



FREDERICK COUNTY BOARD OF APPEALS

DECEMBER 15th 2022

TITLE: **Brook Lane School (Temporary Use)**

CASE NUMBER: **B-22-39 (B273706)**

REQUEST: **Requesting a Temporary Special Exception to continue a previously approved public charter elementary school in the (LI) zone.**

PROJECT INFORMATION:

ADDRESS/LOCATION: 4540 Mack Road, Frederick MD 21703
TAX MAP/PARCEL: Tax Map 86, Parcel 0207
ZONE: Limited Industrial (LI)
REGION: Adamstown
WATER/SEWER: W-1/S-1
COMP. PLAN/LAND USE: Limited Industrial

APPLICANT/REPRESENTATIVES:

APPLICANT: Brook Lane Behavioral Services
OWNER: Same
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Michael 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, to allow a Temporary Use on the subject property, complies with Section 1-19-3.210 and Section 1-19-8.300 of the Frederick County Zoning Code.

ATTACHMENTS:

- Attachment 1: Site Plan**
- Attachment 2: Aerial Map**
- Attachment 3: Comprehensive Plan Map**
- Attachment 4: Environmental Features Map**
- Attachment 5: Zoning Map**

Background:

Brook Lane is a private, not for profit center, which provides mental health services, including inpatient care, partial hospitalization, outpatient treatment, consultations, psychiatric rehabilitation programs, and educational services and evaluation programs. These services are provided to children, adolescents, adults, and elderly adults on an individual, family, and peer group basis. The private school, which is located on the Property identified above, is similar in design to another satellite school program located in Washington County.

The days and hours of operation of the private school are Monday through Friday, from 8:00 a.m. until 4:00 p.m. The students are in attendance Monday through Friday, from 8:30 a.m. until 2:30 p.m. The staff includes the following: one (1) teacher and one (1) assistant for every nine (9) or ten (10) students; there will be approximately five (5) therapists; one (1) principal; one (1) receptionist; one (1) librarian; and, one (1) resource teacher present at the private school during the above-referenced hours of operation

The Board originally approved this temporary use on April 26, 2007, as part of B-07-13. The school subsequently renewed their temporary approval on February 28, 2019 and were granted approval to expand the school from 45 to 65 students. Staff increased from 18 staff to 65 staff, and school size increase from 9,600 sq.ft. to 19,200 sq.ft.

Section 1-19-5.310 of the Frederick County Zoning Code, Use Table indicates a public school is allowable in the LI 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.

Proposal:

The Applicant is requesting the Board's approval to continue the previously approved charter school use with no changes. The school is currently approved to occupy the entire 19,200 square foot building. 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:

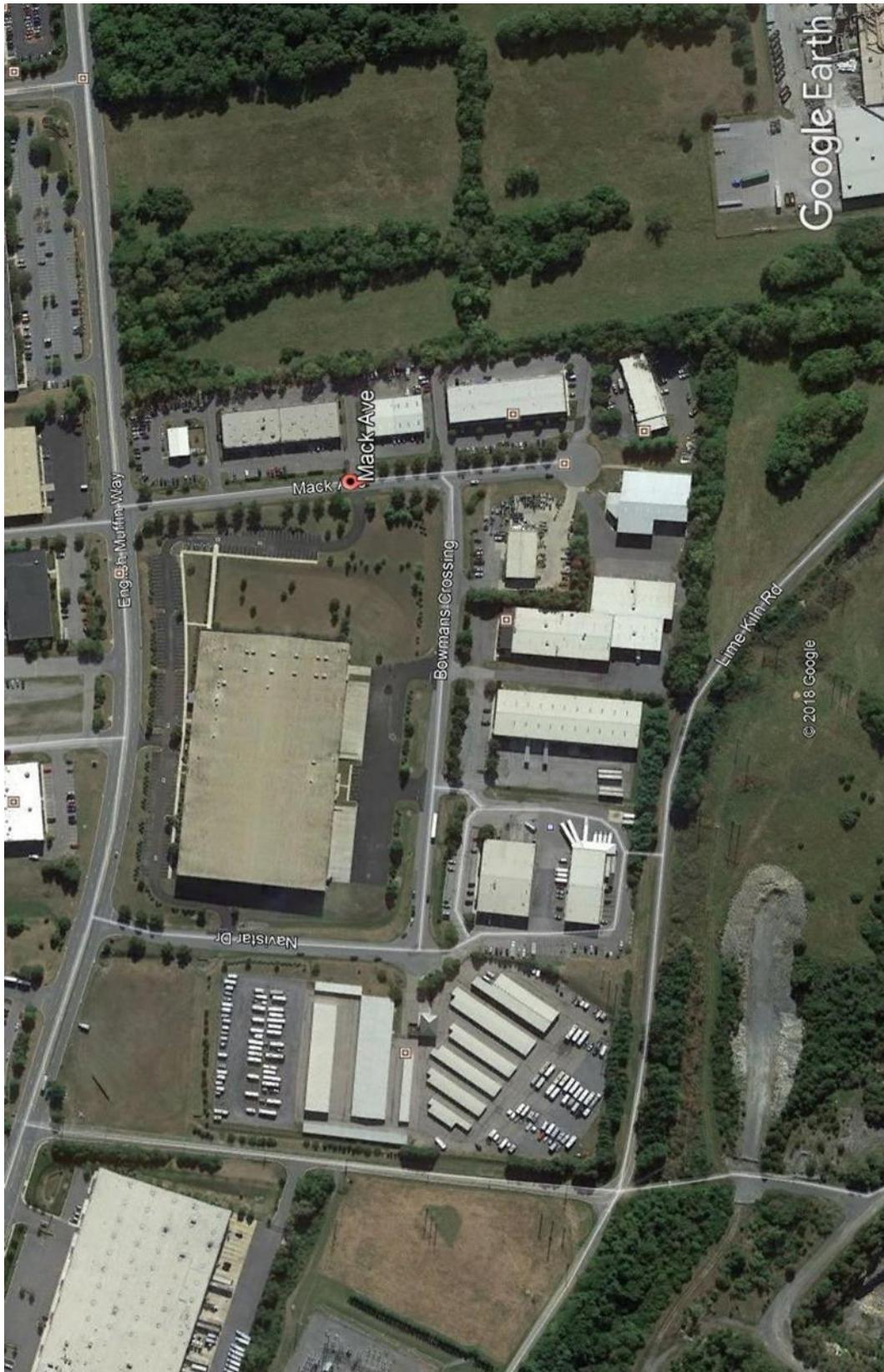
Under the provisions of Section 1-19-3.210(B) of the County Zoning Ordinance, a special exception shall be granted when the Board finds that:

1. The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of Chapter of the Frederick County Code; 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.

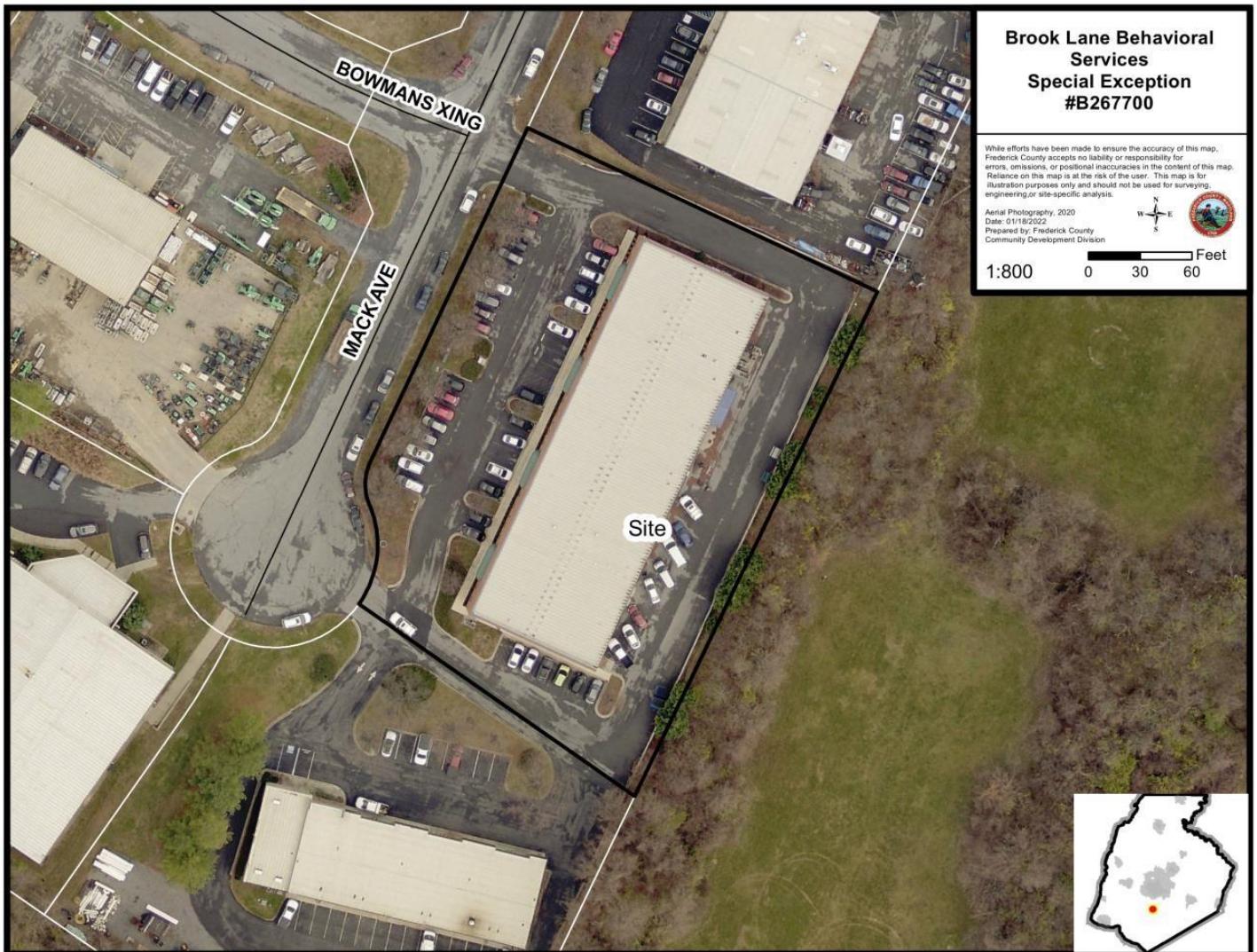
The Board shall consider approval of a Special Exception Temporary Use in, accordance with Section 1-19-3.210 and of the Frederick County Zoning Code.

1-19-3.210.I: 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

Attachment 1 Site Plan



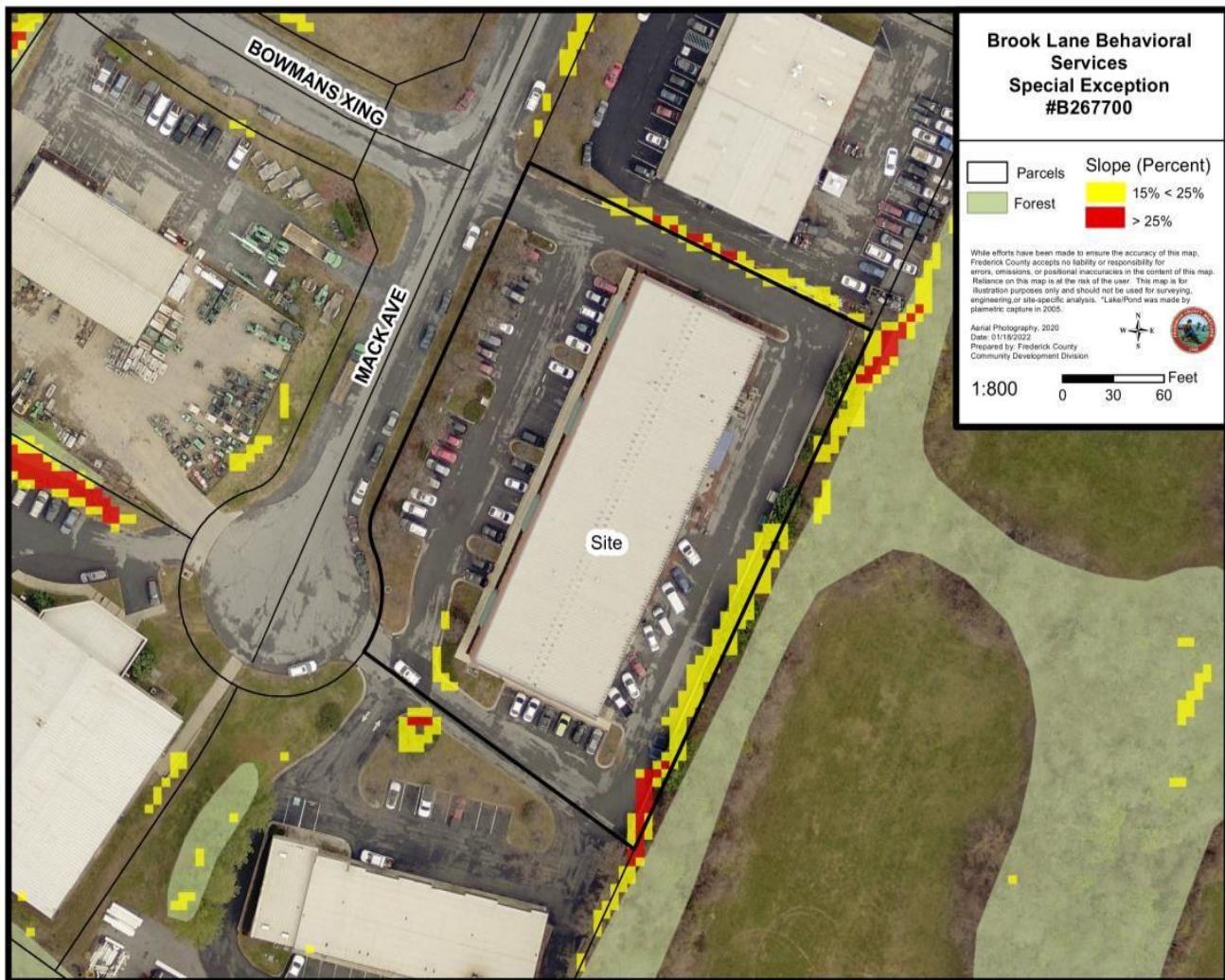
Attachment 2: Aerial



Attachment 3: Comprehensive Plan



Attachment 4: Environmental Features Map



Attachment 5 Zoning Map

