

Frederick County Board of Appeals

Meeting Minutes

July 28, 2016

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, July 28, 2016 ("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. Earl Bell, Mr. Tom Conard and Mr. Ken Farrell. Also present were Ms. Kathy Mitchell, Assistant County Attorney, and for the Community Development Division ("Staff") Mr. Larry Smith, Zoning Administrator and Mr. Craig Terry, Planner. Mr. Don Miller and Mr. Mike Bowersox were absent.

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

The Board approved the minutes of the June 23, 2016 meeting by a vote of 4-0.

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.

Discussion Item

Status of Executive Order #01-2016, regarding Large Scale Solar power generation projects.

Mr. Smith read that a new Executive Order #06-2016 was issued that will continue the moratorium for Special Exception and/or Site Plan approval processing of Large Scale Solar power generation projects for an additional six (6) months.

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Case

B-14-20 Playground Specialists Inc. c/o Tilford C. Jones, Court Remand to BOA.

The Court Remand to the BOA regarding a Claim of Administrative Error to review status of compliance efforts regarding a Zoning violation as per the Zoning Ordinance, located east of Rt. 15 North (11700 Whates Lane, Tax Map 32, Parcel 28) Zoned Agricultural (AG).

Mr. Smith stated that the site plan for the JBB2 LLC property was still being reviewed at Town of Thurmont. If approved, Mr. Barber will be able to move forward with the project, contingent upon permitting requirements. Staff is satisfied that Mr. Barber is working towards the goal of site plan approval. Staff recommended that this application receive a four (4) month continuance to insure continued compliance. On a motion by Mr. Bell, seconded by Mr. Farrell, the Board voted 3-0 to grant the Applicant's the four (4) month continuance. Mr. Greenwell abstained.

B-16-13 Verizon Wireless

The Applicant, as represented by Cathy Borten (Law Offices of M. Gregg Diamond, PC) and Joshua Schakola of MasTec Network Solutions, has requested a Special Exception approval to establish a Telecommunications Tower / Monopole with accessory equipment compound in the Agricultural zoning district located on the south east side of Longs Mill Road (9709 Longs Mill Road, Tax Map 26, Parcel 40) Zoned Agricultural (AG).

The Applicable Zoning Ordinance are:


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- Sec. 1-19-3.210 Special Exceptions
- Sec. 1-19-8.332 Communication Towers in RC and A Districts
- Sec. 1-19-8.420 Communication Towers

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Mr. Terry read the staff report. Mr. Smith noted no agency comments. Ms. Borten, Mr. Joshua Schakola and Mr. Anthony Hanley presented their client's case. No witnesses spoke in favor or opposition of the Applicant's case. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception did meet the requirements of the Zoning Ordinance Section 1-19-3.210, Section 1-19-8.332 and Section 1-19-8.420. On a motion by Mr. Conard, seconded by Mr. Bell, the Board voted 3-0 to approve the Applicant's request. Mr. Greenwell abstained.

The meeting adjourned at 07:30 p.m.



Respectfully submitted,
Donald L. Miller, Secretary