

**PATRICK T. ROCKINBERG**  
*Mayor*

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*Council Members*  
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*Secretary*

**ROBERT H. KING, JR**  
**LARRY G. HUSHOUR**  
**PATRICIA R. WASHABAUGH**

**BOARD OF APPEALS AGENDA  
(TENTATIVE)**

**DECEMBER 20, 2018  
1:00 P.M.**

**Mount Airy Town Hall, 110 South Main Street  
Mount Airy, MD 21771**

1. **CALL TO ORDER – THE PLEDGE OF ALLEGIANCE**
  
2. **APPROVAL OF MINUTES**  
July 18, 2018
  
3. **CASE MA-A-2018-02 / LESLIE HOYLE**  
**Special Exception – RE** at 1006 Merridale Blvd, Mount Airy, MD 21771  
Applicant is seeking approval to establish a small private violin studio in her home for weekly lessons.
  
4. **Citizen Comments**
  
5. **ADJOURNMENT**

Any weather-related cancellations of the above hearing will be posted to the Town's Website.  
Please visit: [www.mountairymd.org](http://www.mountairymd.org)

Note: The regular meeting will end at 4:00 pm. Those items remaining will be held over.  
**FOR INFORMATION ON TDD/TTY, PLEASE CALL THE MARYLAND RELAY SERVICES' 800 NUMBER (800) 735-2258.**

P.O. Box 50, Mount Airy, MD 21771  
301-829-1424 \* 301-831-5768 \* 410-795-6012 \* FAX 301-829-1259  
E-Mail: [Town@Mountairymd.org](mailto:Town@Mountairymd.org) Web Page - [www.mountairymd.org](http://www.mountairymd.org)

**TOWN OF MOUNT AIRY BOARD OF APPEALS MINUTES – JULY 18, 2018**  
**CASE MA-A-18-01 (GT Property, LLC)**

**BOARD MEMBERS IN ATTENDANCE:** Kevin Jackson – Chairman, Keith Gehle – Vice Chairman, Brian Bieda, and Judi Stull (alternate)

**BOARD MEMBERS ABSENT:** Diane Gleason and Oliver Davis

**STAFF MEMBERS:** Melissa D. Thorn – Economic Development Manager

**OTHERS:** Thomas V. McCarron – Town Attorney

The meeting was held at the Town Hall and Mr. Jackson called to order at approximately 6:32 p.m. to approve the Findings and Decisions of CASE MA-A-18-01. He inquired as to everyone's chance to review the notes of the meeting and asked if there was a motion on the table.

Brian Bieda motioned to approve. Keith Gehle seconded. No discussion was held. Vote was 4-0 all in favor.

Keith Gehle motioned to dismiss the meeting. Brian Bieda seconded.

The meeting was adjourned at 6:33 p.m.

Approved:

Kevin Jackson –Chairman

Prepared by: Melissa D. Thorn

**STAFF REPORT- Board of Zoning Appeals**

**SPECIAL EXCEPTION REQUEST – To Permit a Resident Professional Office at  
1006 Merridale Boulevard Mount Airy, MD 21771**

**MA-A-2018-02  
December 20, 2018**

**APPLICANT:** Ms. Leslie Hoyle

**SITE**

**LOCATION:** 1006 Merridale Boulevard  
Mount Airy, MD 21771

**ZONING:** RE – Residential Existing

**SITE ACREAGE:**

**ZONING SECTION:** 112-24 (C)(1) – Establishment of a Home Occupation for Professional Violin Teaching and Lessons.

Proposal: Ms. Leslie Hoyle, the homeowner would like to establish a small private violin studio in her home for weekly lessons for local students. The name of the business is Cadence Suzuki Violin Program. While individual lessons are to be done in the home, group lessons would be done at an outside location to minimize the disruption to the neighborhood. Similarly, program recitals would be done at outside locations, such as rented space from the local community. The lessons would be done with one family at a time.

The majority of those lessons would be done after school as this is a program that is mostly utilized by school age children. Some lessons may be done earlier, depending on the availability of children from the home schooling community. Those lessons would be from 30 minutes to one hour at a time, depending on the skill level and attention span of the child involved. In the Suzuki method, it is customary for the parents to remain in attendance through the lesson, rather than dropping off and picking up when the lesson is over.

**SPECIAL EXCEPTION CRITERIA:**

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

- A. Persons 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 employed by this business will be Ms. Leslie Hoyle, the homeowner.

- 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 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, the property exterior would not be changed in any way by the establishment of this home occupation. If a nameplate were to be used, it would be smaller than the two square feet allowed and would be affixed near the rear of the home and would not be illuminated by direct lighting.
- C. Not more than 25% of the ground floor area of the dwelling unit may be devoted to a home occupation. Not more than 25% of the home will be utilized for the home occupation. As this would only be used for individual violin lessons, the ground floor usage would fall well below the 25% limitation for utilization. If the business is successful into the future, Ms. Hoyle intends to partially finish the basement and to allow lessons to occur there. That space still falls below the 25% usage threshold.
- D. Besides the required parking for the dwelling unit, additional parking located in the rear yard is required as follows:
  1. 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.

Besides the required 3 parking spaces for established residential homes, the house has more than sufficient parking area for the home occupation, attached is a picture of the existing parking area for the house

*In the evaluation any Special Exception, the proposed use must be analyzed to meet general standards which evaluates 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.*

The establishment of the Suzuki Violin Studio will provide a valuable service in the community and give additional opportunities for music education for the Town citizens. Due to the hours and nature of the business, there will not be more than 2 vehicles parked at the home for students at any given time.

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

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

- C. *That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls, and fences.*

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 and are fully supportive of the Violin Studio.

- D. *The use will have proper location with respect to existing or future streets giving access to it and will not create traffic congestion or cause industrial and commercial traffic to use residential streets.*

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

- E. *That the specific standards (112-62) (F) set forth for the particular special exception use can be met.*

The specific requirements for the home occupation can be met by the applicant as demonstrated in the review of the specific standards.

**STAFF RECOMMENDATION:**

Staff recommends *approval* of the Special Exception Request to establish a Home Occupation for the establishment of a Violin Studio located at 1006 Merridale Boulevard, Mount Airy, Maryland, 21771.

BOARD OF APPEALS - TOWN OF MOUNT AIRY - MARYLAND

PETITION FOR  
SPECIAL EXCEPTION  
UNDER ZONING ORDINANCE

CASE NO. MA-A-18-02  
DATE FILED 9-6-2018  
FILING FEE \$300  
DATE PAID \_\_\_\_\_  
ZONING DIST. R-2 Residential  
HEARING DATE \_\_\_\_\_

Petition is hereby made for a Home Occupation or Professional Office under the Zoning Ordinance, as follows:

Location of property: SE corner of Flower Ct. and Merridale Blvd.  
NSEW side of road; distance NSEW from nearest intersecting road

Subdivision 0000 Lot 45 Block \_\_\_\_\_

Street and Number 1006 Merridale Blvd. Zoning Classification RE

Use Proposed:  
Private Violin Studio

Zoning Ordinance subsection(s) providing for proposed use: ~~112-62F(7)~~ 112-62F(7) or 112-62F(12)  
112-24C(1,3)

Owner of Property: Name Nathan + Leslie Hoyle  
Address 1006 Merridale

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):  
No

Further comments, if any:  
Please see attached addendum for additionally required information.

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

[Signature]  
Signature of Petitioner

1006 Merridale Blvd.  
Address of Petitioner

PETITION FOR SPECIAL EXCEPTION UNDER ZONING ORDINANCE  
ATTACHMENT WITH ADDITIONAL REQUESTED INFORMATION

CASE NO:

I. AJOINING PROPERTY OWNERS LIST

1. HOLT RYAN JAMES, HOLT STEFANIE  
1004 MERRIDALE BLVD  
MOUNT AIRY MD 21771-5264
2. JOHNSON PATRICIA R TRUSTEE,  
1005 MERRIDALE BLVD  
MOUNT AIRY MD 21771-5265
3. DOYLE JUNE M L/E ETAL,  
1008 MERRIDALE BLVD  
MOUNT AIRY MD 21771-0000
4. MOLESWORTH JAMES E, MOLESWORTH ELAINE Y  
201 FLOWER CT  
MOUNT AIRY MD 21771-5267

II. REQUIREMENTS FOR VARIANCE UNDER 112-62

1. The property use will conform with the General Standards required by 112-62(E) as follows:

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.- The presence of a Suzuki Violin Studio will enhance the lives of the individuals in the local area by providing well trained musicians. Due to the hours and nature of the business, there will not be more than 2 vehicles with students at the location at any given time.

B. That adequate water supply, sewerage disposal, storm drainage and fire and police protection are or can be provided for the use. – Due to the small and individual nature of this business it should not significantly affect the water supply, sewerage disposal or storm drainage of the local area. Similarly, as there is no fire risk or additional criminal risk associated with such a business, there should be no effect on the necessary fire and police protection needed.

C. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences. – No additional buildings have been requested as a part of this Special Exception Petition, and no additional fencing or walls shall be added. Most if not all of our adjoining neighbors both know of the Petitioner's wish to start this studio and have encouraged her in doing so.

D. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets. – This home is located with convenient access to Main Street such that combined with the low volume of traffic this business shall create, the effect it should have on

traffic should be minimal. In addition, because this business requires no special industrial traffic nor inventory or supply traffic, it should not create a commercial traffic hazard on the residential streets.

E. That the specific standards (§ 112-62F) set forth for each particular use for which a special exception may be granted have been met except in the case of nonconforming structures where the Board determines that no adverse impact will result.- Please see below for each specific standard.

2. As a home occupation, in accordance with the requirements of 112-62(F)(7), the home would satisfy those requirements as follows:

A. Persons residing in the dwelling only may be employed or engaged in the occupation. Accessory structures on property may used for the home occupation.- The only individual employed by this business would be the occupier and property owner Leslie Hoyle.

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.- The property's exterior properties would not be changed by the nature of this business. If a nameplate were to be affixed, it would be smaller than the two square feet allowed, would be affixed near the rear of the building, and would not be lit by direct lighting.

C. Not more than 25% of the ground floor area of a dwelling unit may be devoted to a home occupation.- As this would only be used for individual violin lessons, the ground floor usage would fall well below the 25% requirement. If the business is successful, the intention is to partially finish the basement and to allow lessons to occur there, but the space used for those lessons would still be less than 25% of that space.

Besides the required parking for the dwelling unit, additional parking located in the rear yard is required as follows: One space for the home occupation and one space for each member of the immediate family employed in the home occupation. – Our residence already has sufficient parking for such a business. See attached picture.

3. Professional office (physician, dentist, architect, engineer, attorney, or similar). In all residential districts and subject to the requirements of the district in which located except as herein provided:

A. The professional person must be a resident of the dwelling. – The professional person would be Leslie Hoyle, property owner.

B. That there is not exterior evidence, other than a permitted sign not exceeding two square feet, to indicate that the building is being used for any purpose other than that of a dwelling. .- The property's exterior properties would not be changed by the nature of this business. If a nameplate were to be affixed, it would be smaller than the two square feet allowed, would be affixed near the rear of the building, and would not be lit by direct lighting.



C. That there is no show window or display window. —There is no intention to have such a window, and such a window would be inappropriate for a violin studio.

D. Only one person other than the resident professional may be employed. — Only Leslie Hoyle would be employed in the business.

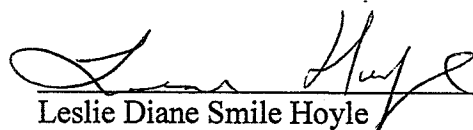
E. Sufficient off-street parking in the side or rear yard must be provided with the minimum being three spaces per professional plus residential requirements. — Our residence already has sufficient parking for such a business. See attached picture.

F. The total area devoted to the office does not exceed 30 % of the square footage of the dwelling unit. — As this would only be used for individual violin lessons, the ground floor usage would fall well below the 25% requirement. If the business is successful, the intention is to partially finish the basement and to allow lessons to occur there, but the space used for those lessons would still be less than 25% of that space.

### III. DESCRIPTION OF THE BUSINESS

The business, the Cadence Suzuki Violin Program, to be operated is to be a Suzuki Violin Studio. While individual lessons are to be done in the home, group lessons would be done at an outside location, to minimize the disruption to the neighborhood. Similarly, program recitals would be done at outside locations, most likely rented space from the local community. The lessons would be done with one family at a time. The majority of those lessons would be done after school as this is a program that is mostly utilized by school age children. Some lessons might be done earlier, depending on the availability of children from the home school community. Those lessons would be from 30 minutes to one hour at a time, depending on the skill level and attention span of the children involved. In the Suzuki method, it is customary for the parents to remain in attendance through the lesson, rather than dropping off the child and then picking up at the end of the lesson.

This program will enrich the community by training children to be musically artistic and creating a youth culture of music. In Mrs. Hoyle's previous studios, the group has performed volunteer concerts for senior citizens as well as providing holiday music at local commercial establishments. Mrs. Hoyle prides herself in establishing a strong sense of community in her studios. Her previous studio has an excellent reputation in the music community, and her students have performed at the highest levels of the Maryland Classic Youth Orchestra and Potomac Valley Youth Orchestra and have also received superior ratings at exams given by the American String Teachers Association. Mrs. Hoyle received her Masters of Violin Performance with an emphasis in Suzuki Pedagogy under Ronda Cole at the University of Maryland, and anticipates being able to bring the same level of excellence to potential students Mount Airy.

  
\_\_\_\_\_  
Leslie Diane Smile Hoyle  
1006 Merridale Blvd



TOWN OF MOUNT AIRY  
CASE MA-A-18-02  
Leslie Hoyle, 1006 Merridale Blvd.  
Mount Airy, MD 21771  
EXHIBIT NO. 1

**THE TOWN OF MOUNT AIRY**

**P.O. BOX 50 \* 110 S. MAIN STREET \* MOUNT AIRY, MARYLAND 21771**  
**\* (301) 829-1424 \* (301) 831-5768 \* (410) 795-6012 \***

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**NOTICE TO ADJOINING AND ADJACENT PROPERTY OWNERS**

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**BOARD OF APPEALS MEETING**

Date: December 20, 2018

Time: 1:00 p.m.

Case: MA-A-2018-02

To Whom It May Concern:

You are receiving this notice as an adjoining or adjacent property owner to a parcel of land, or lands, that are subject to an appeal by the Town of Mount Airy Board of Appeals.

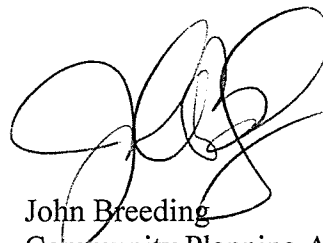
We are writing to inform you that an appeal that applies to the property known as the Hoyle Residence located at 1006 Merridale Boulevard, Mount Airy, MD has been filed by Leslie Hoyle, property owner.

Application has been made for a special exception on the property and, if granted, would allow applicant to establish a Home Occupation to establish the Suzuki Violin Studio on the property.

The property is located in the RE- Residential Existing District and the application was referred to the Board of Appeals for the purpose of obtaining as required under Section 112-24 (C)(1) of the Zoning Ordinance.

At such time the Planning Commission granted a favorable recommendation to the Board of Appeals at their Planning Commission Meeting on Thursday, December 20, 2018 at 1:00 p.m. in the Council Room of the Town Hall, 110 South Main Street, Mount Airy, MD. Citizens wishing to be heard will be recognized in public session.

The discussion is not limited to those receiving copies of this notice, and if you know of any neighbors or affected property owners who, for any reason have failed to receive a copy, it would be appreciated if you would inform them of this discussion.



John Breeding  
Community Planning Administrator

# **NOTICE OF BOARD OF APPEALS PUBLIC HEARING**

## **CASE MA-A-18-02**

### **TO WHOM IT MAY CONCERN:**

Application has been made to the Board of Appeals of the Town of Mount Airy for the purpose of obtaining a special exception as required under Section 112-24 (C)(1) of the Zoning Ordinance on the property known as 1006 Merridale Boulevard, Mount Airy, MD 21771 located in the RE- Residential Existing District. Approval of the requested special exception will allow applicant to establish a small private violin studio in her home for weekly lessons.

All interested persons are notified to appear at the Hearing before the Board of Appeals of the Town of Mount Airy on December 20, 2018 at 1:00 P.M. at which time citizens wishing to be heard will be recognized in public session.

Additional information is available at Mount Airy Town Hall, 110 South Main Street, Mount Airy, MD 21771 and on the Town Website at [www.mountairymd.org](http://www.mountairymd.org)