

Frederick County Board of Appeals

Meeting Minutes
December 17, 2015

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, December 17, 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, Mr. Don Miller and 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.

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. Miller, seconded by Mr. Conard, the Board approved the minutes of the October 22, 2015 meeting by a vote of 5-0.

Site Visits

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

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-15-25 Tibetan Meditation Center

The Applicant, Tibetan Meditation Center, Inc., represented by Ms. Julie Blair, has requested a Variance of 6.6 acres from the 10 Acre minimum lot size required for a Place of Worship to add an accessory structure garage located on the east side of Gambrill Park Road (9301 Gambrill Park Road, Tax Map 47, Parcel 97) Zoned Resource Conservation (RC).

December 17, 2015

(Continued)

The Applicable Zoning Ordinances are:

- 1-19-3.220 Variances
- 1-19-6.100 Design Requirements.

Mr. Terry read the staff report. Mr. Smith noted no objections from the County agencies. Ms. Blair presented their 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 Sections 1-19-3.220 and 1-19-6.100. On a motion by Mr. Conard, seconded by Mr. Bell, the Board voted 5-0 to grant the Applicant's request for approval of the Variance.

B-15-26 **Alan M. Hancock**

The Applicant, Alan M. Hancock has requested a Variance of 3 feet from the 80-foot front yard setback, and 6 feet from the 30-foot rear yard setback to retain a reconstructed single family dwelling, located on the north side of Liberty Road / MD Route 26 (14850 Liberty Road, Tax Map 61, Parcel 134) Zoned Agricultural (AG).

The Applicable Zoning Ordinances are:

- 1-19-3.220 Variances
- 1-19-6.100 Design Requirements.

Mr. Terry read the staff report. Mr. Smith noted no objections from the County agencies. Mr. Hancock presented his 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 Sections 1-19-3.220 and 1-19-6.100. On a motion by Mr. Miller, seconded by Mr. Conard, the Board voted 5-0 to grant the Applicant's request for approval of the Variance.

December 17, 2015

(Continued)

B-15-27 Cleanlight Power + Energy, LLC

The Applicant, Cleanlight Power + Energy, LLC, as represented by Andrew DiPasquale, Esq. and Mr. Mark Crissman, (Daft McCune Walker, Inc.), has requested a Special Exception to establish a Nongovernment Utility as a solar farm located south of East Basford Road and west of Ballenger Creek Pike (2518 Ballenger Creek Pike, Tax Map 103, Parcel 38) Zoned Agricultural (AG).

The Applicable Zoning Ordinances are:

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

Mr. Terry read the staff report. Mr. Smith noted issues from Soils Conservation and the Health Department. Mr. Denis Superczynski, representing the Historical Preservation Commission, presented testimony to address potential impacts from the proposed project. Mr. DiPasquale presented the Applicants case. After some discussion on whether or not the project was in conformance with the Comprehensive Plan and a discussion of whether or not the Applicant should have met with the adjacent land owners to discuss screening, buffers and setbacks, the Applicant asked for a continuance to the January meeting in order to meet with the adjacent land owners for the purpose of holding an informational meeting and soliciting input for the project. The Board granted the requested continuance to the January 28th meeting.

B-15-28 Mountainside Day Camp, NJR LLC, c/o

The Applicant, Mountainside Day Camp, NJR LLC, as represented by Brandy A. Peeples, Esq. and the owner, Mr. Joe Richardson, has requested a Special Exception to add a Child Care Center/Nursery School use to a previously approved Camp or Retreat, located northwest of Roderick Road (2914 Roderick Road, Tax Map 96, Parcel 55) Zoned Agricultural (AG).

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.323 Child Care Center/Nursery School

Mr. Terry read the staff report. Mr. Smith noted no issues from Soils Conservation and one issue from the Health Department concerning the septic system.

December 17, 2015

(Continued)

Ms. Peeples and Mr. Richardson presented the Applicants case. Several witnesses spoke in favor to the proposal and one (1) person spoke in opposition. 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 Sections 1-19-3.210 and 1-19-8.323. On a motion by Mr. Conard, seconded by Mr. Robinson, the Board voted 5-0 to grant the Applicant's request for approval of the Special Exception.

The meeting adjourned at 9:55 p.m.



Respectfully submitted,
Donald L. Miller, Secretary