



Department of Planning,
Housing, and Zoning
400 High Street, Suite 130
Chestertown, MD 21620
410-778-7423 (voice/relay)
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: **920 898 399#**

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

December 8, 2021

11:00 AM

APPLICATIONS FOR REVIEW:

**21-60 Robert and Laurie Miller – Administrative Special Exception – Accessory structure in the front yard of a waterfront parcel (Pool)
24319 Waterview Drive - Third Election District – Critical Area Residential (CAR)**

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 or 7-1-1 Voice/TDD.



Kent County Department of Planning, Housing, and Zoning

PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
FROM: Mark Carper, Associate Planner
SUBJECT: 21-60, Robert and Laurie Miller
Administrative Special Exception – Accessory structure in the front yard of a waterfront parcel (Inground Pool and Pool Decking)
District 3, Map 11, Parcel 73, Lot 9
DATE: December 3, 2021

DESCRIPTION OF PROPOSAL

Robert and Laurie Miller, owners, are requesting a Special Exception for an accessory structure in the front yard of a waterfront parcel. The applicants are proposing to build an inground pool and pool decking. The 2.23-acre property is located at 24319 Waterview Drive, Worton, in the Third Election District and is zoned Critical Area Residential (CAR).

RELEVANT ISSUES

I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 5.3 of the *Kent County Land Use Ordinance* establishes permitted principal uses and structures that may be permitted as special exceptions within the Critical Area Residential District.
- B. *Staff and TAC Comments:* The applicant is proposing to build an inground pool and pool decking as an accessory structure in the front yard of a waterfront parcel.

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.

B. Staff and TAC Comments

- The Department of Public Works has reviewed the application and has no comments as the project is outside of a County service area.
- The Health Department has approved this application.
- The proposal is compatible with existing land use and will not have adverse impact on traffic patterns or increase noise and nuisance to surrounding properties.
- The site plan includes a lot coverage analysis, and the proposed project will not exceed the allowable 15% of lot coverage within the Critical Area Residential.
- The site plan includes a Buffer Enhancement Plan.
- The Comprehensive Plan is neutral on this application. The request is consistent with the Critical Area Law. The proposed development is a reasonable use of the property.

III. Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Law*: Article V, Section 2.5 of the *Kent County Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Resource Conservation District.

Minimum yard

Front	50 feet
Side	15 feet
Rear	30 feet
Shoreline cliff	1.5 x cliff height + 20 feet
Waterfront Minimum	100-foot buffer

- B. *Staff and TAC Comments*: Site plans include distances to all property boundaries as well as the well and septic system and are compliant with minimum setback requirements.

STAFF RECOMMENDATION

Staff recommends approval of a Special Exception for the construction of an inground pool and pool decking with the following conditions:

1. An automatic pool cover or fence will be required for the building permit.
2. That the special exception hereby granted would lapse after of one year if no substantial construction in accordance with the plans herein presented were to occur.

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)

Robert + Laurie Miller
24319 Waterview Dr Worton MD
Email: bobcmiller@outlook.com

For Office Use Only:

Case Number: _____
Date Filed: _____
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: bcherr30@gmail.com (contractor)
410-708-5823 (Ben Herr)

TO THE DEPARTMENT OF PLANNING, HOUSING AND ZONING: In accordance with Article 5
Section 5.3.3 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.) 24319 Waterview Dr. Worton MD 21628

In the 3-1 Election District of Kent County.

Size of lot or parcel of Land: 2.23 Acres
Map: 11 Parcel: 73 Lot #: 9 Deed Ref: 01120/00082

List buildings already on property: 1 1/2 Story Frame Dwelling + Frame Garage

Subdivision name and address, if applicable: _____

PRESENT ZONING OF PROPERTY: Critical Area Residential

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

Construction of swimming pool + pool deck in front yard
of water front property

Present owner of property: Robert C. Miller Telephone: 610-733-5003

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

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

If so, please give Application Number and Date: _____

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: Brenda E. Rocconi

Owner(s) to the West: Curtis Grogan

Homeowners Association, name and address, if applicable: Clearview HOA

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.

 11/2/2021
Signature of Owner/Applicant/Agent or Attorney Date

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

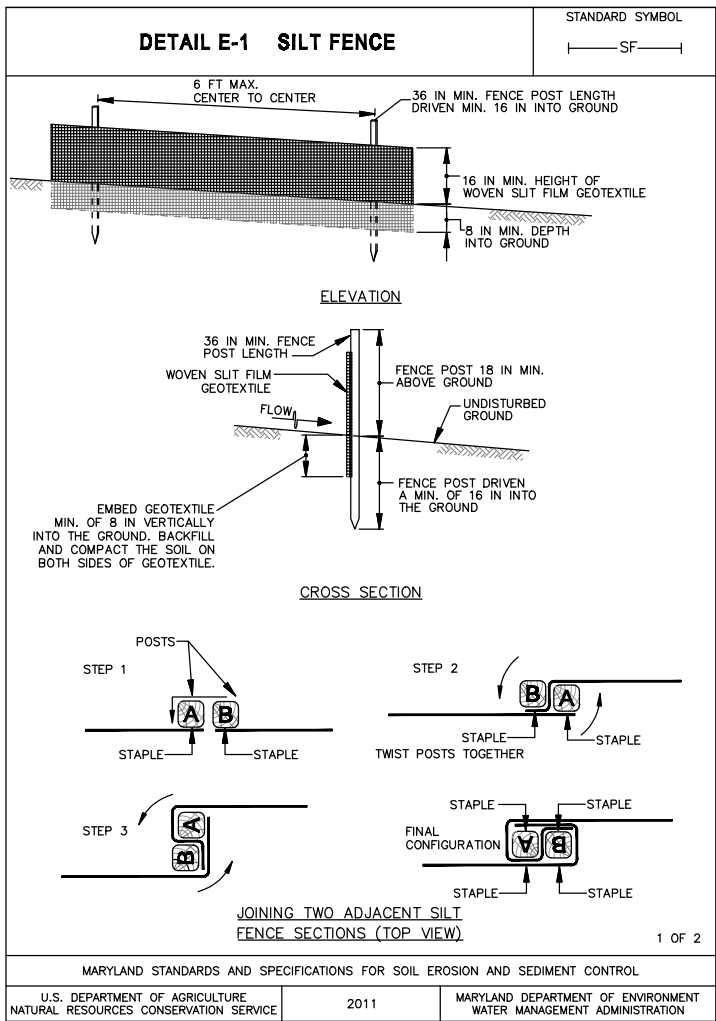
NOTICE: The Department of Planning, Housing and Zoning is not required to make out this application. Application should be filled in by Applicant or its agent. If the Planning Department assists you, they cannot be held responsible for its contents.

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



WATERVIEW DRIVE (50' WIDE)

TO COOPERS LANE



Miller Critical Area Buffer Establishment Calculations			
Pre-development Lot Coverage			8,431 SF
Post-development Lot Coverage			10,373 SF
Lot Coverage Increase to be Mitigated			1,942 SF
Proposed Mitigation Plantings Inside Buffer			
Planting Cluster 1 (1-1" cal. tree + 3 shrubs)	0 @	300 SF per cluster	0 SF
Planting Cluster 2 (2-1" Undrstry tree + 6 shrubs)	5 @	350 SF per cluster	1,750 SF
2" Trees	0 @	200 SF per new tree (2" Cal.)	0 SF
1 gal. Shrubs (max. 30%)	4 @	50 SF per shrub	200 SF
1 qt. Peren. (max 10%)	0 @	2 SF per plant	0 SF
Total Buffer Activity Mitigation Plantings (SF)			1,950 SF
Total 2" Trees			
Total 1" Canopy Trees From Cluster Type 1			0
Total 1" Understory Trees From Cluster Type 2			10
Total 1 gal. shrubs NOT From Clusters			4
Total 1 gal. shrubs From Cluster Type 1			0
Total 1 gal. shrubs From Cluster Type 2			30

94235.7± Ft²
2.163± Ac.

LOT 10
LANDS OF
SECOND CHANCE TRUST
M.L.M. 778/22
PLAT BOOK: E.H.P. 2/198

LOT 8
LANDS OF
BRENDA E. ROCCONI
M.L.M. 977/215
PLAT BOOK: E.H.P. 2/198

Buffer Mitigation Planting				
Key	Qty	Botanical / Common Names	Size	Root
Understory Trees				
AA	3	Amelanchier arborea / Serviceberry	1" cal	B&B
CF	3	Cornus florida / Dogwood	1" cal	B&B
MV	4	Magnolia virginiana / Sweetbay Magnolia	1" cal	B&B
10 Total Understory Trees				
Shrubs				
CA	5	Clethra alnifolia / Summersweet	36" Ht.	cont
IG	4	Ilex glabra / Inkberry	36" Ht.	cont
WB	4	Ilex verticillata / Winterberry	36" Ht.	cont
IV	5	Itea virginica / Virginia Sweetspire	36" Ht.	cont
LB	4	Lindera benzoin / Spicebush	36" Ht.	cont
MP	4	Morella cerifera / Southern Bayberry	36" Ht.	cont
RA	4	Rhus aromatica / Fragrant Sumac	36" Ht.	cont
VA	4	Viburnum acerifolium / Mapleleaf Viburnum	36" Ht.	cont
34 Total Shrubs				

EXISTING LOT COVERAGE

HOUSE 2,309 Ft²
DECKS & STEPS 494 Ft²
STONE DRIVEWAY 4,803 Ft²
GARAGE & LEAN-TO 782 Ft²
CONCRETE 43 Ft²
EXISTING TOTAL 8,431 Ft²
SITE AREA 94,233 Ft²
ALLOWED (15%) 14,135 Ft²

PROPOSED LOT COVERAGE

HOUSE 2,309 Ft²
DECKS & STEPS 494 Ft²
STONE DRIVEWAY 4,803 Ft²
GARAGE & LEAN-TO 782 Ft²
CONCRETE 43 Ft²
HARDSCAPE & POOL 1,942 Ft²
PROPOSED TOTAL 10,373 Ft²
SITE AREA 94,233 Ft²
ALLOWED (15%) 14,135 Ft²

- (2) Inkberry
- (2) Sweetbay Magnolia
- (4) Summersweet
- (2) Inkberry
- (2) Sweetbay Magnolia
- (1) Summersweet
- (4) Spicebush
- (1) VA Sweetspire
- (2) Dogwood
- (4) VA Sweetspire
- (2) Southern Bayberry
- (2) Southern Bayberry
- (1) Dogwood
- (1) Serviceberry
- (4) Fragrant Sumac
- (2) Viburnum
- (2) Serviceberry
- (2) Viburnum
- (4) Winterberry

Silt Fence, 232 LF

100' CRITICAL AREA BUFFER

30' DRAINAGE EASEMENT
(SEE PLAT BOOK E.H.P. 2/198)

NOTES:
OWNER: ROBERT C. MILLER, et al
DEED REFERENCE: S.L.K. 1120/82
PLAT BOOK: E.H.P. 2/198
PREMISES ADDRESS: 24319 WATERVIEW DRIVE
WORTON, MD. 21678

SITE PLAN
OF LOT 9 OF

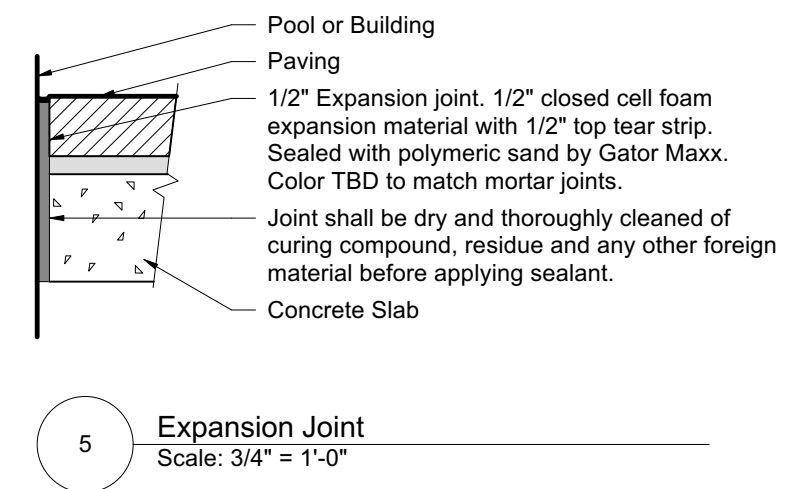
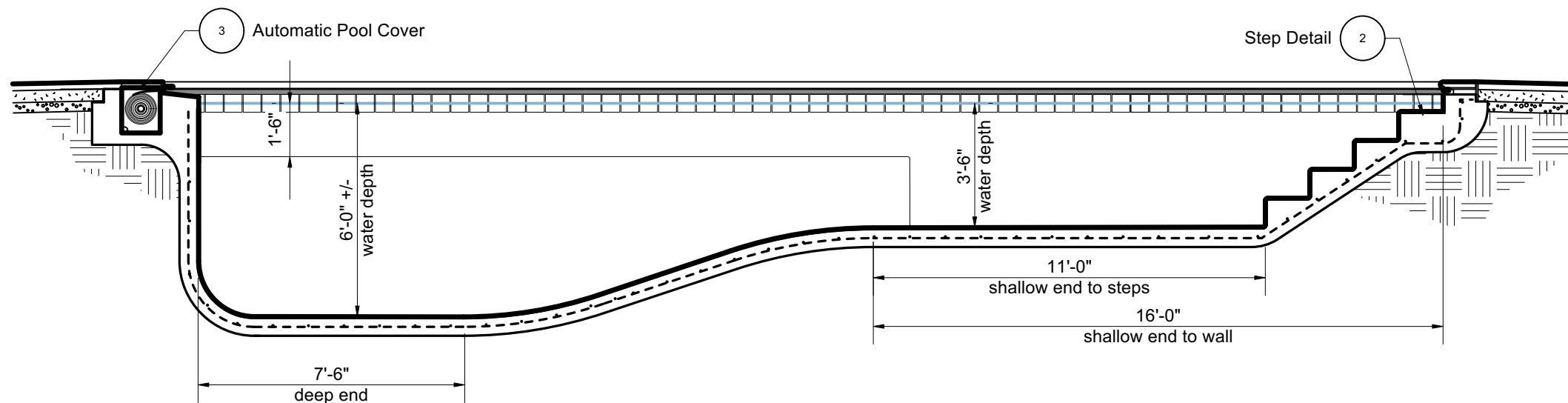
CLEARVIEW

THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND

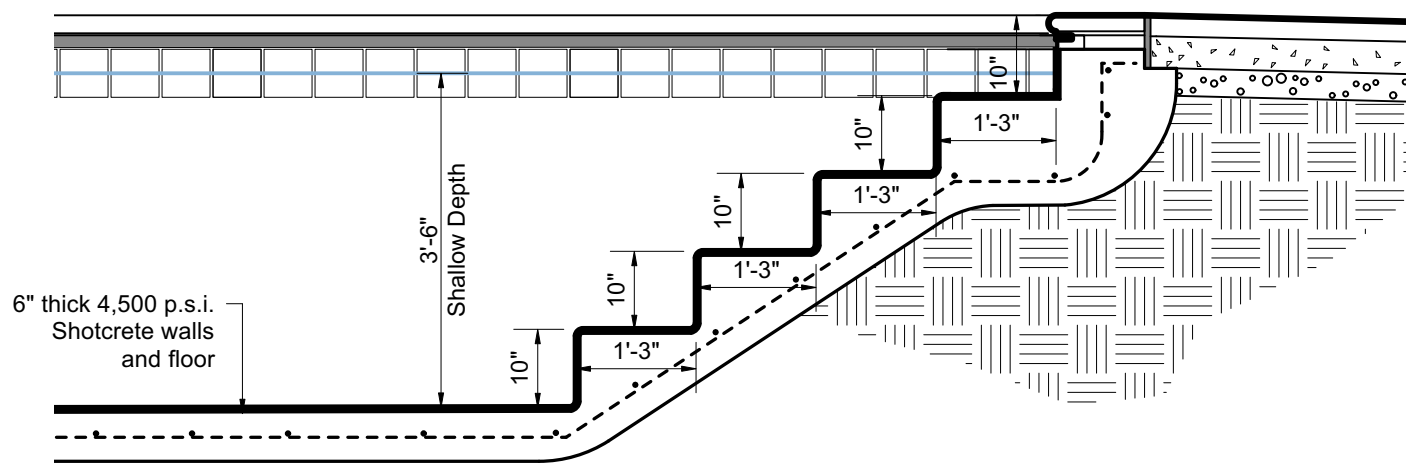
MAP 11 PARCEL 73

SCALE
1"=30'
DRAWN BY
WJE
DATE
9/29/21
JOB NO.
1378
REVISIONS

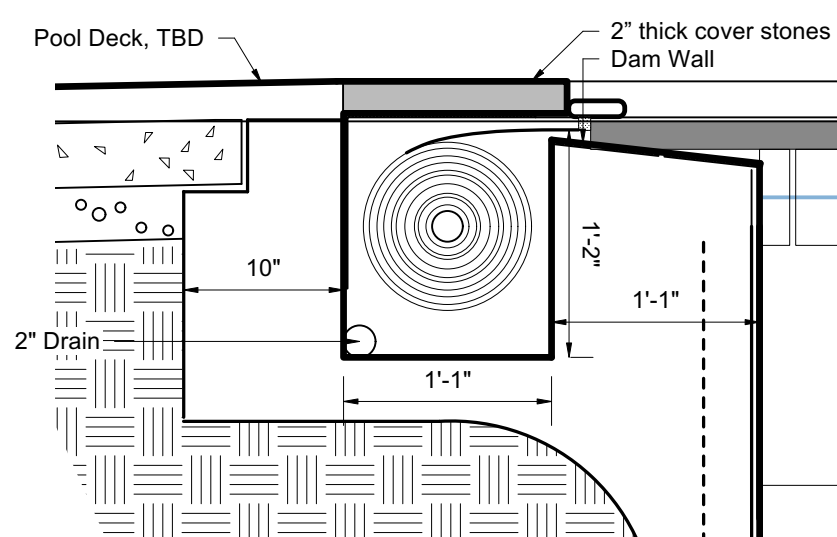
EXTREME MEASURES
LAND SURVEYORS
Chestertown, MD 21620 PHONE 410-778-0147
www.extrememeasuresllc.com



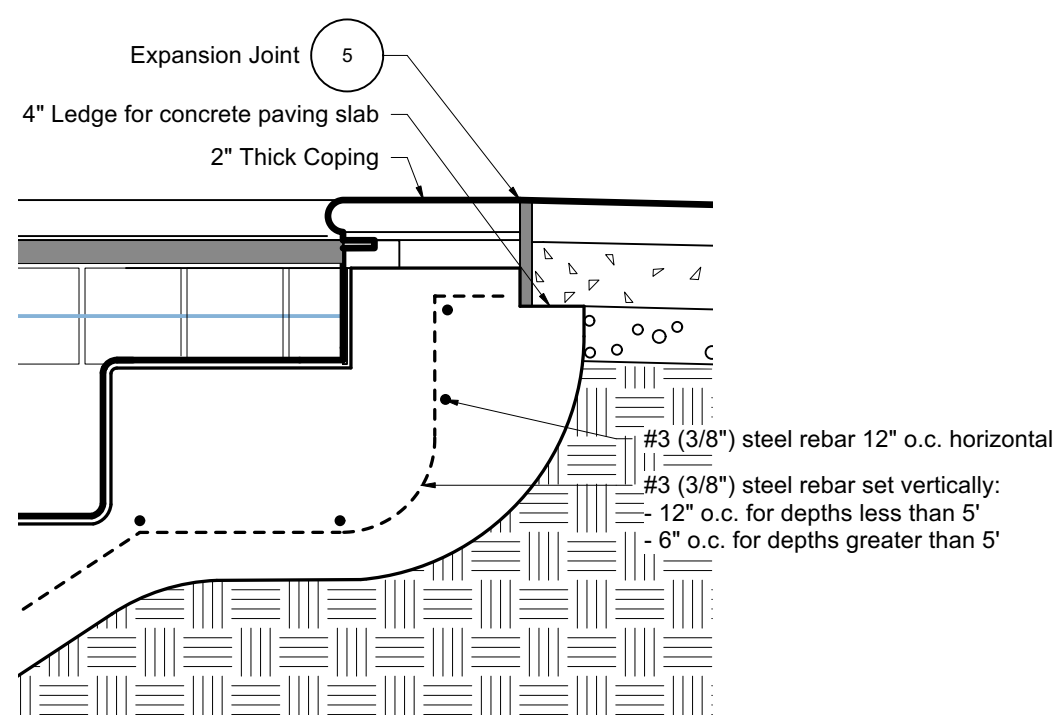
1 Pool Section
Scale: 1/4" = 1'-0"



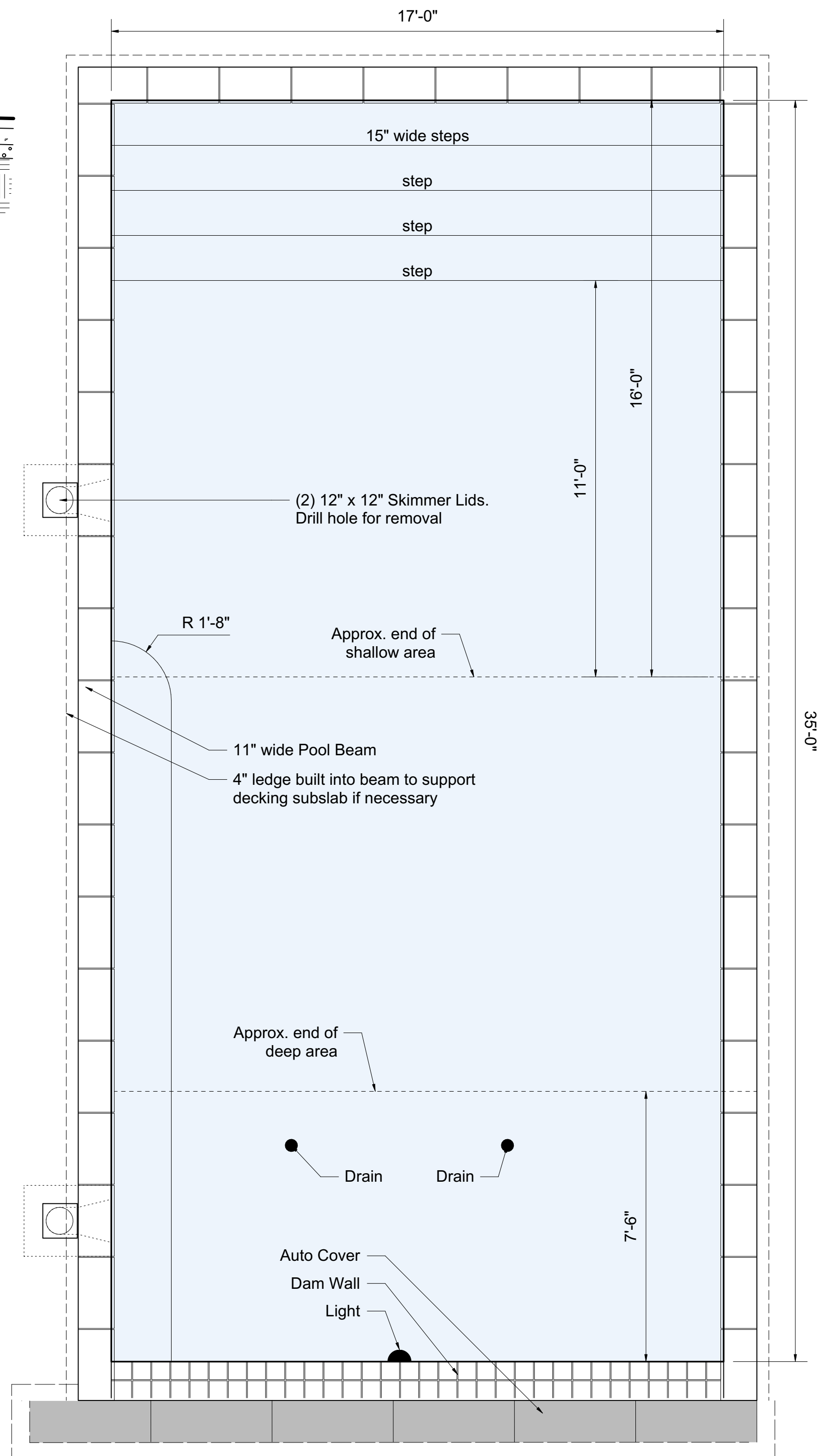
2 Step Detail
Scale: 1/2" = 1'-0"



3 Cover Box Detail
Scale: 1" = 1'-0"



4 Structural Detail
Scale: 1" = 1'-0"



6 Pool Plan - Partial Bench
Scale: 3/8" = 1'-0"

NOTES:
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PREMISES ADDRESS: 24319 WATERVIEW DRIVE
WORTON, MD. 21678

LOT SIZE: 2.23 acres
MAP: 11 GRID: 4E PARCEL: 73

CONTRACTOR:

BEN HERR
7200 CHURCH HILL RD
CHESTERTOWN, MD 21620

410-708-5823
brherr30@gmail.com