



THE CITY OF FROSTBURG

Board of Zoning Appeals Meeting Agenda

Wednesday, October 02, 2024 at 7:00 PM

Frostburg Municipal Center Meeting Room 100
37 S. Broadway, Frostburg, MD 21532

1. **Call to Order - Chair**
2. **Roll Call - Chair**
 - A. Julia Williams, Kevin Wagner, Brian Alderton, Constance Loucks, Chair Tom Vogtman
3. **Pledge of Allegiance - Chair**
4. **Case Number 2622 - 6 E. Main Street**
 - A. Statement of Appeal/Meeting Procedure - Chair
 - B. Swearing in of Witness - Chair

Do you solemnly declare or affirm under the penalties of perjury that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
 - C. Applicant/Proponent Presentation of Case - Applicant/Proponent
 - D. Presentation of Planning Commission Review - Staff
 - E. Opponent Presentation of Case - Public
 - F. Presentation Rebuttal - Applicant
 - G. Executive Session - Board of Zoning Appeals
 - i. Discussion of Findings, Conclusions and Conditions
 - ii. Motion to Approve/Deny Application/Postpone Hearing - Discussions Regarding the Same
 - iii. Alternative Motions - Discussions Regarding the Same
5. **Adjournment**

Form E-5

Frostburg's Board of Zoning Appeals

Statement of Appeal

Hearing Date: **October 2, 2024**

Case # **2622**

CHAIRMAN: This public hearing of the Frostburg Board of Zoning Appeals, as advertised in local newspapers to be held at the Frostburg Municipal Center located at 37 Broadway on Wednesday, October 2, at 7:00, pursuant to Section 1.18 of the Frostburg Zoning Ordinance, is now in Session. Board members present are: Julia Williams, Connie Loucks, Brian Alderton, Tom Vogtman, and Kevin Wagoner.

This public hearing is being conducted for the purpose of the prospective commercial tenant requesting approval of a Special Exception process in the "C3" Town Center District pursuant to Section 3.9.C.9 of the Frostburg Zoning Ordinance to allow a Body Art Studio on the subject property.

Meeting procedure is as follows: when you are called to testify, please come forward, state your name and address and proceed with your testimony. While testimony is being presented, other persons present will refrain from interrupting. Only testimony of persons recognized by the Chair will have any bearing on the decision of the Board. Decisions made by the Board of Appeals may be appealed to the Circuit Court for Allegany County, 30 Washington Street, Cumberland. Testimony will now be taken from persons, agents, or council who have indicated their desire to testify.

CITY OF FROSTBURG BOARD OF ZONING APPEALS

FORMAL APPLICATION



DEPARTMENT OF COMMUNITY DEVELOPMENT
CITY HALL

37 Broadway ~~59 E. MAIN STREET, P.O. BOX 440~~
FROSTBURG, MD 21532

Case # 2622
Hearing Date: 10-2-2024

Application Type	
<input checked="" type="checkbox"/> Special Exception	<input type="checkbox"/> Administrative Error
<input type="checkbox"/> Variance	<input type="checkbox"/> Other: _____

X Applicant's Name: JAMAICA JUNCTION
 X Applicant's Address: 6 EAST MAIN STREET, FROSTBURG, MD
 Phone No.: 242-442-9702

X Property Location: 6 EAST MAIN STREET
Physical address or distance and direction from nearest intersection

Property Dimensions: _____
 Tax Map: _____ Parcel: _____ Lot: _____ | Election District: _____
 Current Zoning Classification: C3-Town Center Current Use: Retail Business

X REQUEST: Special Exception use for a Body Art Studio in the C3-Town Center District

X PLEASE EXPLAIN WHY YOU BELIEVE THE BOARD SHOULD GRANT YOUR REQUEST (use attachments as needed): THERE IS ANOTHER BODY ART STUDIO IN THE SAME ZONING DISTRICT.

Please read and sign below:

As specified under Section 115.07 of the City of Frostburg Zoning Ordinance, any Application for Special Exception or Variance must be presented to the Frostburg Planning Commission for review prior to the hearing date. The Planning Commission may enter a formal recommendation to the Board of Appeals to include an assessment of the impact that the Variance or Special Exception will have in respect to the City's Comprehensive Plan. The recommendation of the Commission is not binding upon the Board of Appeals.

You are encouraged to attend the Planning Commission Meeting. The next meeting is _____ at 7:00 pm at the Frostburg Community Center, 27 S Water St., Frostburg, Maryland. Failure to attend or to provide sufficient information for review by the Planning Commission could result in an unfavorable recommendation by the Planning Commission.

X Applicant's Signature: [Signature] X Date: 9/11/2024

Information Required for Appeal, if applicable (drawings must be to scale):

Parking Site Plan Floor Plan Site Plan Survey Other: Licenses/Certifications

FOR CITY USE ONLY

Board of Zoning Appeals Fee: \$ 250.00 | Payment Type Cash Check No.: 1046
 Application Date: 9-11-2024 Taken by: JK Status: APPROVED DENIED
 Permit Issue Date: N/A Issued by: JK

Community Development Signature: [Signature]

CASE NO. 2622

Real Property Data Search ()
 Search Result for ALLEGANY COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 11 Account Number - 002471

Owner Information

Owner Name: CRAWFORD JOSEPH III **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 6 E MAIN ST **Deed Reference:** /01636/ 00059
 FROSTBURG MD 21532-1332

Location & Structure Information

Premises Address: 6 E MAIN ST **Legal Description:** E MAIN ST
 FROSTBURG 21532-0000 LOT 6 51X165

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0201 0011 0541A 10002.01 0000 2023 **Plat Ref:**

Town: FROSTBURG

Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use
 1919 8,925 SF 8,415 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 RETAIL STORE/ C3

Value Information

	Base Value	Value		
		As of 01/01/2023	As of 07/01/2024	As of 07/01/2025
Land:	37,800	37,800		
Improvements	270,600	313,200		
Total:	308,400	351,000	336,800	351,000
Preferential Land:	0	0		

Transfer Information

Seller: NGUYEN, JIMMY-CATHY **Date:** 10/09/2009 **Price:** \$290,000
Type: ARMS LENGTH IMPROVED **Deed1:** /01636/ 00059 **Deed2:**

Seller: ORIANI, BARBARAJEAN **Date:** 01/11/2005 **Price:** \$174,000
Type: ARMS LENGTH IMPROVED **Deed1:** /01114/ 00600 **Deed2:**

Seller: BARTLES-NAZARIAN **Date:** 06/14/1999 **Price:** \$160,000
Type: ARMS LENGTH IMPROVED **Deed1:** /00672/ 00136 **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: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

6 E. Main Street - Neighboring Properties

Section 4, Item C.



9/11/2024, 3:13:57 PM

Points



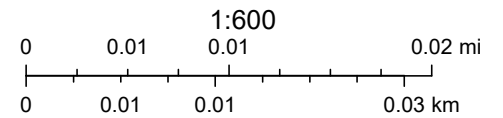
Override 1



Override 2



Tax Parcels



6 East

MUSIC IS MY RELIGION

Open



No person under the age of 21 may be sold tobacco products.



ZONING NOTICE
It is hereby notified that the City of...
...has adopted a zoning ordinance...
...which requires that the...
...of the property be used...
...in accordance with the...
...zoning ordinance...



OGB
BAMBOO ROLLING PAPERS

VAPOR

SMOKE SHOP

SMOKE SHOP

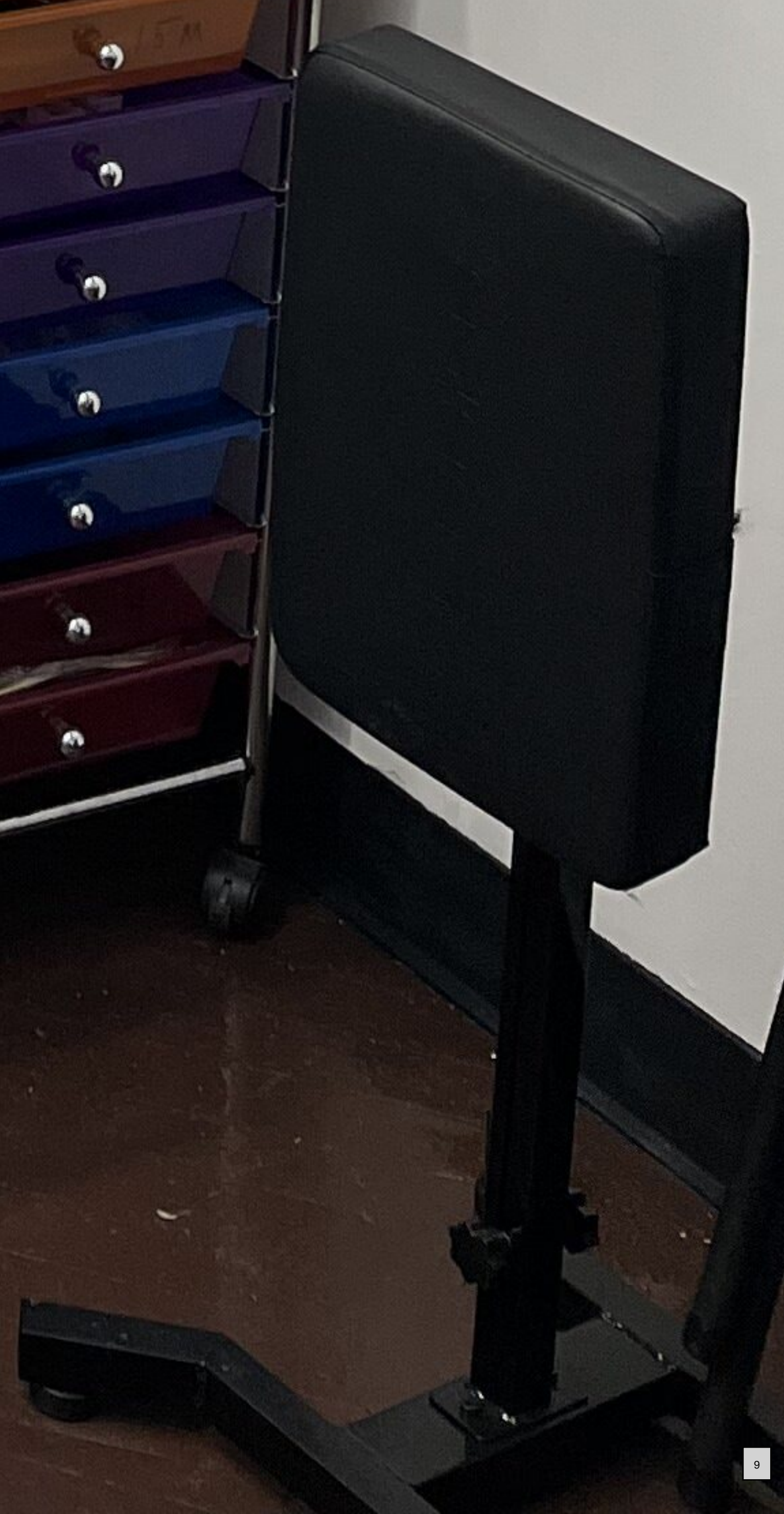


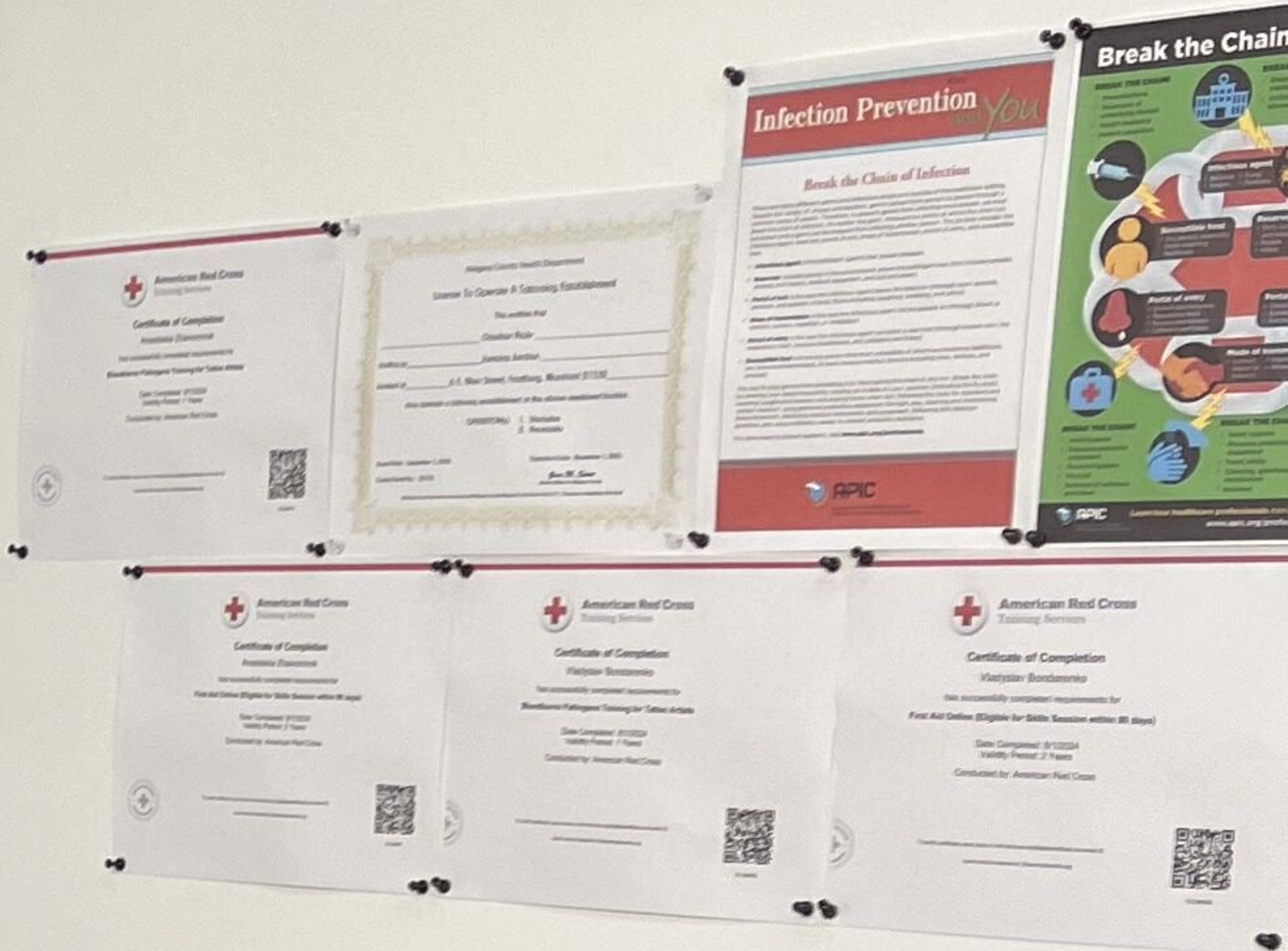
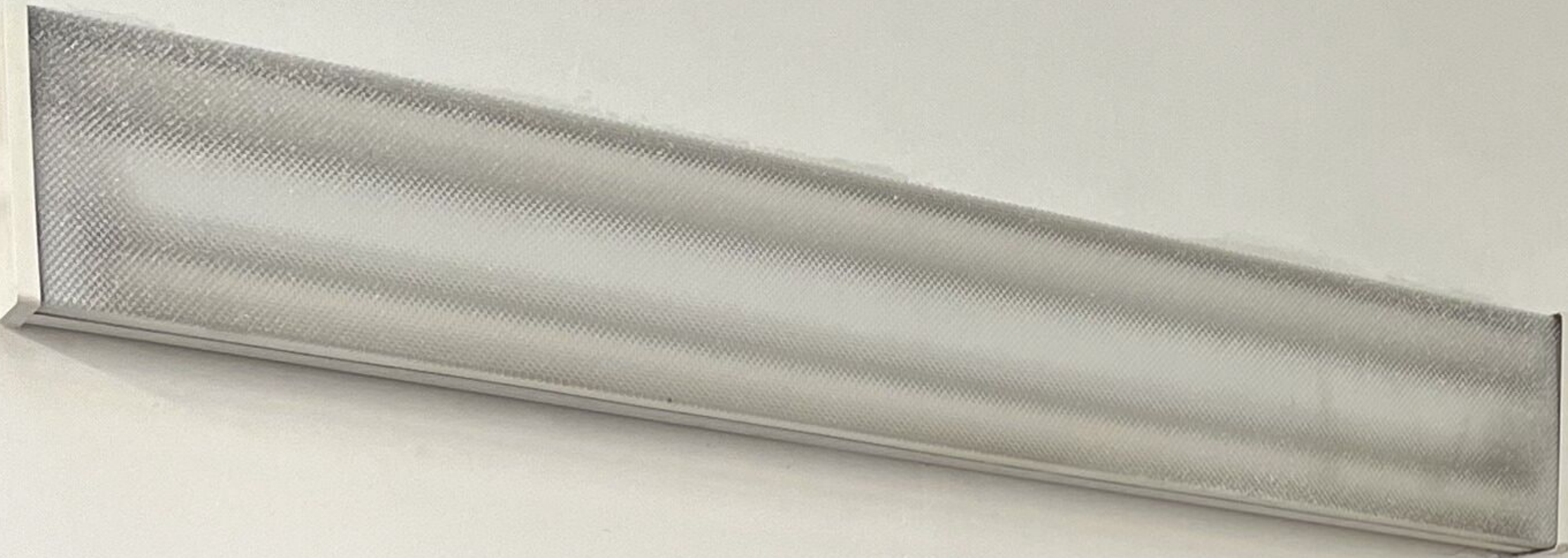
CRASS

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Allegheny County Health Department

License To Operate A Tattooing Establishment

This certifies that

_____ Chauhan Rajiv _____

trading as _____ Jamaica Junction _____

located at _____ 6 E. Main Street, Frostburg, Maryland 21532 _____

may operate a tattooing establishment at the above-mentioned location.

- OPERATOR(S):
1. Mladyslav
 2. Anastasia

Issued Date: September 5, 2024

Expiration Date: November 1, 2025

County Permit No.: 52152

Gene M. Stearn
Health Officer for Allegheny County

Authority to grant license: In accordance with Allegheny County Maryland Code Home Rule 8-91, "Ordinance Regulating Tattooing"



Certificate of Completion

Vladyslav Bondarenko

has successfully completed requirements for

First Aid Online (Eligible for Skills Session within 90 days)

Date Completed: 8/1/2024

Validity Period: 2 Years

Conducted by: American Red Cross

To verify certificate, scan code or visit redcross.org/digitalcertificate and enter ID.

Learn and be inspired at LifesavingAwards.org



01L0MHB





Certificate of Completion

Vladyslav Bondarenko

has successfully completed requirements for

Bloodborne Pathogens Training for Tattoo Artists

Date Completed: 8/1/2024

Validity Period: 1 Years

Conducted by: American Red Cross

To verify certificate, scan code or visit redcross.org/digitalcertificate and enter ID.

Learn and be inspired at LifesavingAwards.org



01L0MHD





Certificate of Completion

Anastasilia Zhaivoronok

has successfully completed requirements for

First Aid Online (Eligible for Skills Session within 90 days)

Date Completed: 8/1/2024

Validity Period: 2 Years

Conducted by: American Red Cross

To verify certificate, scan code or visit redcross.org/digitalcertificate and enter ID.

Learn and be inspired at LifesavingAwards.org



071L0M7F





American Red Cross
Training Services

Certificate of Completion

Anastasiia Zhaivoronok

has successfully completed requirements for

Bloodborne Pathogens Training for Tattoo Artists

Date Completed: 8/1/2024

Validity Period: 1 Years

Conducted by: American Red Cross

To verify certificate, scan code or visit redcross.org/digitalcertificate and enter ID.

Learn and be inspired at LifesavingAwards.org



01L0M7H



Frostburg's Board of Zoning Appeals
Official Recommendation
By
Frostburg's Planning & Zoning Commission

Date of Planning and Zoning Commission Meeting: **September 11, 2024**

Board of Zoning Appeals
City of Frostburg
Case # **2622**

Applicant's Name: **Jamaica Junction**

Applicant's Address: **6 E. Main Street, Frostburg, MD 21532**

Location of Property: **6 E. Main Street, Frostburg, MD 21532**

Zoning District: **"C3" Town Center District**


Variance: _____ Special Exception: **XX** Other: _____

The Frostburg Planning & Zoning Commission officially recommends the following with respect to the aforementioned case:

Approve: **XX** Deny:

Stipulations or Reasons:

Date: September 11, 2024



Conrad Best, Chairman
Planning and Zoning Commission

ORDINANCE 2024-02

AN ORDINANCE TO AMEND THE CITY’S ZONING ORDINANCE (APPENDIX A OF THE FROSTBURG CODE) TO ADD BODY ART STUDIOS TO THE USES PERMITTED IN THE PRIMARY DISTRICT REGULATIONS, SUBJECT TO SPECIFIED CONDITIONS.

WHEREAS, the City of Frostburg is a municipal corporation of the State of Maryland, organized and operating under a charter (“Charter”) adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23-A of the Annotated Code of Maryland, as amended;

WHEREAS, Article V, Sections 501 and 502 of the Charter empowers the City to regulate matters of zoning within the City;

WHEREAS, the City of Frostburg Zoning Ordinance (the “Zoning Ordinance”) is set forth in Appendix A of the Frostburg Code;

WHEREAS, the Planning Commission is proposing that the Zoning Ordinance be amended to allow body art studios in the same zoning districts as beauty salons, barbers, etc.;

WHEREAS, the Frostburg Planning Commission reviewed the proposed text changes during its August 20, 2024 public meeting and voted to recommend to the Mayor and Council that it adopt them; and

WHEREAS, by this Ordinance, the Mayor and Council are accepting those recommendations, subject to amendments, and are amending the Zoning Ordinance as set forth below.

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FROSTBURG, that the portion of the Use Regulations Table set forth at the beginning to Part 3 of the Zoning Ordinance applicable to service uses is amended as follows.

PART 3. PRIMARY DISTRICT REGULATIONS

Use Description	Zoning Districts										
	R1*	R2*	R2-A*	R3	R4*	RO	C1	C2	C3	C4	T-LI
Service											
Animal Groomers				SE			P	P	P		

Automobile Parking Lots and Decks							SE	P	SE		
Automobile Service Stations and Repair Garages								P		P	
Banks/Financial Institutions (with drive-through service)								SE	SE	P	
Banks/Financial Institutions (without drive-through service)				SE	SE			P	P	P	P
Beauty shop, barber shop, nail salon, tanning, spas				SE	SE			P	P	P	P
Body Art Studios				SE	SE			P	P	P	P
Cleaners, Laundromats, etc.				SE	SE			P	P	P	
Contractor Offices									P		P
Fitness Centers							SE	P	SE		
Kennels								P ¹			SE
Medical Laboratories								P	SE		P
Medical or Dental Services				SE	P	P	P	P	P		
Motels and Hotels								P	P	P	
Personal service				SE	SE			P	P		
Professional Offices					SE	P	P	P	P		
Sales, Service, Commercial Washing of Motor Vehicles								P	SE		
Truck Stops and Rest Areas										P	
Veterinary Services								P			

[NOTE: The amendments are set forth in bold highlighted text.]

SECTION 2: AND BE IT FURTHER ORDAINED, that Section 3.4.C(14)(b) of the Zoning Ordinance is amended by adding body art studios as a special exception use in the “R3” General Residential District as follows:

C. *Special Exceptions.* Only the following principal uses and structures are permitted as special exceptions after approval by the Board of Zoning Appeals:

....

(14) Any of the following uses, provided that the total floor area of all structures or portions thereof devoted or intended for such uses shall not to exceed three thousand (3,000) square feet (in addition to any basement areas used solely for storage). Any new such use shall be limited to a detached building at the corner of two (2) or more public streets. Any such

use shall not be open to the public between the hours of 10:00 p.m. and 7:00 a.m.

- (a) Retail stores such as hardware, grocery, drug, variety, baked goods, antique, craft and gift, but not including sale of alcoholic beverages.
- (b) Personal service businesses such as shoe repair, beauty parlors, barbers, **body art studios**, and self-service laundries and dry cleaning stores which are pick up stations only.
- (c) Restaurants, not including drive-through service.
- (d) Banks and other financial institutions, not including drive-through service.

[NOTE – Amendments to the Zoning Ordinance are set forth in bold underlined print in this section and the remaining sections of this Ordinance.]

SECTION 3: AND BE IT FURTHER ORDAINED, that Section 3.5.C(15)(b) of the Zoning Ordinance is amended by adding body art studios as a special exception use in the “R4” Gateway Residential District as follows:

C. *Special Exceptions.* Only the following principal uses and structures are permitted as special exceptions after approval by the Board of Zoning Appeals:

.....

(15) Any of the following uses, provided that the total floor area of all structures or portions thereof devoted or intended for such uses shall not exceed three thousand (3,000) square feet of a structure. Any such use shall not be open to the public between the hours of 10:00 p.m. and 7:00 a.m.

- (a) Retail stores such as hardware, grocery, drug, variety, baked goods, antique, craft and gift, but not including the sale of alcoholic beverages.
- (b) Personal service businesses such as shoe repair, beauty parlors, barbers, **body art studios**, and self-service laundries and dry cleaning stores which are pick up stations only.
- (c) Restaurants, not including drive-through service.
- (d) Banks and other financial institutions, not including drive-through service.

SECTION 4: AND BE IT FURTHER ORDAINED, that Section 3.7.B of the Zoning Ordinance is amended by adding body art studios as a permitted use in the "C1" University Corridor/Mixed-Use District as follows:

B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C1" district:

.....

(21) Body art studios.

SECTION 5: AND BE IT FURTHER ORDAINED, that Section 3.8.B and 3.8.C. of the Zoning Ordinance are amended by adding body art studios as a permitted use in the "C2" Highway Commercial District as follows:

B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C2" district:

....

(36) Body art studios.

C. *Special Exceptions.* The following uses are permitted as special exceptions after approval by the Board of Zoning Appeals:

....

~~(7) Body art studios.~~

SECTION 6: AND BE IT FURTHER ORDAINED, that Sections 3.9.B and 3.9.C. of the Zoning Ordinance are amended by adding body art studios as a permitted use in the "C3" Town Center District as follows:

B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C3" district:

....

(32) Body art studios.

C. *Special Exceptions.* The following uses are permitted as special exceptions after approval by the Board of Zoning Appeals:

....

~~(9) Body art studios.~~

SECTION 7: AND BE IT FURTHER ORDAINED, that Section 3.10.B of the Zoning Ordinance is amended by adding body art studios as a permitted use in the "C4" Gateway Commercial District as follows:

B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C4" district:

....

(11) Body art studios.

SECTION 8: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect twenty (20) days from the date of its passage.

MAYOR AND CITY COUNCIL OF FROSTBURG

By: _____
Todd Logsdon, Mayor

Elizabeth Stahlman, City Administrator

Introduced: _____, 2024
1st Hearing: _____, 2024
Adopted: _____, 2024
Effective: _____, 2024