**LAYTONSVILLE BOARD OF APPEALS**

**MEETING MINUTES**

**May 1, 2023 – 7:30 p.m.**

**Roll Call**

A meeting of the Laytonsville Board of Appeals was called to order by Chair Cecere at approximately 7:36 p.m. Board Members Foster, Kerns, Ols, and Ryan were present.

**Minutes**

The minutes for the Board of Appeals Meeting of November 7, 2022, were submitted. Member Kerns noted that ratio should be changed to radio. A motion was made by Chair Cecere to accepted the minutes as amended and seconded by Member Foster. The motion passed unanimously.

**Attendees**

Mr. Richard Simmons

Reverend Vikki Clayton, St. Bartholomew Episcopal Church

Ms. Jennifer Rutherford

Mr. William Fitts

Mr. Jeff Bergsten

Mr. Robert Palmer

Mr. Charles Hendricks

Ms. Joy Jackson, Assistant Clerk, Laytonsville Town Council

Ms. Nadine Hasevoets-Tarwater, Secretary

**Old Business**

None.

**New Business**

Special Exception Application (SE-02-23) submitted by Mr. and Mrs. Simmons, 7406 White House Lane, Laytonsville, MD.

Special Exception Application (SE-01-23) submitted by Vestry of St. Bartholomew’s Episcopal Church for property located at 6920 Sundown Road.

***Hearing***

Chair Cecere made a motion to open the Special Exception Hearing which was seconded by Member Kerns and passed unanimously. Chair Cecere began the hearing by outlining the procedures and administering the swearing in oath to all those providing testimony.

Chair Cecere requested Mr. Simmons to outline the reasons for Special Exception SE-02-23.

Mr. Simmons is requesting a special exception to install an eight-foot fence between his residential property and the industrial lots behind his home. He stated that the fence would be identical to the fence approved for Mr. David Heissner’s property located at 7408 White House Lane, Laytonsville, MD, by his Home Owners Association and the Board of Appeals.

The Board Members studied the application, information regarding fencing, HOA’s approval letter, and pictures depicting area.

Chair Cecere asked if there were any questions or opposition to the special exception. There were no questions from the audience or opposition to the special exception.

Chair Cecere made a motion to approve Special Exception SE-02-23 submitted by Mr. Simmons with the following stipulations:

* Special Exception Application SE-02-23 submitted will be marked Exhibit 1 including the Laytonsville Preserve Home Owners Association approval letter and attachments.
* The Special Exception is limited to the time that the property is owned by Mr. and Mrs. Simmons. Should the property be sold, the new owners would be required to seek re-approval for the Special Exception.
* Char Cecere also noted that the design of the fence is consistent with the neighboring property (Mr. David Heissner, 7408 White House Lane, Laytonsville, MD), which was approved by the Laytonsville Preserve Home Owners Association and the Board of Appeals on December 6, 2021.

The motion was seconded by Member Foster and passed unanimously.

Chair Cecere made a motion to close the Hearing for Special Exception SE-02-23 which was seconded by Member Kerns and passed unanimously.

Chair Cecere made a motion to open the Special Exception Hearing which was seconded by Member Foster and passed unanimously. Chair Cecere began the hearing by outlining the procedures and administering the swearing in oath to all those providing testimony.

Chair Cecere requested Ms. Jennifer Rutherford to outline the reasons for Special Exception SE-01-23.

Ms. Rutherford explained that she is a resident artist and has obtained approval from St. Bartholomew’s Church to use the house located at 6920 Sundown Road, Laytonsville, MD, as a display space for an art studio. The space would be used up to 20 hours a week during the day and one evening every month or two between the hours of 6:00 p.m. to 9:00 p.m. for exhibits. There is a potential for 10-30 people attending the exhibits. Messrs. Fitts and Bergsten from St. Bartholomew’s Church also provided details about the use of the house for church meetings and office space. A brief history of the property (Temperance Hall) was also provided.

Board Members asked questions regarding the use of the property in relation to office space, expected attendance at meetings or retreats.

Reverand Clayton also added information regarding the intent use of the property, both at present and in the future.

Member Kerns brought up his concerns regarding the traffic flow for entering and exiting the property depending on the amount of people attending various functions. He provided examples of how a potentially dangerous situation might occur.

Ms. Rutherford and Messrs. Fitts and Bergsten provided examples as to the number of people attending the functions as well as some suggestions regarding the handling of traffic.

Members Foster and Ryan indicated that the entering and exiting of the gas station on the corner of Route 108 and Sundown Road might create more of a hazard.

There was a suggestion and discussion regarding temporary signage to help regulate the traffic pattern.

Chair Cecere asked if there were any questions or opposition to the special exception. There were no questions or opposition to the special exception from the audience. Member Kerns stated that he would not support the approval of the application if the questions regarding the traffic flow and signage were not addressed.

Mr. Fitts agreed that he would include plans to provide signage for large events addressing the issues of traffic safety.

Member Kerns requested that this detail be included in the special exception application.

Ms. Jackson, Assistant Town Clerk, Laytonsville, reminded the members that there is a town ordinance regarding the use of signage which needs to be followed.

Mr. Hendricks, Chair, Historical District Commission, also indicated that permanent signage would need approval from the committee.

Chair Cecere made a motion to approve Special Exception SE-01-23 submitted by the Vestry of St. Bartholomew’s Episcopal Church with the following requirements:

* The property located at 6920 Sundown Road may be used as an art studio as per the application submitted by St. Bartholomew’s Episcopal Church referred to as Exhibit 1 and the testimony provided by the witnesses.
* On any given day when the art studio holds an art exhibit or gathering of more than 10-30 people. Temporary signage will be displayed indicated routes of entrance and exit.
* Any temporary or permanent signage must comply with the Town of Laytonsville and the Historic District Commission’s signage ordinance.

Mr. Hendricks asked if a period of duration should be added to the requirements.

A discussion followed regarding questions as to whether the special exception should be tied to the Vestry, Ms. Rutherford, or the use of the property.

Reverand Clayton asked what would happen if Ms. Rutherford’s colleagues wanted to extend the special exception beyond her use.

Chair Cecere suggested that the special exception be tied to the proposed use of the property.

The following requirement was added:

* The Special Exception will be in effect for a period of five years in accordance with the date of the approval letter. Should the property no longer be used as an art studio and for art exhibits before the end of five years, the Special Exception will expire.

Chair Cecere made a motion to accept the special exception with the amended requirements. Member Kerns seconded the motion which passed unanimously.

Chair Cecere made a motion to close the Hearing which was seconded by Member Foster and passed unanimously.

Chair Cecere asked if there was any other new business to discuss. A question was raised regarding any new information regarding the house on Maple Knolls. Chair Cecere responded that he had no information.

Chair Cecere informed the Board that the next meeting would be schedule for June 5, 2023, unless no business is put before the Board.

**Adjourn**

There being no further business, Chair Cecere proposed a motion to close the meeting which was seconded by Member Kerns and passed unanimously. The meeting adjourned at approximately 9:08 p.m.

Respectively submitted

Nadine Tarwater