

Frederick County Board of Appeals
Meeting Minutes
July 27, 2017

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, July 27, 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. 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. Miller, and a second by Mr. Bell, The Board approved the minutes of the June 22, 2017 meeting by a vote of 3-0.

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.

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, Esq. has requested a Special Exception to establish a Country Inn for the purpose of hosting weddings and other events, located on the east side of Buckeystown Pike at the corner of Greenfield Road (1919 Buckeystown Pike, Tax Map 103, Parcel 49, Tax ID #01-012762) and is zoned Agricultural (AG)

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.333 Country Inn in RC and A

(Continued)

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Mr. Terry read the staff report. Mr. DeSa noted agency comments from the Health Department and Development Review. Janice B. Rockwell, Esq. presented the Applicants case. Mr. Mark Keeley (Traffic Concepts, Inc.), Mr. William Brennan (B&R Design Group) and Ms. Carol Zirpolo provided additional testimony. Three (3) witnesses spoke in favor of the proposal and ten (10) witnesses spoke in opposition to the proposal. Based upon the evidence and testimony presented, the Board discussed and found that the request met the requirements of the Zoning Ordinance Section 1-19-3.210 and 1-19-8.333. On a motion by Mr. Miller, seconded by Mr. Greenwell, the Board voted 2-1 (Mr. Bell was opposed) to grant the Applicant's request for approval of the project with Condition that the Applicant will contact Maryland SHA regarding the possibilities of creating an entrance for the proposed Country Inn directly accessed from Route 85 / Buckeystown Pike.

B-17-10 TowerCom VI, LLC as represented by Alexandra Bull of Network Building + Consulting, LLC

The Applicant, TowerCom VI, LLC. represented by Alexandra Bull (Network Building + Consulting, LLC.) has requested a Special Exception approval to install a Communications Tower with accessory equipment compound, located on the northwest side of Park Mills Road (3126 Park Mills Road, Tax Map 95, Parcel 166, Lot 1, Tax ID #07-215770) and is zoned Agricultural (AG)

The Applicable Zoning Ordinances are:

- Sec. 1-19-3.210 Special Exceptions
- Sec. 1-19-8.332 Communication Towers in RC and A Districts
- Sec. 1-19-8.420 Communication Towers

Mr. Terry read the staff report. Mr. DeSa noted no agency comments. Mr. Chomel gave a presentation on Federal Telecommunications Act and how it impacts this project. Christopher Mudd, Esq. (Venable LLP) presented the Applicants case. Mr. Paul Dugan (Millennium Engineering) and Ms. Alexandra Bull provided additional testimony. Three (3) witnesses spoke in favor of the proposal and ten (10) witnesses spoke in opposition to the proposal. Based upon the evidence and testimony presented, the Board discussed and agreed amongst themselves that the Applicant should do more work in evaluation all their proposed sites. On a motion by Mr. Bell, seconded by Mr. Miller, the Board voted 2-1 (Mr. Greenwell was opposed) to give the Applicant a thirty (30) day Continuance to explore the other options for the location of the cell tower.

The meeting adjourned at 10:53 p.m.



Respectfully submitted,
Donald L. Miller, Secretary