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## FREDERICK COUNTY BOARD OF APPEALS

### July 28th, 2022

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**TITLE:** **Monocacy Montessori Communities, Inc. Temporary Use Application**

**CASE NUMBER:** **B-22-24 (B273349)**

**REQUEST:** Requesting a Temporary Special Exception in accordance with Section Sec. 1-19-8.300 Temporary Structures and Uses Requiring Special Exception Approval of the Frederick County Zoning Ordinance to continue a previously approved public charter elementary school (Original case B-12-03).

**PROJECT INFORMATION:**

ADDRESS/LOCATION: 7215 Corporate Court  
TAX MAP/PARCEL: Tax Map 86, Parcel 125  
ZONE: Office/Research/Industrial (ORI)  
REGION: Frederick  
WATER/SEWER: W-NPS/S-NPS  
COMP. PLAN/LAND USE: Office/Research/Industrial

**APPLICANT/REPRESENTATIVES:**

APPLICANT: Monocacy Montessori Communities, Inc.  
OWNER: Molly Spence, President  
ENGINEER: N/A  
ARCHITECT: N/A  
ATTORNEY: McCurdy, Dean & Graditor, LLC

**STAFF:** Mike Paone, Zoning Planner

**RECOMMENDATION:** Based on the findings and conclusions in the staff report and the evidence presented at this meeting, Staff finds that the proposed Special Exception under Section 1-19-3.210 (*Special Exceptions*) and 1-19-8.300 (*Temporary Uses and Structures*) complies with the Frederick County Zoning Ordinance

**ATTACHMENTS:**

- Attachment 1: GIS Aerial of site
- Attachment 2: Comprehensive Plan designation
- Attachment 3: Environmental Features
- Attachment 4: Zoning

## **Background:**

The subject lot is currently zoned Office/Research Industrial (ORI) and is located at the corner of Corporate Court and Crestwood Boulevard.

The Board originally approved this temporary use in March 2012, and subsequently renewed their temporary approval in March of 2013, 2014, 2015, including a second approval late in 2015 to expand the size of the school to use the entire first floor of the leased building, followed by another temporary use renewal in 2017. The school also received temporary approval in 2018 and 2019 and 2021. The charter school was granted a site development plan approval with site plan SP86-17.

Section 1-19-5.310 of the Frederick County Zoning Code, Use Table indicates a public school is allowable in the ORI Zoning District with a Temporary Special Exception approval.

Section 1-19-11.100 of the Frederick County Zoning Code, defines PUBLIC SCHOOL as "An educational program for students approved by the Maryland State Department of Education for the teaching of children or adults including elementary and secondary schools, and similar facilities. Charter schools funded by the state are included in this definition."

Section 1-19-8.300 of the Frederick County Zoning Code, Temporary Structures and Uses Requiring Special Exception Approval states "Temporary special exceptions may be granted by the Board of Zoning Appeals for the uses indicated by the letter "T" in Section 1-19-5.310 for each district. A temporary special exception permit is valid for no longer than 1 year from date of issuance. Such temporary special exceptions may be renewed upon approval of the Board. The applicant shall provide the names and addresses of all adjoining property owners who shall be notified of any renewal. If the temporary use shall exist for 5 years, the Board of Zoning Appeals shall hold a hearing prior to the issuance of the subsequent renewal."

The Applicant is requesting the Board's approval to continue the previously approved charter school use. The school is currently approved to occupy the entire 26,000 square feet of the first floor. The approval accommodates up to 45 staff members, and a maximum of 318 students. The school is occupied Monday through Friday from 8:45am to 4pm. The Applicant does not anticipate making any significant use of the property during evening hours. Students are dropped off between 8:45am and 9am and picked up in the afternoon from 3:30pm to 4pm.

## **General Criteria – Special Exception:**

Under the provisions of Section 1-19-3.210(B) of the County Zoning Ordinance, A special exception shall be granted when the Board finds that:

1. The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this Chapter; and
2. The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and

3. Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and
4. Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
5. The road system providing access to the proposed use is adequate to serve the site for the intended use.

**Specific Criteria – No Specific Criteria are outlined for this proposed use.**

**Staff finds the application meets the requirements of Section 1-19-3.210 (Special Exceptions) and Section 1-19-8.300 (Temporary Uses and Structures), and complies with the Frederick County Zoning Ordinance. Staff has no objections to the approval.**

#### **RECOMMENDATION**

Based on the findings and conclusions in the staff report and the evidence presented at this meeting, Staff finds that the proposed Special Exception under Section 1-19-3.210 (*Special Exceptions*) and 1-19-8.300 (*Temporary Uses and Structures*), complies with the Frederick County Zoning Ordinance

**The Board shall consider approval of a Special Exception that, under Section 1-19-3.210 (Special Exceptions) and 1-19-8.300 (Temporary Uses and Structures), complies with the Frederick County Zoning Ordinance.**

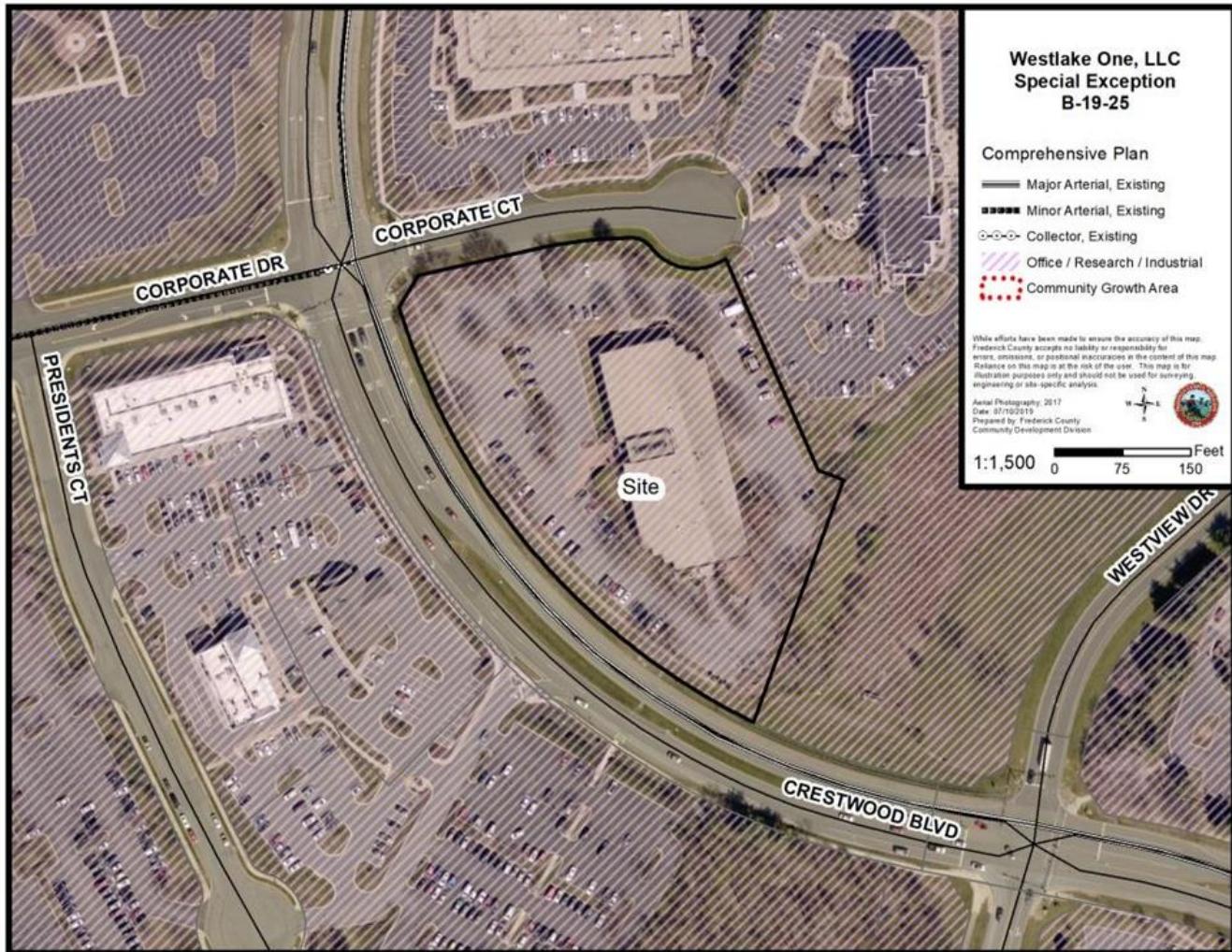
A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in the accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the Applicant, a time extension may be granted by the Zoning Administrator for a period not to exceed 6 months

# GIS Maps

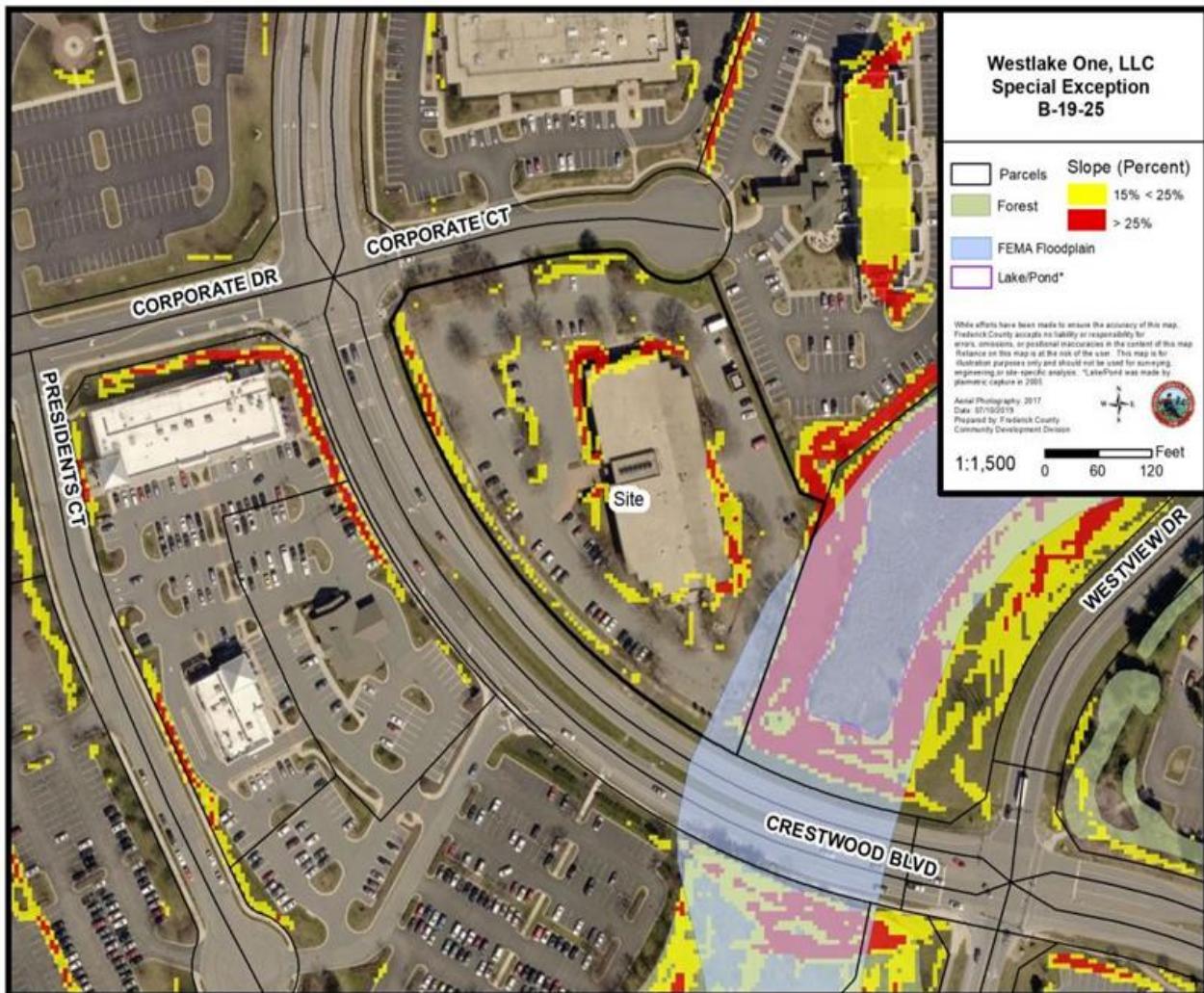
## Attachment 1: GIS Aerial Map



## Attachment 2: GIS Comprehensive Plan Map (Office/Research/Industrial)



### Attachment 3: GIS Slopes Maps



#### Attachment 4: GIS Zoning Map (Office/Research/Industrial) (ORI)

