



Board of Zoning Appeals
Department of Planning, Housing, and Zoning

MINUTES

May 19, 2025

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 May 19, 2025, at 5:00 p.m. in the County Commissioners' Hearing Room.

Board members in attendance were John Massey, David Hill, and Benjamin Legow (sitting).

Thomas N. Yeager, Esq., Board Attorney; William Mackey, AICP, DPHZ Director; Carla Gerber, AICP, Deputy Director; Beth Grieb, Office Manager, serving as Clerk, were in attendance.

The representative for the Jones Family Farm was Sean P. Jones.

Individuals who signed the sign-in sheet included Mary Hurtt Tazewell.

The meeting was called to order at 5:00 pm by Chair John Massey.

APPLICATIONS FOR REVIEW

*25-12 Lester C. Jones & Sons, Inc. – Setback Variance and Special Exception –
Structure for the Processing and Sale of Animal Products –
32545 Galena Sassafras Road, Galena – First Election District – Zoned AZD*

Ms. Grieb reported that the public notice was posted in the *Kent County News* on May 15, 2025, and included in the Board of Appeals May meeting packet posted online at www.kentcounty.com. Letters were sent to adjacent property owners on April 11, and the property was posted on April 15. One letter of support was received and was read into the record. The letter was from Margaret Hurt and Mary Hurt Tazewell, dated April 25, 2025. Their farm is located at 32762 Galena Sassafras Rd. The letter expressed support for the Jones Family Farm application, citing the Jones Family as good neighbors and supporting their effort to diversify in the agricultural arena and continue the family farm for future generations.

Board Member David Hill disclosed that he had a prior business relationship with the applicant involving seed sales and other farm-related items; however, he has had no discussion about the application with the applicant. Chair Massey disclosed owning a farm across the road from Jones Farms, and he affirmed his ability to fairly and impartially evaluate the application before the Board this evening.

Mr. Jones, representing Lester C. Jones & Sons, Inc., testified regarding seeking a special exception for milk processing and meat processing in the AZD zone and setback variances for the 600-foot setback requirement for animal sales/processing facilities. Mr. Jones explained existing buildings would be retrofitted for the proposed uses. Due to the property's shape, achieving 600-foot setbacks on all sides

Adopted on August 18, 2025

would be nearly impossible without placing facilities in the middle of the back of the property. Mr. Jones noted that there are no residences located within 600 feet from the proposed special exception uses.

Mr. Jones outlined that the primary focus would be on milk processing initially, with meat processing planned for the future. There would only be cutting and packaging of meat on-site. Slaughter would not be done onsite; it would be done at USDA certified facilities off-site. An educational component showing "animal to plate" process is planned, and there are plans for agricultural animals on-site for educational purposes (similar to a petting zoo). A 4,900-square-foot animal building is planned. There would be retail operations by appointment currently with expansion to weekend-concentrated hours initially in the Fall.

Mr. Jones noted that dairy processing wastewater would be transported back to the family's main dairy facility for integration with the existing system that handles 36,000,000 gallons of manure storage and land application via an irrigation system covering 800 acres. The special use on this property would only generate an estimated 7,000 to 8,000 gallons per week based on a wastewater generation rate ranging from 25% to 100% of milk processed. So, this facility would produce a tiny fraction of off-site capacity.

Ms. Gerber, Deputy Director of Planning, testified that the Planning Commission recommended approval of both applications. The Planning Commission found that the practical difficulty is due to size and shape of property for the variance, that applications were consistent with the Comprehensive Plan and Land Use Ordinance, that the application would support maintaining and strengthening natural resources and working lands-based industries, that the application would promote and support of agricultural industry to secure its future in the County, and that the application would encourage farm-based businesses including agritourism. Staff recommended for the Board to favorably recommend on both applications.

Ms. Mary Hurtt Tazewell noted her letter had already been read out loud and it serves as her testimony.

Mr. Hill moved to approve the special exception for the property located at 32545 Galena Sassafras Road in Galena in the First Election District, for the previous Bayer research facility, that it be used for meat processing, milk processing, retail sales, including adoption of the Planning Commission's findings and as supplemented by the testimony tonight. Mr. Legow seconded. The motion passed unanimously.

Board members discussed that all existing buildings require variances for their front and side setbacks, while there are adequate rear setbacks. The 600-foot setback requirement is specific to animal-product processing versus 200 feet for crop processing. The practical difficulty was caused by unusual property characteristics, not the applicant's actions. The Board found consistency with Comprehensive Plan goals. The Board recommended containing visitors in designated areas through fencing and design of buildings.

Mr. Legow moved to approve the variances and adopt the findings of fact by the Planning Commission, as supplemented by the testimony tonight. Mr. Hill seconded. The motion passed unanimously.

MINUTES

Mr. Hill moved to approve the minutes from the last meeting on March 17, 2025. Chair seconded the motion. The motion passed unanimously.

GENERAL DISCUSSION

Ms. Gerber reported there would be no meeting scheduled for June. There is a meeting planned for July with at least two applications expected. The meeting will be scheduled for the third Monday of July.

Mr. Mackey reported that the new Countywide Zoning Map and the new Land Use Ordinance / Unified Development Ordinance (UDO) is expected to be adopted in mid-July and to be effective by end of July.

ADJOURN

Mr. Hill moved to adjourn the meeting. Mr. Legow seconded. The motion passed unanimously. The meeting was adjourned at approximately 5:30 p.m.

Note: There were technical difficulties with online streaming to the County's YouTube channel, which were addressed at the beginning of the meeting. Agendas provide information cautioning members of the public that "... although many meetings are recorded, the availability of video online is dependent on internet availability and functionality," further noting: "In-person attendance is always recommended."

/s/ John Massey
John Massey, Chair

/s/ W. A. Mackey
William A. Mackey, AICP, Director DPHZ

Please note 80% of this document was created by Claude from Anthropic using a transcript from YouTube.