

Frederick County Board of Appeals

Meeting Minutes

August 25, 2016

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, August 25, 2016 ("Hearing") at 7:00 p.m. in the 2nd. Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members Mr. Mike Bowersox, Mr. Earl Bell, Mr. Tom Conard and Mr. Don Miller. Also present were Mr. Ken Farrell (Alternate Board Member), Mr. Michael Chomel, Senior 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

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

Election of Officers

The Board nominated and voted to elect Mr. John Greenwell as Chairman, Mr. Earl Bell as Vice Chairman and Mr. Don Miller as Secretary.

Approval of Minutes

The Board approved the minutes of the July 28, 2016 meeting by a vote of 4-0. Mr. Miller abstained.

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.

Site Visits

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

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Case

B-16-14 Eddie Mercer Agri-Services, Inc.


The Applicant, as represented by Noel Manalo, Esq. of Miles & Stockbridge PC., Mr. Eddie Mercer and Mr. Andrew Brown with J. F. Brown III & Assoc., Inc., has requested a Special Exception to add additional agricultural products storage grain bins to an existing agricultural products processing operation located on the northwest side of Linganore Road (6900 Linganore Road, Tax Map 68, Parcel 177, Tax ID#13-301697, 151 acres) Zoned Agricultural (AG).

The Applicable Zoning Ordinance are:

- 1-19-3.210 Special Exceptions
- 1-19-8.334 Feed or Grain Mills

Mr. Terry read the staff report. Mr. Smith noted no agency comments. Mr. Noel Manalo presented his client's case. Three (3) witnesses spoke in favor of the Applicant's case while no one spoke in opposition. 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, and Section 1-19-8.334. On a motion by Mr. Conard, seconded by Mr. Miller, the Board voted 5-0 to approve the Applicant's request

The meeting adjourned at 07:26 p.m.


Respectfully submitted,
Donald L. Miller, Secretary