

## MINUTES

Meeting: Kent County Board of Zoning Appeals  
 Date: May 17, 2021  
 Time: 7:00 P.M.  
 Location: Virtual Meeting/County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
<p><b>MINUTES: April 19, 2021</b></p> <p><b>#21-11 Strong Associates, II LP– Buffer Variance</b></p> <p>The applicants are seeking a buffer variance in order to replace and slightly expand an existing cottage.</p> <p>The property is located on Eastern Neck Road, adjacent to Church Creek, in the Fifth Election District and is zoned Resource Conservation District (RCD).</p> <p>Attorney Chris Drummond announced that he has represented the Strong family in past years, and he wanted to know if Mr. Strong has any objection to his providing legal counsel to the Board for this case. Mr. Strong said he has no objection.</p> <p><u>Planning Staff:</u> Carla Gerber, Deputy Director, was sworn in.</p> <p><u>Applicant(s)/Representative(s):</u> Robert H. Strong was present and sworn in.</p> <p>Mr. Strong presented his case.</p> <p>No correspondence was received.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Sandy Adams, Clerk</p>	<p>Ms. Horsey made a motion to approve the minutes, and Mr. Massey seconded the motion; the motion passed with all in favor.</p> <p>Ms. Horsey made a motion to grant a buffer variance for the in-kind replacement of the existing cottage in the critical area buffer with the following condition(s):</p> <ul style="list-style-type: none"> <li>- Contingent upon the applicant meeting the mitigation requirements from the Critical Area Commission and the Land Use Ordinance.</li> </ul> <p>Mr. Massey seconded the motion; the motion passed with all in favor.</p> <p>Ms. Horsey made a motion to grant a buffer variance for the slight expansion of the footprint of the existing cottage in the critical area buffer based on the following condition(s):</p> <ul style="list-style-type: none"> <li>- Contingent upon the applicant meeting the Critical Area Commission’s mitigation requirements;</li> <li>- Subject to the applicant submitting a buffer mitigation plan of 3:1 being implemented onsite to comply with the Land Use Ordinance variance requirements for the critical area; and</li> <li>- As specified in the applicant’s submission, for the purpose of widening the foundation by 16” and 18” in order to align the exterior walls of the northern most section with the middle section of the cottage.</li> </ul> <p>Mr. Massey seconded the motion: the motion passed with all in favor.</p>	<p>Unanimous Approval</p> <p>Unanimous Approval</p> <p>Unanimous Approval</p>



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<p><b>UPDATE to Roseland, Inc. (Special Exception #21-01 – Expansion of existing sand and gravel pit)</b></p> <p>At its April 19, 2021 meeting, it was brought to the Board’s attention that Roseland Inc. was sold to ASH Materials, LLC (a Delaware LLC) on April 8, 2021; the Board approved a special exception for the property on March 15, 2021.</p> <p>At the meeting, Kevin Shearon, DMS and Associates, and Andy Schlosser, former owner of Roseland, Inc., inquired as to whether the special exception remains valid.</p> <p>The Board’s Attorney, Christopher Drummond, informed</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Sandy Adams, Clerk</p>	<p>caused by the small lot size and not by the applicant’s own actions.</p> <ul style="list-style-type: none"> <li>- The granting of the variance allows Mr. Peary reasonable use of his property.</li> <li>- The granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and the regulations adopted by Kent County.</li> <li>- The applicant’s property is entirely wooded. In order to construct a reasonably sized dwelling, the applicant must exceed the 30% clearing limit by and up to 9%.</li> <li>- The applicant will be required to mitigate onsite as much as possible, or to pay a fee in-lieu where mitigation is no longer possible onsite or elsewhere.</li> <li>- The granting of the variance is contingent upon, at the recommendation of the Critical Area Commission, the remaining forest being protected through a recorded, restrictive covenant or similar instrument.</li> </ul> <p>Ms. Horsey seconded the motion; the motion passed with all in favor.</p> <p>None Required.</p>	

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<p>the Board that special exceptions run with the land, but he said that Planning staff needs to ensure that the low intensity use that was approved in this case is not now being intensified. Planning staff was instructed to reach out to the new owners, ASH materials, LLC, to determine its intensity of use.</p> <p><u>Update:</u> On May 13, 2021, Planning Director Bill Mackey reached out to Miles Bennett, new owner of ASH Materials, LLC, to determine his plans for the property. Mr. Mackey said Mr. Bennett informed him that they own a garden center, and they purchased the property to supply the garden center. Mr. Mackey said that Mr. Bennett informed him that they do not plan to operate the property commercially, and they do not expect to exceed the limitations of the approved variance. Mr. Mackey said they are aware that they would have to approach the Board if the plans were to change.</p> <p>The Board asked for further guidance from their attorney, Christopher Drummond. He informed the Board that at this point, it is only an enforcement issue and that permits will be required. He said there is no further action for the Board to take at this time.</p> <p><b>County/Staff Update(s):</b> Mr. Mackey informed the Board that the County Commissioners have approved the opening of County buildings and in-person meetings.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate Member</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Sandy Adams, Clerk</p>	<p>Dr. Townshend polled the Board for determining how they would prefer to meet moving forward. The members said they would like to attend the meetings in-person, but they are also in favor of continuing to accommodate the public by hosting hybrid meetings.</p>	

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<b>Adjourn</b>		Ms. Horsey made a motion to adjourn the meeting, and Mr. Massey seconded the motion; the motion passed with all in favor. The meeting adjourned at 8:05 p.m.	Unanimous Approval

*Albert S. Townshend, DVM*

Dr. Albert Townshend, Chairman

*Sandy Adams*

Sandy Adams, Clerk