

Frederick County Board of Appeals
Meeting Minutes
October 27, 2016

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, October 27, 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, Mr. Michael Chomel, Senior Assistant County Attorney, and for the Division of Planning and Permitting ("Staff") Mr. Larry Smith, Zoning Administrator and Mr. Craig Terry, Zoning 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.

Approval of Minutes

On a motion by Mr. Bowersox, and a second by Mr. Bell, The Board approved the minutes of the September 22, 2016 meeting by a vote of 5-0.

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.

Case

B-16-16 Todd and Tara Lynn Lehtonen and Crown Rose Estate

The Applicant, as represented by Ilona Fisher (Weinstock, Friedman & Friedman, P.A.), has requested a Special Exception for conversion of an existing Historic Structure or Site to a Facility for Functions and Inn. The subject property is located on the north side of Jefferson Pike (1902 Jefferson Pike, Tax Map 83, Parcel 19) and is zoned Agricultural (AG)

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October 27, 2016
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The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.600 Historic Structures or Sites

Mr. Smith reported to the Board that the Applicant was requesting a continuance of the case to work out issues with Staff. The Board accepted the Applicants request and on a motion from Mr. Bowersox, seconded by Mr. Conard, the Board voted 5-0 to approve the Applicant's request.

B-16-19 Frey Agricultural Products, Inc. c/o Noel Manalo, Esq.

The Appellant, as represented by Noel Manalo, Esq. of Miles & Stockbridge PC., has requested an Administrative Appeal regarding County determination for an ARTO application (Agricultural Rights Transfer Ordinance). The subject property is located on the southwest side of Renner Road (12002 Renner Road, Tax ID #11-285155, Tax Map 42, Parcel 190, 96.68 acres) and is zoned Agricultural (AG)

The Applicable Zoning Ordinance is:

- 1-19-3.230 Appeals

Mr. Terry read the staff report. Mr. Smith noted no agency comments with the property. Ms. Kathy Mitchell, Assistant County Attorney, presented the County's reasoning for the decision letter. Mr. Manalo presented the Applicants case. Based upon the evidence and testimony presented at the hearing the Board found that the request for an appeal did not meet the requirements of the Zoning Ordinance Section 1-19-3.230. On a motion by Mr. Conard, seconded by Mr. Bell, the Board voted 4-1 to deny the Applicant's appeal. Mr. Bowersox was in opposition.

B-16-10 Peter F. Fedak, III and Caboose Farm, LLC.

The Applicant, as represented by as represented by David Severn (Offit Kurman), Mr. David Lingg and Mr. Mark Crissman, (Daft McCune Walker, Inc.), has requested a Special Exception to establish a Country Inn for events. The property is located on the north side of Manahan Road (14776 Manahan Road, Tax ID #10-267129 & 10-270278, Tax Map 18, Parcels 133 & 124) and is zoned Agricultural (AG) and Resource Conservation (RC)

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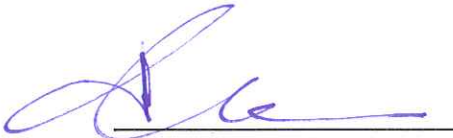
October 27, 2016
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The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.333 Country Inns in RC and A Districts

Mr. Terry read the staff report. Mr. Smith noted Health Department issues. Mr. Severn, Mr. Fedak and Mr. Lingg presented their case. No one spoke in opposition and two (2) people spoke in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception to establish a Country Inn did meet the requirements of the Zoning Ordinance Section 1-19-3.210 and 1-19-8.333. On a motion by Mr. Bowersox, seconded by Mr. Miller, the Board voted 5-0 to approve the Applicant's request.

The meeting adjourned at 7:59 p.m.



Respectfully submitted,
Donald L. Miller, Secretary