

1. 7:00 P.M. July 10, 2025, Board Of Appeals Agenda

Documents:

[AGENDA - JULY 10, 2025 BOA MEETING.PDF](#)

2. Unofficial - December 10, 2024, Board Of Appeals Minutes

Documents:

[UNOFFICIAL - DECEMBER 10, 2024, BOA MINUTES.PDF](#)

3. Unofficial - Findings And Decision, Case No. MA-BOA-2024-04, 107 Jimmys Street

Documents:

[UNOFFICIAL - MT AIRY FINDINGS AND DECISION FOR VARIANCE OF REAR SETBACK FOR 107 JIMMYS STREET WITH EXHIBITS.PDF](#)

4. Case No. MA-BOA-2025-01, Special Exception For Home Daycare, 1810 Castle Green Circle, Danielle Griffith

Documents:

[MA-BOA-2025-01 STAFF REPORT AND EXHIBITS FOR 7-10-2025.PDF](#)

LARRY HUSHOUR
Mayor

TIM J. WASHABAUGH
Council President



Council Members
JASON P. EVANS
Secretary

KARL L. MUNDER
SEAN M. KELLY
STEPHEN L. DOMOTOR

BOARD OF APPEALS AGENDA
July 10, 2025
7:00 P.M.

Mount Airy Town Hall, 110 South Main Street

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

December 10, 2024, Board of Appeals Meeting

3. FINDINGS AND DECISION

• **CASE NO. MA-BOA-2024-04 – 107 Jimmy Street – Brittany Manor Subdivision**

On December 10, 2024, the applicant received approval for a special exception for the above-mentioned project under section § 112- 25C (2) General Standards and § 112- 62F

4. HEARING

• **CASE NO. MA-BOA-2025-01 –Happy Castle Daycare - §112-25C (1) – Home Occupations -In Home Family Daycare**

The applicant is requesting approval to operate a Home Occupation under section §112-25C(1), Special Exception in a R2 District, under General Standards and §112-62F (7) Home Occupation.

5. ADJOURNMENT

****The Town will make every effort to provide reasonable accommodation for the hearing impaired by providing a sign language interpreter. A request for such accommodation must be made 48 hours in advance of the meeting to facilitate scheduling.**

****FOR INFORMATION ON TTY/TDD, PLEASE CALL THE MARYLAND RELAY SERVICE AT 7-1-1 OR 800-735-2258**

BOARD MEMBERS IN ATTENDANCE: Chairperson-Peter Helt, Patricia Washabaugh, Wade Gallagher, Roxanne Hemphill, Sean Kelly, Amy Witter-Alternate

BOARD MEMBERS ABSENT: None

STAFF MEMBERS: John Breeding – Director of Planning & Zoning
Debra Clinton – Planning & Zoning Review Coordinator

OTHERS: Tom McCarron, Town Attorney

CALL TO ORDER

Chairperson Peter Helt called the public hearing to order at approximately 7:00 p.m. and led the Board in the Pledge of Allegiance.

APPROVAL OF MINUTES

MOTION: Chairperson Peter Helt motioned to approve the September 10, 2024, Board of Appeals meeting minutes. Seconded by Wade Gallagher. Vote: All in favor, none opposed.

APPROVAL OF FINDINGS AND DECISION

CASE NO. MA-BOA-2024-03, St. Andrew’s Presbyterian Church, 609 Center Street - §112-25C (20 – Nursery School/Child Care. On September 10, 2024, the applicant received approval for a special exception for the above-mentioned project under section §112-25C (2) General Standards and §112-62F. Peter Helt motioned to approve the findings and decision. Seconded by Patty Washabaugh. Vote: All in favor, none opposed.

CASE NO. MA-BOA-2024-04: 107 Jimmys Street – Brittany Manor Subdivision, Rear Setback Variance.

APPLICANT:	Kevin and Leslie McGowan
LOCATION:	107 Jimmys Street, Lot 33, Brittany Manor
CURRENT ZONING:	Residential 2 (R2) Low/Medium Density Residential District
CURRENT USE:	Residential 2 (R2) Low/Medium Density Residential District
PROPOSED USE:	Residential 2 (R2) Low/Medium Density Residential District

The applicant requests a variance for a rear yard setback under code section §112-61 as submitted. The applicants were present and presented their case to the Board of Appeals. Peter Helt motioned to approve the rear yard setback variance, which was seconded by Roxanne Hemphill. Vote: All in favor, none opposed.

ADJOURNMENT - Chairperson Peter Helt motioned to adjourn the meeting. The meeting was adjourned at 7:19 p.m.

Approved by Chairperson, Peter Helt

Peter Helt

Prepared by Debra Clinton

TOWN OF MOUNT AIRY BOARD OF APPEALS

FINDINGS AND DECISION

CASE NO. MA-BOA-2024-04 VARIANCE APPLICATION HEARING DECEMBER 10, 2024 FOR 107 JIMMYS STREET, BRITTANY MANOR

Applicants: Kevin and Leslie McGowan (“Applicants”)
Location: 107 Jimmys Street, Mt. Airy; Lot 33, Brittany Manor (“the Property”)
Current Zoning: R-2 – Low/Medium Density Residential
Current Use: Residence
Proposed Variance: Rear set back under Section 112-61

WHEREAS, Applicant seeks approval of a rear set back (“the Application”); and

WHEREAS, the current zoning of the Property is Residential 2 (R2) – Low/Medium Density Residential District (hereafter “R2”), which pursuant to Section 112-25D(3)(e) of the Town Code requires a rear set back of forty (40) feet, but the subdivision was approved with rear setbacks of thirty (30) feet due to the cluster design of the subdivision which as designed in turn provided greater open space in the development; and

WHEREAS, Applicants seek to vary the set reduced to twenty (20) feet, amounting to a ten (10) foot variance, to permit construction of a 12’ x 22’ sunroom; and

WHEREAS, Town Staff recommended approval of the variance; and

WHEREAS, on December 10, 2024, the matter of the Application came before the Town’s Board of Appeals pursuant to the Town Code, §112-61; and

WHEREAS, the following members of the Board of Appeals were in attendance: Peter Helt (Chair), Sean Kelly, Patricia Washabaugh, Wade Gallagher, Roxanne Hemphill and Amy Witter, Alternate, who did not vote since no Board members were absent and there were no vacancies on the Board; and

WHEREAS, the following witnesses testified for the Applicant:

Kevin and Leslie McGowan (Applicants)

WHEREAS, no members of the public and nearby property owners testified:

WHEREAS, the witnesses/Applicants were duly sworn and the opportunity for cross examination was provided; and

WHEREAS, the Staff Report of John Breeding, Director of Planning and Zoning Administrator, and all attachments (Variance Application and Plat) thereto including but not limited to the Application, was read, summarized and/or entered into the record and is attached hereto as Exhibit 1; and

WHEREAS, in summary, and in part in response to questions from Board members, Applicants testified as follows:

Applicants introduced a prepared written “Statement of Justification” (attached as Exhibit 2) and letters from neighbors supported the proposed variance (attached as Exhibit 3) into the record. The Applicants planned to add a 12’ x 22’ sunroom addition, which they had had in their prior home and were interested in constructing. The need for a variance was brought about by the denial of application for building permits due to the Building Restriction Line (“BRL”) or rear set back, which as approved for this subdivision given its cluster design required a thirty (30) foot set back, and the proposed sunroom encroached into the BRL, requiring a variance of ten (10) feet, reducing the BRL or setback in the rear down to twenty (20) feet. The set back in the R2 District is normally 40 feet, but due to the cluster design of the subdivision, the plats and development plans were approved for this subdivision with a thirty (30) foot BRL or set back in the rear yard. Applicants thereupon applied for the variance of the rear set back and thus the rear BRL that is at issue here.

The proposed variance of the rear set back would align with a “bump out” in other homes in the subdivision. Applicants’ home backs up to a forest conservation easement, which cannot be developed, such that there will be no future neighbor to the rear of the Property. Neighbors have signed letters in support of the sunroom and variance (Exhibit 3). The sunroom will improve the existing living space.

Applicants addressed questions from Members of the Board of Appeals. Applicants stated that they were unaware of any opposition to the proposal. The larger footprint of Applicants’ particular model home was larger than other homes in the subdivision to accommodate a first-floor master bedroom, which may explain why their home in relation to others encroaches on the rear setback with the proposed addition. Lot sizes vary in this particular subdivision, and

Applicants' lot is smaller or more shallow than others. Applicants' home was constructed with a sliding glass door that did not lead to any addition or decking, as other homes in the subdivision have been able to build without encroachment on the rear BRL.

WHEREAS, the proceedings were video and audio recorded.

NOW, THEREFORE, the Board of Appeals, upon receiving the evidence and upon motion to approve the Application made by Board Chairman Peter Helt, and seconded by Member Roxanne Hemphill, unanimously voted (5 votes to zero) to approve the Application, and granted the ten (10) foot variance, reduced to twenty (20) feet, for the rear set back, finding that the Application met all of the following prerequisites under the Town Code, in addition to applicable provisions of State Code and law:

Town Code, Section 112-61:

* * *

- B. Standards for variances. Where there is unnecessary hardship or practical difficulty, the Board may grant a variance in the application of the provisions of this chapter provided that the following findings are made where relevant in a given case:
- (1) That there are unique physical conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship or practical difficulty is due to such conditions.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship or practical difficulty has not been created by the applicant or the applicant's predecessor in title.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - (6) No grant of a variance shall be authorized unless the Board specifically finds that the condition for which the variance is sought is not so general or recurrent a nature to make reasonably practicable the formulation of a general regulation for such

conditions.

Town Code, Section 112-71, defining variance as:

A modification by the Board of Appeals only of dimensional, density, bulk or area requirements of this chapter where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the results of any action taken by the applicant, a literal enforcement of the chapter would result in unnecessary hardship, or practical difficulty.

Maryland Code, Land Use Article, Section 4-206:

(b) Limitations. -- The modifications in a variance:

* * *

(2) may be only allowed where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty as specified in the zoning law; and

(3) may not be contrary to the public interest.

The exhibit with attachments and sign-in sheet are attached if applicable.

ATTEST:

John Breeding,
Zoning Administrator
Community Planning Administrator
Town of Mt. Airy

Peter Helt, Chair
Town of Mount Airy
Board of Appeals

Findings and Decision for Application for Variance of Rear Set Back for 107 Jimmys Street, Mt. Airy (Lot 33, Brittany Manor) approved on this 10th day of July, 2025, as to form and legal sufficiency.

Thomas V. McCarron

Thomas V. McCarron, Town Attorney

**Town of Mount Airy, Maryland
Board of Appeals
Staff Report**

December 10, 2024

Setback Variance request to create an enclosed four-season room

**CASE MA-BOA-2024-04
107 Jimmy Street**

Applicant: Mr. Kevin & Mrs. Lesile McGowan
Location: 107 Jimmys Street, Mount Airy, Md.
Zoning: R2 – Residential

Applicant Request:

The Applicant requests a variance request for a rear yard setback under Code section §112-61 as submitted. (See Attached Code Section §112-61). The McGowans own 107 Jimmy Street; they request a setback variance of 10 ft. to allow a 12 x 22 sunroom enclosure. The current BRL is 30'-0" per the approved cluster subdivision of Brittany Manor, which is 10'-0" less than the normal setback in an R2 zoning of 40'-0". The applicant is requesting the rear yard setback for this lot down to 20'-0". This parcel backs up to an open space area, which will never be built on.

The applicant has provided a summary of their request for this variance along with a plot plan, rear elevation of the proposed deck, and enclosed addition. A variance would not be required if this enclosed area was a deck with a roof.

The applicant has also obtained adjoining property owners to sign a letter acknowledging the proposed addition.

Staff Recommendation:

Staff suggests that the Board of Appeals considers a favorable recommendation to grant this variance request to reduce the BRL to 20'-0" for the property located at 107 Jimmy Street for the enclosed addition.

Board of Appeals
Town of Mt. Airy
P. O. Box 50
Mount Airy, Maryland 21771

Case No: MA-BOA-2024-04
Zoned: R2-Residential
Date Filed: 10/24/2024
Date Hearing: TBD
Fee Paid: \$300.00

APPEAL FOR VARIANCE UNDER ZONING ORDINANCE

Appeal is hereby made for a variance from a requirement of the Zoning Ordinance, as follows:

Subdivision BRITANNY MANOR TWIN ARCH VILLAGE Lot 33 Block N/A
Location 107 JIMMYS STREET, MOUNT AIRY MD 21771 (EAST SIDE OF ROAD) 100' NORTH OF GAILS LN
NSEW side of road: distance NSEW from nearest intersecting road

Appellant's present legal interest in above property: (Check One)
 Owner (including joint ownership) _____ Lessee
_____ Contact to lease or rent _____ Contract to purchase
_____ Other (Describe) _____

Ordinance section, and subsection if any, containing the requirement(s) from which variance is desired:

SECTION 112-25 (R2 DISTRICT) SUBSECTION D(3)(e) - REAR YARD SETBACK

Specify the particular requirement(s) from which a variance is desired, in that section or subsection:

30' REAR BUILDING SETBACK

Describe the nature and extent of the desired variance from such Ordinance requirement(s):

10' VARIANCE FOR SUNROOM RESULTING IN 20' REAR SETBACK

Check reason(s) why the Ordinance requirement(s) in question would result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property due to exceptional:

- Narrowness
- Shallowness of the property, existing now and on the date of enactment
- Shape of the requirement(s) in question
- Extraordinary situation of the property. Describe briefly:

If exceptional narrowness, shallowness or shape of the property is claimed, give date of recording of plot of present subdivision if any: 2019; or if property is unsubdivided, give the date on which deed conveying the identically-bounded tract was first recorded _____

Briefly, describe the difficulty or hardship upon the owner by reason of the above narrowness, shallowness, shape, condition or situation of the property, if the request variance is not granted:

Has any previous petition or appeal involving this property been made to the Board: If so give Case Number(s)

NO
I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

[Signature] 10-10-24 107 Jimmys St. Mt. Airy, MD 21771
Signature of Appellant(s) Address of Appellant(s)
Leslie S. McGowan 10-10-24

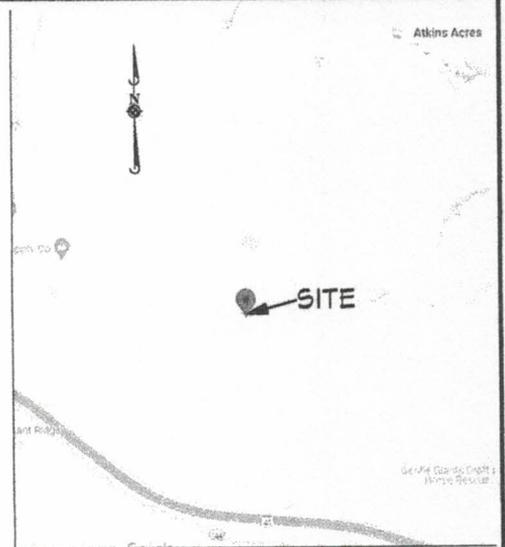
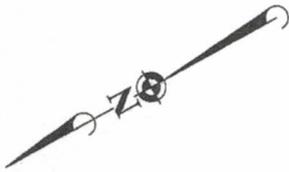
Sworn to and subscribed before me this 10th day of October

My Commission expires _____
Notary Public: **DAVID LOWELL KENYON**
NOTARY PUBLIC
HOWARD COUNTY
MARYLAND
MY COMMISSION EXPIRES NOVEMBER 17, 2028

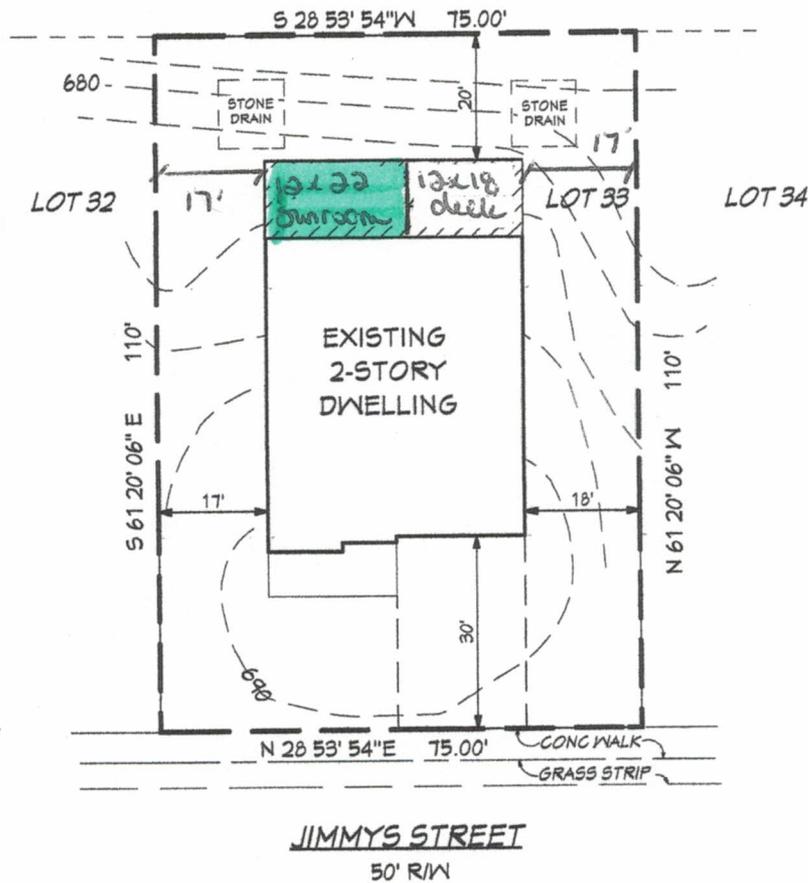
[Signature]



NOT A PROPERTY LINE SURVEY, ALL DATA CONTAINED HEREIN OBTAINED FROM "MY NEIGHBORHOOD" AND SUBDIVISION PLAT, NOT FIELD SURVEY



**VICINITY
MAP**
NOT TO SCALE



SITE PLAN

SCALE: 1" = 30'-0"

maureen copeland architects

603 East Court
Westminster, MD 21157
717-599-9590
chesapeake.designco@gmail.com

SITE DATA

ZONING: R-40
ACCNT NO: 433065
LOT AREA: 8,250 SF
EXISTING PUBLIC WATER AND SEWER

PLAT TO ACCOMPANY BUILDING PERMIT
107 JIMMYS ST, MT. AIRY, MD 21771
OWNER: KEVIN & LESLIE MCGOWAN

Date: 6/26/2024

DATA TABULATIONS:

- NUMBER OF BUILDING SITES: 30
- TOTAL AREA OF LOTS: 330,965 s.f. or 7.5979 AC±
- ACREAGE & LENGTH OF NEW STREETS DEDICATED TO TOWN OF MOUNT AIRY: 105,127 s.f. or 2.4134 AC± (2.050±)
- ACREAGE OF COMMUNITY PARK DEDICATED TO TOWN OF MOUNT AIRY: 159,631 s.f. or 3.6646 AC±
- ACREAGE OF SWM FACILITIES DEDICATED TO BRITANNY MANOR AT TWIN ARCH HOA: 306,726 s.f. or 7.0415 AC±
- TOTAL AREA OF SHEET ONE OF THREE: 916,747 s.f. or 21.0915 AC±

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	DELTA ANGLE	CHORD BEARING	TANGENT
C1	380.00	553.00	500.21	88°00'43"	S 04°10'23" W	347.72
C2	125.00	65.28	64.54	29°55'12"	S 09°32'47" E	33.40
C3	175.00	119.86	114.34	49°04'16"	N 04°01'45" E	79.89
C4	17.00	11.19	11.69	51°10'51"	S 02°52'22" W	6.14
C5	50.00	167.29	99.46	191°42'10"	N 73°14'09" E	0.00
C6	17.00	5.19	14.69	51°10'51"	N 36°30'13" W	6.14
C7	175.00	342.42	280.35	112°06'40"	S 06°03'16" E	258.89
C8	125.00	65.28	64.54	29°55'12"	N 49°25'52" E	3.46
C9	125.00	28.24	28.16	12°56'39"	N 55°54'07" W	14.10
C10	125.00	1107.06	103.81	49°04'16"	N 04°01'45" E	57.06
C11	175.00	311.39	190.35	29°55'12"	N 09°32'47" E	46.76
C12	125.00	244.59	207.39	112°06'40"	S 06°03'16" E	185.71
C13	175.00	27.10	27.07	6°52'21"	S 45°34'51" W	13.58

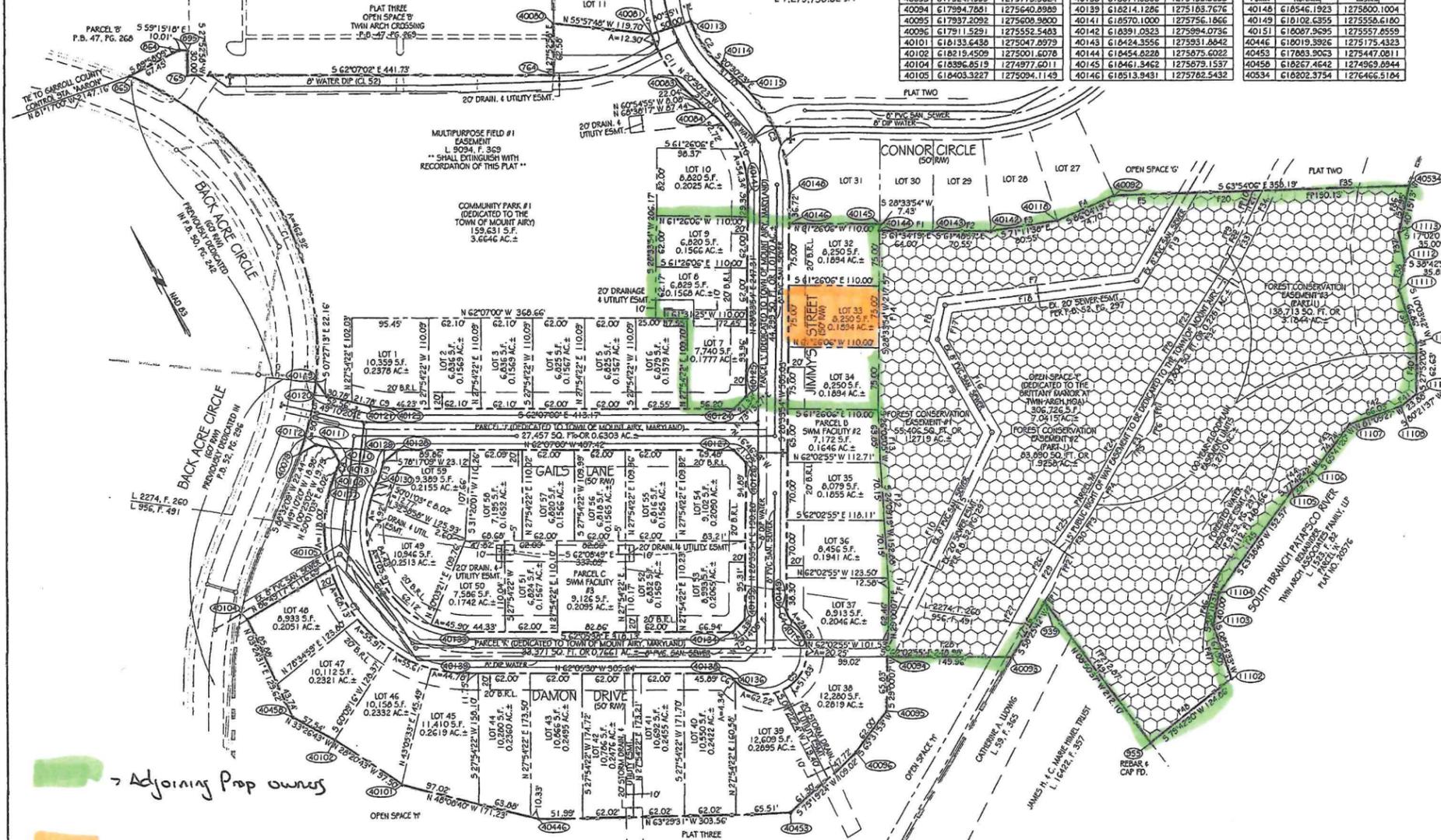
FOREST CONSERVATION EASEMENT #1

LINE	BEARING	DISTANCE	POINT	COORDINATES
F1	S 51°34'19" E	64.00	F1	618004.5642
F2	S 51°46'57" E	70.55	F2	618004.5642
F3	S 71°11'56" E	80.55	F3	618004.5642
F4	S 60°04'19" E	77.70	F4	618004.5642
F5	S 63°54'06" E	77.70	F5	618004.5642
F6	S 58°24'51" W	111.71	F6	618004.5642
F7	N 69°26'22" W	235.17	F7	618004.5642
F8	S 40°06'40" E	133.30	F8	618004.5642
F9	S 02°10'56" E	120.58	F9	618004.5642
F10	S 53°44'29" W	263.45	F10	618004.5642
F11	S 29°00'07" E	148.35	F11	618004.5642
F12	N 29°00'07" E	148.35	F12	618004.5642
F13	N 26°00'05" E	65.85	F13	618004.5642
F14	N 29°33'54" E	121.57	F14	618004.5642

LIMIT OF FLOODPLAIN EASEMENT

LINE	BEARING	DISTANCE
FP1	N 62°55'42" E	116.39
FP2	N 50°12'21" E	65.49
FP3	N 62°55'42" E	137.55
FP4	N 57°14'57" E	135.89
FP5	N 72°55'11" E	157.70
FP6	N 50°46'14" E	113.00
FP7	N 26°32'31" E	152.37
FP8	N 51°59'14" E	110.89
FP9	N 51°59'14" E	110.89
FP10	N 42°11'01" E	110.66

THE BASIS OF BEARINGS FOR THIS PLAT IS THE MARYLAND COORDINATE SYSTEM (NAD 83/2007) AS PROJECTED BY CARROLL COUNTY (N65) SURVEY CONTROL STATIONS: WATKINS AZIMUTH: N 619.600.63 E 1,270,730.55 sft E 1,279,730.82 sft



APPROVED:
MOUNT AIRY PLANNING COMMISSION
DATE: 04/03/19
CHAIRPERSON: *Patricia Kempbell*

APPROVED:
CARROLL COUNTY HEALTH DEPARTMENT
DATE: 4/30/19
APPROVING AUTHORITY: *Paul R. ...*

COMMUNITY WATER AND/OR SEWERAGE SYSTEMS ARE IN CONFORMANCE WITH THE CARROLL COUNTY MASTER PLAN FOR WATER AND SEWER.

- NOTES:**
- THE PROPERTY SHOWN HEREON IS OWNED BY TWIN ARCH ASSOCIATES FAMILY LIMITED LIABILITY PARTNERSHIP, d/b/a EMMETT FULL, BY DEED DATED OCTOBER 27, 1999 AND RECORDED AMONG THE LAND RECORDS OF CARROLL COUNTY IN LIBER 2274 AT FOLIO 260 AND LIBER 2274 AT FOLIO 491.
 - NO GRADING, FILLING OR CONSTRUCTION SHALL BE PERMITTED WHICH OBSTRUCTS OR INHIBITS THE SURFACE FLOW OF WATER WITHIN DRAINAGE AND UTILITY EASEMENTS AS SHOWN HEREON.
 - ANY MODIFICATION OR PLAT REASSEMBLY SHALL BE SUBJECT TO APPROVAL BY THE TOWN OF MOUNT AIRY PLANNING COMMISSION.
 - NOTHING SHOWN OR STATED ON THIS PLAT SHALL CREATE A COVENANT OR RESTRICTION OF TITLE.
 - TOWN OF MOUNT AIRY MASTER PLAN FOR WATER AND SEWER.
 - WATER, EXISTING SERVICE AREA, EXISTING SERVICE AREA, PUBLIC WATER AND SEWER WILL BE AVAILABLE, AND NO INDIVIDUAL WATER OR SEWER SYSTEMS SHALL BE PERMITTED.
 - A TEN FOOT PEDESTRIAN, LANDSCAPING, DRAINAGE AND UTILITY EASEMENT IS HEREBY RESERVED ALONG ALL STREET FRONTAGE LOT LINES AND A SIX FOOT DRAINAGE AND UTILITY EASEMENT ALONG ALL OTHER LINES.
 - ALL DRIVEWAYS SHALL BE PAVED ACCORDING TO TOWN OF MOUNT AIRY ZONING REGULATIONS AND SPECIFICATIONS.
 - THERE IS A 25 FOOT REVERSIBLE GRADING EASEMENT RESERVED ALONG ALL STREET FRONTAGE LOT LINES.
 - THE NEW ROAD DEDICATION SHOWN HEREON, GAILS LANE (PARCEL 1), 0.6303 AC±; JIMMY'S STREET (PARCEL 1), 0.170 AC±; AND DAMON DRIVE (PARCEL 1), 0.7451 AC± ARE TO BE CONVEYED TO THE TOWN OF MOUNT AIRY PURSUANT TO A PUBLIC WORKS AGREEMENT DATED BETWEEN THE OWNERS AND THE TOWN OF MOUNT AIRY.
 - LOTS 1-36 & 49-72 CONTAIN PRIVATE STORMWATER MANAGEMENT FACILITIES. A "STORMWATER MANAGEMENT EASEMENT AND MAINTENANCE AGREEMENT" IS TO BE GRANTED TO THE TOWN OF MOUNT AIRY AS AN EASEMENT OF ACCESS FOR INSPECTION OF THE FACILITIES TO THE TOWN OF MOUNT AIRY OR AUTHORIZED REPRESENTATIVES BY A DEED INTENDED TO BE RECORDED SIMULTANEOUSLY HERewith.
 - THE AREA SHOWN HEREON AS PARCEL 10 CONTAINING 0.1646 ACRES± IS TO BE CONVEYED TO THE BRITANNY MANOR AT TWIN ARCH HOA UPON ACCEPTANCE OF THE STORMWATER MANAGEMENT FACILITY.
 - THE AREA SHOWN HEREON AS PARCEL 11 CONTAINING 0.2095 ACRES± IS TO BE CONVEYED TO THE BRITANNY MANOR AT TWIN ARCH HOA UPON ACCEPTANCE OF THE STORMWATER MANAGEMENT FACILITY.
 - COMMUNITY PARK #1 (13.6646 AC±) IS TO BE DEDICATED TO THE TOWN OF MOUNT AIRY.
 - FRONT 100-FOOT FLOODPLAIN EASEMENT RECORDED IN P.B. 52, PG. 287 HEREBY IS EXTINGUISHED AND NEW FLOODPLAIN LIMITS ESTABLISHED HEREBY BY RECORDING OF THIS PLAT, WITH EASEMENT ACREAGE OF 3.2710 AC± SHALL BE GRANTED TO THE CARROLL COUNTY COMMISSIONERS BY DEED INTENDED TO BE RECORDED SIMULTANEOUSLY HERewith.
 - OPEN SPACE, PARCEL 11, 0.1415 AC± IS TO BE DEDICATED TO THE BRITANNY MANOR AT TWIN ARCH HOA.
 - PARCEL 11, 15' PUBLIC RIGHT OF WAY EASEMENT (0.2551 AC±) IS TO BE DEDICATED TO THE TOWN OF MOUNT AIRY.
 - THE AREA SHOWN HEREON AS FOREST CONSERVATION EASEMENT, WITH A TOTAL ACREAGE OF 6.3021 AC±, SHALL BE GRANTED TO THE CARROLL COUNTY COMMISSIONERS BY DEED INTENDED TO BE RECORDED SIMULTANEOUSLY HERewith.

SYMBOLS:

- IRON PIN SET
- CONC. MON.
- PROP. WATER LINE
- PROP. SAN SEWER
- FOREST CONSERVATION EASEMENT
- BOUNDARY / PROPERTY LINE
- EASEMENT, DR., ETC. LINE
- UNLESS OTHERWISE NOTED

MINIMUM BUILDING RESTRICTION LINES:

FRONT: 20'
REAR: 30'
SIDES: 10'

DATE: 6/7/19
PLAT BOOK D.B.S. NO.: 55
PAGE: 255

FINAL PLAT SECTION FIVE LOTS 1 THRU 73 BRITANNY MANOR AT TWIN ARCH VILLAGE

SITUATED ON BACK ACRE CIRCLE
TOWN OF MOUNT AIRY
MOUNT AIRY ELECTION DISTRICT #13
CARROLL COUNTY, MARYLAND
SCALE: 1"=100' JULY, 2018
SHEET ONE OF THREE

DEBORAH K. VAN SANT
NOTARY PUBLIC
FREDERICK COUNTY, MD
MY COMMISSION EXPIRES: 2/21/23

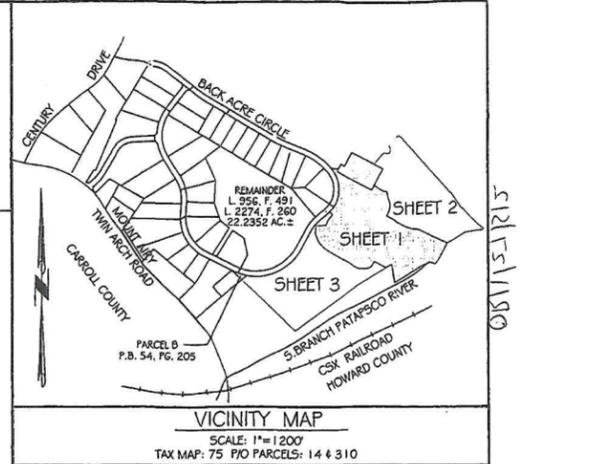
REVISIONS:

DATE	PER TOWN COMMENTS
11/20/18	PER TOWN COMMENTS
03/19/19	PER TOWN COMMENTS
03/25/19	PER TOWN COMMENTS

STATE OF MARYLAND
MICHAEL VAN SANT
PROFESSIONAL LAND SURVEYOR
No. 21268

VANMAR ASSOCIATES, INC.
Engineers Surveyors Planners
310 South Main Street Mount Airy, Maryland 21771
(301) 829-2890 (301) 831-5015 (410) 549-2751
Fax (301) 831-5603 ©Copyright, Latest Date Shown

CC FILE NO. F-18-0052
3-29-19 MT
JOB No. 251-645



SURVEYOR'S CERTIFICATION

I hereby certify that the Final Plat shown herein is correct; that it is a subdivision of part of the lands conveyed by Twin Arch Associates, a Maryland General Partnership unto Twin Arch Associates Family Limited Liability Partnership by deed dated October 27, 1999 and recorded among the Land Records of Carroll County, Maryland in Liber 2274 at Folio 260; and part of the lands conveyed by Emmett Full and Audrey M. Full unto Emmett Full and Audrey M. Full (deceased) by deed dated June 20, 1966 and recorded among the Land Records of Carroll County, Maryland in Liber 556 at Folio 491; and that the requirements of the Annotated Code of Maryland, Real Property Book, Title 5, Subtitle 3, Section 3-100, and as amended or amended so as to may concern the making of this plat and the setting of monuments and markers have been complied with. I hereby certify that the document was prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland, License No. 21266, expiration date September 9, 2019, in accordance with COMAR 09.13.02.12

T. Michael VanSant 3/26/2019
T. Michael VanSant, Prof. Land Surveyor
Maryland Reg. No. 21266

OWNER'S CERTIFICATION AND DEDICATION

We, Twin Arch Associates Family Limited Liability Partnership and Emmett Full, owners of the property shown herein, consent to adopt the plan of subdivision, and in consideration of the approval of the Final Plat by the Planning Commission, establish the minimum building restriction lines; and dedicate the streets, walkways and other easements, to public use, unless otherwise noted on this plat.

We, certify that there are no suits, actions at law, leases, liens, mortgages, trusts, assignments, or rights-of-way affecting the property included in this plan of subdivision, except as herein indicated; a certain Deed of Trust held by Sandy Spring Bank, dated June 18, 2003 and recorded among the Land Records of Carroll County, Maryland in Liber 351 1; Folio 675 and that the requirements of the Annotated Code of Maryland, Real Property Code Book, Title 3, Subtitle 1, Section 3-100, and as amended or amended so far as it may concern the making of this plat and the setting of monuments and markers have been complied with.

Plans for community water and sewerage systems and for a point of discharge have been approved by the Maryland Department of the Environment. Public water and sewer will be available to all lots offered for sale.

Twin Arch Associates Family Limited Liability Partnership

By: Emmett Full, Owner
Cynthia Palmer 3/26/19
Sandy Spring Bank, Trustee
Emmett Full, Surviving Tenant of Entirety

DATE: 3/26/19
DATE: 3/26/19
DATE: 3/26/19



07 19 JUN 07 PM 2:26

P 2 32 335

MSA 51240-7362-1

CARROLL COUNTY CIRCUIT COURT (Subdivision Plats, CR) Plat Book HSD 55, pp. 255-257, MSA_51240_7362. Date available 2019/06/07. Printed 10/08/2024.

Statement of Justification

The property owners, Leslie and Kevin McGowan, of the residential single-family dwelling located at 107 Jimmys Street, Mount Airy MD 21771, are proposing to construct a 12' x 22' single-story sunroom addition on the rear of their existing dwelling. The dwelling is located in the Brittany Manor at Twin Arch Village subdivision and is otherwise known as Lot 33 containing 8,250 square feet. The lot is symmetrically rectangular with an overall width of 75' and a depth of 110'.

This property is located on the far eastern portion of the Town of Mount Airy, nearly at the border of the town limits. Getting to this neighborhood requires travelling through the Back Acre Circle area which is entirely zoned as industrial. On the north side of Back Acre Circle beyond the industrial area, a townhouse development was constructed known as Twin Arch Crossing and zoned R5 (medium density). At the end of that subdivision, as Back Acre curves back around into Industrial, this subdivision was constructed and changed into an R2 – Low Density zoning.

An R2 zoning typically requires a 40-foot rear setback from the dwelling to the property line. This subdivision reduced that setback to a 30-foot setback in the rear on the recorded subdivision plat which was reviewed and approved by the Planning Commission. This reduction allowed the developer to maximize dwelling size on what are clearly undersized lots. The existing dwelling in this case was constructed with only 32 feet to the rear property line. Thus, strict application of the setback requirements would relegate this property to only improve upon their dwelling by 2 feet in the rear without requiring a variance.

The exceptional shallowness of this lot creates the undue hardship requiring a variance application. According to the Mount Airy zoning code, the "R2 District is intended to encourage and promote the development of low-density residential neighborhoods that include some diversity of lot sizes and housing types, and certain other land uses that complement the residential community. The typical development should result in lot areas averaging approximately 16,000 square feet." Here we see that the intent of this zoning classification was for low-density but yet this subdivision was planned and approved to increase density. Furthermore, R2 lots are supposed to be at least 16,000 square feet, and yet this particular lot is almost half of that (at 8,250 square feet).

It is clear that this lot is undersized. Because of the size, there is no room in the rear for a setback to be met without a variance. This is absolutely not the case in nearly all other R2 properties throughout the town. Strict application to the setback requirement in this case not only creates unnecessary hardship on the owner, but also a practical difficulty that no improvement to their living space within their rear amenity area could be made. This is exacerbated by the fact that the developer constructed rear egress in an area that has no room for enclosed improvement.

Referring to Section 112-61 regarding variances, these unique physical conditions of the undersized lot and atypical shallowness are what have created the unnecessary hardship and practical difficulty. These physical circumstances and conditions render it impossible to develop the property in strict conformity with the provisions of the zoning chapter, and the authorization of the variance is therefore necessary to enable the reasonable improvement of the property. This

hardship was created at time of development and therefore has not been created by the applicant, nor the applicant's predecessor in title.

If the variance is authorized, this modest sunroom addition will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. Again, this is a modest sunroom addition on the rear of a residential dwelling. Several other properties even in this subdivision which have more room to the rear already have enclosed bump outs which are evidenced by included photographs. Furthermore, this property backs to platted forest conservation area which is not and cannot be developed. Absolutely no other property owner will be affected by the approval of this request.

As stated, the variance is to allow a 12' x 22' sunroom addition. This is the smallest practical size of an addition that makes sense for the owners to improve upon their home. As a sunroom, it is not a full addition, but yet only a space for the enjoyment of their rear amenity that is not an open deck which is open to the elements and restricts the use in inclement weather or certain times of the year. As such, this variance, if authorized, represents the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

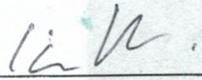
This condition for which the variance is sought is not so general or recurrent in nature to make reasonably practicable the formulation of a general regulation for such conditions. Actually, that general regulation was already made in the formation of the R2 district, but then constricted specifically in this subdivision at time of development. This case is the quintessential example of the need for a variance relief.

As a final point of order, it should also be noted that the immediate neighbor on both sides of this subject property have signed a statement of support for this approval. That statement is being provided in the submission documents. For all reasons contained herein, please find that all requirements for variance relief have been met and grant the approval for this proposal.

EXHIBIT 3 TO REAR SET BACK APPLICATION HEARING
107 JIMMYS STREET, MT. AIRY/LOT 33, BRITTANY MANOR

The purpose of this document is to approve of the sun room deck addition our neighbors, Kevin and Leslie McGowan, are planning to build off the back of their home.

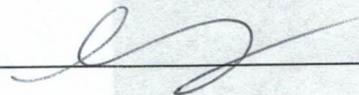
The property is located at 107 Jimmys St. in the Brittany Manor community in the town of Mt. Airy. The rendering of this addition can be found on the opposite side of this document.



Ian Marrero (105 Jimmys St.)

10/02/24

Date:



Evan Yoo (109 Jimmys St.)

10/10/24

Date:



MAUREEN
COPELAND
717.599.9590

ADDITION for the MCGOWAN FAMILY
107 JIMMYS STREET, MT. AIRY, MD 21771

PRELIM.
PLANS
5.16.24

SHEET

B4



3D VIEW
not to scale

THE TOWN OF MOUNT AIRY
P.O. BOX 50 * 110 S. MAIN STREET * MOUNT AIRY, MARYLAND 21771
(301) 829-1424

**MEMORANDUM of the
PLANNING COMMISSION
DISCUSSION on MA-BOA-2025
July 10, 2025**

Planning Commission meet on May 19, 2025, to discuss and provide a recommendation to the Board of Appeals related to the case MA-BOA-2025-01.

CASE NO. MA-BOA-2025-01 – filed by Danielle Griffith to obtain a Special Exception for a Home Occupation (Licensed Home Daycare) as required under Section §112-25 of the Zoning Ordinance on the property known as 1810 Castle Green Circle, Mount Airy, MD, located in the R2 District.

First, I would like to explain how the staff presented to the Planning Commission with the Staff report dated July 10, 2025. The staff was interpreting the code as it has done in the past for this type of in-home “Family Daycare” under section §112-25C (1) – Home Occupations Special Exception, subsection §112-62 F (7) – Home Occupations.

This type of special exception request for a small in-house “Family Child Care” was common practice before I worked with the Town of Mount Airy under §112-62 F (7)—Home Occupations. Since 2018, during my time with the Town of Mount Airy, staff have always presented this type of smaller (eight children or fewer) (Exhibit #6) Family Child Care under §112-62 F (7)—Home Occupations.

The Planning Commission discussed this request under section §112-62 F (10) – Nursery Schools, child-care center. (see attached code section of both §112-62 F 7 & 10) (Exhibit #1) at the May 29, 2025, public meeting (see attached word-for-word discussion of the public meeting) (Exhibit #2). The approved Planning Commission minutes dated May 19, 2025, are attached (Exhibit #3), page 3, item #6. Below was the motion from the meeting.

“Brian Bieda motioned to recommend approval to the Board of Appeals Case #MA-BOA-2025-01 for the Home-based Daycare business under the applicant Danielle Griffith, located at 1810 Castle Green Circle, Mount Airy, MD. With the exceptions of the plat survey and the fencing, verifying these 25-foot stipulations in the zoning code, and the H.O.A. approval. Martina Hatley seconded the motion. Vote: All in favor, none opposed.”

§112-62 F (10) – Nursery Schools, child-care center (Exhibit #1) (d) speaks to “Yards 25 feet from all property lines”. This states that a play area is likely “fenced” 25 feet from all property lines. This would restrict the total area for play within the now completely fenced-in backyard, with an additional fence 25 feet from all property lines. State of Maryland (Exhibit #5) The Town has received a fence permit to install new fencing in areas that did not have fencing from the existing neighbors. This fence application has a plat survey as requested by Commission member Bieda (Exhibit #4). The applicant has provided an approval letter from the H.O.A. allowing this “Family Child Care” in the Nottingham Community. (Exhibit #5).

Board of Appeals

Staff asks the Board of Appeals to determine whether this Special Exception request is approvable under §112-62 F (7) – Home Occupations, or §112-62 F (10) – Nursery Schools, child-care center.

(Exhibit #1) Town Code sections §112-62 F (7) – Home Occupations §112-62 F (10) – Nursery Schools, child-care center.

(Exhibit #2) Planning Commission meeting notes, May 19, 2025.

(Exhibit #3) Planning Commission Official Minutes from May 19, 2025.

(Exhibit #4) Fence Permit Application 1810 Castle Green Circle “Approved”

(Exhibit #5) State response about fencing related to Family Child Care and response to H.O.A. allowing a Family Day Care in the Nottingham Community.

(Exhibit #6) The State of Maryland defines child capacity for different types of facilities.

TOWN OF MOUNT AIRY BOARD OF APPEALS

STAFF REPORT

SPECIAL EXCEPTION REQUEST – HOME OCCUPATION
CASE MA-BOA-2025-01

July 10, 2025

APPLICANT: Mrs. Danielle Griffith

SITE LOCATION ADDRESS: 1810 Castle Green Circle, Mount Airy, MD.

ZONING: R2 – Residential

SITE LOCATION/ACREAGE: Woodlands of Nottingham Phase 2, Lot 72, 16652 SF
Map:0076, Grid 0007, Parcel:0286 Plat No:48 Page:59

ZONING SECTION: §112-25C (1) Home Occupations –§112-62 (F)(7) Home Occupations

History: The Town used to approve this type of smaller Family Daycare business (8 children or fewer) administratively with a Zoning Certificate. The application would require the adjoining property owners to submit a letter stating that they knew of this request, that they were aware that it was coming, and that they were okay with it.

Proposal: Mrs. Danielle Griffith, the homeowner, would like to establish a state-licensed family daycare business that will provide care for no more than 8 children, five days a week. This daycare will operate from 7:30 a.m. to 4:30 p.m., Monday through Friday. Most of the drop-offs and pickups for this business will occur in the homeowner’s driveway.

In evaluating any Special Exception, the proposed use must be analyzed to meet general standards that assess the appropriateness of the use within the neighborhood. Below is an evaluation of those criteria:

General Standards §112-62 E:

A special exception may be granted when the Board of Appeals finds from a preponderance of evidence produced at the hearing that:

- A. *The proposed use, including its nature, intensity, and location, is in harmony with the intent of the Town Master Plan and the orderly and appropriate development of the district.*

Establishing the Home Daycare service will provide a valuable service in the community.

- B. *That adequate water supply, sewage disposal, storm drainage, and fire and police protection are or can be provided for the use.*

Due to its small size, this business will not significantly affect the water supply or other essential community services. There is no additional fire risk or burden on the Town Police force for this use.

- C. *The use of adjacent land and buildings will not be discouraged, and the location, nature, and height of buildings, walls, and fences will not impair the value of adjoining land and buildings.*

No additional buildings have been requested as part of this home occupation application. The majority of the adjoining property owners are aware of this request.

- D. *The use will be properly located with respect to existing or future streets, giving access to it. It will not create traffic congestion or cause industrial and commercial traffic to use residential streets.*

Traffic generation will be minimal. In addition, the business requires no special industrial traffic to utilize local residential roads, so this home occupation will generate no additional commercial traffic.

- E. *The specific standards (112-62) (F) for special exception use can be met.*

The review of the specific standards demonstrated that the applicant could meet the requirements for the home occupation.

SPECIFIC STANDARDS:

For this case, Code Section §112-62 (F)(7) Home Occupations. This is allowed in all residential districts, subject to the district's requirements, except as provided herein. The following specific standards will be as follows:

- A. People residing in the dwelling only may be employed or engaged in the occupation. Accessory structures on the property may be used for the home occupation.

The only person this business employs will be Mrs. Danielle Griffith, the homeowner.

- B. The character of the external appearance of the dwelling unit or accessory structure must be that of a dwelling or its accessory structure. No display of products may be shown as to be visible from outside the dwelling. A nameplate not larger than two square feet in area attached to the building and illuminated only by indirect lighting is permitted.

According to the homeowner's application, establishing this home occupation would not change the property's exterior. The applicant stated there would be no signage on the property; she would advertise through other methods.

- A. Not more than 25% of the gross floor area of the dwelling unit may be devoted to a home occupation. At least 25% of the home will be utilized for the home occupation.

The total square footage of the existing home is 3,878 SF, including the approximated finished basement area of 1,025 SF. The applicant did not provide the total SF to be used within the house as part of the daycare but did state that the children will primarily be inside the residence on the basement levels.

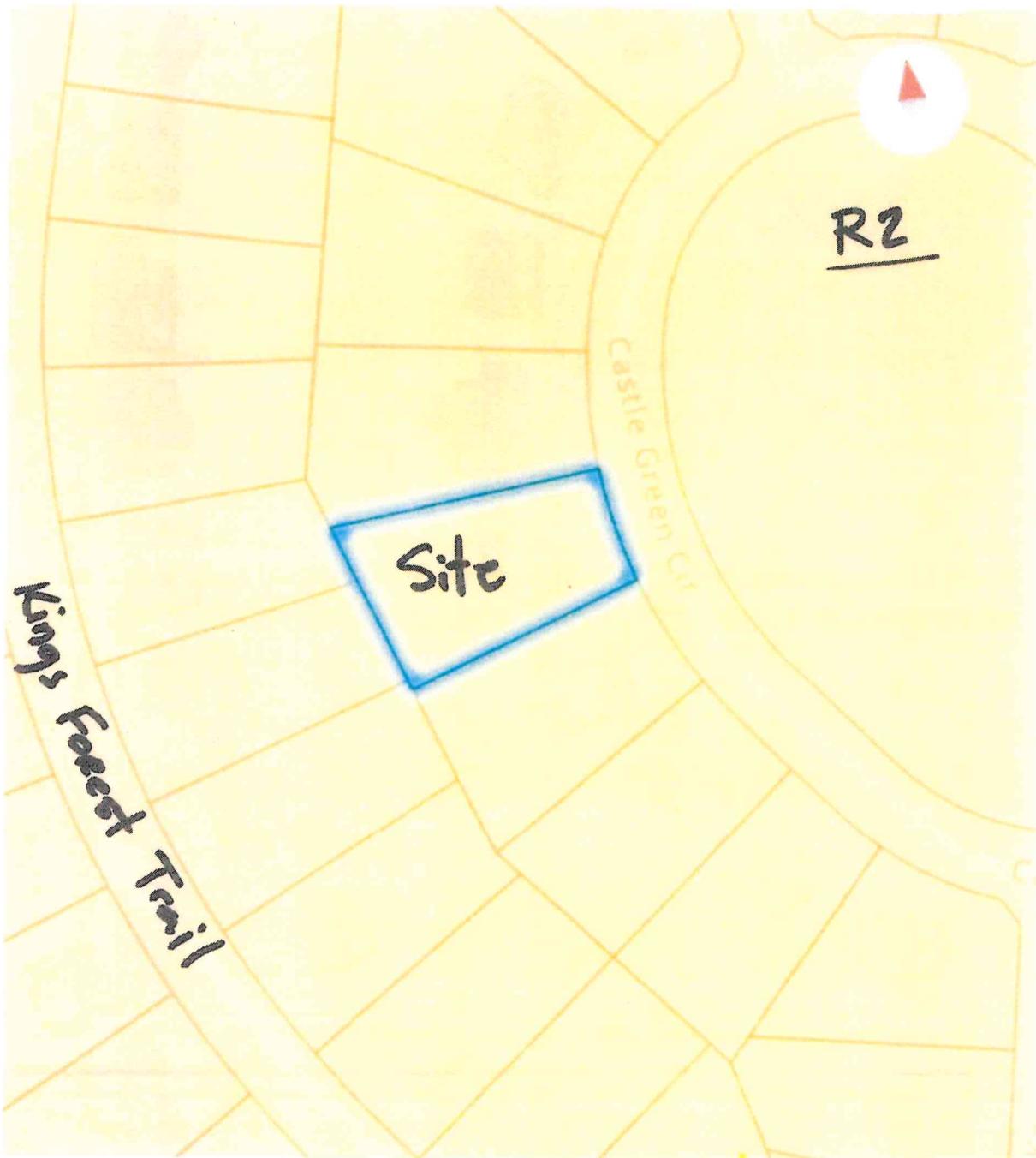
- B. Besides the required parking for the dwelling unit, additional parking located in the rear yard is required as follows:

Besides the required parking spaces for established residential homes, the house has more than sufficient parking area for the home occupation. Due to the nature of the business, no vehicles will be parked at home for no longer than 10-15 minutes during scheduled drop-off times of 7-9 am and pick-up times of 4-6 pm. The lot layout there is no access to the rear yard.

STAFF RECOMMENDATION:

Based on the favorable recommendation of the Planning Commission on May 19, 2025, to operate under Code Section §112-25C(1), Home Occupations 112-62 Special exceptions, and §112-62(F)(7) Home Occupations.

Staff recommend that the Board of Appeals grant approval of this Special Exception Request to establish a Home Occupation for a Licensed Family Daycare Business located at 1810 Castle Green Circle, Mount Airy, Maryland, 21771. (This business must receive approval from the HOA, County, and State.)



1810 Castle Green Circle



Site

Castle Green Cr

Kings Forest Trail

Image © 2025 Atlas

BOARD OF APPEALS - TOWN OF MOUNT AIRY - MARYLAND

PETITION FOR
SPECIAL EXCEPTION
UNDER ZONING ORDINANCE

CASE NO. MA-BOA-2025-01
DATE FILED _____
FILING FEE \$300.00
DATE PAID 5/13/2025
ZONING DIST. _____
HEARING DATE _____

Petition is hereby made for a in home day care under the Zoning Ordinance, as follows:

Location of property: _____
NSEW side of road; distance NSEW from nearest intersecting road

Subdivision Woodlands at Nottingham Lot 72 Block _____

Street and Number 1810 Castle Green Circle Zoning Classification R2

Use Proposed:
In home daycare

Zoning Ordinance subsection(s) providing for proposed use: R2 112-25 c1
R2 District Zoning Section 112-25 (c)(1) Home Occupations

Owner of Property: Name Danielle Griffith

Address 1810 Castle Green Circle

Petitioner's present legal interest in property: (CHECK ONE)
 Owner (Including Joint Ownership) _____ Lessee _____ Tenant other than as lessee(describe)

Has any previous petition of appeal involving this property been made to the Board: If so, give Case Number(s):
N/A

Further comments, if any:

I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Danielle Griffith
Signature of Petitioner

1810 Castle Green Circle
Address of Petitioner

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Number:

District - 13 Account Identifier - 043574

Owner Information

Owner Name:

GRIFFITH ETHAN
 GRIFFITH DANIELLE

Use:
 Principal Residence:

RESIDENTIAL
 YES

Mailing Address:

1810 CASTLE GREEN CIR
 MOUNT AIRY MD 21771-5892

Deed Reference: /10822/ 00050

Location & Structure Information

Premises Address:

1810 CASTLE GREEN CIR
 MOUNT AIRY 21771-5892

Legal Description:

LT 72 -16652 SF PH 2
 1810 CASTLE GREEN CIR48-59/67
 WOODLANDS AT NOTTINGHAM

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0076	0007	0286	13010016.07	0000			72	2025	
									Plat Ref: 0048/ 0059

Town: MT. AIRY

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2004	3,878 SF		16,652 SF	000000

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	6	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2025	Phase-in Assessments	
			As of 07/01/2024	As of 07/01/2025
Land:	191,300	191,300		
Improvements	447,300	596,400		
Total:	638,600	787,700	638,600	688,300
Preferential Land:	0	0		

Transfer Information

Seller: CLENDENING KENNETH C	Date: 06/28/2022	Price: \$790,000
Type: ARMS LENGTH IMPROVED	Deed1: /10822/ 00050	Deed2:
Seller: WOODLANDS DEVELOPMENT CORPORATION	Date: 12/09/2004	Price: \$643,035
Type: ARMS LENGTH IMPROVED	Deed1: /04242/ 00167	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00/0.00	0.00/0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 01/18/2024

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

§112-62 F (7) – Home Occupations.

§112-62 F (10) – Nursery Schools, child-care center.

(7)

Home occupations. In all residential districts and subject to the requirements of the district in which located except as herein provided:

(a)

Persons residing in the dwelling only may be employed or engaged in the occupation. Accessory structures on property may be used for the home occupation.

(b)

The character of external appearance of the dwelling unit or accessory structure must be that of a dwelling or its accessory structure. No display or products may be shown so as to be visible from outside the dwelling. A nameplate not larger than two square feet in area attached to the building and illuminated only by indirect lighting is permitted.

(c)

Not more than 25% of the ground floor area of a dwelling unit may be devoted to a home occupation.

(d)

Besides the required parking for the dwelling unit, additional parking located in the rear yard is required as follows:

[1]

One space for the home occupation and one space for each member of the immediate family employed in the home occupation.

[2]

Three additional spaces for a physician or dentist.

(10)

Nursery schools, child-care center. In all residential, NC and CC Districts and subject to the requirements of that district in which located except as herein provided:

(a)

Lot area: 12,000 square feet minimum.

(b)

Lot width: 100 feet minimum.

(c)

Pupil density: the maximum attendance at any one time shall be based upon the total square footage of the lot area as follows:

[1]

One pupil per 1,000 square feet in RE, R2, R3.

[2]

One pupil per 500 square feet in R5, R7, NC, CC.

(d)

Yards: 25 feet from all property lines.

(e)

There shall be an adequately sized play area, fully fenced and enclosed.

May 19, 2025, Planning Commission Meeting notes on MA-BOA-2025-01- 1810 Castle Green Circle, Danielle Griffith

Ralph Ghent. – We have the first item, which is an introduction, discussion, and a recommendation of approval or disapproval that will be provided to the Board of Appeals per the code on the Happy Castle Daycare. It's a Special Exemption to have a home-operated daycare. This is covered by code sections 112-25C and 112-62(F10). It may show on your agenda as F7, but it's F10. And so I ask the applicant, Ms. Griffith, and any representatives you wish to accompany you. Please if you could come forward. Am I correct Ms. Danielle Griffith? Very good, Thank you. And so we will begin the item on the agenda with asking for a staff report from John Breeding.

John Breeding – I do want to apologize, the staff report does have a couple of corrections that will be part of what goes to the Board of Appeals. Instead of Home Occupations, it's under section 112-25(C2), a nursery or daycare. So some of the special exception criteria is gonna change. But ultimately, you're here today to get a recommendation from the Planning Commission to say that use is allowed within the zone, which is under this special exception request. So again, if you go to the last page, we can go down through some of this, or Ralph, did you want to hit on anything in particular? I know we had concerns about the fencing, and some of those, again, the staff report is sort of off track from the wrong code.

Steve O'Malley asked, "What type of fencing are you putting in? Due to the pool next door."

Brian Beida is talking about fencing. Is it black rod iron, kind of, to match the rest of the neighborhood? Have you submitted your ark application for that yet? You should do that. Just do that while you are working with vendors to decide on a price for it, you have that approved, and you can go ahead with it for your day care. I recommend getting a land survey to ensure you are not on anybody else's property, even though you are butting up against the fence in the back. Send it over to Claggett, who runs the homeowner's association. A home daycare is needed for just our neighborhood. Ensure you get your ARC application in and ask about the home daycares. Congratulations, you have my vote.

Ralph Ghent – if I could touch upon the fence again, Ms. Griffith. According to the code that I am referencing, 112-62, the paragraph in the code that falls under special exceptions, you are on an R2 property, the special exception has to be made so that you can go to the Board of Appeals. So that's the process, and so under 112-62F(10) or subparagraph 10, it talks about the fencing and it says an interesting thing, and I am going to be admitting to you I am not trying to be a gotcha here because I have discussed this with the Town Zoning

Administrator. It says that for the yards 25 feet from all property lines. It is odd because we know your yard goes to the property lines. So, what I am trying to do here, is I am trying to provide clarity and interpretation to what's in the code. If it's not clear. And so there is also a brief consultation with the town Attorney, Mr. McCarron, to your left. And so right after that, there's also a statement in the code that says there shall be an adequately sized play area fully fenced and enclosed. When you put the two together, it sounds like you have to have an outside play area for the children, and I believe you are estimating eight children max, correct? And so there's nothing in the code that gives us anything other than adequately sized. And so if I may bring up that point and kind of trail on Commissioner Bieda's recommendation, I believe when you go before the Board of Appeals, you may want to have good answers about the size of the outside play area. My point is that if you put in for a fence, which is usually for homeowners, it goes on the property line. This code says that if you want to operate a daycare, a fence-enclosed area has to be 25 feet from the property line. I just mentioned that because if you apply for and succeed and put in a fence along the property line, you still need a fenced area 25 feet away from adjacent property lines that's fully enclosed for just the children's outside activities.

PLANNING COMMISSION MINUTES**May 19, 2025****Meeting Attendance****Commission Members**

Ralph Ghent - Chairman
 Martina Hatley - Vice Chairwoman
 Bill Butts
 Brian Bieda
 Steve O'Malley
 Kim Buynak
 Heather Wallace - Alternate
 Sean Kelly - Council Liaison

Town Staff

John Breeding - Director of Planning &
 Zoning
 Barney Quinn - Town Engineer/Inspector –
 Debra Clinton - Planning & Zoning
 Review Coordinator

Commission Members Absent

Kim Buynak

Others

Thomas McCarron - Town Attorney

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Chairman Ralph Ghent, who also led the Commission in the Pledge of Allegiance. Ralph Ghent introduced and welcomed Sean Kelly, the new Town Council Liaison for the Planning Commission.

2. APPROVAL OF MINUTES

Motion: Brian Bieda motioned to approve the April 28, 2025, Planning Commission Minutes. Seconded by Bill Butts. Vote: All in favor, none opposed.

3. CITIZEN COMMENTS (for items not on the agenda)

None

4. CARROLL /FREDERICK COUNTY PLANNERS

Carroll County Planner – Vacant - No memo received.

Frederick County Planner Vanessa Moreno – Not in attendance.

5. SITE PLANS/ SUBDIVISIONS/ DEVELOPMENT PROJECTS

- **S-22-0037 Southside Plaza Site Development Plan – Final Site Development Plan - Approval.** Proposed final site development plan and elevations for possible approval from the planning commission. Ralph Ghent gave a synopsis of the Southside Plaza Site Plan. John Breeding presented the staff report and recommendations. Ron Thompson, an Engineer from Vanmar Associates, and Clark Shaffer, an Attorney, represented the applicant. Regarding the Southside Plaza S-22-0037, Steve O'Malley motioned to disapprove the

current plan until it changes the plans discussed regarding the building material. Ralph Ghent modified the motion to be specific to the change in materials from the EIFS to some brick. Modified motion accepted by Steve O'Malley. Heather Wallace seconded the motion. Ralph Ghent amended the motion to include the condition that the elevations replace the current amount of EIFS panels with at least 25% brick. Revision to the motion accepted by Steve O'Malley. Heather Wallace seconded the motion. Heather Wallace recommended an amendment to go to the original motion, which was not to specify a percentage. It should be up to the architect to follow the town design guidelines. I don't think we should specify a percentage because I believe many things can be done on a building that can soften it without taking up a quarter of it. I think that following the design guidelines would be appropriate. To follow the town's guidelines, an element of brick must soften the exterior. Steve O'Malley accepted the amendment in the revised motion. No second on the amendment. Ralph Ghent read the original motion, which was seconded, that Steve O'Malley recommended disapproval of the concept site development plan for Southside Plaza file S-22-0037, with the condition that they return with designs with at least 25% brick added to the exterior. Vote: 1 Yea – Steve O'Malley, 4 Nay - Brian Bieda, Martina Hatley, Ralph Ghent, Heather Wallace, 1 Abstention - Bill Butts. Ralph Ghent motioned that the planning commission grant final site development plan approval of the site plan for Southside Plaza located at 1508 and 1510 South Main Street under the following conditions. 1. The applicant resubmits their development plan showing revised elevations that portray a brick-like appearance on the current EIFS Panels. When submitted to the Town Zoning Administrator, he will be joined by three commissioners to review the revised elevations. When that group, the zoning administrator, and three commissioners review those revised elevations for that specific new effect. 2. All town and county agency comments shall be addressed before the Town of Mount Airy approves building permits. The applicant and the town council must agree to a Public Works Agreement, and all bonding must be received before a building permit is issued for this project. Brian Bieda seconded the motion. Vote: All in favor, none opposed.

- **S-22-0036 King Sports Construction Lot 15C, Section 4, Twin Arch Business Park— Concept Site Development Plan.** King Sports Construction LLC requests approval of the Concept Site Development Plan located at 2310 Back Acre Circle, Mount Airy, MD 21771. The applicants are John and Christina King and their representative, Ron Thompson, with Vanmar Associates. John Breeding presented the staff report and recommendations. Ralph Ghent motioned that the planning commission grant conditional approval of the concept site plan for Lot 15C of the Twin Arch Business Park, Section 4, for King Sports Construction with the following conditions. 1. All town and county comments must be addressed before the Town of Mount Airy staff approve or sign any final approval or grading permit. 2. Provide all legal documents, easements, PWA, and bonding before grading permit/building permit approval. 3. All related materials for the recycling of the turf fields shall be stored in waterproof bags or under cover from exposure to the weather. 4. The understanding is that no residential use will be allowed on this parcel, per the Town of Mount Airy code, the code of Industrial use properties. 5. All existing wells and septic systems must be abandoned, capped, and inspected by the Carroll County Health Department. Provide the Town of Mount Airy with the report of that action from a Licensed Well Driller and the Carroll County Health Department. 6. The owner must provide the town with a Phase 1 ESA

certification for the portion of Lot 15 to be deeded to the Town of Mount Airy before a Final Site Development plan is granted final approval for Lot 15C. 7. On the fence discussion, show the details of the final property fencing and any privacy material. Martina Hatley seconded the Motion. Vote: All in favor, none opposed.

6. NEW BUSINESS/ INTRODUCTION/ RECOMMENDATION

- **MA-BOA-2025-01 Special Exception Happy Castle Daycare** – A Special Exception for a Home Occupation under code section §112-25C(1) and section §112-62F(7) for a recommendation to the Board of Appeals. John Breeding presented the staff report and recommendations. Brian Bieda motioned to recommend approval to the Board of Appeals Case #MA-BOA-2025-01 for the Home-based Daycare business under the applicant Danielle Griffith, located at 1810 Castle Green Circle, Mount Airy, MD. With the exceptions of the plat survey and the fencing, verifying these 25-foot stipulations in the zoning code, and the H.O.A. approval. Martina Hatley seconded the motion. Vote: All in favor, none opposed.
- **The Hair Impressions Boutiques Addition** - Possible approval of the proposed building and rear entrance addition. An ADA-compliant sidewalk and ramp access to the Hair Impression located off Ridgeville Blvd are included. (*Possibly eligible for a Simplified Site Plan through the Carroll County Government Bureau of Development Review.*) John Breeding presented the staff report and recommendations. Ralph Ghent motioned that the planning commission approve the single-story boutique addition and handicapped entrance addition with the following conditions. 1. The applicant would need to apply for all building permits through Carroll County for all permits that might be required. 2. To meet all the requirements of the state, county, and town through the permit process. 3. To relocate the four existing handicapped parking spaces to meet ADA requirements. 4. The exterior finishes and elevations should match the existing building. 5. Record the cross-access easement with the adjacent business, the funeral home, with the Carroll County Land Records, before receiving approval from the town for this building permit. Martina Hatley seconded the motion. Vote: All in favor, none opposed.

7. REPORTS/OTHER BUSINESS/FUTURE ITEMS

- **Council Liaison Report** – Sean Kelly is the new Council Liaison for the Planning Commission. Councilman Kelly updated the Commission on the May 05, 2025, Town Council Meeting.
- **Zoning Administrator Report** - The Town Zoning Administrator approved 23 permits for April 2025, generating \$705.25 in revenue.
- **Next Planning Commission Meeting Date**
The next meeting will be on Monday, June 30, 2025, at 7:30 p.m. at the Town Hall.

8. ADJOURNMENT

- Chairman Ralph Ghent adjourned the planning commission meeting at 9:35 p.m.

Submitted by Chairman Ralph Ghent

A handwritten signature in black ink, appearing to read 'R. Ghent', is written over a solid horizontal line.

Signature

Prepared by Debra Clinton

FENCE CONSTRUCTION PERMIT

Permit Fee: \$15.00

Town of Mount Airy, PO Box 50, Mount Airy, MD 21771
Phone: 301-829-1424 Web Page: www.mountairymd.gov

Location: 1810 Castle Green Circle Phone: 240-475-1828

Property Owner: Danielle Griffith Email: _____

Contractor's Name: Frederick Fence

Address: 1505 Tilco Drive, Frederick MD 21704

Telephone: 800-493-3623 Email: _____

Fence Description: Type (picket, solid, split Rail)
Aluminium Fencing

PAID
TOWN OF MOUNTAIRY
JUN 26 2025

Front Yard Height: 0 Side Yard Height: 0 Rear Yard Height: 5'
MISS UTILITY Contacted: Yes No If yes when: Must call prior to dig

Information Needed to Process:
Site Plan with fence location designated, Easement Agreement, and Payment: \$15.00

I/We are aware of the fencing regulations for the Town of Mount Airy as stated below and will construct a fence according to these regulations:

Date: 6/26/2025 Signature: See Email Application

CHAPTER 112 ZONING, ARTICLE IV, § 112-33. Fencing. [Amended 3-3-2003 by Ord. No. 2003-5]

- A. **Permit Required:** A permit shall be obtained prior to the construction of a fence in residential zones.
- B. **Front Yard Area Regulations:** Fences up to 42 inches in height are permitted in front yard areas on the front lot line and side lot lines but shall not be closer than 12 inches to any existing or planned sidewalk location. Fences shall be designed to permit visibility through the fence and shall be no more than 50% opaque.
- C. **Side and Rear Yard Area Regulations:** In side and rear yard areas, fences may be located on the side and rear of lot lines. The fence material shall be no more than six feet in height, and maybe 100% opaque to provide for privacy. Installed, the fence shall not exceed six feet six inches in height.
- D. **Setback from Driveways:** Fences shall be no closer than 5 feet to the edge of the pavement of a driveway.
- E. **Homeowners' Association:** It is the homeowner's responsibility to have his or her fence approved by his or her homeowners' association where applicable. A permit from the Town does not negate a homeowners' association's covenants and/or restrictions.

Fence Easement Agreement MUST be signed for all fence permits.

Issued By: [Signature] Date: 7-1-25
Zoning Administrator

Compliance: _____ Date: _____
Code Enforcement Specialist

For questions or clarification, please contact the Town of Mount Airy
Permits Department at (301) 829-1424

LARRY HUSHOUR
Mayor

TIM WASHABAUGH
Council President



Council Member,
LINDA GALLETT
Secretary

KARL L. MUNDER
STEPHEN L. TOMSTOR

FENCE EASEMENT AGREEMENT

While the Town of Mount Airy Zoning Code allows property owners to erect fences, at their own risk there are caveats attached to permitting this use. Ensure the fence will be on your property.

- Excavation may not cause damage to existing utilities located in the easement.
- The fence must not cause a drainage or sediment control problem.
- Town of Mount Airy may enter the property and make use of the easement area for grading and/or the installation or repair of utilities.
- Town of Mount Airy may enter the property and remove the fence if the fence violates one of the above provisions.

THE COST OF REPAIR RESULTING FROM ANY DAMAGE TO UTILITIES LOCATED IN THE EASEMENT OR THE COST OF REMOVAL OF THE FENCE BY THE TOWN OF MOUNT AIRY WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

Danielle Griffith
Witness

Paul Ann 6/25/25
Signature / Date

For questions or clarification, please contact the Town of Mount Airy
Permits Department at (301) 829-1424

Applicant:

Yes, I will work on that and get it back to you this evening.

I had my zoning planning meeting last night with the Town of Mount Airy. There is some confusion with the fencing requirements with their zoning codes and I said I would reach out to you to find out what the State of Maryland or Carroll County requires for fencing. Thank you for any information you can provide.

Danielle Griffith

State of Maryland:

We only require fencing if there is a potential hazard to children. I won't know that until I inspect.

Sincerely,



Lisa Warner

Licensing Specialist

Division of Early Childhood/Office of Child Care

O: (410) 549-6498

Lisa.Warner@maryland.gov

1643 Liberty Road, Suite 205
Eldersburg, Maryland 21784

marylandpublicschools.org



Applicant:

Hello,

I am a current resident of the Nottingham Community in Mount Airy. I am working on obtaining my license to open a Family Daycare in my house. I am meeting with the Mount Airy Zoning Committee on Monday May 19th to prepare for my zoning approval. They are requiring me to get approval from the HOA to go through the process. I was wondering if you could assist me with written approval that I can send to the Zoning Board. Please let me know, thank you.

Danielle Griffith
1810 Castle Green Circle
Nottingham Neighborhood
240-475-1828

Nottingham H.O.A.:

Hi,

Daycares are allowed in the HOA as long as you have all of the permits. It is noted in the HOA bylaws.

I am not sure what to provide you otherwise. Others have one in the community as well, or have had, in the past.

Thanks!
Allison

Allison Meador, CMCA® AMS®

Community Association Manager

Clagett Management, Inc.

Real Estate Broker

Market Realty

5295 Westview Drive Suite 125,

Frederick, MD 21703

301.695.6676 Ext. 1215

240-651-3023 (direct)

301.695.9557 (fax)

ameador@clagett.com

www.clagett.com

Child Care Scholarship Freeze

Starting May 1, 2025, the Child Care Scholarship (CCS) Program will temporarily stop issuing scholarships to new families.

[LEARN MORE](#)

Licensing Orientations



Are you interested in opening a child care program in Maryland?

To become a child care provider you first need to decide if you want to open a business in your home or if you want to create a center-based business. Below is a definition of each type of business:

- **Family Child Care** – You may provide care for up to 8 children in your home
- **Large Family Child Care** – You may care for up to 12 children in your home
- **Child Care Center** – You may provide care in a facility outside of your home that is zoned to be used as a child care center. The number of children you serve is dependent upon the square footage of the building.

Your first step is to complete the mandatory online orientation. Mandatory second orientation sessions are conducted by the Office of Child Care's Regional Licensing Offices. Anyone planning to open a child care home or center must also attend a second orientation at their Regional Licensing Office. Contact your regional office for information on licensing requirements and the schedule of upcoming sessions.

On-line Orientation

Carroll County 410-750-8771

Region	City/County	Phone Number
1	Anne Arundel County	410-573-9522
2	Baltimore City	667-354-5178