

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR**

**Thursday, March 26, 2015**

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, March 26, 2015 ("Hearing") at 7:00 p.m. in the 1<sup>st</sup> Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members Mike Bowersox, Alan Duke, Wayne Robinson, and Alternate Board member Tom Conard. Also present were Mr. Michael Chomel, Assistant County Attorney, and for the Community Development Division ("Staff") Mr. Larry Smith, Zoning Administrator, and Mr. Craig Terry, Planner.

*Official Minutes of the Board of Appeals' meetings are kept on file in the Community Development Division.*

### **Introductions and Administrative Matters**

The Chair welcomed the audience to the hearing and requested that all cell phones and other electronic devices be turned off.

### **Approval of Minutes**

On a motion by Mr. Bowersox, seconded by Mr. Conard, the Board approved the minutes of the February 26, 2015 meeting by a vote of 5-0.

### **Rules and Procedures**

All Board members noted that they had attended the site visit.

The Chair stated the rules and procedures for the hearing and swore in all persons who expected to testify or cross-examine at the hearing.

### **CASE**

#### **B-15-06      D&D Solutions c/o Carlos Pacheco**

The Applicant, D&D Solutions c/o Carlos Pacheco, requests Special Exception approval to establish an Accessory Apartment greater than 800 square feet on the property located on the south side of Fingerboard Road (12613 Fingerboard Road, Tax Map 98, Parcel 126, Tax ID #09-238182), zoned Residential-1 (R1). Applicable Zoning Ordinances are:

- Sec. 1-19-3.210 Special Exceptions
- Sec. 1-19-8.321 Accessory Apartments Greater Than 800 Square Feet to be Located in an Accessory Structure

Mr. Terry read the staff report. Mr. Smith noted comments of the Health Department. One witness spoke in opposition to this application. The Board discussed the issues involved and upon further consideration the Applicant requested a continuance to work on the issues. On a motion by Mr. Bowersox, seconded by Mr. Robinson, the Board voted 5-0 to continue the case for three months to the June 2015 meeting of the Board.

#### **B-12-03      Monocacy Montessori Communities, Inc.'**

The Applicant, Monocacy Montessori Communities, Inc., requests a renewal of one year for a previously granted Temporary Special Exception to continue an established public charter elementary school located at the corner of Corporate Court and Crestwood Boulevard (7215 Corporate Court, Tax Map 86, Parcel 215, Lot 17), zoned Office/Research Industrial. Applicable Zoning Ordinances are:

- Sec. 1-19-3.21 Special Exceptions
- Sec. 1-19-5.310 Use Table
- Sec. 1-19-8.300 Temporary Structures and Uses Requiring Special Exception Approval

The applicant was not present. No witnesses came forward to speak on this case. Mr. Chomel indicated that if the Board was satisfied with the information presented in the case documentation, the Board could move forward on the case.

Based upon the evidence presented, the Board discussed and found that the request for a one year renewal to the previously granted Temporary Special Exception met the requirements of the Zoning Ordinance, specifically the above noted sections. On a motion by Mr. Bowersox, seconded by Mr. Robinson, the Board voted 5-0 to grant the requested one year renewal.

**B-15-07      Glamourview Farms c/o Paradise Energy Solutions, LLC**

The Applicant, Glamourview Farms c/o Paradise Energy Solutions, LLC, requests Special Exception approval to establish a solar nongovernmental utility located on the east side of Woodsboro Pike (9847 Woodsboro Pike, Tax Map 49, Parcel 12, Tax ID #26-496810), zoned Agricultural and Resource Conservation. Applicable Zoning Ordinance are:

- Sec. 1-19-3.210 Special Exceptions
- Sec. 1-19-8.339 Nongovernmental Utility

Mr. Terry read the staff report. Mr. Smith stated that there were no agency comments. Mr. Jose Pabon, process manager for Paradise Energy Solutions LLC, 134 Moreland Court, Lititz, PA, represented the Applicant. No witnesses spoke on this case.

Based upon the evidence and testimony presented at the hearing, the Board discussed and found that the request for a Special Exception met the requirements of the Zoning Ordinance including Sections 1-19-3.210 and 1-19-8.339. On a motion by Mr. Conard, seconded by Mr. Duke, the Board voted 5-0 to approve the Applicant's request for a Special Exception.

**B-15-08      David and Heather Bodnar**

The Applicant, David and Heather Bodnar, request a Variance of 34 feet from the 40 foot front yard setback to construct a detached garage on the property located on the north side of Old Sabillasville Road (17655 Old Sabillasville Road, Tax Map 1, Parcel 94, Lot 1, Tax ID #10-277736), zoned Agricultural. Applicable Zoning Ordinance is::

- Sec. 1-19-3.220 Variances

Mr. Terry read the staff report. Mr. Smith noted comments of the Health Department. No witnesses spoke on this case.

Based upon the evidence and testimony presented at the hearing, the Board discussed and found that the request for a Variance met the requirements of the Zoning Ordinance including Sections 1-19-3.210 and of uniqueness due to topography and shape of the lot as well as the sewer easement located on the lot. On a motion by Mr. Robinson, seconded by Mr. Conard, the Board voted 5-0 to grant the Applicant's request for a Variance.

The meeting adjourned at 8:12 p.m.



Respectfully submitted,

Alan E. Duke, Secretary