

## Frederick County Board of Zoning Appeals

Meeting Minutes – February 23, 2023

**Members Present:** Shannon Bohrer, Acting Chairman; John Greenwell; Gerald Ziembra; Jack Felton (Alternate board member). Chairman Andrew Brown and Dan Lawton were absent.

**Staff Present:** Thomas Sinton, Asst Co. Attorney; Kathy Mitchell, Senior Asst County Attorney (Virtual attendance); Tolson DeSa, Zoning Administrator; Michael Paone, Zoning Planner I; Justin Horman, Zoning Planner II; Jamie Martin, Administrative Specialist II.

The meeting was called to order at 7:00PM. Mr. Bohrer announced the rules and procedures of the Meeting, and swore in all persons who wished to testify. Mr. Bohrer then called the first case.

### **Case B23-04 (B274872)**

Requesting approval of a Special Exception to allow activity within a floodplain under Section 1-19-9.110. Activities within floodplain district and section 1-19-9.120 procedures for activities within the FEMA floodplain. Project will be placing 34 conduits approximately 48" below grade and fiber optic lines will be placed within the conduits. Location is multiple sites in the Brunswick area, including multiple Potomac Edison rights of way and privately owned lands.

Attorney Timothy Riley, on behalf of QLoop Communication Services, requested a continuance to ensure all proper notification in accordance with County requirements. Mr. Bohrer asked the applicant if they were requesting a continuance to the next scheduled Board of Appeals meeting, or if the applicant was going to give notice to have their case heard at a later meeting. Mr. Paone clarified that the applicant did not have sufficient time to meet the advertising requirements for the next scheduled meeting. Therefore, the applicant will notify staff when notice requirements are met, and the hearing will be scheduled accordingly.

Mr. Greenwell made a motion to approve the request for a continuance to a date to be determined in the future. Mr. Ziembra seconded the motion. Motion passed 4-0-0.

Board Member Name	Aye	Nay	Abstain
Shannon Bohrer (Acting Chairman)	X		
John Greenwell	X		
Gerald Ziembra	X		
Jack Felton (Alternate Member)	X		

### **Case B23-03 (B274972)**

Requesting approval by the Board of Zoning Appeals to grant a variance in accordance with Section 1-19-4.220 of the Frederick County Code, Nonconforming Structures. Section 1-19-4.220(C) states the Board of Appeals may grant a variance to expand a nonconforming portion of an existing nonconforming structure only if the proposed expansion does not; (1) increase the original footprint of the nonconforming portion of the structure; (2) Extend farther into the required setback(s) than the existing nonconforming portion(s) of the nonconforming structure; or (3) include the construction of a nonconforming porch, enclosure of an existing nonconforming porch, or the addition of stories on top of a nonconforming porch. The location of the property is 255 Knoxville Rd, Knoxville, MD 21758.

Bill Brennan and the applicant, Mr. Silva were present to present their case to the board. No public comments were made in support nor the opposition of the application.

Mr. Greenwell made a motion to grant the approval of the applicant's request. Mr. Ziemba seconded the motion. The motion was passed 3-0-1. Mr. Bohrer, as acting chair, abstained from the vote due to there being an even number of board members present.

<b>Board Member Name</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Shannon Bohrer (Acting Chairman)			X
John Greenwell	X		
Gerald Ziemba	X		
Jack Felton (Alternate Member)	X		

Last order of business was to address the meeting minutes from January 26,2023. Mr. Felton made a motion to approve the minutes, Mr. Greenwell seconded the motion to approve the minutes. Motion was passed 4-0-0.

<b>Board Member Name</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Shannon Bohrer (Acting Chairman)	X		
John Greenwell	X		
Gerald Ziemba	X		
Jack Felton (Alternate Member)	X		

The meeting was adjourned at 7:20PM.