

## **Frederick County Board of Appeals**

### **Meeting Minutes**

**May 25, 2017**

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, May 25, 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, 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 April 27, 2017 meeting by a vote of 2-0. Mr. Greenwell and Mr. Bell abstained since they were not present at the April Meeting.

### **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.

### **Case**

#### **B-17-07      Point of Rocks Community Commons Park**

The Applicant, Frederick County Division of Parks and Recreation, has requested approval to conduct Activities within a FEMA Floodplain, specifically to construct an accessory building (vaulted restroom facility) and an 'obelisk' to be used as an educational tool, visually representing historical flood heights in the proposed Point of Rocks Community Commons Park located on the south side of Clay Street and bordered by Monroe Street and Commerce Street (Tax Map 108, Thirteen (13) Parcels #82 - 94) and is zoned Resource Conservation (RC).


The Applicable Zoning Ordinances are:

- 1-19-9.110 Activities within Floodplain District
- 1-19-9.120 Procedures for Activities within the FEMA Floodplain.

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(Continued)

Mr. Terry read the staff report. Mr. DeSa noted agency comments from Development Review Engineering, Health Department and Utilities and Solid Waste. Mr. Jeremy Kortright, Division Director for Parks and Recreation, presented their case. Mr. Bob Hicks, Deputy Director Division Director for Parks and Recreation, provided additional testimony. No additional 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 to build within a FEMA Floodplain met the requirements of the Zoning Ordinance Sections 1-19-9.110 and 1-19-9.120. On a motion by Mr. Bowersox, seconded by Mr. Bell, the Board voted 4-0 to grant the Applicant's request for approval of the project.

The meeting adjourned at 7:16 p.m.



Respectfully submitted,  
Donald L. Miller, Secretary