



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

MINUTES

September 15, 2025

5:00 PM

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The Board of Appeals met September 15, 2025, at 5:00 p.m. in the County Commissioners' Hearing Room.

Board members in attendance were Chair John Massey, Member David Hill, and Member Rob Davis. Alternate Member Benjamin Legow was away.

Karen Ruff, Esq., Board Attorney; William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Robert Tracey, AICP, Associate Planner; and Beth Grieb, Office Manager, serving as Clerk attended.

Representative for Mr. Schottland's application was Mr. Duncan Welsh, owner, Chesapeake Boat Lift Service.

Representatives for Mr. Baitsholts's application included the applicants, Dylan and Kaitlyn Baitsholts.

Individuals who signed the sign-in sheet included Robert Presley, Andrew Beazley, Janet Fosque, and Ann Morris.

Other members of the public attended virtually (online) including Sharon Truitt, Lauren Jackson, and an unidentified caller.

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

MINUTES

The minutes from August 18, 2025, were held for approval at the next meeting of the Board.

APPLICATIONS FOR REVIEW

*25-23: Charles B. Schottland – Variance – Pier Length
7989 Quaker Neck Road, Chestertown – Seventh Election District – Zoned CAR*

Public Notice Information: Clerk Beth Grieb read into the record that the public notice was posted in the *Kent County News* on September 11, 2025. Letters were sent to the adjacent property owners on August 15, 2025. The property was posted on August 20, 2025. No correspondence was received.

Note: Staff noted that the advertisement text was not included in the online packet; however, it was properly published in the newspaper of record and is, therefore, part of the public record.

Adopted on [INSERT DATE]

Applicant Testimony: Duncan Welsh, contractor (7015 Churchill Road, Chestertown, Maryland 21620), testified on behalf of property owner Charles B. Schottland. Mr. Welsh requested a pier extension to 235 feet, representing a 92-foot variance from the existing 143 feet, based on the Planning Commission's favorable recommendation. Mr. Welsh addressed the variance criteria, stating that the variance will not cause substantial detriment to adjacent or neighboring properties; the variance will not change the character of the neighborhood or district; the variance is consistent with the comprehensive plan and general intent of the ordinance; and the practical difficulty exists due to shallow water depth until approximately the 220-foot range from the shoreline.

Board Discussion: Board members questioned the practical difficulty, noting that existing water depth measurements showed approximately 4-5 feet at high tide, which would provide 2-3 feet at low tide. Members expressed concern about whether this constituted sufficient practical difficulty, especially given that neighboring piers appear to function at shorter lengths.

Staff Report: Mr. Rob Tracey, AICP, Associate Planner, testified that the Unified Development Ordinance limits piers to 25% of waterway width, edge of channel, or 150 feet, whichever is less. The Planning Commission voted favorably on September 4, 2025, to grant a 92-foot variance for a 235-foot pier, finding it would not cause substantial detriment, would not change neighborhood character, is consistent with the Comprehensive Plan, and that the practical difficulty was caused by siltation from adjoining property owners.

Property Sale Issue: Discussion arose regarding the property being posted for sale and how this might affect the variance timeline. Board Attorney Karen Ruff confirmed that variances run with the land and have a one-year implementation period under the current ordinance.

Motion: Mr. Hill moved to defer this application for variance to extend the pier, requesting that Charles Schottland appear either in person or online to discuss the matter at the next meeting on October 20, 2025, at 5:00 PM at 400 High Street, Chestertown. Mr. Davis seconded the motion. The motion passed unanimously.

*25-32: Dylan Baitsholts – Special Exception – Raising Small Animals
6111 Anderson Avenue, Rock Hall – Fifth Election District – Zoned CR*

Applicant Testimony: Mr. Dylan Baitsholts and Mrs. Kaitlin Baitsholts (6111 Anderson Avenue, Rock Hall) requested a special exception to keep their existing flock of birds, which includes approximately twelve chicken hens, two chicken roosters, two Peking ducks, one Indian Blue peacock ("Appleton"), and eight chicken chicks.

The applicants explained their emotional attachment to the flock, describing the birds as family pets and sources of mental health support. They noted that when they researched Kent County regulations online, they found conflicting information about allowable flock sizes and were unaware they were out of compliance until receiving Code Enforcement notices. The applicants addressed neighbor complaints

about rooster noise, noting there is no noise ordinance in Kent County. They expressed frustration that the neighbors did not communicate directly with them before involving the County and Animal Control.

Regarding the peacock "Appleton," the applicants noted that he has gained local celebrity status with 338 members on his Facebook page and followers from across the region. They emphasized that all animals are now properly contained and cannot access neighboring properties.

Testimony: Robert Presley (6085 Tolchester Road, Rock Hall) testified against the application. Ann Morris (South Main Street, Rock Hall) testified in favor. Sharon Truitt (Spring Cove Road, Rock Hall) testified online in favor. Andrew Beasley (6091 North Main Street, Rock Hall), the adjacent neighbor, testified that he supports allowing 5 female chickens as permitted by County regulations. Laura Jackson (Clayton, Delaware) testified online, identifying herself as the applicants' family member and in support.

Staff Report: Ms. Carla Gerber, AICP, Deputy Director of Planning and Zoning, reported that the Planning Commission voted unfavorably on September 4, 2025, finding that the large flock exceeded allowable limits for backyard flocks. Under current zoning, the property would be permitted five female chickens for non-commercial purposes. Staff explained that the backyard chicken regulations, adopted circa 2014, following public input, define backyard chickens as females of the species *gallus gallus domesticus* for non-commercial purposes, with male birds not permitted. The number of chickens allowed varies by property size, with a maximum of eight chickens. More than eight chickens require a farm classification (agricultural use, minimum 20 acres). Staff noted that anyone keeping backyard chickens must register with the Maryland Department of Agriculture.

Special Exception Analysis: The application was submitted under the "animal husbandry - raising small animals" category, which includes birds, bees, fish, rabbits or other creatures but excludes dog kennels. This was the closest applicable use for the applicants' situation.

Code Enforcement Process: Mr. Mackey explained the standard enforcement process: verbal contact initially, followed by the first written notice with 30 to 60 days for compliance, depending on complexity of the violation, then a second letter with citation and fines of up to \$100 per day if no progress is made.

Applicant Closing Statement: The applicants stated they would agree to no additions to the flock, would register and test the birds as required, and would allow the flock to diminish naturally to the permitted five chickens as older birds die. They requested not to have to immediately re-home elderly birds.

Motion: Mr. Hill moved (1) to not grant the special exception, noting the findings enumerated by staff in the staff report; (2) to allow 30 days for the removal of the two roosters, two Perking ducks, and the peacock from the property; and, (3) to allow 90 days for the reduction of the chickens to five hens. Mr. Davis seconded. The motion passed unanimously. *Note: The sound recording ended prior to the motion.*

GENERAL DISCUSSION

Mr. Mackey reported this would be his last meeting, as he accepted a new position in New Brunswick. The Chair and members thanked Mr. Mackey for his service, and Mr. Mackey thanked the Board for their professionalism, high regard for the law, and their key role in decisions on important matters.

Ms. Gerber reported that there will be a meeting in October including the pier variance and other items.

ADJOURN

Mr. Davis moved to adjourn the meeting. Mr. Hill seconded. The motion passed unanimously.

The meeting was adjourned at approximately 6:44 p.m.

/s/ John Massey
John Massey, Chair

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

Please note 95% of this document was created by Claude from Anthropic using a transcript from MS Teams.