



BOARD OF ZONING APPEALS MEETING SUMMARY

Tuesday, August 3, 2021, at 6 PM

Virtual Meeting via Zoom and broadcasted live on the City Facebook Page
Westminster, Maryland 21157

A meeting of the Westminster Board of Zoning Appeals was held virtually via Zoom and broadcasted live on the City Facebook Page, on August 3, 2021, at 6 PM.

Chair Ed Cramer, Vice-Chair Larry Berent, and Board Member Brenda Frazier were present. Also, in attendance was Board Attorney Karen Ruff. City staff members Mark Depo and Andrew Gray were also in attendance.

The following members of the public were present at the meeting: Rod Hollowell, H. Kenneth Mitchell, Scott Breza, Rik Stouffer, Michael Drayer, and Kyle Drayer.

At 6:00 PM, Chair Cramer called the meeting to order.

Chair Cramer requested a motion to approve the meeting summary of July 6, 2021. Board Member Frazier moved to approve the meeting summary of July 6, 2021. Vice-Chair Berent seconded the motion. The motion passed 3-0.

Mr. Gray stated for the record that the applicant for Case No. 21-04 had withdrawn their application, and the case would no longer be heard.

Chair Cramer requested the memo from City staff dated July 6, 2021 regarding a continuance for both Case No. 21-04 and No. 21-05 be added into the record. He also requested that the memo from City staff dated July 30, 2021 referencing the Planning and Zoning Commission Report and Recommendation be added into the record as Exhibit 1.

Chair Cramer motioned to accept the applicant's withdraw letter, dated July 29, 2021, for Case No. 21-04 be placed into the record as Exhibit 2. Vice-Chair Berent seconded the motion; the motion passed 3-0.

Chair Cramer provided details for continuance hearing Case No. 21-05. The Chair stated the purpose of the hearing and read the following case title into the record

An application by Whitney Adderholdt, and Allen M. Smith of Conewago Contractors Inc the property owner, requesting approval of a special exception to operate a "Telecommunications

facilities, subject to the requirements of § 164-139.1.” use, pursuant to Zoning Ordinance Article XII: Planned Industrial Zone, Section 164-66.1A. to be located at 1221 Independence Way, in Westminster, Maryland.

Vice-Chair Berent referenced the previous case on the property, No. 15-01, wherein the Board’s condition of approval included landscape buffering which does not appear to have been completed. Mr. Gray clarified that the American Holly trees have been replanted, photos of which were provided to staff on August 2, 2021.

Mr. Hollowell stated that he was notified on July 28, 2021 that the trees were replanted at a five-foot height and would grow to an 8- or 9-foot height. A total of 21 new trees were planted.

Chair Cramer swore in all parties who wished to testify.

Chair Cramer asked when the trees were most recently planted. Mr. Hollowell stated that he was notified on July 28, 2021 that the trees were replanted. Chair Cramer asked if the trees were replanted as a result of the staff memo outlining the conditions of the previous decision that had not been met. Mr. Hollowell affirmed.

Chair Cramer then noted that the prehearing statement did not meet the requirements due to the lack of a presentation. Chair Cramer asked why the prehearing statement was not more complete. Mr. Hollowell stated that the previous applicant had left the project and was responsible for submitting the information.

Vice-Chair Berent asked if City staff had been in contact with the applicant regarding the lack of materials. Mr. Gray stated that he provided the request for more information to the applicants for both Case No. 21-04 and No. 21-05 immediately after the July hearing; there was no further correspondence from either applicant.

Chair Cramer moved to continue the hearing to the September 7, 2021 meeting, at 6:00 PM, virtually on Zoom, to give the applicant more time to submit a complete prehearing statement. Vice-Chair Berent seconded the motion for a continuance hearing; the motion passed 3-0.

Chair Cramer provided details for Case No. 21-06. The Chair stated the purpose of the hearing and read the following case title into the record:

An application by Tri-County Roofing & Sheet Metal, Inc., and K & T, LLC the property owner, requesting approval of a special exception to operate a “Building materials sales and storage yards which are enclosed” use, pursuant to Zoning Ordinance Article X: I-R Restricted Industrial Zone, Section 164-54A. and a Special Exception to operate a “Contractor's equipment and storage yards” use, pursuant to Article X: I-R Restricted Industrial Zone, Section 164-54C. and a Variance to Section 164-58 to allow the special exception use to be located 84 feet from a lot in a residential zone, to be located at 45 Magna Way, in Westminster, Maryland.

Mr. Gray presented background information on the case, adding that the previous Site Development Plan was approved in October 2007 without the Board of Zoning Appeals hearing and approving the Special Exception use. Staff is requesting that the Board approve the existing business that is currently operating, thereby alleviating outstanding legal approval with the Zoning Ordinance. Zoning Administration

recommends that the Board of Zoning Appeals carefully review the Special Exception and Variance request and approve the Applicant's request.

Mr. Gray requested that the Application be submitted into the record as Exhibit 1, the Staff report as Exhibit 2, and the supplemental memo with the legal advertising as Exhibit 3. Ms. Ruff added that the memo dated July 30 also be submitted into the record. Chair Cramer approved all submissions.

Chair Cramer swore in Scott Breza, present on behalf of the applicant.

Mr. Breza provided background information on the business, operating at the site for 11 years with the impression that they had all the proper approvals. The business records were destroyed in a flood, so the applicant was seeking to resolve outstanding issues and have the business operate legally.

Chair Cramer swore in all parties who wished to testify.

Mr. Breza asked Mr. (Michael) Drayer to provide background about his company. Mr. (Michael) Drayer replied that it was a commercial roofing company, and all materials are delivered directly to job sites. Any materials on site at the business are surplus until they are able to be used on a future project. Mr. (Kyle) Drayer added that there are 17 employees working for the company.

Mr. Breza asked Mr. (Kyle) Drayer about his involvement in the company, adding clarification that Mr. (Kyle) Drayer was the current owner/operator. Mr. Breza asked Mr. (Kyle) Drayer to describe the site and what materials and equipment are stored on the property.

Mr. Breza called on Mr. Rik Stouffer to provide his background as a site surveyor. Mr. Breza added that Mr. Stouffer's CV was added as an exhibit to the case record prior to the hearing, requesting that his testimony be added as an expert witness in surveying, site plan preparation, and land use. Chair Cramer accepted the request.

Mr. Breza asked Mr. Stouffer to describe the site layout in relation to the adjacent properties. Mr. Breza then asked Mr. Stouffer to verify that the site met all requirements as outlined in the Zoning Ordinance. Mr. Stouffer confirmed each requirement.

Chair Cramer asked what structure was referenced at the 255 foot dimension. Mr. Stouffer replied that it was an adjacent farm property barn that had been converted to a commercial type use. He added that it was the closest building from the edge of the site in question.

Mr. Breza asked that the prehearing statement and supporting documents be added into the record. Chair Cramer accepted the request.

Mr. Gray outlined the following exhibits on record for the case: Exhibit 1 Application, Exhibit 2 Staff Report, Exhibit 3 Supplemental Report, Exhibit 4 Report and Recommendation from Planning and Zoning Commission, and Exhibit 5 Prehearing Statement and Supporting Documents.

Mr. Breza asked for the email from Mr. H. Kenneth Mitchell at the neighboring property be added as Exhibit 6. Mr. Gray provided the email for the Board to review and also read the email into the record. The Board did not vote to enter this email into the record as an exhibit.

Chair Cramer closed testimony and opened discussion to the Board members. After considering the testimony provided, the Board found that granting the special exceptions complies with all 15 criteria as set forth in Section 164-54A and 164-54C. Board Member Frazier moved to approve the variance reduction and the special exception. Vice-Chair Berent seconded the motion; the motion passed 3-0.

Chair Cramer made a motion to adjourn the meeting. The Board adjourned at 7:29 PM.

Edward Cramer, Chair
Westminster Board of Zoning Appeals