



ALLEGANY COUNTY, MARYLAND
BOARD OF ZONING APPEALS

COUNTY OFFICE COMPLEX – SUITE 109
701 KELLY ROAD
CUMBERLAND, MARYLAND 21502-3401

September 17th, 2019

PUBLIC NOTICE

Notice is hereby given that the Allegany County Board of Zoning Appeals will conduct a public hearing on Wednesday, October 9th, 2019, at 9:30 a.m., within the County Office Complex, Cumberland, Maryland, for proceedings on the following remanded Cases:

Case No. 942, filed by Dan's Mountain Wind Force, L.L.C., et al. ("DMWF"), requesting authorization to construct an industrialized wind [energy] farm (iWECS array) comprising seventeen (17) iWECS units on tracts or property situated along or near the ridgeline of Dan's Mountain, north of Dan's Rock; south of the I-68 corridor, east of MD 55, accessible via Burning Mines Road; near Vale Summit, Election District 24. Referencing the Allegany County Zoning Map, the subject tracts are zoned *A-Agricultural* and/or *C-Conservation*. In accordance with §360-108 [formerly §360-83.B.], *Zoning, of the County's Code of Public Local Laws*, the use is permissible when granted a *Special Exception* by the Allegany County Board of Zoning Appeals.

Case No. 943, filed by Dan's Mountain Wind Force, L.L.C., et al. ("DMWF"), requesting relief to separation and setback requirements set forth by the County's *Zoning Regulations* relative to iWECS units. The Applicant seeks relief under §360-107(A) and §360-107(B)(4) [formerly §360-92.A.(2) and §360-92.B.(3)] for certain structures within a planned array. This Case is associated with the same property described under BOZA Case 942. The array is planned for certain tracts of property situated along or near the ridgeline of Dan's Mountain, north of Dan's Rock; south of the I-68 corridor, east of MD 55, accessible via Burning Mines Road; near Vale Summit, Election District 24. Modifications to separation and setback requirements may be authorized with a *Variance* granted by the Allegany County Board of Zoning Appeals. As a result, the Applicant completed and submitted a *Petition for Variance* to secure relief for this project.

On December 21, 2015, the Board of Zoning Appeals (the "Board") denied the *Petition for Special Exception and Petition for Variance* that had been filed by DMWF in Case Nos. **942** and **943**. DMWF sought judicial review of the Board's decision in the Circuit Court for Allegany County, Maryland, and in the Maryland Court of Special Appeals. On February 5, 2018, the Maryland Court of Special Appeals reversed the judgment of the Circuit Court for Allegany County, Maryland, and remanded the Cases with instructions for the Circuit Court to enter an Order vacating the decision of the Board and remanding the matter to the Board for further proceedings consistent with the Court of Special Appeals' Opinion. On August 1, 2018, the Circuit Court for Allegany County, Maryland, remanded the Cases to the Board. On April 11, 2019, Gorman E. Getty, III, counsel to DMWF, filed a request to the Board to reconvene and execute proceedings as instructed by the Court. This same proceeding was scheduled for a hearing on Wednesday, May 15th, 2019, at 9:30 a.m., though subsequently postponed at the request of DMWF's counsel.

The same proceeding is now **re-scheduled** for October 9th, 2019, at the time and location stated above. Anyone desiring further information on these Cases may contact the County's Land Development office at 301-777-5951. Members of the Board are scheduled to visit the site(s) of the above referenced Cases on Friday, October

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4th, 2019. Anyone desiring to be present during the Board's site visit should contact the County's zoning office at 301-777-5951 prior to Friday, October 4th, 2019.

ALLEGANY COUNTY BOARD OF ZONING APPEALS

Bernard C. Wolters, *Acting Chairman*

Dale L Dickerhoof, *Member*

John Brant, *Alternate, Member*

Brian Alderton, *Alternate Member*

James A. Squires, Jr., *Secretary*

The Cumberland Times-News, Saturday, September 21st, 2019

cc: Mrs. Bretta Reinhard, *Public Information Officer*
BOZA Files 942 & 943