



BOARD OF ZONING APPEALS MEETING SUMMARY

**Tuesday, January 7, 2020, at 6 PM
City Hall, 1838 Emerald Hill Lane
Westminster, Maryland 21157**

A meeting of the Westminster Board of Zoning Appeals was held at City Hall, 1838 Emerald Hill Lane in Westminster, Maryland, 21157, on January 7, 2020, at 6 PM.

Chair Ed Cramer, Vice-Chair Larry Berent, and Board Member Brenda Frazier were present. Also in attendance were Board Attorney Eric Blitz, City staff members Mark Depo, Andrea Gerhard, and Andrew Gray. Tierney Dedmon of Al Betz & Associates, Inc was also present.

At 6:29 PM, Chair Cramer called the meeting to order.

Vice-Chair Berent made a motion to approve the September 3, 2019 closed meeting summary. Chair Cramer seconded. The motion passed.

Board member Frazier made a motion to approve the December 3, 2019 meeting summary. Chair Cramer seconded. The motion passed.

Chair Cramer opened the public hearing for Case No. 20-01. The Chair stated the purpose of the hearing and read the following case title into the record:

An application by Jack Whisted, Two Farms, Inc and property owner Corporate Center Leasing, LLC, requesting approval of the following variances from Article XII P-I Planned Industrial Zone, Section 164-69 Dimensional Requirements, of the City Code:

1. Variance from the required minimum landscaping of two-and-one-half-inch caliper trees at a minimum of 30 feet on center. The applicant proposes to provide alternative landscaping along Littlestown Pike.
2. Variance from the required minimum landscaping of a similarly landscaped earth mound at least three feet high between the parking area and any adjacent residential district or public right-of-way. The applicant proposes to provide a 0-foot earth mound along Littlestown Pike and provide alternative landscaping.

The applicant is also requesting approval of the following variance from Article XII: P-I: Planned Industrial Zone, Section 164-70 Off-street parking, of the City Code:

3. Variance from the required off-street parking requirements of when the lot on which parking spaces are located abuts the rear or side lot line of or is across the street from any land in a residential zone other than publicly owned land, a wall, fence or evergreen planting shall be maintained so as to screen substantially the

parking lot from view from the nearest property in the residential zone... The applicant proposes a landscaping buffer in lieu thereof along Littlestown Pike.

These variances are for property located at 7 Corporate Center Court, in Westminster, Maryland.

The Chair then swore in all parties who wished to testify.

Mr. Gray summarized the main points in the staff memo dated December 31, 2019. He noted the staff recommendation that the Board of Zoning Appeals carefully consider the proposed variance from the requirements of § 164-69 Dimensional Requirements and § 164-70 Off-street parking of the City Code based on the evidence and testimony provided during the hearing, and determine if granting such a reduction to the required buffer would be based on a hardship for the property owner and would not impact the property rights or be of substantial detriment to the adjacent neighbors in the Residential Zone.

Chair Cramer introduced Mr. Mark Depo the new Director of Community Planning and Development.

Ms. Kelly Miller, attorney for the applicant, introduced Ms. Jennifer Leonard, from Kimley-Horn. Ms. Leonard provided her name and background information and was subsequently accepted as an expert witness. Ms. Leonard briefed the Board on the three requested variances; the location of the proposed project; that this project is currently in the development review process; that there are constraints on this site that prohibit development; and how the applicant is not asking for removal of landscape requirements.

Ms. Leonard mentioned that the use affects the design especially fuel dispensing, due to risk; how community views are important for safety; Section 164-57 Landscaping in the Restricted Industrial Zone; grade change; how landscaping and a wall will be adjacent to the trash enclosure; the Verizon easement; and the airspace easement. Ms. Miller mentioned that this use will not be detrimental to adjacent properties and also mentioned what the applicant thought the intent of the landscape requirements are.

Vice Chair Berent inquired about the adjacent homes and proposed landscaping. The applicant mentioned the landscape manual requirements.

Mr. Gray inquired about the headlights projecting across the right-of-way and shining into adjacent homes. Ms. Leonard mentioned that 90 percent of the headlights will be blocked and explained the normal traffic flow.

Chair Cramer inquired about the normal traffic flow and about the underground tanks. The applicant mentioned the normal traffic flow.

Public Comments:

Lisa Eckard inquired if this lot would be undevelopable for any purpose if the variances were not approved. Ms. Eckard also inquired if it would be fair to compare this use with the requirements for a high volume retailer and landscaping. Ms. Miller mentioned that the requirements are for industrial zoned property.

Mr. Depo mentioned that shrubs block light from vehicles but do not screen the view of the development. Trees screen visual impact. Ms. Leonard mentioned that trees along Maryland Route 97 are 30 feet on center or greater.

Ms. Gerhard inquired if the October 22, 2019 submission, in which the November comments were based, were different than what was submitted for this meeting.

Chair Cramer inquired about what if the variance was not granted. Ms. Leonard mentioned that the site could not be developed. Vice Chair Berent inquired if the site could be developed for a commercial purpose and that the applicant has to show the property could not be used for a viable purpose. Mr. Blitz mentioned severe hardship.

Ms. Miller provided closing statements for the applicant.

Mr. Gray provided closing statements for the City of Westminster.

The Chair closed testimony

Vice Chair Berent mentioned that the lot abuts a busy highway and believes that the applicant has met the burden of proof and the design would not be applicable unless the variances are granted. Chair Cramer wanted to reiterate the points the Vice Chair made.

Vice Chair Berent made a motion to approve the three variances as presented. Board Member Frazier seconded. The motion passed 3-0.

Chair Cramer made a motion to adjourn the meeting. The Board adjourned at 8:18 PM.



Edward Cramer, Chair
Westminster Board of Zoning Appeals