



MINUTES

Board of Appeals

February 7, 2023 7:00 pm

Virtual Meeting

The Board of Appeals of the City of Annapolis held its regularly scheduled public meeting on February 7, 2023 as a virtual meeting. **Chair** Gallagher called the meeting to order at 7:02 pm.

Commissioners Present: **Chair** Robert Gallagher, Michael Walsh, Dr. Nadine Chien, Robert Hector III

Commissioners Absent: Christian Zazzali

Staff Present: Kim Burke, Planning and Zoning, Jacquelyn Rouse, Planning & Zoning, Tom Smith, Chief of Current Planning, Mark "Tripp" Fulton, Asst City Attorney

Others Present: Alderwoman Elly Tierney

A. APPROVAL OF AGENDA

Mr. Walsh moved to approve the agenda as written. Mr. Hector seconded the motion. The motion passed 4-0.

B. ADMINISTRATIVE BUSINESS

1. Approval of the Draft 2022 Annual Report

Mr. Hector moved to approve the draft 2022 Annual Report as written. Dr. Chien seconded the motion. The motion passed 4-0.

2. Approval of Draft Minutes – January 3, 2023

To View Virtual Meeting:

[Boards and Commissions YouTube Channel](#)

The public may submit comments here:

[Boards and commissions comments page](#)



Dr. Chien moved to approve the minutes of the January 3, 2023 meeting as written. Mr. Hector seconded the motion. The motion passed 4-0.

C. NEW BUSINESS

1. Extension Request – SE2020-006: Special Exception Application for an early learning center/preschool – 1125 Spa Road.

Ms. Rouse reported that the grading permit was issued today, February 7, 2023.

Mr. Dales, Attorney for the Applicant, explained the reason for the request for an extension for this complex project.

Chair Gallagher asked clarifying questions about the date that the Special Exception Request had been signed and the date it was received.

Mr. Walsh moved to approve the Extension Request. Mr. Hector seconded the motion. The motion passed 4-0.

2. Extension Request – SE2021-005: Special Exception Application for a Standard Restaurant – 12-14-16-18 Market Space.

Mr. Dales, Attorney for the Applicant, reported that the Applicant is currently engaged with two specialty engineers on code compliance for ADA and fire code issues.

The Board Members had no additional questions.

Mr. Walsh moved to approve the Extension Request. Mr. Hector seconded the motion. The motion passed 4-0.

D. PUBLIC HEARINGS

1. Special Exception application by Kumar & Sons, LLC, business owner and 133 Main Street, LLC, to establish a delicatessen on property located at 133 Main Street SE2022-008.

Those wishing to testify were sworn in by **Chair** Gallagher.

Ms. Rouse introduced the project in brief. No public comments have been received. Alderwoman Tierney spoke in support of the Application.

To View Virtual Meeting:

[Boards and Commissions YouTube Channel](#)

The public may submit comments here:

[Boards and commissions comments page](#)



The Applicant addressed the Commission, explaining the nature of the proposed business and its benefits to the City.

Board Members asked questions about the floor plan and layout of the establishment.

Chair Gallagher questioned whether the Board has to determine if police coverage ratio has been satisfied. Staff reported that the project has been sent to the Police Department for review, and the response was that current police coverage is adequate. Mr. Fulton deferred to the Office of Law for interpretation.

The Board Members agreed that the best course is to defer decision until an opinion is rendered by the Office of Law.

Chair Gallagher declared the public record closed at 7:29 pm. Deliberations were deferred until later in the meeting.

At 8:40 pm, the Board returned to this item and entered into deliberations. Concerns were raised about the Adequate Public Facilities report as they relate to police coverage

Mr. Hector moved to approve the Special Exception, pending opinion by the Office of Law with regard to the APF. Mr. Walsh seconded the motion. The motion passed 4-0.

Chair Gallagher admitted the following Applicant exhibits into the record.

EXHIBIT NUMBER	EXHIBIT
A.1	Special Exception Application dated 11/1/22

Chair Gallagher admitted the following City Staff exhibits into the record.

EXHIBIT NUMBER	EXHIBIT
C.1	Staff Report dated 1/26/23

- 2. Special Exception application by 86 State Circle, LLC, property owner, and 86 State Circle, LLC and Annapolis Capital Partners, co-applicants, to establish a 9-room inn on the property located at 86 State Circle. SE2022-002.**

Those wishing to testify were sworn in by **Chair** Gallagher.

Ms. Burke introduced the project and led a review of the Code, and the details of the Staff Report.

To View Virtual Meeting:

[Boards and Commissions YouTube Channel](#)

The public may submit comments here:

[Boards and commissions comments page](#)



Mr. Dales, Attorney representing the Applicants, addressed the Board, accompanied by the joint Applicants, who made a detailed presentation about the project, the property's history, their backgrounds and relationship with the community. Leo Wilson, Architect, shared architectural and landscape plans, site photos and other materials.

Live testimony was delivered by:

Alderwoman Elly Tierney
 Peter Martino
 Jensin Sommer
 Paige Ferguson

Members asked questions about landscaping plans, parking and the building's event spaces/common areas as they relate to food and beverage service.

Chair Gallagher declared the public hearing closed at 8:39 pm.

In deliberations, the Board Members agreed that the requirements for Special Exception have been met, subject to the recommendations set for by Planning and Zoning staff in the Staff Report.

Dr. Chien moved to approve the Special Exception, subject to the recommendations contained in the Staff Report. Mr. Walsh seconded the motion. The motion passed 4-0.

Chair Gallagher admitted the following Applicant exhibits into the record.

EXHIBIT NUMBER	EXHIBIT
A.1	Special Exception Application dated 1/14/22 (2 pages)
A.2	Site Survey
A.3	Email Dales to Gudenius 2/6/22 (2 pages)
A.4	Site Conditions Existing & Proposed 2/16/22 (1 page)
A.5	Revised elevation 3/6/22 (4 pages)
A.6	Revised Floor Plans 3/16/22 (4 pages)
A.7	Vicinity map
A.8	List of persons with financial interest
A.9	Phil Dales letter to Gudenius 3/24/22 (1 page)
A.10	Revised Statement of Support/Dales letter 3/24/22 (7 pages)
A.11	Revised Statement of Support 3/28/22 (7 pages)
A.12	Revised Statement of Support Attachments (19 pages)
A.13	ADoT Review letter dated 4/25/22 (7 pages)
A.14	Letter from Phil Dales 7/28/22 (8 pages)
A.15	Elevations 7/28/22 (4 pages)
A.16	Proposed plans 7/28/22 (2 pages)

To View Virtual Meeting:

[Boards and Commissions YouTube Channel](#)

The public may submit comments here:

[Boards and commissions comments page](#)



A.17	Statement in Support w/attachments (16 pages)
A.18	Special Exception Request 11/13/22 (2 pages)
A.19	Revised Basement plan
A.20	Architectural Drawings 12/16/22 rev
A.21	Letter from Phil Dales 12/19/22

Chair Gallagher admitted the following City Staff exhibits into the record.

EXHIBIT NUMBER	EXHIBIT
C.1	Staff Report dated 1/26/23
C.2	Email from Gudenius to Attorney Phil Dales – Incomplete Application 2/4/22 (1 page)
C.3	Email Gudenius to Dales 2/4/22 (1 page)
C.4	Email Gudenius to Dales 2/7/22 (1 page)
C.5	Email Gudenius to Ald Tierney 3/28/22
C.6	Agency Review Memo 3/28/22
C.7	Agency Review Memo 5/6/22
C.8	Email Gudenius to Dales 5/9/22 (2 pages)

Chair Gallagher admitted the following Public Testimony exhibits into the record.

EXHIBIT NUMBER	NAME	ADDRESS	EXHIBIT
T.1	Rick Lober	84 Conduit Street	Email 2/5/23
T.2	Marlys McDevitt	202 King George Street	Email 2/6/23
T.3	Sharon Kennedy	9 Randall Court	Email 2/6/23
T.4	Malina Koerschner	16 Thompson Street	Email 2/6/23
T.5	Georgie Berkinshaw	115 Spa View Avenue	Email 2/7/23
T.6	Jensin Sommer	23 Glen Avenue	Email 2/7/23
T.7	Elizabeth Davis	113 Broadwater Way	Email 2/7/23
T.8	Paige Ferguson	22 College Avenue	Email 2/6/23
T.9	Carl Tenner	150 South Street	Email 2/6/23
T.10	Zach Hester	91 Cathedral St., 2 nd floor	Email 2/6/23
T.11	Cecil Cummins	1046 Hyde Park Drive	Email 2/6/23
T.12	David Hankey	509 Broadwater Road	Email 2/6/23
T.13	Naing Ooh	100 Lee Drive	Email 2/5/23
T.14	Hein Paign	100 Lee Drive	Email 2/4/23
T.15	Erik Evans	P.O. Box 6351 Annapolis	Email 2/2/23
T.16	Bill Buck	23 West St, 2 nd floor	Email 2/1/23
T.17	Bob Kavetsky	181 Prince George St #3	Email 2/1/23
T.18	Carlos Hogan	1 Bens Drive	Email 2/1/23
T.19	Ryan Sneddon	601 Suntree Court	Email 2/1/23
T.20	Jehanne Edwards	23 West St, 2 nd floor	Email 1/31/23
T.21	Peter Martino	168 West Lake Drive	Email 1/31/23
T.22	Steve		

To View Virtual Meeting:

[Boards and Commissions YouTube Channel](#)

The public may submit comments here:

[Boards and commissions comments page](#)



	Samaras/Zachary's Jewelers	100 Main Street	Letter 2/1/23
T.23	Ryan Lamy/Pip's Dog Street Dogs	118 Dock Street	Letter 2/1/23
T.24	Jenn Baker/Welcome Home Annapolis	64 State Circle	Letter 2/4/23
T.25	Andrea Ploutis/The Lucky Knot	176 Main Street	Letter 2/1/23
T.26	S. Lynch/Galway Bay	63 Maryland Ave	Letter 2/4/23
T.27	Lino Chiaro/Bella Italia	609b Taylor Ave	Letter 2/1/23
T.28	Rusty Romo/Harry Browne's	66 State Circle	Letter 1/31/23
T.29	Sen John Pica	14 State Circle	Letter 2/4/23
T.30	Sharon Romo/Be...Home	80 Maryland Avenue	Letter 2/4/23
T.31	Huong Kelley/Cosmo Nail Bar	40 Randall Street	Letter 1/31/23
T.32	Owner, Annebell's	46 Maryland Avenue	Letter 2/4/23
T.33	Bobby Schwartzberg	47 Randall Street	Letter 1/31/23
T.34	Alyssa Bolel/The Pink Crab	30 Maryland Avenue	Letter 2/4/23
T.35	Jennifer Donahoe/Mills Fine Wine	87 Main Street	Letter 2/4/23
T.36	Sandy Williams, Gen Mgr, Starbucks	122 Main Street	Letter 2/1/23
T.37	Michelle Hoffman/Preserve	164 Main Street	Letter 2/1/23
T.38	Arturo Ottaviano/Osteria 777	66 State Circle	Letter 1/31/23
T.39	Cameron Kennedy/Gen Mgr, Helly Hansen	133 Main Street	Letter 2/1/23
T.40	Lisa Consiglia Ryan/Rasa Juice	90 Main Street	Letter 2/4/23
T.41	Jensen Hughes/Morgan Hurley	111 Rockville Pike, Ste 500 Rockville, MD 20850	Letter 11/1/22

To View Virtual Meeting:

[Boards and Commissions YouTube Channel](#)

The public may submit comments here:

[Boards and commissions comments page](#)



D. ADJOURNMENT

With there being no further business before the Board, Dr. Chien moved to adjourn. Mr. Walsh seconded the motion. The motion passed 4-0 and the meeting adjourned at 8:54 pm.

The next meeting of the Board of Appeals is scheduled for March 7, 2023 at 7:00 pm as a virtual public meeting.

Kimberly Consoli, Recorder

To View Virtual Meeting:
[Boards and Commissions YouTube Channel](#)
The public may submit comments here:
[Boards and commissions comments page](#)