



Department of Planning,  
Housing, and Zoning  
400 High Street, Suite 130  
Chestertown, MD 21620  
410-778-7423 (voice/relay)  
[planning@kentgov.org](mailto:planning@kentgov.org)

## **ADMINISTRATIVE HEARING**

County Commissioners Hearing Room  
400 High Street  
Chestertown, Maryland

### **MEETING TO BE HELD IN-PERSON and VIRTUALLY VIA CONFERENCE CALL**

Citizens may choose to either attend the meeting in person, observe and listen to the meeting online at <https://www.kentcounty.com/commissioners/meeting-live-video>, OR via the audio-only phone number and conference identification number listed below. The way for members of the public to provide verbal comments remotely during the meeting is via the audio-only phone number when the Planning Director opens the floor for comment.

Public participation and audio-only call-in number:

To participate via Microsoft Teams:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **214 547 073#**

Members of the public are asked to mute their phones/devices, until the Planning Director's designee opens the floor for comment. Please note that if you are listening to the online livestream while waiting to call in to participate, there is an approximate 45-second delay. In order to avoid audio feedback issues, please mute the livestream before calling in.

## **AGENDA**

**September 16, 2021**

**11:00 AM**

### **APPLICATION FOR REVIEW:**

**21-19 Karen Lee/Presbyterian Church of Chestertown – Special Exception (Day Care Group)**  
905 Gateway Drive – Fourth Election District – Zoned Intense Village (IV)

### **APPLICANT OR REPRESENTATIVE MUST BE PRESENT**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Administrative Hearing may be held in closed session under the authority of the MD Open Meetings Law. Breaks are at the call of the Planning Director's designee. Meetings are subject to audio and video recordings.

Please note that times listed on the agenda are only estimates; however, projects will not be reviewed prior to their scheduled time. Applicants will be given the time necessary to assure full public participation and a fair and complete review of all projects. Therefore, the time each application is heard may be later than the time indicated on the agenda. Items on this Agenda are subject to change due to cancellation of projects.

If you require communication assistance, please contact the Maryland Relay Service at [www.mdrelay.org](http://www.mdrelay.org) or 7-1-1 Voice/TDD.

## PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning  
SUBJECT: Karen Lee  
Administrative Special Exception – Day Care Group  
#21-39  
DATE: September 13, 2021

### DESCRIPTION OF PROPOSAL

Ms. Lee is requesting a special exception to operate a day care group from the interior space of the Presbyterian Church of Chestertown, located at 905 Gateway Drive in the Fourth Election District. The property is a functioning house of worship with interior classrooms, restrooms, and access to an outdoor play area. The property is zoned Intense Village (IV).

The applicant operates Our Children ® Tomorrow's Leaders and plans to provide care to children from infancy to 4 years at this site. The childcare center will have a maximum of 22 children. An upgrade in the existing sewage septic system will be necessary.

### RELEVANT ISSUES

#### I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 8.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Intense Village District.
- B. *Staff and TAC Comments:* The applicant is proposing to operate a day care group in the Presbyterian Church of Chestertown.

#### II. Special Exception – General Standards

- A. *Applicable Law:* Article VII, Section 2 of the Kent County *Land Use Ordinance* establishes the Special Exception standards and requires the Planning Director to make findings on the following where appropriate:
  1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
  2. Traffic Patterns;
  3. Nature of surrounding area;
  4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
  5. The impact of the development or project on community facilities and services;
  6. Preservation of cultural and historic landmarks, significant natural features and trees;
  7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
  8. The purpose and intent of this Ordinance as set forth in Article II;
  9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
  10. The most appropriate use of land and structure;
  11. Conservation of property values;
  12. The proposed development's impact on water quality;
  13. Impact on fish, wildlife and plant habitat;
  14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;

15. Consistency with the Critical Area Program; and
16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.

Article VII, Section 7 of the Kent County Land Use Ordinance establishes the specific standards for a day care group.

18. *Day care group* in AZD, RCD, RC, RR, CAR, CR, V, IV and IVCA provided:
  - a. Outdoor activity areas are fenced and screened.
  - b. Two drop-off/pick-up parking spaces are provided.
  - c. Structured play areas for active play or play *structures* are not in the *front yard* and are 10 feet from the side or rear property line.
  - d. The *structure* retains its residential character.
  - e. Day care in the RCD shall be in dwellings existing prior to December 1, 1985.

B. *Staff and TAC Comments:*

- The Health Department has approved the application on the condition that the existing septic system is upgraded.
- The property owner, the Presbyterian Church of Chestertown, has stated that they will make all required upgrades in their septic system.
- Parking is adequate at the site.
- The structured play area is to the side of the main building, screened, and away from the primary road.
- The property is not residential, but from the front it will retain its current character.
- The surrounding area is a mix of commercial and residential uses. The proposed day care center will be accessed from its designated drop-off/pick-up zone, away from the principal road and with limited traffic during the proposed days and hours of operation.
- The day care center should not affect traffic patterns.
- The application is consistent with the Comprehensive Plan which supports the development and expansion of locally owned businesses.

## **STAFF RECOMMENDATION**

Staff recommends approval of a special exception to operate a day care group in the Presbyterian Church of Chestertown conditioned upon:

1. Obtaining a use permit, which will require a copy of the Maryland Child Care License for this location.
2. That the special exception hereby granted will lapse after of one year if the day care group is not operating in accordance with the plans herein presented.

# ADMINISTRATIVE HEARING 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)

Our Children @ Tomorrow's  
211 Leeds Court, Leaders  
ladyk6969lee@gmail.com Email: gmail.com

### For Office Use Only:

Case Number: 21-39  
Date Filed: 8/18/21  
Filed by: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
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: \_\_\_\_\_

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article 07  
Section 7.18 of the Kent County Land Use Ordinance, as amended, request is hereby made for an

Administrative Hearing for:

\_\_\_\_\_ Variance ☒ Special Exception \_\_\_\_\_ Determination of Nonconforming Use

### DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 905 Gateway Drive Chestertown Md

In the 04th Election District of Kent County. 21620

Size of lot or parcel of Land: 3.93Ac  
Map: 37 Parcel: 170 Lot #: 95A Deed Ref: 12-507

List buildings already on property: church,

Subdivision name and address, if applicable: crest view

PRESENT ZONING OF PROPERTY: intense village

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) operate a small childcare center.

Present owner of property: Presbyterian Church Telephone: 443-979-2726

If Applicant is not owner, please indicate your interest in this property: Owner of  
childcare center

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

If so, please give Application Number and Date: 07.150

**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: \_\_\_\_\_

Owner(s) on the South: \_\_\_\_\_

Owner(s) to the East: \_\_\_\_\_

Owner(s) to the West: \_\_\_\_\_

Homeowners Association, name and address, if applicable: \_\_\_\_\_

**BY SIGNING THIS APPLICATION, I GRANT THE DEPARTMENT OF PLANNING, HOUSING AND ZONING THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION.**

Karen Lee  
Signature of Owner/Applicant/Agent or Attorney

8-16-21  
Date

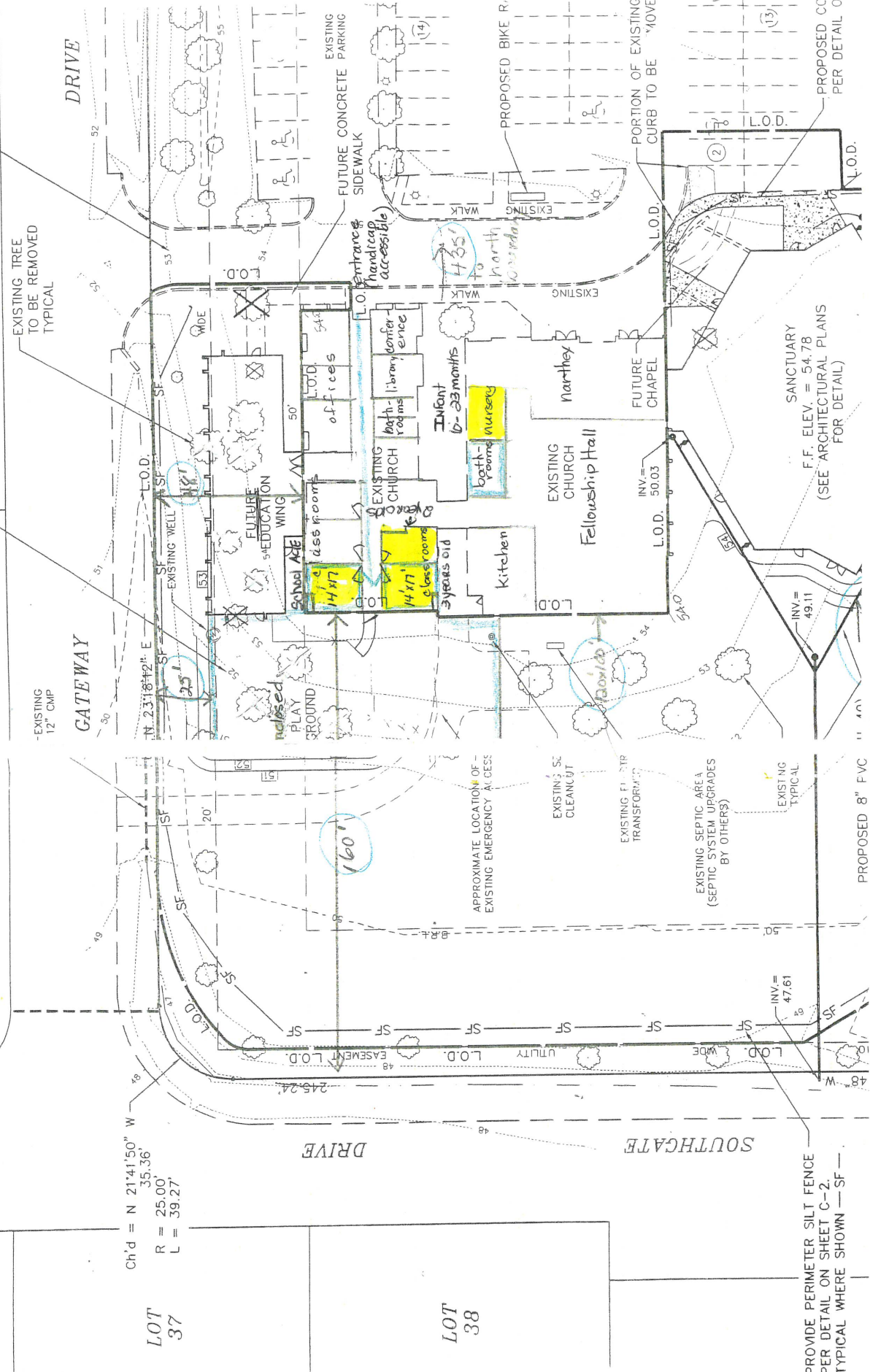
Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$200.00** filing fee made payable to the Department of Planning, Housing & Zoning. If you have any questions, contact the Kent County Department of Planning, Housing and Zoning.

**NOTICE:** The Department of Planning, Housing and Zoning is not 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.

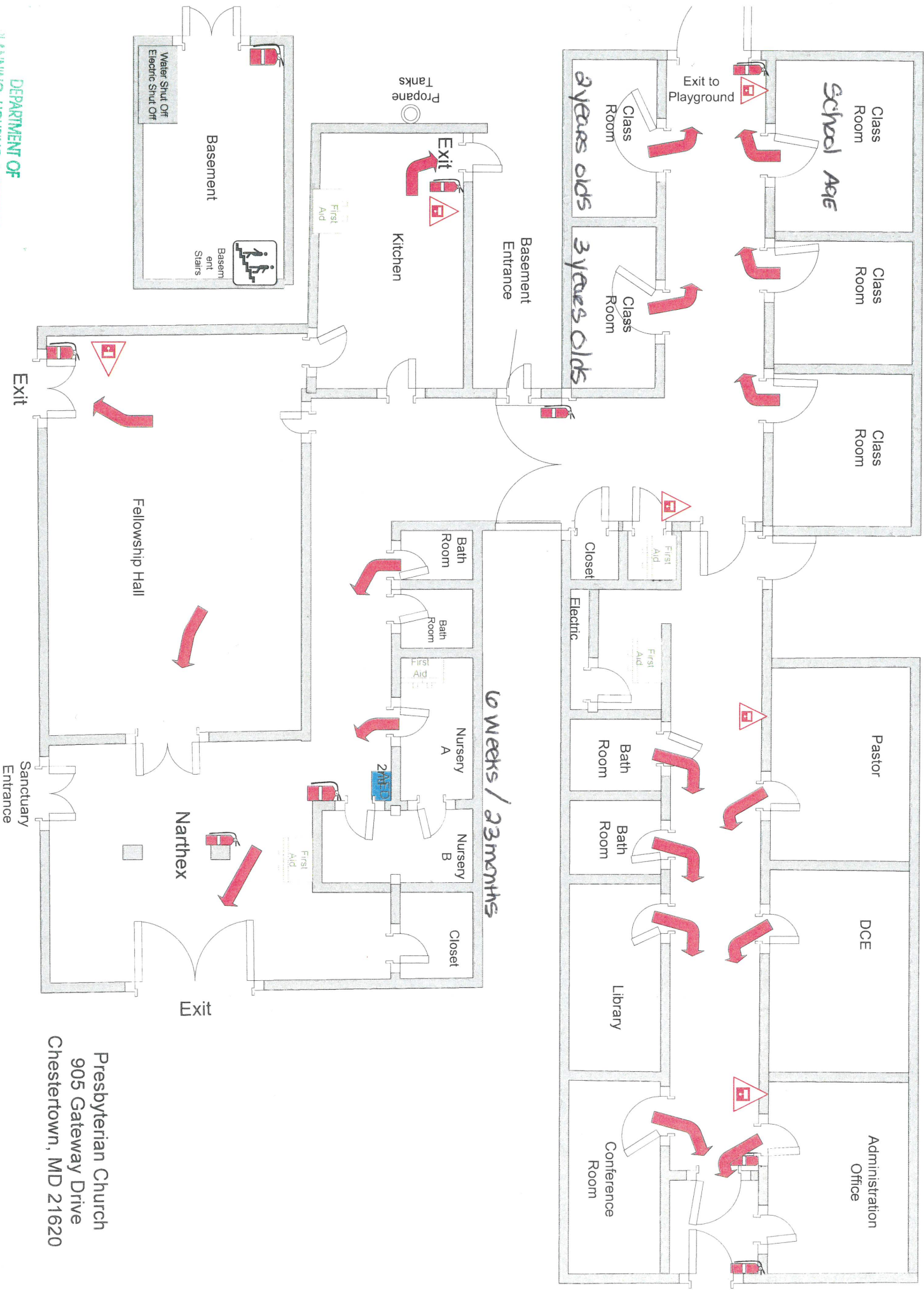
**Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.**



space to be utilized by nursery school



PROVIDE PERIMETER SILT FENCE -  
PER DETAIL ON SHEET C-2.  
TYPICAL WHERE SHOWN -- SF --.



Presbyterian Church  
905 Gateway Drive  
Chestertown, MD 21620



8-16-21-

Our Children R Tomorrow's Leaders  
863 Washington Avenue  
Chestertown, MD 21620

443 979-2726  
85-0778094  
256564  
6-30-22

To Whom it may Concern,

Enclosed you will find an application for Kent County Department of Planning, housing & zoning.

I Karen D Lee propose to sublease space to operate a child care center. The name of my daycare is OUR Children @ Tomorrow's Leaders. The new location will be located @ 905 Gateway Drive in Chestertown, md. Chestertown is a great need for children to promote growth enhancements and job opportunities to the community. OUR job @ The daycare is to provide a safe haven for all children. The hours of operation will be 6<sup>30</sup> am until 8<sup>30</sup> pm Monday thru. Saturday. Open 12 months throughout the year. At our children @ Tomorrow's Leaders we believe in education and academic runs hand in hand. Tomorrow's Leaders plans to house 6 infants and 6-2 years old 10/3-4 year olds and mixed aged group. All the staff must meet MSDE (Maryland State Department of Education).

Karen Lee



There will need to be 2 teachers for the infant room. The teacher to child ratio is 1 to 3. So there will be 2 teachers or a teacher and an aide.

For the 2 year old room there will need to be 1 Teacher the meets all MSDE Requirements.

For the 3-4 year old with there will be 1 teacher for 10 children.

Should there be a need for school-age the teacher to child-ratio is 1-10 and you only need 1 teacher.

my current Director will oversee both locations.

Should you have any questions please feel free to give a call to Karen Lee  
443-979-2726

Our Children R. Tomorrow's Leaders  
863 Washington Avenue  
Chestertown, MD 21620

443 979-2726  
85-0778094  
256564  
6-30-22

**Kent County, Maryland**  
**Letter of Authorization**  
**Special Exception and Use Permit**

I, LETHA A HAMMON, give

*(property owner's name)*

KAREN LEE permission to apply

*(applicant's name)*

for a special exception and a use permit for the property

located on 905 GATEWAY DR, CHESTERTOWN, MD 21620.

*(address of property)*

Letha A. Hamm

Property owner's signature

8-18-21

Date