

Frederick County Board of Appeals
Meeting Minutes
March 22, 2018

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, March 22, 2018 ("Hearing") at 7:00 p.m. in the 1st. Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, Mr. Mike Bowersox, Mr. Ken Farrell, Mr. Shannon Bohrer and Mr. Don Miller, Mr. Michael Chomel, Assistant County Attorney, and for the Division of Planning and Permitting ("Staff") Mr. Tolson DeSa, 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. Farrell, and a second by Mr. Miller, The Board approved the minutes of the November 16, 2017 meeting by a vote of 5-0.

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.

B-18-03 Monocacy Montessori Communities, Inc.

Monocacy Montessori Communities, Inc. as represented by Ms. Elizabeth Seal, has requested a Temporary Special Exception approval to continue a previously approved charter school, located on the corner of Crestwood Boulevard and Corporate Court (7215 Corporate Court, Tax Map 86, Parcel 0215, Lot 17, Tax ID #28-559909). The property is zoned Office/ Research/ Industrial (ORI).

The Applicable Zoning Ordinances are:

- 1-19-3.220 Special Exceptions
- 1-19-5.310 Use Table
- 1-19-8.300 Temporary Structures and uses requiring Special Exception approval

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Mr. Terry read the staff report. Mr. Tolson noted no agency comments. Ms. Seal presented her school's case. No one spoke in opposition or in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Variance did meet the requirements of the Zoning Ordinance Section 1-19-3.220, 1-19-5.310 and Section 1-19-8.300 and on a motion by Mr. Bowersox, seconded by Mr. Miller, the Board voted 5-0 to approve the Applicant's request.

B-18-01 The Potomac Edison Company

The Potomac Edison Company, as represented by Gregory E. Rapisarda of Saul Ewing Arnstein & Lehr, LLP, has requested Special Exception and Variance approval to establish a Nongovernmental Utility (Substation) located on the west side of Tower Road (14510 Tower Road, Tax Map 18, Parcel 111, Tax ID#10-270952). The property is zoned Resource Conservation (RC).

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-3.220 Variances
- 1-19-8.339 Nongovernmental utility in the RC zone.

Mr. Terry read the staff report. Mr. Tolson noted no agency comments. Mr. Rapisarda presented his client's case. Two (2) people that spoke had concerns and questions concerning the case. No one spoke in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception and Variance did meet the requirements of the Zoning Ordinance Section 1-19-3.210, 1-19-3.220 and 1-19-8.339 and on a motion by Mr. Bowersox, seconded by Mr. Miller, the Board voted 5-0 to approve the Applicant's request.

B-18-02 Buckeyestown Pub and Three Fools, LLC

Buckeyestown Pub and Three Fools, LLC, as represented by the owners Mr. Richard Johnson and Mr. Peter Kimmel, has requested to amend Condition #4 of a previously granted Special Exception to allow for outdoor entertainment until 10pm on three Saturdays per month, between April and November. The property is located on the north side of Michaels Mill Road near intersection with Buckeyestown Pike (6803 Michaels Mill Road, Tax Map 95, Parcel 1213, Tax ID #01-011979) and is zoned Village Center (VC).

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The Applicable Zoning Ordinance is:

- 1-19-3.210 Special Exceptions

Mr. Terry read the staff report. Mr. Tolson noted Health Department comments. The owners presented their case. Two (2) people spoke and in favor of the Application and six (6) people spoke in opposition. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception did not meet the requirements of the Zoning Ordinance Section 1-19-3.210 and on a motion by Mr. Bohrer, seconded by Mr. Miller, the Board voted 3-2, (with Mr. Bowersox and Mr. Greenwell dissenting), to deny the Applicant's request.

The meeting adjourned at 8:27 p.m.



Respectfully submitted,
Donald L. Miller, Secretary