

**QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES**  
**June 10, 2021**

The Queen Anne's County Planning Commission met on Thursday, June 10, 2021, at 8:45 A.M. The following members were present: Sharon Dobson, Jeff Reiss, Tom Jackson, Teddy Baker, Kathy Deoudes, and Arthur Ebersberger.

Also present were: Amy Moredock, Director Department of Planning and Zoning; Rob Gunter, Development Review Principal Planner; Stephanie Jones, Long Range Principal Planner; Rob Tracey, Senior Planner; Steve Johnson, County Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

**1. Public Comment** – No comments received.

**2. Meeting Minutes Review** – Upon motion made by Commissioner Ebersberger, seconded by Commissioner Deoudes and passed by voice vote, the May 13, 2021, Planning Commission Minutes were approved as presented.

**3. Extension Requests** – None.

**4. UPDATES:**

**(A) Legislation and Legal Matters** – Mr. Christopher Drummond, Planning Commission Attorney, explained the agreement reached between staff and Bluegrass Solar regarding the Decommissioning Plan condition from the approval at the May Planning Commission meeting. Upon motions made by Commissioner Deoudes, seconded by Commissioner Ebersberger, the Planning Commission approved the proposed **Bluegrass Solar (SP#19-08-0034)** Decommissioning Surety and Deposit Plan, and required the County review to occur concurrently with the Public Service Commission's mandatory 5-year review.

**(B) Miscellaneous Staff Items** – Mr. Steve Johnson, Development Review Planner, provided and described a Memo and Spreadsheet regarding Approved Project Extension Requests. He said an update on the status of approved project will be provided to the Planning Commission every 6 months, in June and December.

**5. Amended Major Subdivision – Hayden Estates, LLC SUB#20-10-0203** – Mr. Steven Johnson, Development Review Planner, provided the history and highlights of the applicant's request to amend recorded Major Subdivision #02-04-09-0003 by modifying the approved landscape buffers.

Mr. Tom Davis, DMS & Associates, said the rationale is that one area has mostly regenerated and the other would bisect an active Ag field.

Mr. Jeffrey Thompson, Esq., said there was originally concern regarding a buffer, but with the slowed market the development did not occur for years, and the area has

regenerated. He said Mr. Morris, adjacent landowner, made a complete reversal and he and Mr. Whaley have no problems with the proposal to amend.

Mr. Davis added that all adjacent landowners were notified and had no comments.

Mr. Rodger Weese, Hayden Estates, LLC, said the landscaping bond is for street trees and entryway plants as well.

Upon further consideration, the following motion was made by Commissioner Deoudes, seconded by Commissioner Ebersberger, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Hayden Estates, LLC** for Amended Major Subdivision Approval for modification of two approved landscape buffers, as more particularly described in **Department of Planning & Zoning File SUB #20-10-0203**, hereby finds the amendment to the Major Subdivision is consistent with §18:1-76.D of the Queen Anne's County Zoning & Subdivision Regulations, and hereby grants major subdivision approval with the following conditions; (1) any remaining edits and/or documents required by the Department of Planning & Zoning be reviewed and approved, (2) the applicant submits an Amended Major Subdivision plat for final approval, (3) all required signatures must be obtained, (4) the applicant makes a fee in lieu contribution on a per lot basis to the Department of Parks and Recreation, (5) all required bonds, sureties, and inspection fees be submitted, and (6) a Maintenance and Inspection Agreement be approved by the Department of Public Works.

The Planning Commission recessed for a short break at 9:25 A.M. and reconvened at 9:35 A.M.

**6. Queen Anne's County Department of Planning & Zoning 2020 Annual Report to Maryland Department of Planning** – Mr. Rob Tracey, Long Range Senior Planner presented the details of the 2020 Annual Report to the Planning Commission for review and approval.

Chairman Dobson asked if there were members of the public who wished to be heard, at which time no comments were received.

Upon review and further consideration, a motion was made by Commissioner Reiss, seconded by Commissioner Ebersberger, and passed by unanimous voice vote,

to accept the 2020 Annual Report as presented and forward to the Maryland Department of Planning.

**7. COUNTY SPONSORED TEXT AMENDMENT – TA/CO #21-06: §18:1-45(B)4**

**Residential Accessory Structures and §18App-1 Definitions** – Mr. Rob Tracey, Long Range Senior Planner, described the proposed amendment to add a provision to permit residential accessory structures in the front yards of corner or double frontage lots and alter the terms of front, side, and rear lot to create a more user-friendly Definitions section.

Ms. Vivian Swinson, Zoning Administrator, said the proposed amendment applies to residential properties in the entire County.

Chairman Dobson asked if there were members of the public who wished to be heard at which time no comments were received.

Upon review, the following motion was made by Commissioner Deoudes, seconded by Commissioner Ebersberger, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission hereby makes a favorable recommendation to the Queen Anne's County Commissioners regarding **Text Amendment / County Ordinance #21-06** to add §18:1-45(B)4 to allow residential accessory structures in the front yards of corner and double frontage lots and to made non-technical revisions to §18App-1 Definitions in order to make the Code more user friendly, finding the proposal to be consistent with the Land Use Article and the Queen Anne's County Comprehensive Plan, as presented and attached hereto and labeled "Exhibit A".

**8. COMPREHENSIVE PLAN WORKSHOP** – Ms. Amy Moredock, Planning & Zoning Director, provided an update from the department perspective saying that they are basically over the hump, but challenging areas are coming up. She said, the staff are the liaison with consultant and stakeholders, the Planning Commission is the drafter, and the County Commissioners have final approval of the document. She went on to compare the overall Comprehensive Plan update process with 5 other counties in the same cycle, summarizing that Queen Anne's County public participation is higher and is on a schedule that will make us the first to adopt a plan.

Ms. Lauren Good and Mr. Ray Moravec of Wallace Montgomery lead the commission in a Comprehensive Plan work session including a status update and review of the Town Planning Framework chapter and Community Plans (Chester/Stevensville, Grasonville, and Kent Narrows).

**9. Public Comment**

**(A) Mr. Jody Schulz**, Chairman of the Kent Narrows Development Foundation, said he was glad the Kent Narrows Plan was staying its own thing and that there is still stuff to work out in the draft plan. He went on to say they are unique in that (1) the group is basically the same as last time and are dissecting their “baby” from 2006, (2) it is a special taxing district, and (3) grants etc. for the area need specific things in the plan so they are trying to get it right.

**(B) Ms. Gigi Winley**, Executive Director of the Kent Narrows Development Foundation, said the sequencing of the update is a bit of an issue as the community has changed more than any other in the last 10 years, so they need time to compile information.

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:55 A.M.

RESPECTFULLY SUBMITTED,

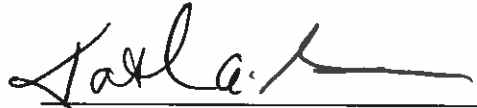
  
\_\_\_\_\_  
Kathy Deoudes, Secretary



EXHIBIT  
"A"

County Commissioners:

- James J. Moran, At Large
- Jack N. Wilson, Jr., District 1
- Stephen Wilson, District 2
- Philip L. Dumenil, District 3
- Christopher M. Corchiarino, District 4

MEMORANDUM

DATE: JUNE 10, 2021  
TO: QUEEN ANNE'S COUNTY PLANNING COMMISSION  
FROM: ROBERT W. TRACEY, SENIOR PLANNER  
SUBJECT: RESIDENTIAL ACCESSORY STRUCTURES – CORNER AND DOUBLE FRONTAGE LOTS, TEXT AMENDMENT COUNTY ORDINANCE # 21-06

Chapter 18 contains provisions for text and map amendments. Amendments to the provisions may be introduced by the County Commissioners, the Planning Commission, or by petition of a property owner. In this case, the Planning staff has identified a need to add provisions to permit residential accessory structures in the front yards of corner or double frontage lots and to make non-technical changes to the terms of front, side, and rear lots so they may be grouped together.

OBJECTIVE

TA/CO #21-06 proposes to add a provision to permit residential accessory structures in the front yards of corner or double frontage lots. The proposed text amendment will streamline the process by eliminating the need for applicants to obtain a variance from the yard locational standards in § 18:1-45.B.(1)(b)[3] prior to building permit approval which is subject to the zoning standards (setbacks, height standards, etc.) as outlined in appropriate zoning district of § 18:1. The amendment also makes non-technical changes to the terms of front, side, and rear lots in § 18App-1 in order to make the code more user-friendly. The non-technical revisions to these terms do not change their meanings and have no implications on this text amendment; instead, it is intended to make the terms easier to find within the definitions section of the code.

BACKGROUND

Currently, the code requires that all residential accessory structures be placed in the side or rear yards of a property. A variance can be obtained from the Board of Appeals for a residential accessory structure to be constructed in a front yard of a corner or double frontage lot. A residential accessory structure is an accessory structure on a residential lot that is not connected or attached in any manner to the existing principal building. For instance, a shed or garage would be considered residential accessory structures.

Figure 1: Double Frontage Lot

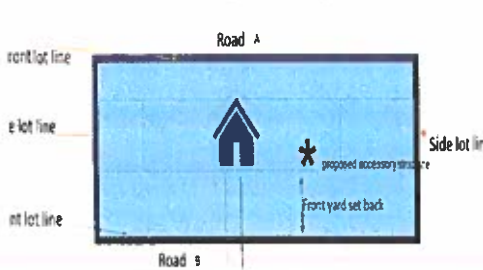
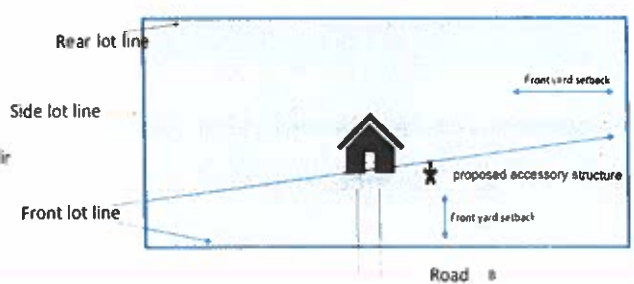


Figure 2: Corner Lot



and 2, the front setback applies to each property line abutting a road. The \* represents a proposed accessory structure

in the front yard of a double frontage or corner lot. In this situation, under the current code, both cases would require approval from the Board of Appeals because the structures are in the front yards of a double frontage or corner lot. The variance process, as outlined in § 18:1-121 (see Applicable Laws section of this staff report), requires applicants to prove that there is a practical difficulty or unnecessary hardship that was not caused by their own actions, is due to a peculiar feature of the property, the variance is not contrary to the public interest, and an evaluation of alternatives proves the variance is required. The proposed text amendment would eliminate the need for a variance and would streamline the process for property owners who are hoping to construct accessory structures in the front yards of corner or double frontage lots. Applicants would be required to apply for a building permit which is subject to the regulations set forth in § 18:1, including setback requirements. The proposed text amendment would apply to all zoning districts in the County.

Table 1: Number of Cases Per Year

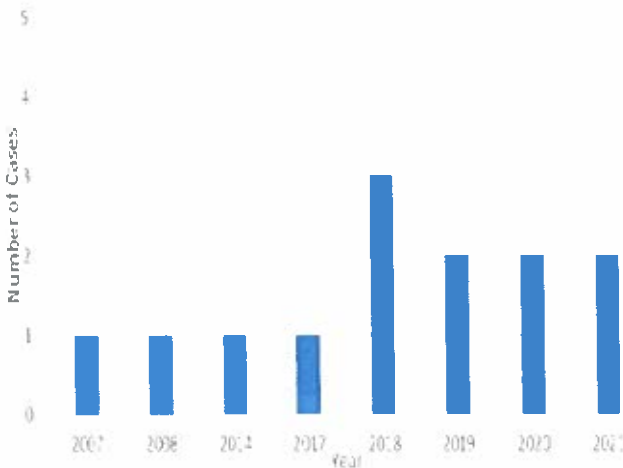


Table 1 shows the number of variance cases for accessory structures in the front yards of double frontage or corner lots heard by the Board of Appeals from 2007 to 2021. The years that are omitted from table 1 are years where no applications were received. Overall, the frequency of Board of Appeals cases has increased over time. The number of cases received from 2007 to 2017 remained constant. However, since 2018, the number of cases has doubled from the number of applications received in 2007 to 2017. Last year, two cases were considered by the Board of Appeals and both were granted.

The amendment also makes non-technical changes to the terms of front, side, and rear lots. The non-technical revisions to these terms do not change their meanings and have no implications on this text amendment; instead, it is intended to make the terms easier to find

and to make the code more user-friendly. The Board of Appeals and the Zoning Administrator, Vivian Swinson, both support the proposed text amendment.

**PROPOSED TEXT AMENDMENT/ COUNTY ORDINANCE TO CHAPTER 18**

TA/CO #21-06 proposes to add a provision to permit accessory structures in the front yards of corner or double frontage lots and makes a non-technical change to the definitions of lots as follows, with **CAPITALS AND BOLDFACED** text for new wording and ~~struckthrough~~ text for deletion:

Article VI, § 18:1-45B, *Accessory Structures: Location Restrictions.*

- (1) *A residential accessory structure:*
  - (a) May not be attached or connected in any manner to any other *structure*; and
  - (b) Shall be located:
    - [1] At least three feet from any property line;
    - [2] Except as provided in Subsection B(2) of this section, at least six feet from the closest point of the *principal building*; and
    - [3] Except as provided in Subsection B(3) of this section, in a side or rear yard.
- (2) Pools may be exempt from the setback from principal *structure* requirement under Subsection B(1)(b)[2] of this section, provided that the pool has a perimeter walkway of at least four feet.
- (3) When the *rear lot line abuts tidal wetlands*, a *residential accessory structure* may be located in that portion of a front yard that is not within the front setback required by this article.
- (4) **WHEN A PROPERTY ABUTS TWO STREETS A RESIDENTIAL ACCESSORY STRUCTURE MAY BE LOCATED IN THAT PORTION OF THE SIDE STREET THAT IS NOT WITHIN THE FRONT YARD SETBACK REQUIRED BY THIS ARTICLE.**

Front Lot Line, FRONT: A lot line that separates a lot from a public or private street or road.

Corner Lot, CORNER

The lot abutting two or more streets or roads at their intersection.

Double Frontage Lot, DOUBLE FRONTAGE

A lot whose front and rear yards abut public or private roads or streets.

Rear Lot Line, REAR

- A. The lot line that is parallel to and the most distant from the front lot line.
- B. In the case of an irregular or triangular shaped lot, where the rear lot line is not indicated, the rear lot line will be located in the following manner:
  - (1) Twenty feet will be measured along the lot lines from the apex farthest from the front lot line; and
  - (2) An imaginary line will be drawn between the two points that will be considered the rear lot line.
- C. In the case of double frontage lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes legal access from a public or private street or road.

Side Lot Line, SIDE

The boundary of a lot that is not a front lot line or a rear lot line

**APPLICABLE LAWS**

*Article XXIX. Amendments*

- A. Proposal.
  - (1) A proposal for a *text amendment*, other than an *amendment* to the Subdivision Regulations, may be initiated by:
    - (a) Resolution of the *County Commissioners*;
    - (b) Resolution of the *Planning Commission*; or
    - (c) Petition of a *property owner* or *property owners* acting as a private citizens' group filed with the *County Commissioners*.
- B. Required referral. Any proposed *amendment* that is not initiated by the *Planning Commission* shall be referred to the *Planning Commission* for investigation and recommendation.
- C. Filing requirements for petitions for *text amendments* and *map amendments*. Any amendment to this Chapter 18, including the *Zoning Maps*, that is proposed by a *subject property owner*, a *property owner* or a group of *property owners* acting as a private citizens' group shall be filed with the Office of the Clerk to the *County Commissioners* for consideration by the *County Commissioners* only during the first 10 business days in the month of February of each calendar year. *Map amendment* and *text amendment petitions* will not be accepted by the Clerk to the *County Commissioners* at any other time during the year.

§ 18:1-220 Action by Planning Commission.

- A. Consideration. In considering any proposed *amendment*, the *Planning Commission* shall cause such investigation to be made as it deems necessary and for this purpose may require any *person* concerned to submit pertinent data and information.
- B. Hearing. Before making any recommendation with respect to an *amendment* involving comprehensive rezoning or an *amendment* of the Subdivision Regulations, the *Planning Commission* shall hold at least one public hearing.
- C. Report.
  - (1) The Commission shall submit its report and recommendation to the *County Commissioners* within 90 days from the date when it receives the proposal, unless an extension of time is granted by the *County Commissioners*.



- (2) The recommendations of the *Planning Commission* shall include discussion of the matters required to be considered by the *County Commissioners*.

§ 18:1-221 **Consideration by County Commissioners.**

B. Consideration.

- (1) The *County Commissioners* shall evaluate the proposed *amendment* on the basis of the recommendations of the *Planning Commission*, the testimony, and other evidence presented at the hearing.
- (2) The *County Commissioners* may not approve any *amendment* unless it finds that the *amendment* is consistent with the purposes contained in Article 66B of the Annotated Code of Maryland, in the *Comprehensive Plan*, and in this Chapter 18:1.

*Annotated Code of Maryland/Land Use Article*

4-204. Zoning regulations -- Amendment, repeal, and reclassification

- (a) Authority. -- Zoning regulations and boundaries may be amended or repealed.

*Chapter 18*

§ 18:1-121: *Limitations with respect to variance.*

A. In general. The Board shall grant a *variance* only with respect to matters involving the modification of the *density*, bulk, or area requirements of this Chapter 18:1, or of the requirement set forth in § 18:1-95B of this Chapter 18:1. No *variance* is required where a proposed modification will not cause an existing violation to increase.

B. Circumstances. A *variance* may not be granted unless the Board specifically finds that:

- (1) Literal enforcement of this Chapter 18:1 would result in unnecessary hardship or practical difficulty as the result of specified conditions;
- (2) Those conditions are peculiar to the property involved;
- (3) Those conditions are not the result of any action taken by the appellant;
- (4) The *variance* will not be contrary to the public interest; and
- (5) Evaluation of alternatives proves *variance* is required.

C. Considerations. Among all other factors that must be considered with respect to the requirements of this section, the Board shall consider:

- (1) The ability to use the property for any reasonable purpose, whether or not such purpose is desired by the appellant, in the absence of the proposed *variance*;
- (2) The degree to which the proposed *variance* will affect adjacent property;
- (3) The impact of the proposed *variance* upon the resource protection provisions of Part 4, Article IX, of this Chapter 18:1; and
- (4) The degree to which the situation might be more properly addressed by amending this Chapter 18:1.

*Appendix A: Glossary*

§18App-1: *Definitions*

Residential Accessory Structure

An accessory structure that would be regarded under other provisions of this Chapter 18 as an accessory structure on a residential lot that is not connected or attached in any manner to the existing principal building.

Front Lot Line

A lot line that separates a lot from a public or private street or road.

TA/CO 21-06: RESIDENTIAL ACCESSORY STRUCTURES

CORNER OR DOUBLE FRONTAGE LOTS



Corner Lot

The lot abutting two or more streets or roads at their intersection.

Double Frontage Lot

A lot whose front and rear yards abut public or private roads or streets.

Rear Lot Line

- A. The lot line that is parallel to and the most distant from the front lot line.
- B. In the case of an irregular or triangular shaped lot, where the rear lot line is not indicated, the rear lot line will be located in the following manner:
  - (1) Twenty feet will be measured along the lot lines from the apex farthest from the front lot line; and
  - (2) An imaginary line will be drawn between the two points that will be considered the rear lot line.
- C. In the case of double frontage lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes legal access from a public or private street or road.

Setback Line

- A. A line extending the full width or length of the lot, establishing the nearest point that a principal building may be erected from any front, side or rear lot line.
- B. For flag lots and other irregularly shaped lots with narrow road frontage, the front setback line shall be measured from the point or line from which the lot widens to establish the area that may be improved with buildings or structures.
- C. On corner lots and double frontage lots, the front setback shall apply to each property line abutting a road

Side Lot Line

The boundary of a lot that is not a front lot line or a rear lot line

*Queen Anne's County Comprehensive Plan*

- Section 1.8, Objectives: Review current site design standards to further promote environmental protection, landscaping, and aesthetics as well as seeking to preserve scenic beauty, vistas, viewscapes, and un-fragmented forestland and farmland through compact residential design.

**RECOMMENDATION**

Based on consistency with the applicable laws noted above, staff recommends that the Planning Commission send a favorable recommendation to the Board of County Commissioners for Text Amendment/County Ordinance # 21-06 to add § 18:1-45B(4) that will allow residential accessory structure in the front yards of corner and double frontage lots and to make non-technical revisions to §18.App-1: Definitions in order to make the code more user friendly.

Specifically, the recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners. Therefore, staff offers the following findings:

- Land Use Article: The proposed amendment would streamline the approval process by eliminating the need for applicants to obtain a variance from the Board of Appeals for residential accessory structures in the front yards of corner or double front lots. All other requirements set aside in §18:1 would be required to be met.
- Comprehensive Plan: The proposed amendment is consistent with the goals, principles, and strategies identified in the Plan.

Favorable -