

Frederick County Board of Appeals
Meeting Minutes
April 27, 2017

Mr. Mike Bowersox, Acting-Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, April 27, 2017 ("Hearing") at 7:00 p.m. in the 1st Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Acting-Chair, present were Board members Mr. Don Miller, Mr. Ken Farrell Alternate-Member, 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

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

Approval of Minutes

Mr. Bowersox declared the minutes approved as there were no comments.

Rules and Procedures

Mr. Farrell 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-17-05 Christopher and Mary Collins

The Applicants, Christopher and Mary Collins have requested Variances of 6 feet on the Coldstream Drive frontage and 10 feet on the Maracaibo Mew frontage from the front yard setbacks on a corner lot to construct a new single-family dwelling located at the corner of Coldstream Drive and Maracaibo Mew within the Coldstream section of Lake Linganore (10301 Maracaibo Mew, Tax Map 79, Parcel 187, Lot 77, Tax ID #27-532713) and is zoned Planned Unit Development (PUD).

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(Continued)

The Applicable Zoning Ordinances is:

- 1-19-3.220 Variances

Mr. Terry read the staff report. Mr. DeSa noted no agency comments. The Mr. Collins 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 the Variances met the requirements of the Zoning Ordinance Sections 1-19-3.220. On a motion by Mr. Miller, seconded by Mr. Farrell, the Board voted 3-0 to grant the Applicant's request for approval of the Variance.

B-17-06 Legore Bridge Solar Center, LLC

The Applicant, Legore Bridge Solar Center, LLC as represented by Ben Combs from the applicant, have requested a Special Exception for a Nongovernmental Utility to construct an Interconnection Breaker associated with a prior Solar Farm approval (B-16-02), located on the northeast side of Oak Hill Road (10334 Oak Hill Road, Tax Map 34, Parcels 306, 15, and 188, Tax IDs #11-292305, 11-278140, 11-278159) and is zoned Agricultural (AG).

The Applicable Zoning Ordinance is:

- 1-19-3.210 Special Exceptions
- 1-19-8.339 Nongovernmental Utility

Mr. Terry read the staff report. Mr. DeSa noted no agency comments. Mr. Combs 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 the proposal. Mr. Bowersox made a motion to grant the Applicant's request, which was seconded by Mr. Farrell. The motion to grant the Application failed by a vote of 1 to 2 with Mr. Miller and Mr. Farrell opposed. After additional discussion, the Board, on a motion by Mr. Miller and seconded by Mr. Farrell, voted to continue the Application to the June meeting by a vote of 2 to 1 with Mr. Bowersox voting against the motion.

The meeting adjourned at 8:01 p.m.



Respectfully submitted,
Donald L. Miller, Secretary