



Myersville Town Hall  
301 Main Street  
P.O. Box 295  
Myersville, MD 21773

**TOWN OF MYERSVILLE**  
PLANNING OFFICE

Phone: (301) 293-4281  
Fax: (301) 293-3080  
Hours 8:00 am – 4:00pm  
[www.Myersville.org](http://www.Myersville.org)

## **Myersville Planning Office Monthly Report**

**April 2024**

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### **Development Updates**

- **DG Market**
  - Developer is working towards finalizing easement agreements required for development
  - Developer is working to address Planning Commission comments prior to resubmittal of improvement plans and right-of-way dedication plat
  - The Board of Zoning Appeals decision(s) to uphold site plan approval, granted by the Planning Commission, has been petitioned to the Circuit Court for Frederick County for judicial review
  
- **Meadowridge Knoll**
  - The Town was made aware of an MS-4 violation concerning the concrete wash area within the development
  - The Developer was made aware of the violation and steps were taken to address the violation
  
- **Meadowridge Knoll II**
  - The Developer has not addressed the Planning Commission's comments from 2022 to date
  
- **Quail Run**
  - The Developer is working to address stormwater comments with Frederick County prior to resubmittal of the improvement plans and mass grading plans

### **Zoning Updates**

- **Formal Complaints (1)**
  
- **Zoning Violations Cited (1)**
  
- **Applications to Board of Zoning Appeals (0)**

- Board of Zoning Appeals Public Hearings Held (1)
  - 12 Main St. – Appeal of Planning Commission Decision with Claim of Administrative Error (Continued)
    - The Board upholds the Planning Commission’s conditional approval of the Applicant’s site development plan as implicitly authorized by the comprehensive planning, the subdivision ordinance and the zoning laws of the Town. Further, the Board does not believe that the Planning Commission erred in the application of the law in this matter. A motion to adopt this Finding was made by the Chair and passed unanimously.
    - The Board upholds the Planning Commission’s decision and affirms that it did correctly apply the Town’s Zoning Code in approving the site plan to allow a 12,770 square foot building to be occupied by a chain retail store for the permissible use of “food, grocery, retail”, and being dependent on motor traffic, in the Village Center Zone. A motion to adopt this Finding was made by the Chair and passed unanimously.
    - The Board upholds the Planning Commission’s decision and affirms that it did correctly apply its discretion to determine whether the size of the proposed building meets the standards of the Town’s Zoning Law and Comprehensive Plan, and such approval by the Planning Commission did not abuse this discretion. A motion to adopt this Finding was made by Member Gendler and passed with a vote of four (4) in favor and one (1) opposed (Member Allevato).
    - The Board upholds the determination that this site plan should not be denied or re-submitted. Although the developer may have stated it may subdivide the property in the future, such a subdivision has not been currently proposed or submitted as part of the underlying application. A motion to adopt this Finding was made by Member Solomon and passed unanimously.
    - An issue was raised during the public hearing regarding the adequacy of the traffic study presented as part of the Applicant’s review process and relied upon by the Planning Commission. The Board believes that the Planning Commission did not error in relying upon the traffic study submitted in that it was reviewed by the Town’s expert prior to Planning Commission review and that the Petitioner did not submit any expert testimony to rebut the findings contained therein. Further, although there may have been a mistake of fact regarding the contents of the initial Traffic Study and a potential error therein (related to the size of the building) such error was corrected, thus the Board believes this was harmless error with no significant impact to the overall decision of the

Planning Commission. A motion to adopt this Finding was made by the Chair and passed unanimously.

- Zoning Certificates (7)
  - 7 Fox Rock Dr. – new single family dwelling unit
  - 1007 Briarfield Ct. – shed
  - 3 Poplar St. – fence
  - 2870 Milt Summers Rd. – fence
  - 10225 Meadowridge Dr. – deck
  - 10255 Meadow Fence Ct. – interior improvements
  - 10255 Meadow Fence Ct. – porch

### **Legislative Efforts**

- Accessory Structure Regulations
  - Mayor and Council remanded the ordinance back to the Planning Commission to make changes
  - Planning Commission to review and make further recommendations to the Mayor and Council regarding the text amendment
- Vacant Property Regulations
  - Planning Commission continues to discuss several proposed ordinances to better regulate residential and non-residential vacant structures
- Planning Commission Ex-Officio Text Amendment
  - Staff will recommend a text amendment in June to reconcile a discrepancy between the Planning Commission’s by-laws and the Town Code
  - The proposed text amendment would codify the ex-officio member’s ability to vote in the event of a tie
- Signage Text Amendment
  - Staff will recommend a text amendment to in June to further clarify regulations for signage incidental to institutional uses
  - The current Code is silent on whether institutional signage may be electronic; however, staff interprets the Code to imply unique conditions for institutional signage, especially as it applies to public information and communication

### **Miscellaneous Updates**

- Former Tree Land Foundation Property Annexation
  - Resolution to become effective on May 25, 2024
  - The resolution will be sent to the Maryland Department of Planning, Maryland Department of Legislative Services, and recorded in the Land Records for Frederick County after the effective date