



**MINUTES**

July 15, 2024

5:00 PM

*Video recordings of the Kent County Board of Appeals meetings are available online for viewing on the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.*

The Board of Appeals met on June 17, 2024, at 5:00 p.m. in the County Commissioners Hearing Room. Board members in attendance were Chair Dr. Albert Townshend, Member John Massey, Member Joan Horsey, and Alternate Member David Hill.

Thomas N. Yeager, Esq., Board Attorney; William Mackey, AICP, DPHZ Director; Carl Gerber, AICP, Deputy Director; Robert Tracey, AICP, Associate Planner; and Beth Grieb, Office Manager, serving as Clerk were in attendance.

The applicant was represented by Matt Fry. No other members of the public were present or online.

The meeting was called to order at 5:20 pm by Chair Dr. Townshend.

**APPLICATIONS FOR REVIEW**

*24-33 - Fry Family LP -- Variance -- Setback for Animal Operation  
10120 Augustine Herman Highway, Chestertown -- Third Election District -- AZD*

The applicant, Matt Fry, representing Fry Family LP, presented the request for a variance from the 600-foot side yard setback requirement for a confined animal feeding operation (CAFO) to build a new feed mixing and grain handling facility. The proposed building would be located 15 feet from the property line of an adjacent parcel owned by Ed and Marian Fry, requiring a 585-foot variance.

Mr. Fry explained that the farm consists of multiple parcels owned by different family entities. He noted that they are in the process of applying for a property line adjustment, but due to the lengthy approval process related to agricultural easements, they are seeking the variance to proceed with construction.

The Board questioned Mr. Fry about the location of the proposed building, its distance from other property lines, and the future plans for property line adjustment. Mr. Fry confirmed that the building would be over 1,400 feet from the road and that adjusting the property lines would eliminate the need for variances in the future.

Mr. Rob Tracey, Associate Planner provided staff comments, noting the Planning Commission reviewed the application on July 11, 2024, and recommended approval. Mr. Tracy referenced a similar variance granted in 2011 for a waste management structure on the same property, where the Board found that the unusual lot configuration constituted a practical difficulty. Staff also recommended approval.

Adopted on August 19, 2024

The Board deliberated on the application, discussing the current property lines and practical difficulties.

Member Horsey moved to approve a 585-foot variance from the 600-foot side yard setback requirement for the Fry Family Limited Partnership property located at 10120 Augustine Herman Highway, Kent County, third election district, in order to build a new feed mixing and grain handling facility for their existing confined animal operation. Member Massey seconded, and the motion passed unanimously.

**GENERAL DISCUSSION**

*Discussion of language to prohibit aggregation of solar facilities in AZD in the Land Use Ordinance*

Member Massey moved to go into closed session for the purpose of receiving legal advice. Member Horsey seconded. The motion passed unanimously, and the meeting was then closed for legal advice.

Following the closed session, the Chair reported that no decisions were made during the closed session.

**ADJOURN**

Member Massey moved to adjourn. Member Horsey seconded. The motion passed unanimously.

          /s/ Albert S. Townshend          

          /s/ W. A. Mackey          

Dr. Albert Townshend, Chairman

William A. Mackey, AICP, Director DPHZ

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