



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

MINUTES

November 17, 2025

5:00 PM

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The Board of Appeals met November 17, 2025, at 5:00 p.m. in the County Commissioners' Hearing Room.

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

Elissa Levan, Esq., Board Attorney; Carla Gerber, AICP, Acting Director; and Beth Grieb, Office Manager, serving as Clerk attended.

Representatives for Melissa Kidd included the applicant herself, Melissa Kidd.

Individuals who signed the sign-in sheet included Danielle Hanscom Thode, Tracy Kidd, John Hutchinson, Carol Bowman, Becky Robson, Barbara Esmonde, JP Hooker, Michele Rachubinski, and Rebecca Murphy.

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

MINUTES

Motion: Mr. Hill moved to approve the minutes from October 20, 2025. Mr. Davis seconded. The motion passed unanimously.

Motion: Mr. Legow moved to approve the minutes from August 18, 2025. Mr. Massey seconded. The motion passed unanimously.

APPLICATIONS FOR REVIEW

25-49: Melissa Kidd - Special Exception and Variance - Commercial Dog Kennel
7515 Poplar Avenue, Chestertown - Seventh Election District - Zoned CR

Public Notice Information: Ms. Grieb read into the record that the public notice was printed in the Kent County News on November 13, 2025. Letters were sent to the adjacent property owners on October 17, 2025, and the property was posted on October 17, 2025. No correspondence was received.

Applicant Testimony: Melissa Kidd (7515 Poplar Avenue, Chestertown) testified. Ms. Kidd operates "Hot Diggity Dawg Day Care," a small-scale, cage-free, home-based dog daycare and boarding service. She explained that she has successfully operated the business for six years with no complaints from neighbors. The business provides daycare services for up to seven dogs, which combined with her three personal dogs, totals ten dogs maximum on the property at any time.

Adopted on [INSERT DATE]

Business Operations: Ms. Kidd described her operation as primarily a daycare facility, with boarding being occasional rather than daily. All dogs are supervised at all times, with no outdoor kennels or runs. Dogs sleep inside her home at night. She staggers pick-up and drop-off times to eliminate traffic congestion, allowing only one car at a time in her driveway. Drop-offs are scheduled 10-15 minutes apart. According to her car log, typically only four cars visit per day, which is consistent with standard residential neighborhoods. Hours of operation are Monday through Friday 8:00 AM to 5:00 PM and Saturdays 8:00 AM to 4:00 PM, with no daycare hours on Sundays.

Noise Management: Ms. Kidd explained that play groups are limited to small numbers of dogs that know each other. Dogs must pass a behavior test to attend, and any dogs that do not mesh well are no longer allowed to come to daycare. This helps minimize barking and noise. She limits outdoor play, particularly after 5:00 PM when no more than three dogs are allowed in the yard at one time.

Waste Management: All waste is sealed, double-bagged, and stored in waterproof containers following Environmental Protection Agency guidelines. There is no water runoff as she does not use outdoor pens or kennels. Waste is picked up as dogs eliminate. Ms. Kidd walks her property three times daily and rakes once each evening. Liquid waste infiltrates the grass naturally, and with regular yard upkeep there is no odor issue.

Property and Fencing: Ms. Kidd's property is 0.36 acres in size. She built her fence in 2011, nine years before starting her business, for residential purposes to provide safety and aesthetic appeal. The fence is decorative, well-maintained, and consistent with residential aesthetics rather than commercial or industrial in appearance. The fence follows the natural layout and slope of the yard. She added a small extension in 2024 as a maintenance measure to allow grass to grow in a front pen area, but this followed the original fence's outline.

Set Back Variance Need: Due to the property's size, shape, and established layout (house and driveway placement from before she purchased the property in 2011), it is impossible to meet the required 200-foot setback for a commercial kennel. The existing fence sits in the flattest, most stable section of her yard, minimizing erosion and runoff. There is no reasonable alternate location to move the fence. Ms. Kidd emphasized that the current fence location is visually cohesive with neighboring residential fencing.

Community Support: Ms. Kidd stated that most neighbors did not know she ran the business from her home until they themselves became clients. Many of her neighbors bring their dogs to her facility. She maintains open communication with neighbors and has established rules and regulations to respect neighbors and ensure safety. Eight people in the audience raised their hands to show support for the application. Ms. Kidd submitted 20 letters of support.

Comprehensive Plan Consistency: Ms. Kidd noted that her business is owner-operated, not a noisy industrial setting or high-traffic facility. She maintains her property with regular lawn and landscaping upkeep. There is no additional lighting beyond traditional residential lighting. The business supports local families and business owners, many of them being neighbors.

Staff Report: Ms. Gerber, Acting Director of Planning, testified that the Planning Commission reviewed this application at their November 6, 2025, meeting. For the special exception, the Planning Commission was unable to make a favorable recommendation because they felt Ms. Kidd had not provided sufficient evidence to evaluate the request based on the standards for special exception at that time. The Planning Commission recommended that she provide additional information, which Ms. Gerber indicated Ms. Kidd did provide to the Board of Appeals.

The Planning Commission had recommendations on some limits for the Board to consider should they decide to approve the special exception. These conditions included: no more than 10 dogs on the property at any one time (total animals, including Ms. Kidd's personal dogs); no more than 3 dogs in the yard at one time after 5:00 PM; and hours of operation as stated by Ms. Kidd (8:00 AM to 5:00 PM Monday through Friday, 8:00 AM to 4:00 PM Saturday, with no daycare hours on Sunday).

Ms. Gerber explained the definition of a commercial dog kennel found in the unified development ordinance on page 370, which states that it is "the keeping of any dog or dogs regardless of number for breeding, sale, boarding or treatment purposes except in an animal hospital or pet shop as permitted by these regulations and the keeping of 5 or more dogs 6 months or older for any purpose." If a citizen had 5 or more dogs just as their own personal pets, it would be treated as a commercial kennel.

Ms. Gerber confirmed that a special exception goes with the land, not the person. If the property were sold, it would still have the dog kennel special exception, which is one reason why objective conditions that don't pertain solely to the current operator are important.

Ms. Gerber noted that the Planning Commission wanted to ensure Ms. Kidd demonstrated: no adverse effect on traffic patterns; consideration of proximity to dwellings, houses of worship, schools, and public structures; no negative impact on community facilities and services; no negative impact on cultural or historic landmarks; and no probable effect of noise, vibration, smoke, etc. The Planning Commission felt the information they had at that time of their meeting did not allow them to make a decision, but Ms. Gerber believed Ms. Kidd had addressed these concerns in her presentation to the Board of Appeals.

For the variance, Ms. Gerber testified that the Planning Commission voted to forward a favorable recommendation for approval of the setback variances at their November 6, 2025, meeting. The Planning Commission felt that granting the variance would not cause substantial detriment to adjacent or neighboring properties, would not change the character of the neighborhood or district, and that the Comprehensive Plan supports the application. The Planning Commission found that the practical difficulty is due to the size, shape, and configuration of the parcel, noting that the property is below the current minimum lot size for the zoning district.

Board Discussion - Special Exception: Board members discussed that special exceptions go with the property and not the person, and therefore conditions should be in place to ensure future property owners are bound by the same terms. The Board noted concerns about businesses expanding over time and impacts on neighboring property values.

Members discussed the special exception criteria outlined in the staff report. They noted the property's standard lot size (though below current minimums), location on a small County road in a residential area, and proximity to dwellings. The Board acknowledged that the applicant does not use large amounts of water or sewer that would affect community facilities or services.

Regarding noise concerns, Board members acknowledged that while rural areas have noise from farming activities, there was discussion about whether a noise standard could be applied. The Board considered the six years of operation with no complaints and the 20 letters of support as significant factors. The Board also noted that three of the support letters were from immediate neighbors and that no neighbors appeared in opposition or sent correspondence objecting to the application.

The Board discussed limiting the total number of dogs on the property and establishing specific conditions for hours of operation and outdoor play restrictions. There was discussion about including a provision related to

noise complaints. Ms. Levan suggested the property owner could be required to operate in a manner such that no more than a certain number of complaints by separate individuals (unrelated to one another, not occupying the same household) are generated within a specified time period.

The Board concluded that with appropriate conditions on the number of dogs, hours of operation, and outdoor activity restrictions, the special exception could be granted while protecting the neighborhood's character.

Special Exception Motion: Mr. Hill moved to grant the special exception for Hot Diggity Dawg Day Care located at 7515 Poplar Avenue, Chestertown, Maryland 21620, with the following conditions:

1. Hours of operation are Monday through Friday 8:00 AM to 5:00 PM, Saturdays 8:00 AM to 4:00 PM, with no hours of operation for the daycare on Sundays.
2. There is a limit of 10 dogs during the day and 7 dogs at night.
3. No more than 3 dogs at one time in the yard after 5:00 PM. During daytime hours (8:00 AM to 5:00 PM), more dogs may be outside in the yard.
4. If there are 3 separate complaints of noise from 3 separate property owners during a 2-week time frame, this constitutes a violation of the condition of the special exception.

Mr. Davis seconded. The motion passed unanimously.

Board Discussion - Variance: Board members noted that the Planning Commission had already addressed and approved the parking waiver, so that was not a concern for the Board. Members acknowledged that the property is smaller than current standards, creating a hardship not caused by the applicant. The Board noted that the fence was built in 2011, well before the business started, and the practical difficulty arose from the property's existing configuration and limitations.

Members concluded that the variance for the setback should be approved as recommended by the Planning Commission.

Variance Motion: Mr. Davis moved to accept the findings of fact and conclusions of law of the Planning Commission for File 25-49, Melissa Kidd, Hot Diggity Dawg, at 7515 Poplar Avenue, Chestertown, Maryland 21620, and to approve the variance including the variance for the setback (8.5 feet from the side property lines and 10 feet from the setback on the rear property line) and the identified parking driveway that is 60 feet long, 12 feet wide, and accommodates 3 vehicles. Mr. Hill seconded. The motion passed unanimously.

GENERAL DISCUSSION

Meeting Date Changes: Staff reported that January's meeting date falls on Martin Luther King Day on January 19, 2026. County offices will be closed that day. The Board discussed alternative dates and agreed to move the meeting. Staff noted they would finalize whether the new date would be January 12 or January 26 depending on scheduling considerations related to the Planning Commission meeting cycle.

The members agreed to hold a meeting on December 15, 2025. Staff reported the following items are expected for the December 15, 2025 meeting:

1. A special exception for a 2-plot cemetery
2. An assisted living facility requiring both a special exception and a lot coverage variance for a Critical Area issue

3. A floodplain variance for Worton Creek Marina, which wants to rebuild their store and fuel sales facility located over the water on the dock
4. A request from legal counsel for the Mason solar project (Pivot Energy) to modify conditions of their previously approved special exception to remove the requirement for a berm, consistent with the Renewable Energy Certainty Act passed in the last legislative session which became effective July 1, 2025. Counties can no longer require berms for solar facilities. The applicant prefers to modify the conditions rather than vacate the special exception and apply for site plan review, viewing this as more community-friendly and transparent. They are planning to shift the facility further back from the roadway to better address concerns related to the historic church.

Ms. Gerber noted that several solar projects are currently under construction in the County.

ADJOURN

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

The meeting was adjourned at approximately 6:30 p.m.

/s/ John Massey
John Massey, Chair

/s/ Carla Gerber
Carla A. Gerber, AICP, Acting Director

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