

Frederick County Board of Appeals
Meeting Minutes
October 22, 2015

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, September 24, 2015 ("Hearing") at 7:00 p.m. in the 1st Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members Mr. Wayne Robinson, Mr. Earl Bell and Alternate Board member Mr. 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. Absent were Mr. Don Miller and Mr. Mike Bowersox.

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. Robinson, seconded by Mr. Conard, the Board approved the minutes of the September 24, 2015 meeting by a vote of 4-0.

Adoption of 2016 Calendar

On a motion by Mr. Conard, seconded by Mr. Robinson, the Board approved the calendar for 2016 by a vote of 4-0.

Statement from Open Meetings Compliance Board

Mr. Conard read an oral summary of opinion from the Maryland State Open Meetings Compliance Board concerning the Board's April 23, 2015 public meeting.

Site Visits

All Board members present, indicated that they had visited the sites for the two (2) Cases before them.

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Rules and Procedures

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-15-22 Walter C. Martz, II and Diane G. Martz

The Applicants, Walter C. Martz, II and Diane G. Martz, request for a Variance of 4 feet from the 6 foot side yard setback for an accessory structure to construct a garage as per Zoning Ordinance Sections 1-19-3.220, located on the west side of Walter Martz Road (8872 Walter Martz Road, Tax Map 57, Parcel 258, Lot 1) Zoned Agricultural (AG)

The Applicable Zoning Ordinances are:

- 1-19-3.220 Variances
- 1-19-4.300 Accessory Structures

Mr. Terry read the staff report. Mr. Smith noted comments from Development Review Planning and the Health Department. Mr. Martz presented the Applicant's case. No witnesses spoke in favor or in opposition to the proposal. 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 Section 1-19-3.220. On a motion by Mr. Robinson, seconded by Mr. Conard, the Board voted 3-0 to grant the Applicant's request for Variance. Mr. Greenwell abstained.

B-15-23 OneEnergy Development LLC.

Request for a Special Exception to establish a solar farm located at the intersection of Old Frederick Road and Creagerstown Road (12331 Old Frederick Road, Tax Map 33, Parcel 87) Zoned Agricultural (AG)

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.339 Nongovernment Utility

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Mr. Terry read the staff report. Mr. Smith read the Development Review Planning, Health Department, Utilities and Solid Waste Engineering, Soil Conservation and Historic Preservation comments. Mr. Noel Manalo, Attorney for the Applicant, and Rob Collier, project manager for OneEnergy presented the Applicant's case. Mr. Bell noted site visit observations. One witnesses spoke in favor and five (5) witnesses spoke in opposition to the Special Exception. 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. Bell, the Board voted 3-0 to grant the Applicant's request for a Special Exception to establish a solar farm. Mr. Greenwell abstained.

The meeting adjourned at 8:46 p.m.

A handwritten signature in black ink, appearing to read 'D. Miller', written over a horizontal line.

Respectfully submitted,
Donald L. Miller, Secretary