

## **Frederick County Board of Zoning Appeals**

Meeting Minutes from April 27, 2023

**Members Present:** Andrew Brown; Chairman, Shannon Bohrer, John Greenwell, Dan Lawton, Gerald Ziembra.

**Staff Present:** Tolson DeSa; Zoning Administrator, Thomas Sinton; Assistant County Attorney, Jamie Martin; Administrative Specialist II.

The meeting was called to order at 7:01PM. Chair Brown announced the rules and procedures of the meeting, swore in all persons wishing to testify and called roll.

The first order of business was the approval of minutes from the March 23, 2023, meeting. Motion to approve the minutes by Mr. Greenwell and seconded by Mr. Ziembra. The motion was approved 4-0-1. Chair Brown abstained due to his absence for the March 23, 2023, BOA meeting.

**Case B274872                    B-23-04                    Teleconservices**

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 places within the conduits. 4'x6'x4' hand holes will be placed along the route at or below grade with no structures being above grade.

The Properties are located at multiple sites in the Brunswick Area including multiple Potomac Edison Rights of Way and privately owned lands.

Christopher Mudd with Venable LLP, approached and presented on behalf of the applicant in the case; Teleconservices. Mr. Mudd explained to the Board that he and his law firm have been working with Michele Rosenfeld whom is representing members of the community for this case, to mitigate their concerns with this project. Mr. Mudd requested that the Board agree to postpone the case to the May BOA meeting despite Mrs. Rosenfeld's written request to postpone until the June BOA meeting. Mr. Mudd's request was due to his confidence that the conflict with Mrs. Rosenfeld's clients would be resolved by the May BOA meeting. Mr. Mudd also added that if the conflict has not been remediated, they would come before the BOA in May and request an extension to be heard at the June BOA meeting.

Chair Brown asked Thomas Sinton for guidance as to whether or not the Board had to take public comment for a continuance. Mr. Sinton asked Ms. Martin if there was any recorded public comment, Ms. Martin confirmed that there was a recorded public comment message received. However, Mr. Sinton reiterated that the Board is not required to take public comment for a continuance request.

Discussion was then turned to the Board members. After a brief discussion amongst Board members, a motion to postpone the case until the June BOA meeting at the request of the citizens was made by Mr. Bohrer. The motion was seconded by Mr. Lawton. The Board voted 4-1-0 and the motion was passed.

<b>Board Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chair Andrew Brown		X	
Shannon Bohrer	X		
Dan Lawton	X		
John Greenwell	X		
Gerald Ziembra	X		

**Case B275058                    B-23-07                    Fahrner Residence**

Requesting approval for a Special Exception to construct an Accessory Dwelling Unit (ADU) in excess of 1,000 Sq.Ft. in accordance with Sections 1-19-3.210 and 1-19-8.321 of the Frederick County Zoning Ordinance. The ADU is 1,046 Sq.Ft. with a footprint of 1,046 Sq.Ft. The primary residence is 3,450 Sq.Ft. with a footprint of 1,399 Sq.Ft. The ADU is located in the basement of the primary residence. The Property is located at and further described as: 6316 Mount Phillip Rd, Frederick, MD. 21703.

The Applicant amended their application to request that the ADU be increased to 1,725sq ft. to allow connection between primary dwelling and ADU (in basement).

<b>Board Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chair Andrew Brown	X		
Shannon Bohrer	X		
Dan Lawton	X		
John Greenwell	X		
Gerald Ziembra	X		

Mr. Lawton made a motion to approve the special exception request with the amended application to allow an ADU up to 1,725. Sq Ft. Mr. Greenwell seconded the motion. Motion passed 5-0-0.

The meeting adjourned at 7:19pm.