

**MINUTES**

Meeting: Kent County Board of Zoning Appeals  
 Date: August 26, 2019  
 Time: 7:00 P.M.  
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item/Case	Sitting for the Board	Action Taken	Vote
<p><b>14-48 – Kent Sand &amp; Gravel, LLC – Requesting an Amendment to the Conditions of the Special Exception approval dated October 17, 2014.</b></p> <p>The property is located at 13505 Alexander Road in the First Election District and is zoned, Agricultural Zoning District “AZD”.</p> <p>Applicants:                      Tim Henderson, Counsel for Kent Sand &amp; Gravel                      Gus Buttar- Senior Environmental Engineer for Martin Marietta</p> <p>Carla Gerber, GIS Specialist</p> <p>General Public testimony was offered by adjacent property owners, Heather Dann and Henry Pechin.</p> <p>All were sworn in.</p>	<p>Dr. Albert Townshend, Chairperson</p> <p>Joan Horsey, Member</p> <p>David A. Hill, Member</p> <p>Mr. Christopher Drummond Attorney for the Board</p> <p>Tonya Thomas, Clerk</p>	<p>Ms. Horsey made a motion to remove conditions 1, 2, 9, 14, and 18 of the special exception extension approval granted based on the following facts:</p> <ul style="list-style-type: none"> <li>• The Local Ordinance is impliedly preempted by State Law and Condition Nos. 1, 2, 9 and 14 of the Board’s 2014 extension approval are unenforceable as a result of the decision of the Court of Special Appeals in <i>East Star, LLC v. County Commissioners of Queen Anne’s County</i>.</li> <li>• The Board has asked that the adjacent property owners file concerns with the Planning and Zoning staff for enforcement action rather than schedule annual meetings. Condition 18 is also to be removed.</li> </ul> <p>Mr. Hill seconded the motion; all were in favor.</p>	<p>Unanimous Approval</p>
<p><b>Adjourn</b></p>		<p>At 7:56 PM, Dr. Townshend asked for motion; Mr. Hill made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; all were in favor.</p>	<p>Unanimous Approval</p>

*Albert S. Townshend, Dr. Chair*

*Tonya Thomas*

Dr. Albert Townshend, Chairman

Tonya Thomas, Clerk