

## MINUTES

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

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

## MINUTES

The minutes of the December 6, 2012, meeting were approved as presented.

**Melissa Huber – Setback Variance** – Ms. Huber requests a front yard setback variance to construct a 500-sqare foot, one story addition on her existing single family dwelling 30 feet from South Bayview Drive. The 0.23-acre property is located on the corner of South Bayview Drive and Kentucky Avenue in the Sixth Election District and is zoned CAR, Critical Area Residential. This lot is a corner lot and contains a portion of a 100 foot buffer within the Kentucky Avenue side yard area. This is not a waterfront parcel.

The surrounding area is zoned CAR with a mixture of one- and two-story homes on similar sized lots. This application is a renewal request of a previously-approved setback variance. None of the details presented in the previous application have changed.

Present and duly sworn was Bill Kerbin, Housing Planner, and Jay Yerkes, representing the applicant.

Mr. Kerbin reviewed the staff report noting the Applicable Laws of the Kent County Land Use Ordinance to include Article V, Section 2.5 which establishes the minimum yard setback requirements; and Article IX, Section 2.2 which authorizes the Board of Appeals to grant variances.

Mr. Kerbin noted that this submittal puts forth the same application in every respect to the 2011 case, adding that the proposal does not cause a substantial detriment to neighboring properties. The natural topography in the vicinity places adjacent homes at a higher elevation than the applicant's structure. Mr. Kerbin further noted that dwellings in the neighborhood are constructed in varying degrees of conformance and nonconformance with the setback requirements. There is some degree of unusual condition of the site in that the property contains a 100 foot buffer along the northern property line and a well along the southern property line. The Kent County Environmental Health Department requires that a 30 foot setback from the existing well be maintained. The structure was built as a replacement dwelling in 2008 and was constructed to meet the minimum rear and front yard setback requirements, as well as critical area and health department requirements. Expansion of the existing dwelling in any direction is hampered by a wide variety of requirements. Staff recommends approval.

There was no correspondence in this matter.

Mr. Yerkes testified that Ms. Huber went through a personal hardship but would now like to continue with this project. He stated the setback request includes the overhangs of the dwelling.

There were no comments from the audience.

After a discussion, Mr. Hickman made a motion to send a favorable recommendation the Board of Appeals finding:

- This site is unusual in that the property is not a waterfront parcel, yet it contains a 100 foot buffer along the northern property line. Further, this lot is a corner lot and contains a portion of a 100 foot buffer within the Kentucky Avenue side yard area. Kentucky Avenue is a paper road.
- In addition, there is a well along the southern property line. The Kent County Environmental Health Department requires that a 30 foot setback from the existing well be maintained.
- The variance will not cause a substantial detriment to neighboring properties.
- The variance will not change the character of the neighborhood.
- 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 Land Use Ordinance and the Critical Area program.
- The Comprehensive Plan encourages development, redevelopment, and infill to be completed in an environmentally- and context-sensitive manner.

The motion was seconded and approved unanimously.

## **STAFF REPORTS**

Bill Kerbin – nothing to report

Carla Gerber – Orthoimagery for the Eastern Shore will be completed this year under a state contract. The State is hoping to establish a schedule that will obtain orthoimagery every 2-3 years.

Mitch Mowell – nothing to report

Amy Moredock – Staff continues to meet with the various Watershed Implementation Plan committees. The Kent County Total Maximum Daily Load committee is working to generate a tracking mechanism and to coordinate with the municipalities to prepare for reporting of Best Management Practices to Maryland Department of the Environment. Ms. Moredock is also working with the Maryland Association of Counties Watershed Implementation Workgroup to prepare comments to MDE outlining local jurisdiction concerns regarding the Conowingo Dam and other aspects of Maryland load reductions.

## **GENERAL DISCUSSION**

Ms. Morris announced that the Planning Commission has a new member; however, he will not begin to serve until he has received official notice of his appointment by the County Commissioners.

Mr. Hickman asked about the Rural Collation. Ms. Moredock said the County Commissioners have agreed to join this group; however, she does not know the group's charge or mission.

Ms. Moredock asked the members for ideas of what they would like to discuss during the joint meeting with members of the Town Planning Commissions and Boards of Appeals. The members decided that the roles and responsibilities of members and how to make findings and motions should be covered. It was also decided that the meeting should be held on a weekday evening at the Community Center. Ms. Moredock said she would coordinate this meeting and let the members know of the date and time.

Mr. Hickman asked if the state was satisfied with the County Tier Maps. Ms. Moredock stated the State has accepted Kent County's map. Mr. Crowding asked if Kent County has received the exemption. Ms. Gerber said she is still working on the exemption.

Isabel Junkin of the Chester River Association introduced herself to the members. She said she is the Policy Specialist for CRA. She gave the members an update and overview of the switch grass program.

There being no further business for the good of the organization, the meeting was adjourned at 2:12 p.m.

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Elizabeth Morris, Chairman

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Kim Dixon, Clerk