

Frederick County Board of Zoning Appeals

Meeting Minutes from June 22, 2023

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

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

The meeting was called to order at 7:00PM. Chair Brown announced the rules and procedures of the meeting and swore in all persons wishing to testify.

The first order of business was the approval of minutes from the April 27, 2023, meeting. Motion to approve the minutes by Mr. Ziemba and seconded by Mr. Bohrer. The motion was approved 5-0.

Before introducing the first case, Chair Brown called roll and asked each board member to state if they had visited each site.

Case B273787 B-23-08 VANMAR ASSOCIATES, INC.

Requesting approval of a variance to reduce the required 25 ft. front Building Restriction Line (BRL) by 17 ft. in accordance with the Frederick County Code Sections 1-19-3.220 Variances and 1-19-6.100 Design Requirements. The purpose of the variance is to allow the construction of a single-family home. Approval of this application would leave a front BRL of 8 Ft. The property is located at 10303 Cantor Ct., New Market, Md 21774.

Ron Thompson, Engineer with VanMar Associates spoke on behalf of the applicant. After Mr. Thompson's verbal affirmation of the application, the floor was opened for public comment. Michael Seager came forward to speak in opposition of the variance request. Once Mr. Seager was finished with his allotted 4 minutes to speak, Chair Brown allowed the applicant their rebuttal opportunity. Ms. Martin stated that there was a caller that was coming in and out of the queue, however they were not currently in queue at the time that the Board could take a call for public testimony. The Chair then closed the record for testimony and the case was turned over to the Board for discussion. A member of the public interrupted and stated that they wished to provide testimony, however Chair Brown reiterated that the record was closed.

Motion to approve the BRL variance request for the case by Mr. Lawton and seconded by Mr. Greenwell. Motion approved unanimously 5-0.

Board Member	Aye	Nay	Abstain
Chair Andrew Brown	X		
Shannon Bohrer	X		
Dan Lawton	X		
John Greenwell	X		
Gerald Ziemba	X		

Requesting approval of a variance to reduce the required 30 ft. front Building Restriction Line (BRL) to 0 Ft., in accordance with the Frederick County Code Sections 1-19-3.220 Variances and 1-19-6.100 Design Requirements. The purpose of the variance is to allow the construction of an accessory structure (2 car garage). Approval of this application would leave a front BRL of 0 Ft. The property is located at 6910 Maryland Ave., Frederick MD 21703.

The applicant, Robert McCutcheon came forward to speak on his own behalf. Mr. McCutcheon provided photographs of a mock building and its placement on the lot. Chair Brown noted that electric lines run directly above where the proposed building will be. Chair Brown also made the applicant aware that typically there are easements for overhead utilities and that would need to be addressed with the respective utility companies as well. No public testimony in favor or in opposition of the application was presented. The Chair then closed the record and brought the case back up to the Board for discussion. Amongst the discussion, the Board asked the applicant for clarification on a few different scenarios of placement that would yield less of an encroachment on the 6ft utility and drainage easement from the BRL. (Roadside) The Board also made the applicant aware that he may amend his application via testimony. The applicant ultimately amended his application via testimony to move the garage back 6ft from Urner Ave to allow for the full amount of the 6ft utility and drainage easement.

Motion to approve the amended application by Mr. Bohrer, seconded by Mr. Greenwell. The motion was unanimously approved 5-0.

Board Member	Aye	Nay	Abstain
Chair Andrew Brown	X		
Shannon Bohrer	X		
Dan Lawton	X		
John Greenwell	X		
Gerald Ziemba	X		

After the last case was closed, Mr. Lawton requested discussion amongst the board in regard to agenda item "General Discussion of Meeting Guidelines".

Meeting adjourned at 7:52PM.