

Frederick County Board of Zoning Appeals

October 26, 2023, Meeting Minutes

Members Present: Andrew Brown, Chair; Dan Lawton; John Greenwell; Jack Felton, Alt. Member.

Members Absent: Shannon Bohrer, Vice Chair.

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 the approval of the minutes from the September 28, 2023, meeting. Mr. Greenwell made a motion to approve the minutes, and it was seconded by Mr. Felton. The motion passed 3-0-1-1. Mr. Lawton recused himself from the vote due to not being present at the September 28, 2023, meeting.

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

Next, Chair Brown requested to take roll and for each member to confirm that they have visited the sites, in which all Board members confirmed they had.

Case B23-18 B275703 B & R Design Group

Requesting approval of a request to reduce the required 25 ft. front Building Restriction Line (BRL) to 10 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 residence. Approval of this application would leave a front BRL of 10 Ft. The property address is 6856 Edgewood Rd, New Market MD 21774.

Bill Brennan with B & R Design Group came forward to speak on behalf of the owner of the property and requested a continuance to the January BOA meeting due to a conflict with the December date for the BOA meeting. The continuance request was made so that the owner of the property could address concerns that the public has made, as well as to meet with counsel to properly address concerns. Chair Brown confirmed with Mr. Sinton that no public comment needed to be heard since the applicant was requesting a continuance.

Mr. Greenwell made a motion to grant the continuance request, it was seconded by Mr. Felton. Motion passed 3-0-1-1. Chair Brown abstained from voting.

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

Case B23-19

B275398 Appeal of Gordon Mill Preliminary Plan (Combined with)

B275399 Appeal of Gordon Mill Site Plan Michele Rosenfeld (Attorney Representative)

Requesting an Appeal of Planning Commission decision to approve preliminary plan S1170 and parking modification approvals. The Appellant is also appealing the approval of the final site plan (SP20-02) and parking modification approvals, in accordance with Section 1-19-03.230. Both appeal applications will be reviewed together by the BOA. The property addresses are 6300 and 6011 Boyers Mill Rd, New Market MD 21774.

The case opened with Mrs. Mitchell clarifying that Ms. Rosenfeld made a modification to their case, that the stormwater management and parking modification issues be removed and that the only remaining issue being raised was the issue of whether the Gordon Mill Preliminary Plan and the Gordon Mill Site Plan comply with the Blentlinger rezoning ordinance. The Blentlinger rezoning ordinance requires, prior to recordation of any residential plat, that the developer must guarantee one of two road options.

Ms. Mitchell also reminded the Board that the order of presentations in an administrative appeal is that the agency presents first, then the appellant, followed by the applicant (if the applicant is not the appellant). The order of rebuttal discussions is then agency, applicant, then the appellant speaks last. Ms. Mitchell explained that the Board voted to hear this case based off of the record (which was sent to the Board), to include legal argument, the ability to ask questions of the attorneys, with no new testimony, but with public comments. Ms. Mitchell presented first, on behalf of the Division of Planning and Permitting in this case. Ms. Michele Rosenfeld represented the appellant and Ms. Soo Lee Cho represented the applicant (Avanti).

After all arguments, rebuttals, public comments, and lengthy discussion, Mr. Greenwell made a motion to deny the appeal. It was seconded by Mr. Felton. The motion passed 4-0-0-1.

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

The meeting adjourned at 8:18pm.