

**Zoning Board of Appeals Minutes
October 26, 2021**

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Jim Racheff – Chair Lawrence Aronow – Vice Chair Bob Sisson Kenneth Ying Eric Ahalt		Joe Adkins, Director of Planning & Community Development Stephen Davis, Assistant City Attorney Carreanne Eyler, Office Manager

I. ANNOUNCEMENTS: None

II. GENERAL PUBLIC COMMENT: None

III. APPROVAL OF MINUTES:

Approval of the **August 24, 2021** Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. Sisson moved for approval of the **August 24, 2021** hearing minutes.

SECOND: Mr. Aronow.

VOTE: 4-0.

IV. PUBLIC HEARING-SWEARING IN:

“Do you solemnly swear or affirm that the responses given, and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth.” If so, answer “I do”.

V. CONTINUANCES: None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. ZBA21-764CU- Conditional Use – 221 Shorebird Street

MOTION: Mr. Sisson moved for the approval of the addition of entertainment to the existing restaurant, according to Sections 308, 312, and 856 of the Land Management Code, with the following conditions:

1. In accordance with Section 312(g), the Applicant must apply for and receive a zoning certificate lawfully establishing the use of a Restaurant with Entertainment within two (2) years of approval, or the approval shall become void; and
2. The Applicant must properly post the property in accordance with Section 856(f)(2).

SECONDED: Mr. Aronow.

VOTE: 5-0.

B. ZBA21-1118V- Variance – 405 Magnolia Avenue

Warren Moringstar resides at 409 Magnolia Avenue stated that he supports the application for the variance. It is consistent with the neighborhood.

MOTION: Mr. Aronow moved for the approval of a variance of 4' +/- to the required 8-foot side yard setback and 6'+/- to the required 25' front yard setback to allow a covered porch at 405 Magnolia Avenue, according to Section 313 of the Land Management Code, with the following conditions:

1. lack of the variance would deny the owner the rights and privileges that others in the neighborhood enjoy.

SECONDED: Mr. Sisson.

VOTE: 5-0.

VIII. BOARD BUSINESS: None

IX. ITEMS ADDED TO AGENDA:

Zoning Determinations Completed:

September

- ZBA21-784ZD – 321 Ballenger Center Drive
- ZBA21-887ZD – 124 N. Market Street
- ZBA21-914ZD – 1501 E. Patrick Street
- ZBA21-929ZD – 420 W. Patrick Street
- ZBA21-930ZD – 436 W. Patrick Street
- ZBA21-931ZD – 511 W. South Street
- ZBA21-932ZD – 524 W. South Street
- ZBA21-985ZD – Grove at Alban Apartments
- ZBA21-990ZD – 200 E. South Street
- ZBA21-1001ZD – 997 W. Patrick Street
- ZBA21-1002ZD – 431 Aviation Way
- ZBA21-1037ZD – Overlook Manor
- ZBA21-1043ZD – 101-151 Tillman Place (Overlook Manor)
- ZBA21-1053ZD – 931 W. 7th Street
- ZBA21-1060ZD – 400-410 Prospect Boulevard
- ZBA21-1067ZD – 100-140 Auburn Place & 142-174 Kensington Place (Overlook Manor)

October

- ZBA21-1003ZD – 1314 E. Patrick Street
- ZBA21-1004ZD – 305 Ballenger Center Drive
- ZBA21-1015ZD – 10 N. Carroll Street
- ZBA21-1054ZD – 1086 W. Patrick Street
- ZBA21-1070ZD – East of Market (100 Holling Drive)
- ZBA21-1071ZD – East of Market (131 Holling Drive)
- ZBA21-1082ZD – Aspen Ridge
- ZBA21-1084ZD – 1662 Bowman Farm Road
- ZBA21-1098ZD – Medical Laboratory and RD Lab Testing Offices

- ZBA21-1099ZD – Monocacy Blvd. Pharmaceutical Cosmetic Manufacturing/Processing
- ZBA21-1100ZD – 140 Thomas Johnson Drive
- ZBA21-1107ZD – 1577 Tilco Drive
- ZBA21-1143ZD – 8908 Gas House Pike (Frederick Commerce Center)
- ZBA21-1146ZD – 811 E. South Street
- ZBA21-1153ZD – 45 Waverly Drive
- ZBA21-1190ZD – 8431 Broadband Drive

Meeting adjourned approximately at 8:20 p.m.

Respectfully Submitted,
Carreanne Eyler
Office Manager

APPROVED 03-22-2022