

Frederick County Board of Appeals

Meeting Minutes

August 24, 2017

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, August 24, 2017 ("Hearing") at 7:01 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, 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. Bell, and a second by Mr. Miller, The Board approved the minutes of the June 22, 2017 meeting by a vote of 4-0.

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.

The Board addressed a Request of Reconsideration of Case B-17-09, Glen J. Zirpolo and Fox Hall Farm aka Zirpolo Country Inn. The Board discussed the request and since no Board Member made a motion to reconsider the case, the request was denied.

Case

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)

(Continued)

August 24, 2017

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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

This Case is continued from the July 27th hearing to allow time for the Applicant to address concerns raised by the Board regarding alternative locations for the proposed tower that could potentially be considered "more in harmony with the neighborhood". Christopher Mudd, Esq. (Venable LLP) continued the presentation of the Applicants case. Ms. Alexandra Bull (Network Building + Consulting, LLC) and Ms. Mercy Luhanga (Verizon Wireless) provided additional testimony. Three (3) witness cross-examined the applicant. Based upon the evidence and testimony presented at this hearing, and the July hearing, the Board discussed and found that the request met the requirements of the Zoning Ordinance Section 1-19-3.210, 1-19-8.332 and Sec. 1-19-8.420. On an amended motion by Mr. Greenwell, seconded by Mr. Miller, the Board voted 2-1 (Mr. Bell opposed) to grant the Applicant's request for approval of the project

The meeting adjourned at 8:11 p.m.



Respectfully submitted,
Donald L. Miller, Secretary