

**Frederick County Board of Appeals**  
Meeting Minutes  
March 23, 2017

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, March 23, 2017 ("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. Mike Bowersox, Mr. Earl Bell, Mr. Tom Conard and Mr. Don Miller, Mr. Michael Chomel, Assistant County Attorney, and for the Division of Planning and Permitting ("Staff") Mr. Tolson DeSa, Acting 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. Miller, The Board approved the minutes of the December 15, 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-17-03                    Monocacy Montessori Communities, Inc.**

The Applicant, Monocacy Montessori Communities, Inc. request for a Temporary Special Exception request to expand a previously approved charter school. The property is located on the corner of Crestwood Boulevard and Corporate Court (7215 Corporate Court, Tax Map 86, Parcel 0215, Lot 17) and is zoned Office/Research/Industrial (ORI).

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.300 Temporary Special Exception approval.

Mr. Terry read the staff report. Mr. DeSa noted no agency comments. The Applicant 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 Special Exception met the requirements of the Zoning Ordinance Sections 1-19-3.220 and 1-19-8.300. 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 Temporary Special Exception.

**B-17-02 Buckeyestown Pub and Three Fools, LLC.**

The Applicant, Buckeyestown Pub and Three Fools, LLC as represented by Noel S. Manalo, Esq. of Miles and Stockbridge, PC and Dick Johnson and Pete Kimmel from the Applicant have requested to amend Condition #4, of the previously granted Special Exception, which limited the Pub to providing outdoor entertainment between the hours of 1:00 PM and 5:00 PM Saturdays, twice a month to every Saturday between the hours of 1:00 PM and 10:30 PM. The property is located on the north side of Michaels Mill Road near intersection with Buckeyestown Pike (6803 Michaels Mill Road, Tax Map 95, Parcel 1213, Tax ID #01-011979) and is zoned Village Center (VC).

The Applicable Zoning Ordinance is:

- 1-19-3.210 Special Exceptions

Mr. Terry read the staff report. Mr. DeSa noted comments from the Health Department. Mr. Manalo presented their case. Six (6) witnesses spoke in favor of the proposal and Seven (7) witnesses spoke in opposition. Based upon the evidence and testimony presented at the hearing, the Board discussed the proposal, and on a motion by Mr. Bowersox, and seconded by Mr. Conard, voted to deny the Application by a vote of 3 to 2. After additional discussion, the Board, on a motion by Mr. Bowersox and seconded by Mr. Conard, voted to continue the Application to the June meeting by a vote of 4 to 1 with Mr. Bell voting against the motion.

The meeting adjourned at 8:45 p.m.



Respectfully submitted,  
Donald L. Miller, Secretary