

Frederick County Board of Zoning Appeals

September 28, 2023, Meeting Minutes

Members Present: Andrew Brown, Chair; John Greenwell; Gerald Ziemba; Jack Felton (Alternate Member).

Members Absent: Shannon Bohrer, Vice Chair; Dan Lawton, Secretary.

Staff Present: Tolson DeSa, Zoning Administrator; Kathy Mitchell, Sr Assistant County Attorney; Michael Paone, Zoning Planner; Justin Horman, Zoning Planner II; Jamie Martin, Administrative Specialist II.

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

The first order of business was approval of the minutes from the August 24, 2023, meeting. Mr. Greenwell made a motion to approve the minutes, and it was seconded by Mr. Ziemba. The motion passed 3-0-1-2. Mr. Felton abstained due to not being present at the August 24, 2023, meeting.

Board Member Name	Aye	Nay	Abstain	Absent
Andrew Brown	X			
John Greenwell	X			
Gerald Ziemba	X			
Jack Felton			X	
Shannon Bohrer				X
Dan Lawton				X

Mr. DeSa introduced the Board to the new Division Director for Planning and Permitting, Ms. Deborah Carpenter who was in attendance.

The Chair then moved to the next agenda item which was an introduction to a request for consolidation of a case to be presented to the Board at the next meeting in October. The request is simply for the Board to consider consolidating the Site Plan and the Preliminary Plan as one case with one record for the appeal of the Planning Commission's decision on the Gordon Mill project. The appeal to overturn the Planning Commission's approval is being made by Cleanwater Linganore as well as several other individual appellants. Ms. Mitchell explained that the APFO issues had been appealed separately to the Circuit Court, which had agreed to consolidate the review of the two plans and to use a single record for both cases. The second part of the request was to ask the Board what kind of appeal they will allow. Ms. Mitchell explained that there were three different types of appeals; De novo, hybrid or strictly based off the existing record. Chair Brown also asked Ms. Mitchell if the appeal was requested in the appropriate timeframe, and she confirmed that it was.

Mr. Greenwell made a motion to approve the consolidation of the appeals related to the Gordon Mill Preliminary Plan and the Gordon Mill Site Plan. Jack Felton seconded the motion, the motion passed unanimously. 4-0-0-0.

Board Member Name	Aye	Nay	Abstain	Absent
Andrew Brown	X			
John Greenwell	X			
Gerald Ziemba	X			
Jack Felton	X			
Shannon Bohrer				X
Dan Lawton				X

Mr. Greenwell made a motion to hear the appeal on the record only, with legal arguments, no additional testimony and to allow public comments. Mr. Ziemba seconded the motion and the motion passed unanimously.

Board Member Name	Aye	Nay	Abstain	Absent
Andrew Brown	X			
John Greenwell	X			
Gerald Ziemba	X			
Jack Felton	X			
Shannon Bohrer				X
Dan Lawton				X

Before moving on to the first case of the evening, Chair Brown requested that each member state whether they visited the sites. All members stated that they visited the sites.

B-23-11 B275154 Cole French

Requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential Districts in accordance with Section 1-19-3.210, Section 1-19-8.325, and Section 1-19-11.100 of the Frederick County Code, to allow up to 5 chickens, with no roosters, on a residentially zoned property containing .47 acres. The property is described as 7915 Juniper Drive, Frederick MD 21702.

One member of the public came forward to speak in opposition to the application. No members of the public came forward to speak in favor of the application.

Mr. Greenwell made a motion to approve the application. Mr. Ziemba seconded the motion, and the motion passed unanimously.

Board Member Name	Aye	Nay	Abstain	Absent
Andrew Brown	X			
John Greenwell	X			
Gerald Ziemba	X			
Jack Felton	X			
Shannon Bohrer				X

Dan Lawton				X
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B-23-17 B275410 Rensberger and Family LLC

Requesting approval of a Special Exception to permit an Accessory Dwelling Unit (ADU) Greater than 1,000 sq. ft. in accordance with Section 1-19-3.210 and Section 1-19-8.321 of the Frederick County Code. The ADU is 1,157 sq. ft. and the property size is 12.5 acres. The property is described as 3370 Basford Rd Frederick MD 21703.

No members of the public came forward to speak in favor or opposition of the application. Mr. Greenwell made a motion to approve the application. Mr. Felton seconded the motion and the motion passed unanimously.

Board Member Name	Aye	Nay	Abstain	Absent
Andrew Brown	X			
John Greenwell	X			
Gerald Ziemba	X			
Jack Felton	X			
Shannon Bohrer				X
Dan Lawton				X

The meeting was adjourned at 7:37pm.