

MINUTES

The Kent County Planning Commission met in regular session on Thursday, October 3, 2013, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; Randy Bellows; Ed Birkmire; Bill Crowding; and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Carla Gerber, Community Planner; Bill Kerbin, Housing Planner; G. Mitchell Mowell, Planning Commission Attorney; and Jennifer Butz, Secretary.

Ms. Morris called the meeting to order at 1:30 p.m.

MINUTES

The minutes of the September 5, 2013, meeting were approved as presented.

APPLICATION(S) FOR REVIEW:

#13-58 – Howard and Diana Urbine – Setback Variance – Howard and Diana Urbine are requesting front yard setback variances to construct decks 10 feet and 27 feet from the front yard property line. The applicants are also requesting front yard and rear yard setback variances to construct an enclosed porch 10 feet from the front yard property line and 24 feet from the rear yard property line on their 9,000 square foot parcel (0.20 acres). The property is located on Valley Road in Kentmore Park in the Second Election District.

Present and duly sworn were Howard Urbine, III, and Bill Kerbin.

Mr. Kerbin gave an overview of the application and reviewed the staff report noting the Applicable Laws of the Kent County Land Use Ordinance to include Article V, Section 5.5 which outlines the yard setback requirements and Article IX Section 2.2 which authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Mr. Kerbin stated there was one item of correspondence from an adjacent property owner but the issue raised in the letter had been resolved between the property owner and applicant prior to the meeting.

Discussion ensued between the planning commission members and the applicant regarding the location of the septic system and well, the use of the alley behind the house, and a planting plan.

Jack Edson, adjacent property owner, was sworn in and spoke in favor of the application stating the applicants are making improvements on the property and he feels the continuation of improvements will help the value of the adjacent properties as well. Mr. Edson also noted he had a letter in support of the application from an adjacent property owner, Mr. Vorhees, who could not attend the meeting.

A motion was made by Mr. Hickman to send a favorable recommendation to the Board of Appeals for a front yard setback variance of 40 feet and rear yard setback variance of 6 feet for the enclosed porch and front yard variances of 40 feet and 23 feet for the deck based on the following findings of fact:

- The variance will not change the character of the neighborhood.
- The variance will not cause a substantial detriment to neighboring properties.
- The Comprehensive Plan encourages future development, redevelopment, and infill to be completed in an environmentally and context-sensitive manner.
- The property is an unusual shape because it is a narrow, triangular lot.
- The Kent County Health Department requires the homeowner to improve the site with a nitrogen removal septic system to be located in the rear yard. The current drain field is located in both the rear yard of the property and also encroaches on a neighboring parcel. The upgrade to the septic system will correct this nonconformity and will improve water quality.
- The area in which the septic system must be installed is the only area on the property which would not require a setback variance for any potential expansion of the existing dwelling, thereby constituting an extraordinary condition of the property.
- The granting of the variance will not confer upon the applicant privileges uncommon to the area.
- The proposal represents reasonable use of the property as similarly-sized dwellings with similar setbacks from area roads are common to the neighborhood.
- The proposal is consistent with the intent of the Land Use Ordinance and the Critical Area Law.
- The practical difficulty was not caused by the applicant's own actions.

Mr. Hickman's motion also included the following conditions:

- The applicant must submit an as-built survey of the porch and decks providing distances from the front and rear yard property lines.
- The applicant must submit a water quality maintenance plan to mitigate for the total square footage of new construction.

The motion was seconded by Mr. Crowding and approved unanimously.

GENERAL DISCUSSION

There was no general discussion.

STAFF REPORTS

Carla Gerber: Reported that the Hazard Mitigation Plan update is still on hold; staff is waiting for comments from the Maryland Department of the Environment. Ms. Gerber attended the Kent County Public Safety Fair at the Kent County Community Center in Worton. She noted that she received a few comments from citizens regarding the Plan.

Bill Kerbin: Nothing to report.

Mitch Mowell: Nothing to report.

Amy Moredock: The Maryland Department of Transportation and the State Highway Administration will present Kent County projects identified in their transportation plans to the County in October; there are no major projects in Kent other than resurfacing projects. However, the Town of Chestertown is slated for funding for the expansion of the Rails to Trails network and installation of a roundabout at the intersection of Routes 291 and 20 in the spring of 2014.

Ms. Moredock stated she will be attending the Maryland Floodplain and Stormwater Manager's Annual conference on behalf of the County from October 16-18.

Lastly, Ms. Moredock was asked about the status of the vacancy on the Planning Commission. She stated names have been submitted for the Planning Commission vacancy and interviewing should be completed by the County Commissioners by October, 15, 2013.

There being no further business for the good of the organization, the meeting was adjourned at 2:09 p.m.

Elizabeth H. Morris, Chairman

Jennifer M. Butz, Clerk