

**Zoning Board of Appeals Minutes
May 24, 2022**

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Jim Racheff – Chair Lawrence Aronow – Vice Chair Bob Sisson Dixon Hicks	Kenneth Ying	Joe Adkins, Director of Planning & Community Development Sherry Kelly, Development Review Planner II Carreanne Eyler, Office Manager Jennifer Van de Griek, Administrative Assistant

I. ANNOUNCEMENTS:

Mr. Adkins announced that there are currently openings on the Planning Commission, Historic Preservation Commission, and ZBA. Interested parties should contact the Planning Department or visit the website.

II. GENERAL PUBLIC COMMENT: None

III. APPROVAL OF MINUTES:

Approval of the March 22, 2022 Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. Aronow moved for approval of the March 22, 2022 hearing minutes.
SECOND: Mr. Sisson.
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. ZBA22-283CU, Conditional Use – 889 Butterfly Lane

MOTION: Mr. Sisson moved for the approval of ZBA22-283CU, a conditional use modification request to remove Farmer’s Market from the approved uses and to reduce the parking from 72 spaces to 41 spaces, finding that:

1. The removal of farmer’s market does not affect the other uses, which are complementary nonresidential uses in a predominately residential area and promote the enhancement and use of a historically significant resource.

2. The Applicant has demonstrated compliance with the applicable conditional use criteria and as such, the request is in harmony with both the City's 2020 Comprehensive Plan and the Land Management Code.
3. The Applicant has documented compliance with the criteria specific for the requested conditional use of a Commercial Use of a Historic Structure as outlined in Section 813 of the Code, which are as follows:
 1. That the removal of farmer's market does not affect the previously approved uses, which are functionally similar to those enumerated in Section 813(c), *Permitted Uses*, and none of the requested uses are permitted "by right" or as a conditional use in the R12 district;
 2. That, if approval of the conditional use modification request is granted, the Applicant will be required to receive a recommendation from the Historic Preservation Commission to the Planning Commission for their consideration during the final site plan review required in accordance with Section 309 of the LMC;
 3. The Applicant has provided guarantees that the use will not constitute a nuisance or otherwise be disruptive to the neighborhood because of increased traffic, noise, odor, or other activity associated with the commercial activity.
 4. That the Applicant has demonstrated that, even with the reduction of spaces, the site will still provide more than the minimum required parking for the proposed uses in accordance with Section 607 of the LMC;
 5. That any future signage must be in compliance with Section 813(g) of the Land Management Code and will be evaluated further at site plan and building permit application.
 6. That through subsequent stages of the development process the Applicant must demonstrate compliance with all other applicable State, County, and City regulations including the Land Management Code and the Adequate Public Facilities Ordinance (APFO).

With the following conditions:

1. That the use of Farmer's Market and community-wide events that are generally open to the public be removed from the uses listed in the original conditional use approval.
2. That condition number three in the original application be modified to state that the Applicant will provide no less than 41 parking spaces, inclusive of ADA accessible spaces, on the site and that one bicycle parking space will be provided per 10 vehicular spaces, for no less than ten bicycle parking spaces.
3. That the Applicant will provide mitigating measures such as landscaping or other barrier and "no parking" signs to discourage guests from parking on the grass areas.
4. That all other conditions previously approved in the original conditional use application (ZBA20-386CU) are upheld. These include the following:
 - A. The Applicant will provide a Level II screening buffer along the rear property line in the vicinity of the outdoor courtyard to include a 6' tall wall, unless its height is otherwise increased by the Planning Commission under the modification authority established under Section 821 of the Land Management Code, and landscaping in accordance with Section 605, Table 605-1 *Buffer Categories and Specifications*.
 - B. Ingress and egress for visitors and patrons to the site will be through an access drive from Butterfly Lane, the exact location, width, and design of which to be approved by the Planning Commission at the time of final site plan approval, and that only deliveries, trash collection, and pedestrian access to the site be allowed at the rear access on Acropolis Way.
 - C. In accordance with Section 312(g) of the LMC, *Zoning Board of Appeals Decisions*, a development approval by the Board expires two years after the date of approval unless the

use is established, or a zoning certificate is issued, and construction has begun in accordance with the terms of the decision.

SECONDED: Mr. Aronow.

VOTE: 4-0.

VIII. BOARD BUSINESS: None

IX. ITEMS ADDED TO AGENDA:

Zoning Determinations Completed:

- **ZBA22-084ZD** – 550 Highland Street
 - **ZBA22-089ZD** – 550 Highland Street
 - **ZBA22-135ZD** – 1313 Motter Avenue
 - **ZBA22-197ZD** – 1660 Bowman Farm Road
 - **ZBA22-251ZD** – 120 Monroe Avenue
 - **ZBA22-268ZD** – 100 Alessandra Court
 - **ZBA22-308ZD** – 605 E. Church Street
 - **ZBA22-315ZD** – Canterbury Station Lot 204
 - **ZBA22-316ZD** – 1585 Wheyfield Drive (Sebastian Boulevard)
 - **ZBA22-323ZD** – 30 Monocacy Boulevard
 - **ZBA22-342ZD** – 1420 Key Parkway (90 Waverley Drive)
 - **ZBA22-343ZD** – 1421 Key Parkway
 - **ZBA22-362ZD** – 200 E. 2nd Street
 - **ZBA22-434ZD** – 8700 Gas House Pike
 - **ZBA22-438ZD** – 8480 Stagecoach Circle
 - **ZBA22-439ZD** – 8484 Stagecoach Circle
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Meeting adjourned approximately at 7:40 p.m.

Respectfully Submitted,
Jennifer Van de Griek
Administrative Assistant