

Frederick County Board of Appeals
Meeting Minutes
November 17, 2016

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, November 17, 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, Ms. Kathy Mitchell, 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. Conard, The Board approved the minutes of the October 27, 2016 meeting by a vote of 5-0.

Adoption of 2017 Calendar

After some discussion, on a motion by Mr. Bowersox, seconded by Mr. Miller, the Board approved the calendar for 2017 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.

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Case

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

The Applicant, as represented by Andrew DiPasquale Esq., 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)

The Applicable Zoning Ordinances are:

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

Mr. Terry read the staff report. Mr. Smith noted that the Zoning staff had an issue with loud music adversely impacting surrounding properties. Health Department also had issues with the septic fields on the property. Mr. DiPasquale, Mr. Lehtonen and Mr. William Brennan, AIA presented their case and answered questions from the Board. No one spoke in opposition or 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 4-1 to approve the Applicant's request. Mr. Bell was in opposition.

B-16-20 Mary Rose and Karanveer Salla.

The Applicants, Mary Rose and Karanveer Salla, have requested a Special Exception for a Limited Agricultural Activity for the keeping of chickens, goats and miniature donkeys, on their property located on the west side of Kemptown Church Road (3528 Kemptown church Road, Tax Map 98, Parcel 167, Lot 202), and is zoned Residential-1 (R1).

The Applicable Zoning Ordinance are:


- 1-19-3.210 Special Exceptions
- 1-19-8.325 Limited Agricultural Activity in Residential Districts

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Mr. Terry read the staff report. Mr. Smith noted Agency comments from the Health Department. Ms. Rose presented their case and answered questions from the Board. No witnesses spoke in favor or opposition of the proposal. 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 Sections 1-19-3.210 and 1-19-8.325. 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 7:54 p.m.



Respectfully submitted,
Donald L. Miller, Secretary