

Frederick County Board of Zoning Appeals

Meeting Minutes
December 15, 2022

Chairman Andrew Brown called to order the regular hearing of the Frederick County Board of Zoning Appeals on Thursday, December 15, 2022, at 7:00 pm. This was a live public meeting and also available to the public utilizing WebEx and Public input via telephone. Board members present: Mr. Andrew Brown, Mr. Shannon Bohrer, Mr. Dan Lawton, Mr. John Greenwell and Mr. Gerald Ziemba.

The County staff members present were, Mr. Tom Sinton, Assistant County Attorney, Mr. Tolson DeSa, Zoning Administrator, Mr. Justin Horman, Planner II, Mr. Michael Paone, Zoning Planner I. Kathy Mitchell, Senior Assistant County Attorney was present, using WebEx.

The Chair announced the rules and procedures of the meeting and swore in all persons present who were to testify.

First item of business was the approval of the November 27, 2022, Minutes. Motion by Mr. Bohrer to approve the minutes. Mr. Ziemba seconded the motion. Approved unanimously 5-0.

Official minutes of the Board of Appeals meetings are kept on file in the Frederick County Planning and Permitting Division, 30 North Market Street, Frederick, Maryland 21701

B-22-33 (B273753)

Appeal of the Planning Commission's September 15, 2022, denial letter of Site Plan 07-28 (Hyattstown Self-Storage Units/Complex), in accordance with the Frederick County Code, Section 1-19-3.230. Appeals. The Property is located at 1920 Urbana Pike, Clarksburg, MD 20871.

Ms. Mitchell began her presentation but was asked a question at the beginning regarding the process that the Board can use to review this application. Ms. Mitchell explained the options they have to move forward.

Michele Rosenfeld, attorney for the Appellant, was allowed to comment regarding the process discussion and stated that she believed the Board had to provide a de novo hearing.

On a motion by Mr. Bohrer in Case B273753, Appeal of Planning Commission decision, seconded by Mr. Greenwell, The Board voted 3 – 2 to postpone the hearing of the appeal to the January Board meeting, so that County development review staff can be available for questions, and so that the Applicant can provide their presentation, as well as allowing the public to testify.

VOTE 5-0
FOR: 3
AGAINST: 2
ABSTAIN: 0
ABSENT: 0

B-22-34 (B273783)

The Applicant is requesting approval of a Special Exception to allow Private Aircraft Landing and Storage Areas on his property in accordance with the Frederick County Code, Sections 1-19-3.210 and 1-19-8.322.1. Private Aircraft Landing and Storage Areas In A, LI And GI Districts. The property is located at 11606 Handboard Rd, Union Bridge MD. 21791.

Mr. Bohrer questioned the Applicant about whether the public or any commercial planes would be using the landing and storage areas. Mr. Cumberland responded that only he, his wife, and maybe some family members would use the areas. The Applicant amended his application to indicate that a small storage building is not within the runway strip.

Motion by Mr. Lawton in case B273783, to allow Private Aircraft Landing and Storage Areas on the referenced property, Second by Mr. Ziembra. Passed unanimously.

VOTE 5-0

FOR: 5

AGAINST: 0

ABSTAIN: 0

ABSENT: 0

B-22-35 (B273787)

Requesting approval of a variance to the 40 ft. front Building Restriction Line (BRL) in order to add a portico over the front door of the house in accordance with the Frederick County Code Sections 1-19-3.220 Variances and 1-19-6.100 Design Requirements. The portico would be 7' x 5' (roof with overhang 6' x 8'). The front left corner encroaches 3'6" and front right corner encroaches 6'6" on the existing BRL. Approval would leave a front BRL of 33'6". The property is located at 8191 Middle Ct. Middletown, MD 21769.

During the discussion, Mr. Brown asked the Applicant if they needed a 7' variance? The Applicant responded in the affirmative. The requested variance from the front BRL, was amended through testimony from 6'6", to 7'

Motion by Mr. Bohrer case B273787, to approve a 7 foot variance to the 40 ft. front Building Restriction Line, seconded by Mr. Ziembra. Passed unanimously

VOTE 5-0

FOR: 5

AGAINST: 0

ABSTAIN: 0

ABSENT: 0

B-22-36 (B273785)

Requesting approval of a Special Exception to permit an Accessory Dwelling Unit (ADU) Greater than 1,000 sq. ft. in accordance with the Frederick County Code, Sections 1-19-3.210 and 1-19-8.321 of the Frederick County Code. The property is located at 5936 Elmer Derr Road, Frederick MD 21703. The ADU is 1,838 sq. ft. and the property size is 5.01 acres.

Mr. Bohrer asked the Applicant if the neighbors were aware of this application. The Applicant responded yes.

Motion by Mr. Lawton, to approve Case B273785, Accessory Dwelling Unit greater than 1000 sq. ft., seconded by Mr. Greenwell. Passed unanimously

VOTE 5-0

FOR: 5

AGAINST: 0

ABSTAIN: 0

ABSENT: 0

B-22-39 (B273706)

Brook Lane Behavioral Services is requesting a Temporary Special Exception, in accordance with the Frederick County Code, Sections. 1-19-3.210 Special Exceptions, 1-19-5.310 Use Table and 1-19-8.300 Temporary Structures and Uses Requiring Special Exception Approval, to continue a previously approved public charter elementary school in the LI zone. The property is located at 4540 Mack Avenue, Frederick MD 21703

The Applicant's representative provided information to update the BOA members on future plans. There were no proposed changes to the school enrollment capacity or other changes that might impact the school or surrounding properties. Two additional people spoke in support of the Application.

Motion by Mr. Bohrer, to approve Case B273706, Temporary Use in the L.I. District., seconded by Mr. Ziembra. Passed unanimously

VOTE 5-0

FOR: 5

AGAINST: 0

ABSTAIN: 0

ABSENT: 0

B-22-40 (B269060)

Requesting approval of a Special Exception to permit an Accessory Dwelling Unit (ADU) Greater than 1,000 sq. ft. in accordance with the Frederick County Code, Sections 1-19-3.210 and 1-19-8.321 of the Frederick County Code. The ADU is 3,866 sq. ft. in size. The property is located at 5720 Woodville Rd, Mt. Airy, MD 21771

The Applicant provided testimony in support of his application. No one else spoke in favor or against the Application.

Motion by Mr. Lawton, to approve Case B269060 ADU Greater than 1000 sq. ft., seconded by Mr. Ziemba. Passed unanimously

VOTE 5-0

FOR: 5

AGAINST: 0

ABSTAIN: 0

ABSENT: 0