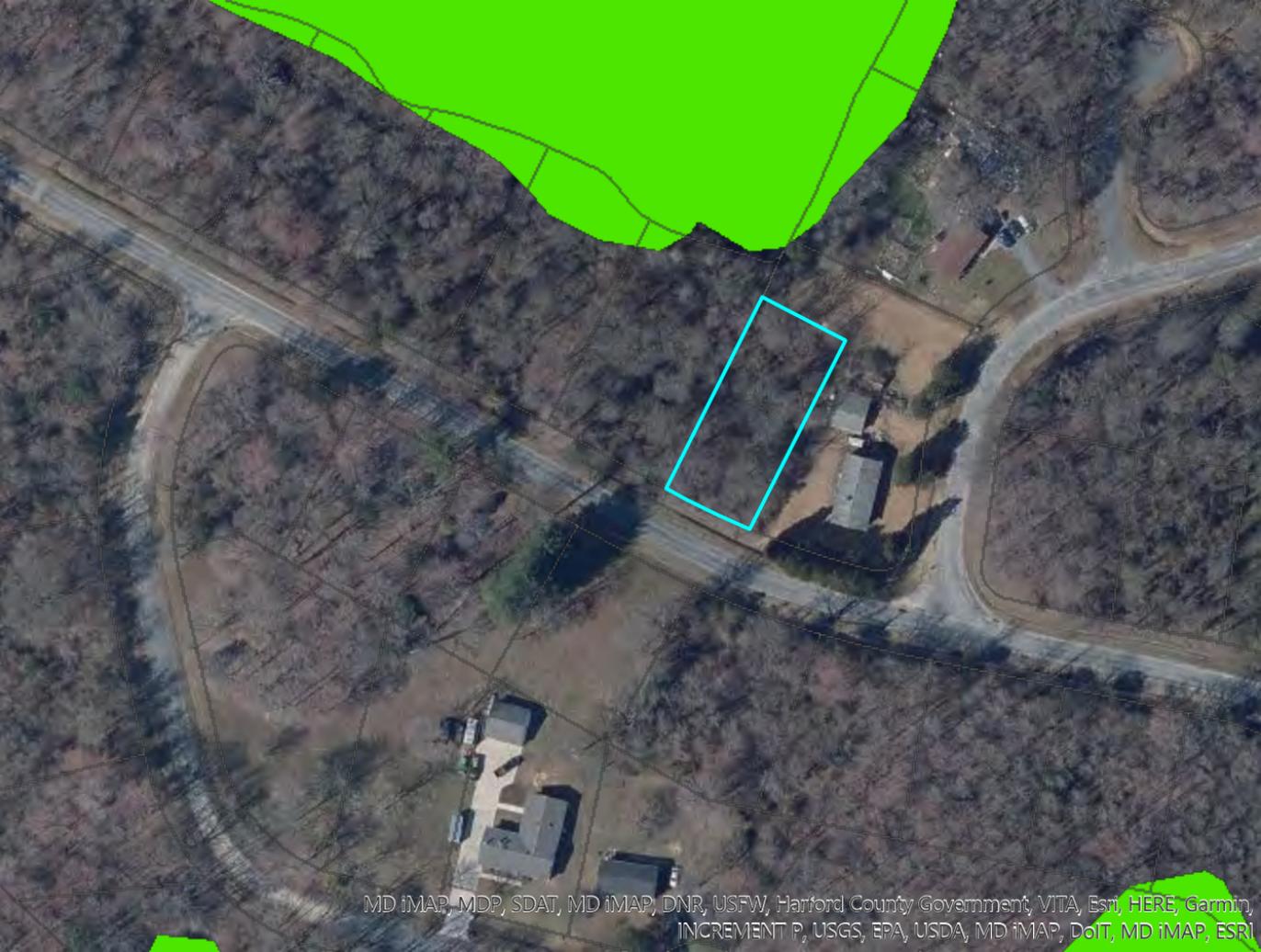
STORMWATER MANAGEMENT PLAN
OF LOTS 225 & 226, BUCK NECK MAP 2
CHESAPEAKE LANDING
THIRD ELECTION DISTRICT, KENT COUNTY
MARYLAND
MAP 27 PARCEL 481

EXTREME MEASURES
 LAND SURVEYORS

Chestertown, MD 21620 PHONE 410-778-0147
 www.extrememeasuresllc.com

SCALE 1"=30'
DRAWN BY RAN
DATE 11/14/22
JOB NO. 1524









Planning Commission
Department of Planning, Housing, and Zoning

March 6, 2023

Dr. Al Townshend
Kent County Board of Appeals
400 High Street
Chestertown, MD 21620

RE: Scott and Shari Smith–Setback Variance

Dear Dr. Townshend:

At its meeting on March 2, 2023, the Kent County Planning Commission reviewed the application of Mr. and Mrs. Smith who are requesting a side yard setback variance to construct a small residential addition. The addition would connect the garage to the dwelling which would place the entire primary structure three feet from the side lot line. The 0.63-acre property is located on Mallard Road in the neighborhood of Chesmar. This area is a designated Buffer Modified Area located on the Chester River in the Fourth Election District and is zoned Critical Area Residential (CAR).

Following discussion, the Planning Commission voted to make a favorable recommendation to the Board of Appeals for the side yard setback variance of twelve feet recommending the following condition: no further encroachment shall occur within the side yard setback beyond the proposed addition over the existing concrete pad.

The Commission based its decision on the following findings:

- The variance will not cause a substantial detriment to neighboring properties, nor will it change the character of the neighborhood.
- The granting of the variance will not confer upon the applicant privileges uncommon to the area as both attached and detached garages are common to the neighborhood.
- The proposal is consistent with the spirit and intent of the Land Use Ordinance.
- The Comprehensive Plan encourages future development, redevelopment, and infill to be completed in an environmentally and context-sensitive manner.
- The presence of the Critical Area Buffer in the front yard and the location of the septic system in the rear yard prevent relocation of an attached garage; therefore, these conditions represent an unusual condition of the property.
- The proposal represents reasonable use of the property as similarly sized dwellings with similar setbacks are common to the neighborhood.
- The property owners were granted a variance for this same request in 2012.

Sincerely,
Kent County Planning Commission


Joe Hickman
Chair

FJH/mc

cc: Scott and Shari Smith
Bill Crowding, Surveyor



To: Kent County Board of Appeals
From: Carla Gerber, Deputy Director
Meeting: March 13, 2023
Subject: Scott and Shari Smith
#23-09 – Variance – Side Yard Setback

Executive Summary

Request by Applicant

Scott and Shari Smith are requesting a side yard setback variance to construct an addition which would connect an existing detached garage to an existing dwelling.

Public Process

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

Summary of Staff Report

The property is located at 26933 Mallard Road in the Chesmar neighborhood and is zoned Critical Area Residential. The owners were granted a variance for this same request in 2012 but were unable to construct the addition at that time. The owners have since worked with an architect to design a full renovation of the house and garage and are ready to move forward with the project. The requested 12-foot side setback variance will not change the character of the neighborhood or be a detriment to adjacent properties. A practical difficulty exists due to the location of the septic system and the 100-foot Buffer.

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals with a proposed condition the no further encroachment shall occur within the side yard setback beyond the proposed addition over the concrete slab.

PRELIMINARY STAFF REPORT

TO: Kent County Board of Appeals
SUBJECT: Scott and Shari Smith
#23-09 – Variance – Side Yard Setback
DATE: March 7, 2023

Description of Proposal

Mr. and Mrs. Smith are requesting a setback variance to construct a residential addition over an existing concrete patio as part of major renovations to the garage and house. The addition would connect the existing dwelling to the existing detached garage. The existing garage currently conforms to side and rear yard setback requirements for an accessory structure. Connecting the garage to the dwelling creates a nonconformance to the side yard setback requirement in that the primary structure would now be 3 feet from the side lot line.

The current dwelling and accessory buildings are located outside of the 100-foot Critical Area Buffer. The applicants' proposal meets the lot coverage requirement for a parcel of its size. The limit is 5,445 square feet. According to a recent survey, the existing lot coverage is 5,550 square feet; and following the proposed renovations, the lot coverage will be 5,331 square feet, which complies with current law.

The 0.623-acre property is located at 26933 Mallard Road in the Chesmar neighborhood. This area is a designated Buffer Modified Area located on the Chester River in the Fourth Election District and is zoned "CAR" Critical Area Residential. The surrounding area is zoned CAR and is characterized by a mixture of one- and two-story homes on varying-sized lots.

History

The owners were granted a variance for this same request in 2012 but were unable to construct the addition at that time. The owners have since worked with an architect to design a full renovation of the house and garage and are ready to move forward with the project.

Relevant Issues

- I. Density, Height, Width, Bulk, and Fence Requirements
 - A. Comprehensive Plan: “Insure that all new development or redevelopment meets high standards for planning, workmanship, and design.” (Page 31)
 - B. 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 Yard

Front	50 feet
Side	15 feet
Rear	30 feet
Waterfront	Minimum 100-foot buffer or modified buffer

Minimum Lot Size – ½ acre
Minimum Lot Width – 75 feet

- C. Staff and TAC Comments: A side yard setback variance of 12 feet is required in order to construct the residential addition which will connect the detached garage to the existing dwelling.

II. Variance

- A. Applicable Law: Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), ... so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this 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 Board of Appeals 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.
- ...
- g. In considering an application for a variance, the Board 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 Board of Appeals 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 Board 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: The proposed addition creates a nonconforming structure which requires a side yard setback variance. The existing garage currently conforms to side and rear yard setback requirements for an accessory structure. The existing dwelling also conforms with all required setbacks. The granting of the variance should not cause a substantial detriment to neighboring properties as the massing of this addition will not obstruct existing view sheds. The proposal will not change the character of the neighborhood. Both attached and detached garages, as well as other accessory buildings located within the rear yard (roadside) are common to the neighborhood. The Comprehensive Plan encourages contextual sensitivity.

This parcel is neither unusual in size nor shape; however, the location of the septic system in the rear yard and the 100-foot buffer in the front yard limit available space for relocation of the garage. The applicants are planning extensive renovations to the house and garage, and staff has

requested documentation that the existing structures are sound enough for the proposed renovations. If the garage needs to be demolished and rebuilt, then a 3-foot setback may not be appropriate.

Staff Recommendation

Staff recommends forwarding a favorable recommendation to the Board of Appeals with a proposed condition the no further encroachment shall occur within the side yard setback beyond the proposed addition over the concrete slab.

BOARD OF APPEALS 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)

Scott O. Smith and Shari Crew Smith

120 Jimstown Circle

Chestertown, Maryland 21620

Email:

For Office Use Only:

Case Number/Date Filed:

Filed by:

Applicant:

Planning Commission:

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: crowdingbill@gmail.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 5.5

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator x Variance
Special Exception Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 26933 Mallard Road

In the Fourth Election District of Kent County.

Size of lot or parcel of Land: 0.623 Acres

Map: 38 Parcel: 58 Lot #: Lot 2, Plat No.1 Deed Ref: M.L.M. 696/390

List buildings already on property: One Story Brick Single Family Dwelling, Detached Frame Garage, Metal Storage Building

If subdivision, indicate lot and block number: Lot No. 2, Plat No.1, Chesmar

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: C.A.R. (Critical Area Residential)

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Variance of 12 feet from the side yard requirement 15 feet to three feet in order to connect the existing detached garage to the existing single family dwelling

If appealing decision of Zoning Administrator, list date of their decision:

Present owner(s) of property: Scott O. Smith and Shari Crew Smith Telephone: 410-708-3776

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

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

If so, please give Application Number and Date: Case No. 12-11 March 19, 2012

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: Mallard Road

Owner(s) on the South: Chester River

Owner(s) to the East: David R. Baldwin

Owner(s) to the West: Emmett Roy Duke, III and Diane McDanolds Duke

Homeowners Association, name and address, if applicable: _____

BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.

Shari G. Smith
Signature of Owner/Applicant/Agent or Attorney

1/20/23
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it 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.

SCOTT O. SMITH and SHARI CREW SMITH

HUSBAND and WIFE
26933 MALLARD ROAD
CHESTERTOWN, MARYLAND 21620

BACKGROUND:

Shari Crew Smith inherited this property from her father in 2010. At that time the property had set vacant for a number of years. The existing single family dwelling had fallen into disrepair and has remained unoccupied since the time of Mrs. Smith's inheritance. There presently is a concrete slab between the dwelling and the detached garage which allows moisture to buildup in the dwellings crawlspace causing mold growth. In 2012 Mrs. Smith and her husband applied for and were granted a variance of 12 feet from the side yard setback requirement of 15 feet to 3 feet in order to connect the garage to the single family dwelling. In August of 2012 prior to commencing with the proposed renovations Mrs. Smith and her husband had the required Best Available Technology Onsite Disposal Septic System installed. However they were unable to proceed with renovation of the dwelling because of circumstances beyond their control. Mrs. Smith and her husband are now in a position to renovate the existing dwelling; they have contracted with an Architect and decided on design. The new design will still require a variance of 12 feet from the side yard setback requirement of 15 feet to 3 feet in order to connect the existing detached garage to the single family dwelling.

SCOTT O. SMITH and SHARI CREW SMITH

HUS BAND and WIFE
26933 MALLARD ROAD
CHESTERTOWN, MARYLAND 21620

FINDINGS OF FACT:

- a.** This variance will not cause any detriment to adjacent neighboring properties. The resulting dwelling will not be located any closer the boundary line than the existing the existing detached garage. The appearance of the neighborhood will be enhance by allowing existing dwelling to be attached to the garage and renovated. The neighborhood predominantly consists of older single family dwelling units which are all very well maintained.
- b.** This variance will be in harmony the character of the neighborhood and district. The proposed dwelling side yard setbacks will be consistent with other dwellings in the neighborhood.
- c.** This variance is consistent with the comprehensive plan as this rehabilitates a substandard structure with a structurally-sound dwelling. This dwelling will be more energy efficient, visually pleasing, and will add to the value of the tax base. A new nitrogen removal septic system has been installed which theoretically reduces the amount of pollutants entering into the Chesapeake Bay and its tributaries.
- d.** The practical difficulty is caused by the location of the detached garage and existing dwelling. All of the unimproved area to the road side of the existing dwelling is being used as the required Septic Reserve Area.
- e.** The practical difficulty existed prior to Mrs. And Mr. Smith acquiring the property. The dwelling existed years before the current zoning ordinance which has established the required 15 foot side yard setbacks.
- f.** A buffer variance is not required because this property lies in a "Modified Buffer Area" and the proposed construction will not extend into the 100 foot further

SCOTT O. SMITH & SHARI CREW SMITH

HUSBAND & WIFE
26933 MALLARD ROAD
CHESTERTOWN, MARYLAND

TAX MAP 38, PARCEL 58

LOT 2, PLAT No. 1, CHESMAR

AREA = 0.623 ACRES ± OR 27,149 SQUARE FEET±

AREA OF EXISTING COVERAGE

DWELLINGS & OVERHANGS =	2,054 SQUARE FEET
BRICK STEPS=	46 SQUARE FEET
CONCRETE PATIO =	157 SQUARE FEET
FRAME GARAGE & OVERHANGS=	658 SQUARE FEET
ASPHALT DRIVE=	2,240 SQUARE FEET
METAL SHED=	115 SQUARE FEET
CONCRETE PADS=	280 SQUARE FEET
<u>TOTAL COVERAGE =</u>	<u>5,550 SQUARE FEET</u>

AREA OF EXISTING COVERAGE TO BE REMOVED

BRICK STEPS=	46 SQUARE FEET
CONCRETE PATIO =	157 SQUARE FEET
ASPHALT DRIVE=	1,024 SQUARE FEET
METAL SHED=	115 SQUARE FEET
CONCRETE PADS=	64 SQUARE FEET
<u>TOTAL COVERAGE TO BE REMOVED=</u>	<u>1,406 SQUARE FEET</u>

RESULTING COVERAGE

DWELLINGS & OVERHANGS =	2,277 SQUARE FEET
*FRAME GARAGE & OVERHANGS=	658 SQUARE FEET
PORCH & OVERHANGS=	608 SQUARE FEET
BRICK STEPS=	36 SQUARE FEET
BRICK WALK=	320 SQUARE FEET
ASPHALT DRIVE=	1,216 SQUARE FEET
CONCRETE PAD=	216 SQUARE FEET
<u>TOTAL RESULTING COVERAGE=</u>	<u>5,331 SQUARE FEET</u>

*NOTE: DETACHED FRAME GARAGE IS NOW AN ATTACHED GARAGE



SOUTH & MAIN DESIGNS

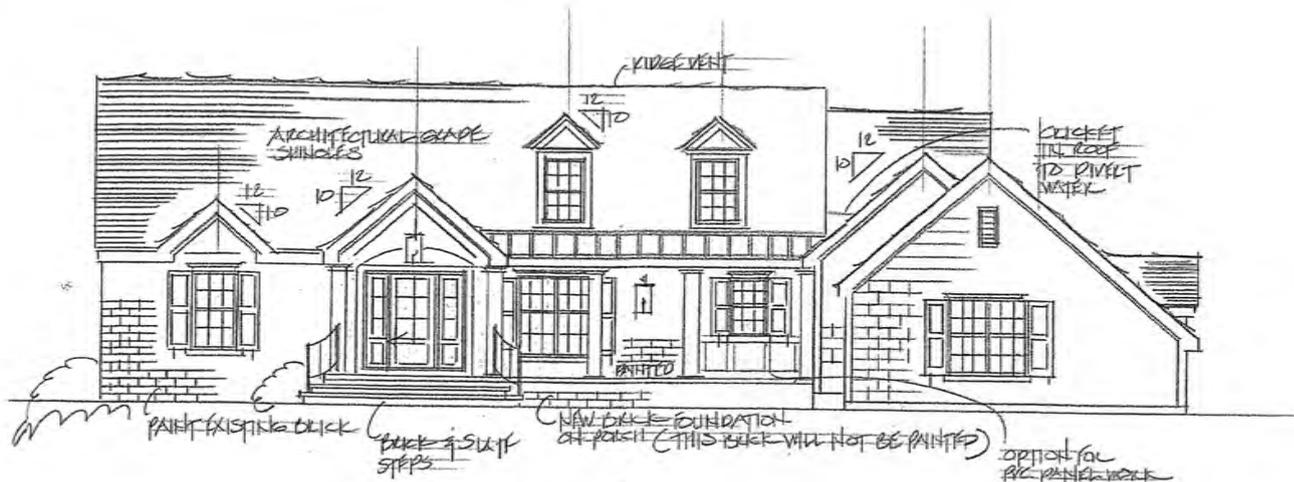
South & Main Designs was employed by Scott Smith and his wife Shari Crew Smith to design plans for a remodel to an existing residence located at 26933 Mallard Road Chestertown, Kent County, Maryland. When employing South & Main Designs the Smith's requested that the existing footprint be retained and as much of the existing structure as possible be utilized in the remodel.

As the existing residence sits in the Critical areas, we determined that the home should be remodeled as is, without a complete demo, although the new design does require that the structure be renovated to meet current BOCA building code requirements and additional structural components will have to be applied to reinforce the existing structure to meet the needs of the re-design.

An initial, visual inspection of the foundation and structure revealed that it appeared to be suitable to proceed with the renovation as is. However, once construction begins and the entire framework of the existing residence and foundation are exposed, it will be up to the licensed contractor completing the renovation to determine what, if any, demolition, or structural additions need to be made to the home and foundation in order to bring them up to current building code standards.

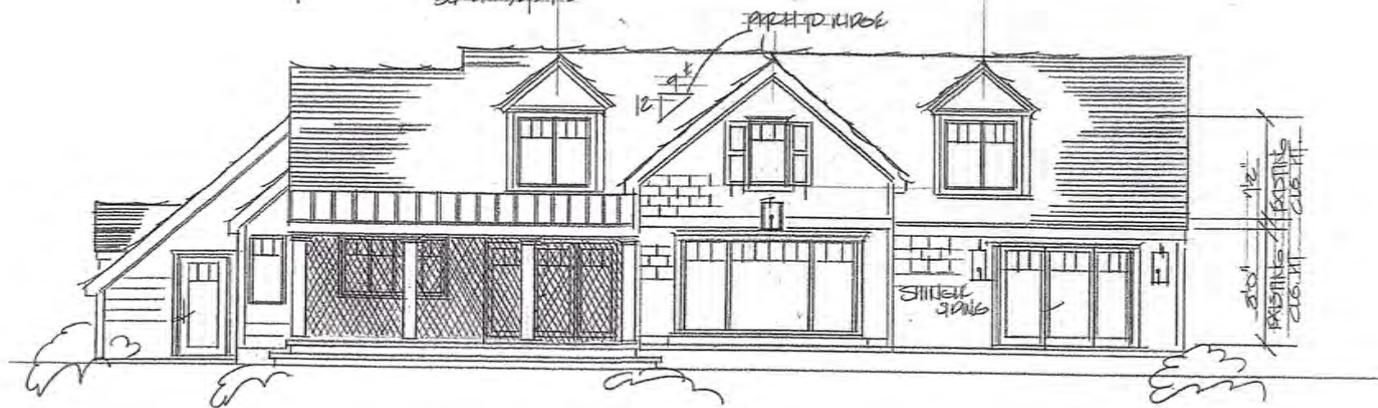
Tammy Brice
South & Main Designs
1-410-778-4320 Office
1-410-708-8198 Cell

P.O. Box 217
CHESTERTOWN, MD 21620
1-410-778-4320



Remodeled Front Elevation (Street Elevation)

SCALE: 1/4" = 1'-0"



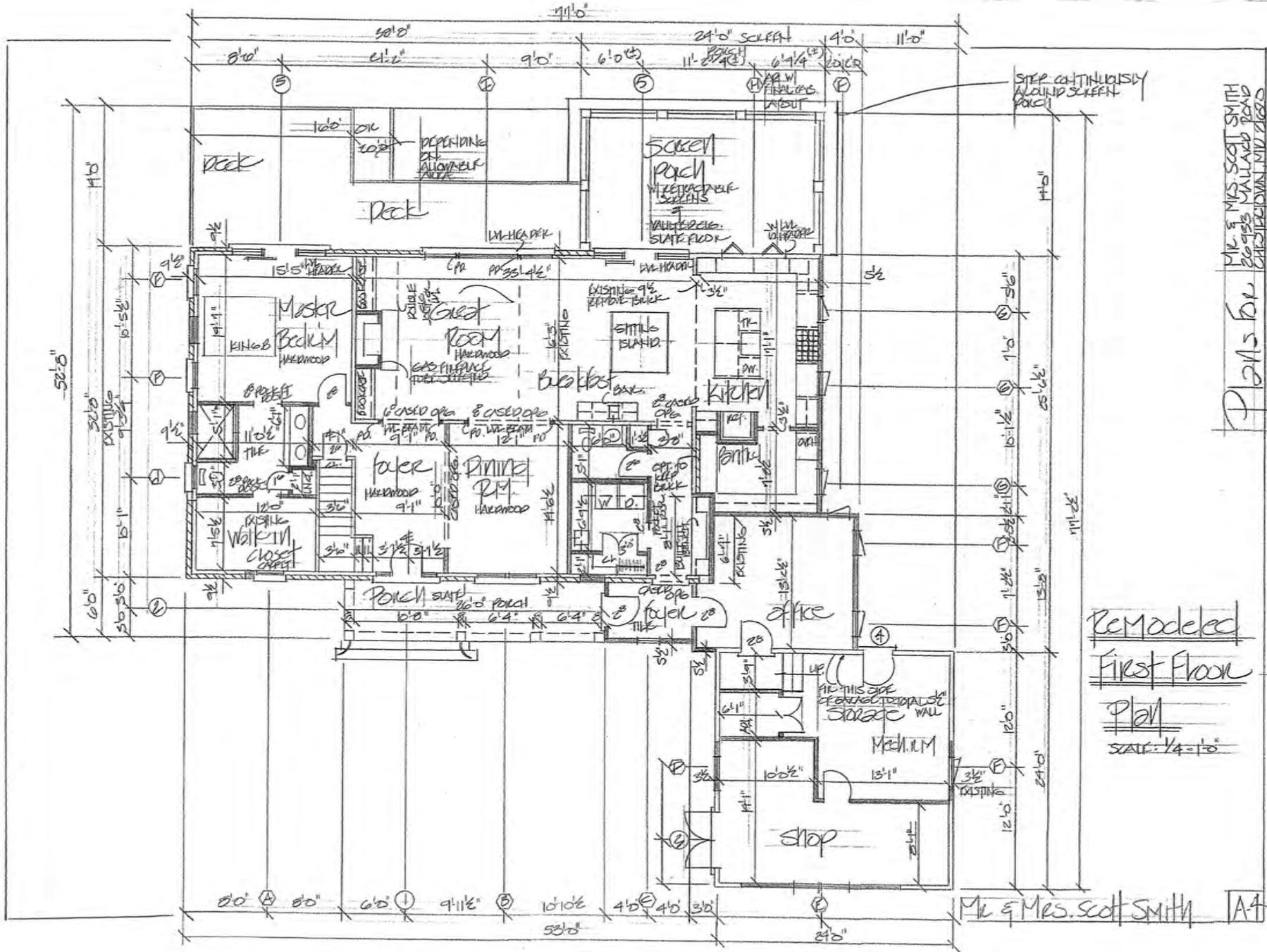
Remodeled Rear Elevation (Water Side Elevation)

Plan for Mr. & Mrs. Scott Smith
2035 Highland Road
Christytown, MD 21026

South & Mail Designs Inc.

P.O. Box 211 Christytown, MD 21026
410-718-4025

Mr. & Mrs. Scott Smith AI



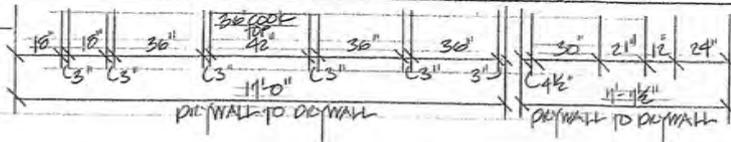
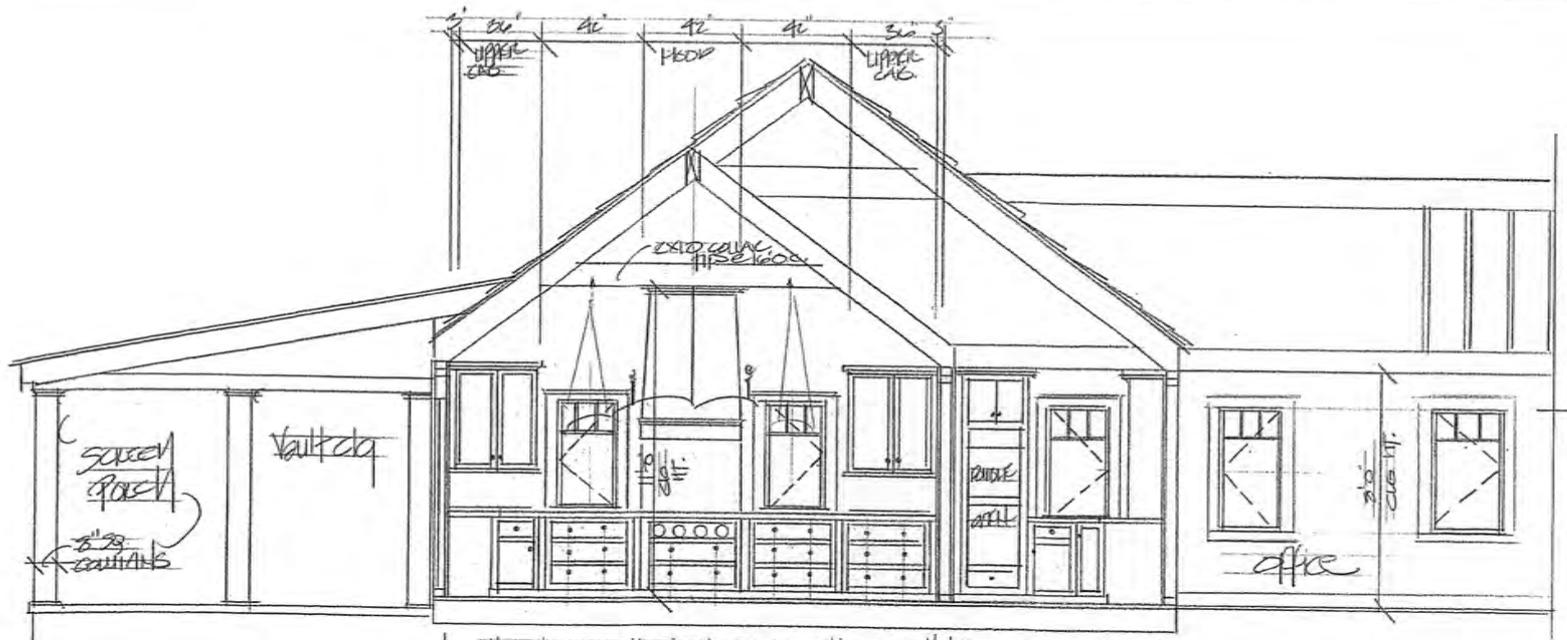
Plans for
 MR. & MRS. SCOTT SMITH
 2001 S. WALLACE ROAD
 CHESTERDOWN, MD 21822

South & Main Designs LLC

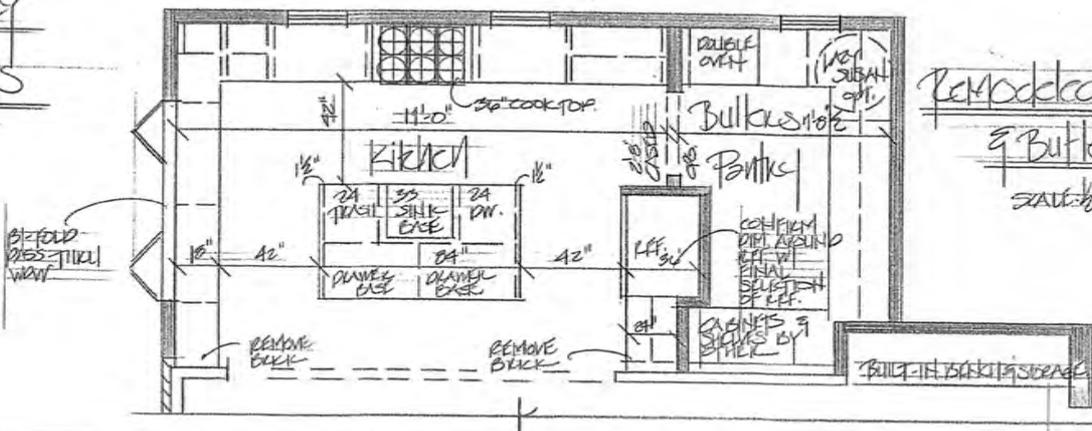
PO BOX 211, CHESTERDOWN, MD 21822
 1-410-778-8525

Remodeled
 First Floor
 Plan
 SCALE: 1/4" = 1'-0"

MR & MRS. SCOTT SMITH A4



Remodeled Kitchen
& Butler's Pantry
Wall Elevations
SCALE: 1/2\"/>



Remodeled Kitchen
& Butler's Pantry Plan
SCALE: 1/2\"/>

Mr & Mrs.
Scott Smith
A-1

Plans for
Mr. & Mrs. Scott Smith
2225 BROADWAY ROAD
CHRISTIANSTOWN, MARYLAND

South & Mail Designs Inc.

PO BOX 211, CHRISTIANSTOWN, MARYLAND
TEL: 410-76-2825

2022

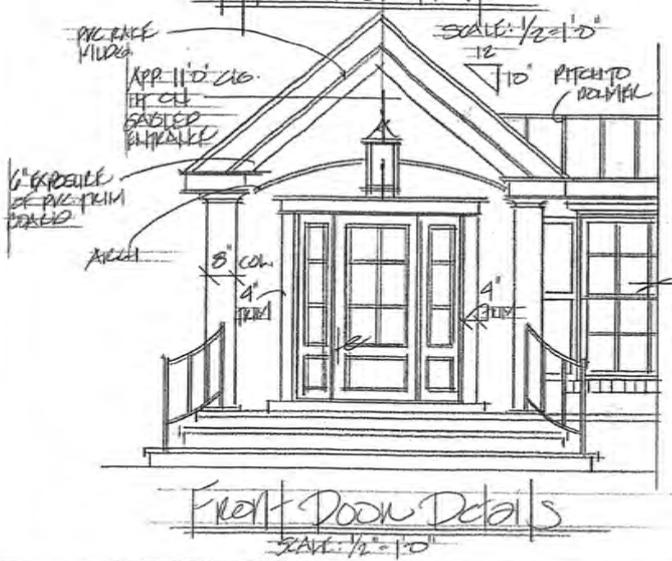


SOUTH & MAIN DECKS W.C.
 20' ON 2ND FLOOR DECKS 10' ON 1ST FLOOR
 1-410-778-4825

TYP. CUT-SECTION
 SCALE: 1/2" = 1'-0"

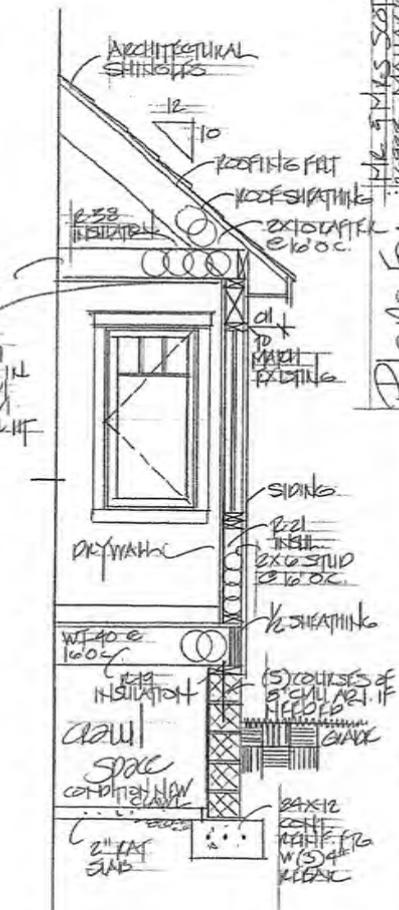
NOT:
 DRAWINGS ARE GUARANTEED TO BE PROFESSIONAL IN QUALITY & WORKABLE BY ANY COMPETENT LICENSED BUILDING CONTRACTOR. EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES IN THE CREATION OF THE DESIGN & PREPARING OF THE PLANS, HOWEVER, THE CONTRACTOR DOES THE ACTUAL WORK MUST CHECK ALL DIMENSIONS & BUILDING CODE REQUIREMENTS & BE RESPONSIBLE FOR SAME.

MR & MRS SCOTT SMITH AB



Square Footage Totals

EXISTING FIRST FLOOR TO BE REMODELED	1961.11
ADDED SQ. FT. TO FIRST FLOOR	265.63
TOTAL FIRST FLOOR	2226.74
EXISTING SECOND FLOOR TO BE REMODELED	466.66
ADDED SQ. FT. TO SECOND FLOOR	514.22
TOTAL SECOND FLOOR	1040.88
TOTAL HEATED SQFT	3267.62
NEW FRONT PORCH	156.00
NEW SCREEN PORCH	336.00
NEW DECK TO BE CALCULATED W/ ALLOWABLE AREA	
EXISTING GARAGE TO BE REMODELED	516.00

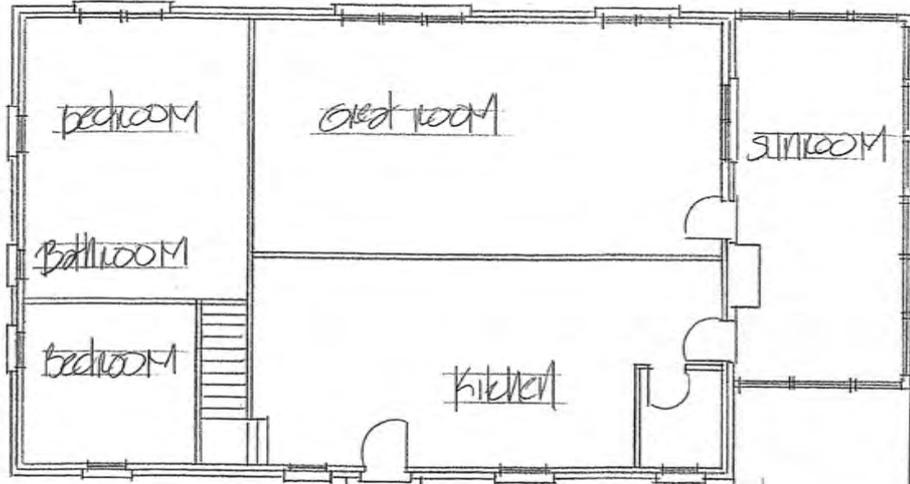


Typ. cut - Section
SCALE: 3/4" = 1'-0"

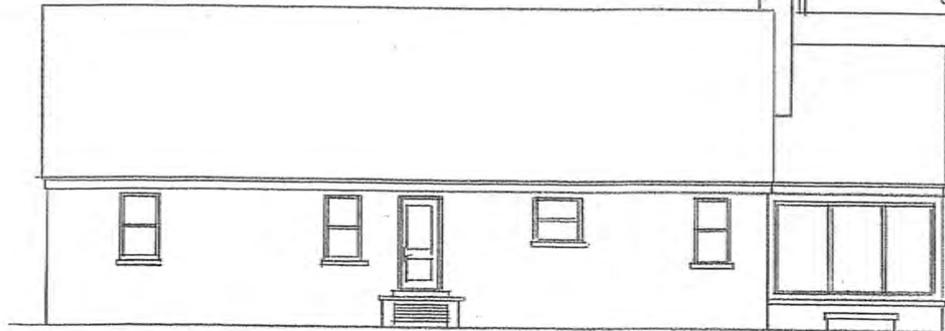
Plans for Mr. & Mrs. Scott Smith
1410 118th St. S.W.
Burien, OR 97149

South & Mail Designs Inc.
PO Box 211 Clifton Oregon 97110-0211
503-325-1825

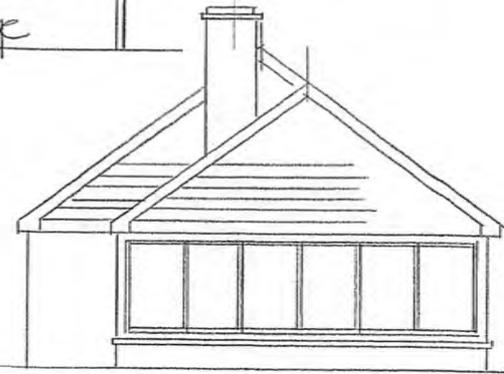
Mr. & Mrs. Scott Smith A9



EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



EXISTING FRONT ELEVATION (STREET VIEW)



EXISTING RIGHT ELEVATION

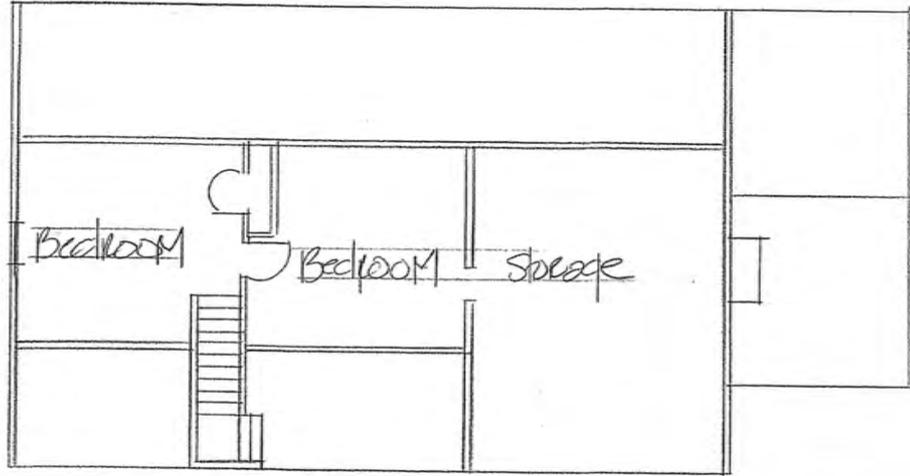
MR. & MRS. SCOTT SMITH
2025 MALDEN ROAD
CHESTEROWN, M.P. 2160

Plans for

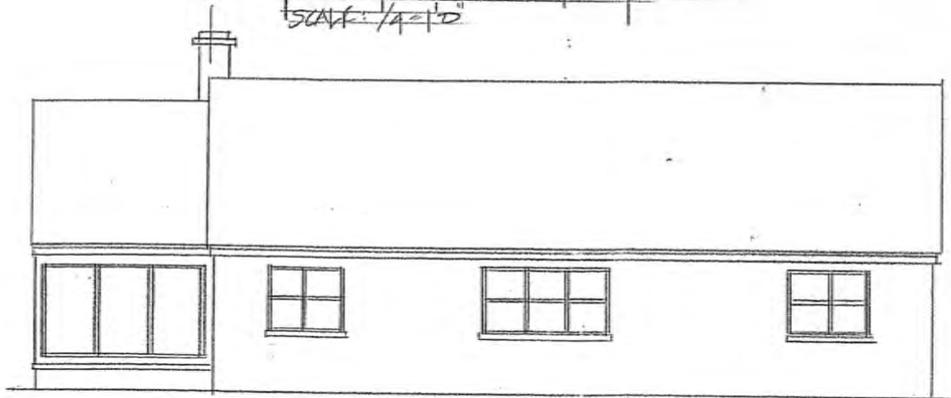
South & Mail Designs LLC

P.O. Box 211, Chesterown, M.P. 2160
1-410-718-4310

Mr. & Mrs. Scott Smith E



Existing Second Floor Plan
SCALE: 1/4" = 1'-0"



Existing Rear Elevation (Water View)
SCALE: 1/4" = 1'-0"



Existing Left Elevation

Mr & Mrs. Scott Smith E2

Plans for:
Mr & Mrs. Scott Smith
20755 Milledale Road
Chestertown, MD 21619

South & Main Designs LLC

PO Box 2111 Chestertown, Maryland
410 326-1552

2022



VIEW FROM ROAD



CONC. PATIO LOOKING EAST



VIEW FROM RIVER



CONC. PATIO LOOKING WEST

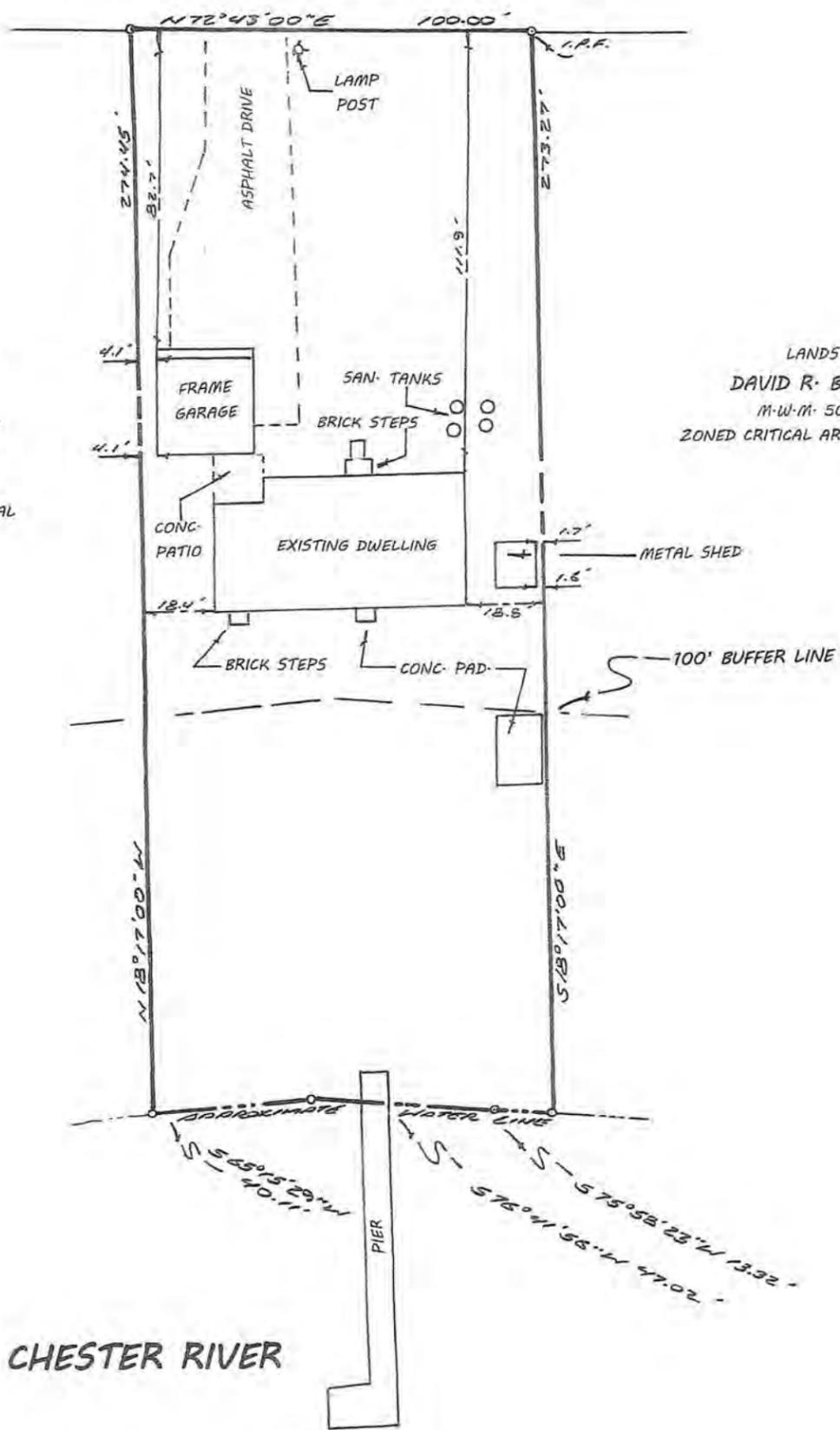
TO LEGION ROAD

MALLARD ROAD

40' WIDE RIGHT-OF-WAY

LANDS OF
EMMETT ROY DUKE, III
&
DIANE McDANOLDS DUKE
HUSBAND & WIFE
M-L-M- 883/367
ZONED CRITICAL AREA RESIDENTIAL

LANDS OF
DAVID R. BALDWIN
M-W-M- 505/156
ZONED CRITICAL AREA RESIDENTIAL



AREA = 0.623 AC. ±

- LEGEND:
I.P.F. DENOTES IRON PIPE FOUND.
- NOTE:
1. PROPERTY ADDRESS: 56933 MALLARD ROAD.
 2. PROPERTY IS ZONED C-A-R. (CRITICAL AREA RESIDENTIAL)
 3. THE DWELLING INDICATED ON THE LOT SHOWN HEREON APPEARS TO EXIST WITHIN FLOOD ZONE "X UNSHADED" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SCALED FROM F. E. M. A. COMMUNITY PANEL No. 240029C0281D. NO ON SITE ELEVATION TAKEN TO VERIFY CONDITIONS.
 4. THIS SURVEY AND PLAT HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ARE SUBJECT TO THE FINDINGS THEREIN. DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SURVEYED PROPERTY REFLECTED HEREON INCLUDING BUT NOT LIMITED TO EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS AND PLAT RESTRICTIONS.

SURVEYORS CERTIFICATION:
I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED REGISTERED SURVEYOR AND IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION 09-13-06-12 OF THE MINIMUM STANDARDS FOR SURVEYORS.

William M. Crowding II

PROPERTY LINE SURVEYOR
EXPIRES 11-03-2022



EXISTING CONDITIONS PLAT
ON THE LANDS OF
SCOTT O. SMITH
AND
SHARI CREW SMITH
HUSBAND AND WIFE
FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
SCALE 1" = 40' JANUARY 2022

TAX MAP 38 PARCEL 58
LOT 2, PLAT No.1 CHESMAR
WILLIAM M. CROWDING SURVEYS, LLC
WILLIAM M. CROWDING, II
REGISTERED SURVEYOR
WORTON, MARYLAND
410-778-2622

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 1/25/23

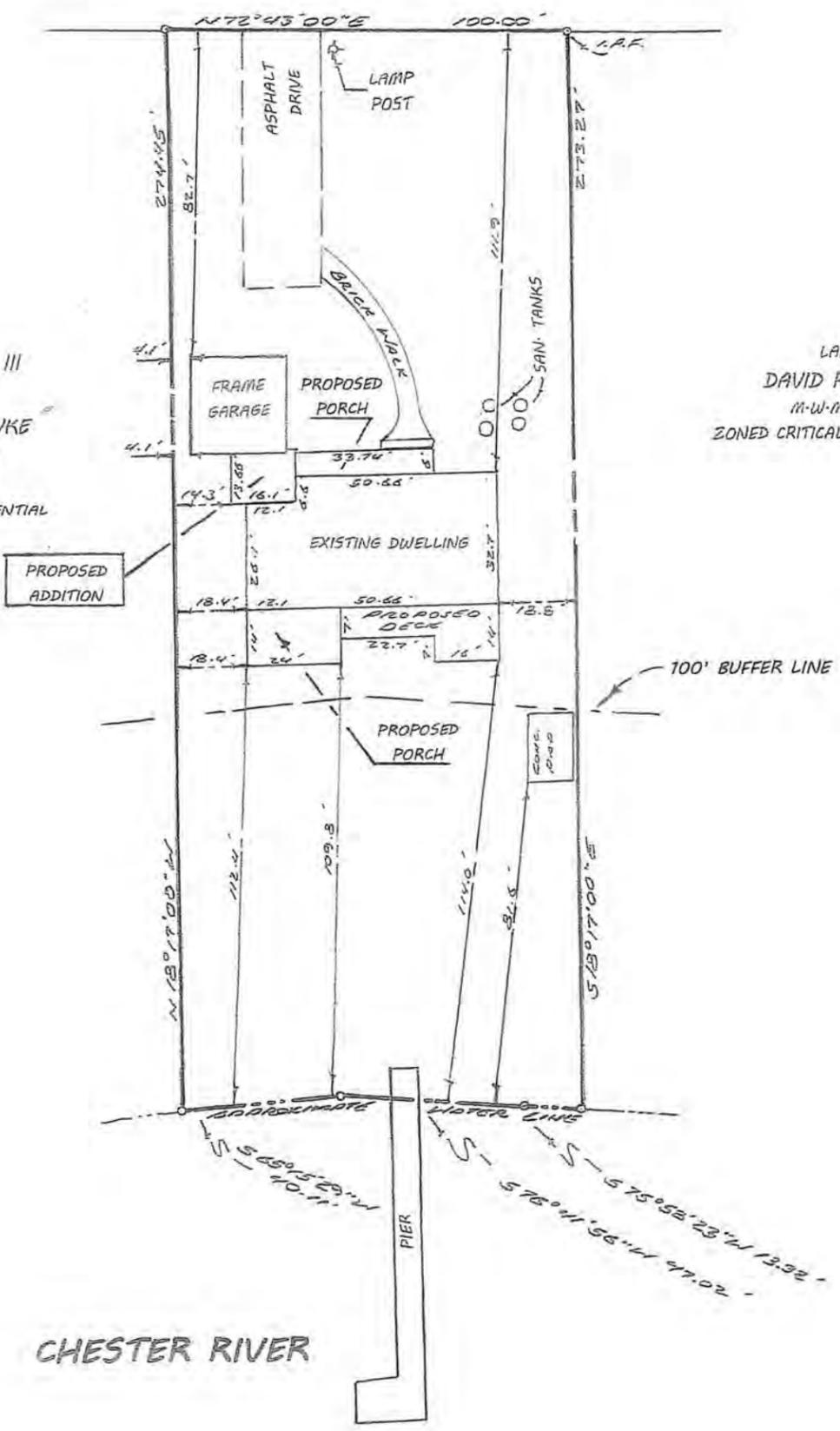
TO LEGION ROAD

MALLARD ROAD

40' WIDE RIGHT-OF-WAY

LANDS OF
EMMETT ROY DUKE, III
&
DIANE McDANOLDS DUKE
HUSBAND & WIFE
M-L-M. 883/367
ZONED CRITICAL AREA RESIDENTIAL

LANDS OF
DAVID R. BALDWIN
M-W-M. 505/156
ZONED CRITICAL AREA RESIDENTIAL



CHESTER RIVER

- NOTE:
- 1- PROPERTY ADDRESS: 56933 MALLARD ROAD.
 - 2- PROPERTY IS ZONED C-A-R (CRITICAL AREA RESIDENTIAL)
 - 3- THE DWELLING INDICATED ON THE LOT SHOWN HEREON APPEARS TO EXIST WITHIN FLOOD ZONE "X UNSHADED" (AREAS DETERMINED TO BE OUTSIDE THE 0-2% ANNUAL CHANCE FLOODPLAIN) AS SCALED FROM F. E. M. A. COMMUNITY PANEL No. 240029C0281D. NO ON SITE ELEVATION TAKEN TO VERIFY CONDITIONS.
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SURVEYORS CERTIFICATION:
I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE BOUNDARY SURVEY SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED REGISTERED SURVEYOR AND IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN REGULATION 09-13-06-12 OF THE MINIMUM STANDARDS FOR SURVEYORS.

William M. Crowding, II
PROPERTY LINE SURVEYOR
EXPIRES 11-03-2024

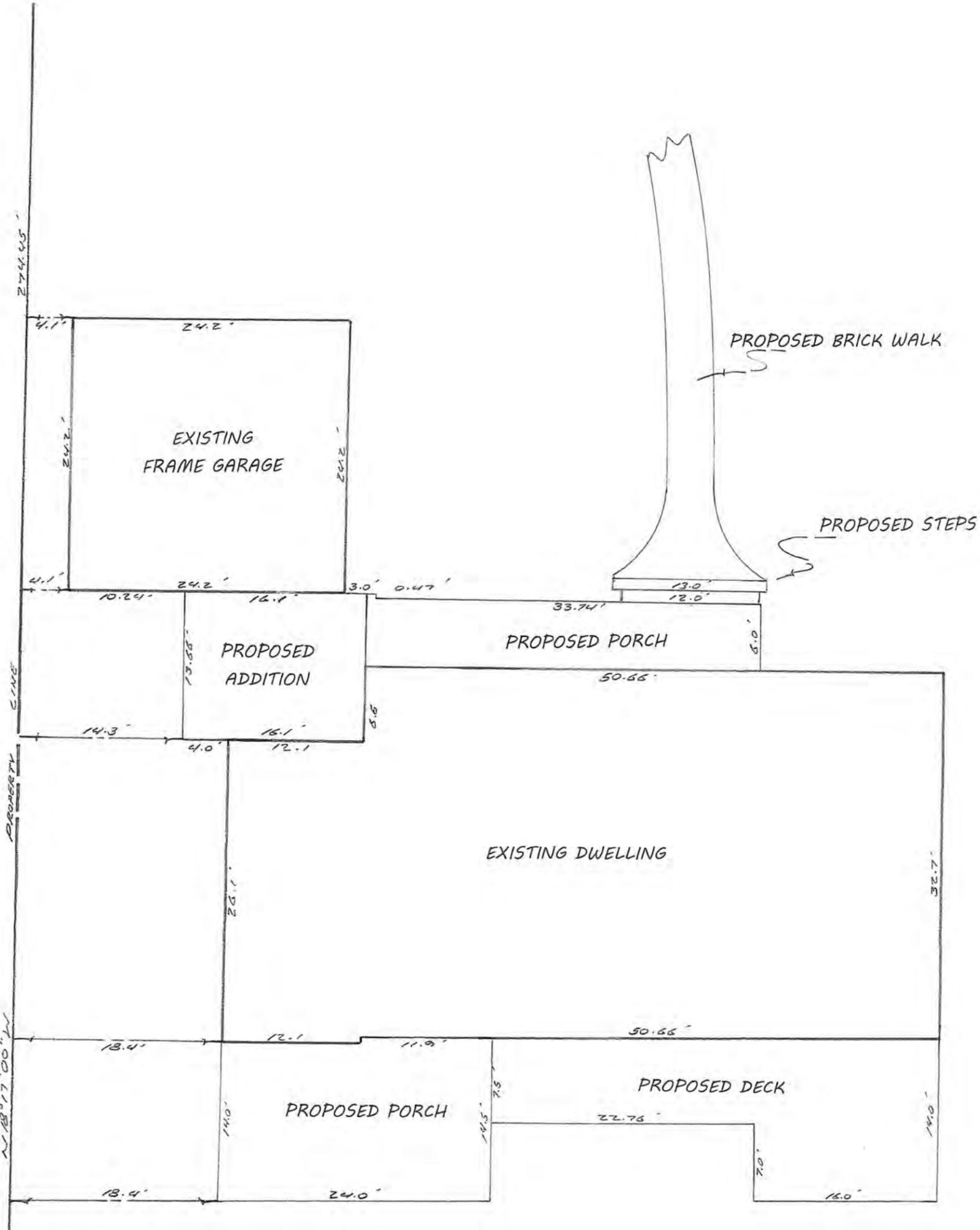


PROPOSED CONDITIONS PLAT
ON THE LANDS OF
SCOTT O. SMITH
AND
SHARI CREW SMITH
HUSBAND AND WIFE

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
SCALE 1" = 40'
TAX MAP 38 PARCEL 58
LOT 2, PLAT No. 1 CHESMAR
DECEMBER 2022

WILLIAM M. CROWDING SURVEYS, LLC
WILLIAM M. CROWDING, II
REGISTERED SURVEYOR
WORTON, MARYLAND
410-778-2622

DEPARTMENT OF
PLANNING, HOUSING & ZONING
RECEIVED 1/25/23 CS



THE LANDS OF
SCOTT O. SMITH
 AND
SHARI CREW SMITH
 HUSBAND AND WIFE
 FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
 SCALE 1" = 10' DECEMBER 2022
 TAX MAP 38 PARCEL 58
 LOT 2, PLAT No-1 CHESMAR

WILLIAM M. CROWDING SURVEYS, LLC
 WILLIAM M. CROWDING, II
 REGISTERED SURVEYOR
 WORTON, MARYLAND
 410-778-2622

DEPARTMENT OF
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