



City of Annapolis

Department of Planning & Zoning
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Board of Appeals VIRTUAL PUBLIC HEARING June 2, 2020

The Board of Appeals of the City of Annapolis held its regularly scheduled meeting on June 2, 2020 as a virtual public meeting. **Chair** Gallagher called the meeting to order at 7:02pm.

Commissioners Present: **Chair** Robert Gallagher, **Vice Chair** Christian Zazzali, Robert Dews, Dr. Nadine Chien, Andrew Burnett

Commissioners Absent: Michael Walsh

Staff Present: Dr. Sally Nash, Joel Braithwaite-Assistant City Attorney, Thomas Smith, Cynthia Gudenius, Jacquelyn Rouse

Others Present: Benjamin Henry, Counsel to the Board

C. APPROVAL OF AGENDA

Dr. Chien moved approval of the agenda as submitted. Mr. Burnett seconded the motion. The motion passed unanimously in a vote 5-0.

D. APPROVAL OF MINUTES

1. May 20, 2020 Meeting Minutes

Vice Chair Zazzali moved approval of the May 20, 2020 meeting minutes as written. Dr. Chien seconded the motion. The motion passed unanimously in a vote of 5-0.

E. PUBLIC HEARING

1. Jerry Lea Tilles Variance Application, #VAR2020-001: PUBLIC COMMENT CONTINUATION

Chair Gallagher noted that since the last meeting, he had a discussion regarding the lot coverage and whether decks are considered impervious. At the time it was not clear that this discussion related to this application and he also received an email that turned out to be from one of the commenters so in light of these issues, he recused himself from participating on this application. He turned over the meeting to **Vice Chair** Zazzali to proceed with deliberations on this variance. Dr. Chien also had a discussion with one of the commenters before she realized the relevance to this case so she too recused herself from participating on this application.

The following written public comments were received during the public comment period. After accepting these comments into the record, **Vice Chair** Zazzali declared the record closed on this application.

Name	Address	In Favor	In Opposition	Commented On	Comment Type
David Barker	7076 Bembe Beach Road		X	X	6/2/20 Email
Diane Butler	407 Third Street		X	X	6/2/20 Email
Amy Clements	17 Southgate Avenue		X	X	6/2/20 Email
Kate Bohanan	458 Schley Avenue		X	X	6/2/20 Email
Gregory Brennan	Eco-Action Committee		X	X	6/1/20 Letter

Name	Address	In Favor	In Opposition	Commented On	Comment Type
Fred Kissel	717 Warren Drive			X	6/2/20 Email
Gene Godley	703 Warren Drive	X		X	6/2/20 Email

DELIBERATIONS

Mr. Martin, Spire Architecture, responded to the main concern of the public commentary regarding whether decks were considered impervious.

Ms. Gudenius confirmed her previous comments regarding the lot coverage calculations and the grandfathered status.

Vice Chair Zazzali moved conditional approval of the variance application by Jerry Lea Tilles. Based on the evidence presented, the Board finds that the application complies with the variance criteria subject to compliance with the condition that the final design documents should include adequate treatment of the rain water onsite including that attributable to the new roof. Mr. Dews seconded the motion. The motion passed unanimously in a vote of 3-0.

2. Phillips Restaurant Group Special Exception, #SE2020-002

Ms. Rouse presented the City’s review of the special exception application request to establish a standard restaurant on property located at 110 Compromise Street. She recommends conditional approval of the special exception application as submitted and described in the staff memorandum dated May 25, 2020.

Mr. Dales, Attorney, spoke on the application on behalf of the applicant.

Mr. Phillips, Owner, spoke on the application.

Mr. Wilson, Hammond Wilson Architects, spoke on the application on behalf of the applicant.

The following written public comments were received, however, the record will remain open to accept additional written testimony until July 7, 2020 at which time the Board will deliberate and vote on the project.

Name	Address	In Favor	In Opposition	Commented On	Comment Type
Carolyn Kirby	143 Compromise Street	X		X	6/2/20 Email

Chair Gallagher accepted the following exhibits into the record.

Exhibit Number	Submitted by Staff Board of Appeals Exhibit Type
A	Staff Memorandum dated May 25, 2020 with attachments

F. NEW BUSINESS

Chair Gallagher noted that he recused himself from participating on the Tilles variance to protect the integrity of the Board of Appeals’ processes and decisions. He suggested as a result that if any member of the Board should receive any communication or emails such as noted tonight; that prompt notification and disclosure of such contact should avoid need for recusal in most cases.

G. ADJOURNMENT

With there being no further business, Mr. Burnett moved to adjourn the meeting at 8:47pm. Dr. Chien seconded the motion. The motion passed unanimously in a vote of 5-0.

Tami Hook, Recorder