

Frederick County Board of Appeals

Meeting Minutes

June 22, 2017

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, June 22, 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. Ken Farrell 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 4-0. Mr. Farrell abstained since he was not present at the May 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-17-09 Glen J. Zirpolo and Fox Hall Farm

The Applicant, Glen J. Zirpolo and Fox Hall Farm, as represented by Janice B. Rockwell, has requested a thirty (30) day continuation to the July meeting. On a motion by Mr. Bowersox, seconded by Mr. Ferrell, the Board voted 4-0 to grant the Applicant's request.

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B-17-02 Buckeystown Pub and Three Fools, LLC,

Buckeystown Pub and Three Fools, LLC, as represented by Noel S. Manalo, Esq. of Miles and Stockbridge, P.C. has requested to amend Condition #4 of a previously granted Special Exception to allow for outdoor entertainment until 10:30PM every Saturday. This Application is continued from the March 23, 2017 hearing. The property is located on the north side of Michaels Mill Road near intersection with Buckeystown 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 agency comments from the Health Department. Noel S. Manalo, Esq. presented their case. Mr. Dick Johnson and Mr. Pete Kimmel, provided additional testimony. Six (6) witnesses spoke in favor of the proposal and seven (7) witnesses spoke in opposition to the proposal. During the discussion, the Applicant offered to revise their Application to have live music two (2) Saturdays a month rather than every Saturday. Based upon the evidence and testimony presented at the hearing, the Board discussed and found that the request to amend the hours of live music met the requirements of the Zoning Ordinance Section 1-19-3.210. On a motion by Mr. Bell, seconded by Mr. Farrell, the Board voted 4-1 (Mr. Bowersox opposed) to grant the Applicant's request for approval of the project with the condition that the hours of music would be allowed between the hours of 1 PM and 8 PM, April to November two (2) Saturdays a month and if the Applicant did not come back to the Board in twelve months to renew the approval those hours would revert to the original hours of 1PM to 5PM two (2) Saturdays a month.

B-17-06 Legore Bridge Solar Center, LLC

The Applicant, Legore Bridge Solar Center, LLC as represented by Ryan Gilchrist 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).

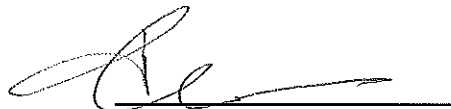
The Applicable Zoning Ordinance is:

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

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Mr. Terry read the staff report. Mr. DeSa noted no agency comments. Ms. Wendy Kearney, Sr. Assistant County Attorney, advised the Board on the new Solar Field ordinance that will go into effect on July 15th. After some discussion on whether the hearing should continue, the Board voted to continue to hear the case. Mr. Gilchrist then presented the Applicant's case. No witnesses spoke in favor or in opposition to the proposal. Based upon the evidence and testimony presented at this hearing, and the April hearing, the Board discussed and found that the request met the requirements of the Zoning Ordinance Section 1-19-3.210 and 1-19-8.339. On a motion by Mr. Bowersox, seconded by Mr. Farrell, the Board voted 3-0 (Mr. Greenwell and Mr. Bell abstained) to grant the Applicant's request for approval of the project

The meeting adjourned at 9:14 p.m.

A handwritten signature in black ink, appearing to read 'D. Miller', written over a horizontal line.

Respectfully submitted,
Donald L. Miller, Secretary