

**MINUTES**

Meeting: Kent County Board of Zoning Appeals  
 Date: August 17, 2020  
 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: July 20, 2020</b></p> <p><b>20-26 Dixie Land Energy – Set Back Variance (Side &amp; Rear Yards)</b></p> <p>– The applicant is requesting an 85-foot variance to both sides and a 50-foot variance to the rear yard, from the required 100-foot setback, to construct a liquid propane and fuel oil storage and distribution facility.</p> <p>The property is located along the east side of Maryland Route 299 on the north side of Massey (Sassafras Road) in the First Election District and is zoned Industrial “I”.</p> <p><u>Applicant:</u>                      Kevin Shearon, representing Dixie Land Energy, LLC.</p> <p>Kevin Price, representing Dixie Land Energy, LLC.</p> <p>All were sworn in.</p> <p><u>Staff:</u>                      Stephanie Jones, Environmental Planner.</p> <p>No correspondence was received.</p> <p>Mr. Mackey provided an update of the Comprehensive Re-Zoning project and reminded everyone of the first public forum on Tuesday, August 18, 2020 at 6 P.M.</p>	<p>Dr. Albert Townshend,                      Chairperson</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate                      Member sitting in observing capacity only</p> <p>Mr. Christopher Drummond                      Attorney for the Board</p> <p>Brian Jones, Clerk</p>	<p>Minutes approved as presented</p> <p>Based on the applicant’s testimony:</p> <ul style="list-style-type: none"> <li>• The variance will not cause a substantial deterrent to adjacent or neighboring properties.</li> <li>• The proposed development is consistent with adjacent uses that include a large grain storage facility, a large stone stockpile yard, a multi-track railroad, and a Crop Production Services operation.</li> <li>• Granting of the variance will not negatively change the character of the neighborhood. Many of the surrounding uses are also storage facilities with a distribution component.</li> <li>• Granting of the variance is consistent with the <i>Comprehensive Plan</i> by locating industrial uses on Industrial zoned properties.</li> <li>• The practical difficulty arose from applying the 100-ft setbacks from all property lines resulting in no usable or developable area.</li> <li>• The practical difficulty was not caused by the applicant’s own actions, but rather the nature of the zoning and, more importantly, the surrounding zoning. If the adjacent properties were also zoned industrial, the side and rear setbacks would only be 15-ft.</li> <li>• Without a variance, there would be no usable area for the property.</li> <li>• The property is not in the Critical Area.</li> <li>• No construction has begun on the project.</li> </ul>	<p>Unanimous Approval</p> <p>Unanimous Approval</p>

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		<p>Ms. Horsey made a motion to grant the variance with the condition that the applicant shall secure final site plan approval from the Planning Commission and begin construction within one year.</p> <p>Mr. Massey seconded the motion; all were in favor.</p>	
<b>Adjourn</b>		<p>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 7:45 P.M.</p>	Unanimous Approval

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Dr. Albert Townshend, Chairman

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Brian Jones, Clerk

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