



MINUTES

August 19, 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 August 19, 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; Mark Carper, LEED Green Associate, Associate Planner; and Beth Grieb, Office Manager, serving as Clerk were in attendance.

Applicant Richard Zaveta attended remotely. No members of the public were present or online.

The meeting was called to order at approximately 5:10 pm by Chair Dr. Townshend.

APPLICATIONS FOR REVIEW

*24-34 Richard and Madeline Zaveta -- Variance -- Pier Length
6278 Burris Road, Rock Hall -- Seventh Election District -- Zoned Resource Conservation District (RCD)*

The clerk read the public notice for the hearing into the record.

Mr. Richard D. Zaveta, Jr. was sworn in and testified on behalf of the application. He explained the request for a 21-foot variance to construct a 171-foot-long pier with floating platforms. Mr. Zaveta described the need for the variance due to subaquatic vegetation (SAV) and water depth requirements for the proposed boat lift.

The Board questioned Mr. Zaveta about potential impacts on neighboring properties, consistency with the comprehensive plan, and the applicant's timeline for construction.

Mr. Mark Carper, Associate Planner, recommended approval of the variance with no conditions.

No members of the public were present to testify for or against the application.

The Board discussed the application's compliance with the variance criteria, including practical difficulty, impact on neighboring properties, and consistency with the comprehensive plan.

Adopted on September 23, 2024

Mr. Massey moved, based on the written and oral testimony, to adopt the Planning Commission's and the Planning staff's findings of fact, and "to grant Richard and Madeline Zaveta a variance for the pier length of 21 feet to install a 6-foot-wide pier into Tavern Creek, 171 feet channelward of the mean high-water line, located at 6278 Burris Road." Ms. Horsey seconded the motion. The motion passed unanimously.

MINUTES

The Board reviewed and discussed draft minutes prepared by Mr. Mackey using artificial intelligence assistance. The Board expressed approval of the new, more detailed format.

Ms. Horsey moved to approve the minutes as corrected for January 22, 2024; February 12, 2024; March 18, 2024; June 17, 2024; July 15, 2024; and the July 15, 2024, closed session minutes. Mr. Massey seconded the motion. The motion passed unanimously.

DECISION REVIEW

The Board reviewed and discussed the two decisions prepared by Mr. Yeager regarding the Mason Solar special exception and the Fry Family variance.

For the Mason Solar decision, the Board clarified the correct attribution of motions made during the previous meeting. Mr. Mackey made necessary corrections to the document.

For the Fry Family variance decision, minor typographical corrections were noted. Mr. Yeager agreed to make the corrections and distribute the updated version.

The Board signed both decisions with the understanding that minor corrections would be made.

The Board discussed the potential need to reschedule its September meeting. It was tentatively agreed to move the meeting from September 16 to September 23, pending confirmation with the applicant.

ADJOURN

Mr. Massey moved to adjourn. Ms. 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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