

Frederick County Board of Zoning Appeals

Meeting Minutes

June 23, 2022

Vice Chairman Brown called to order the regular hearing of the Frederick County Board of Zoning Appeals on Thursday, June 23, 2022, at 7 pm. This was a public meeting using WebEx and Public input via telephone. Board members present: Mr. Dan Lawton and Mr. John Greenwell were present. Board member Mr. Shannon Bohrer and Chairman Mr. John Farrell were absent.

The County staff members present were Mr. Tom Sinton, Assistant County Attorney, Mr. Tolson DeSa, Zoning Administrator, Mr. Justin Horman, Zoning Planner, II and Mr. Michael Paone, Zoning Planner I.

First item of business was the approval of the April 2022 and May 2022 Minutes. Motion by Mr. Greenwell to approve the minutes. Mr. Lawson seconded the motion. Approved unanimously 3-0-0-2.

<u>VOTE</u>	<u>3-0-0-2</u>
FOR:	3
AGAINST:	0
ABSTAIN:	0
ABSENT:	2

Official minutes of the Board of Appeals meetings are kept on file in the Frederick County Planning and Permitting Division, 30 North Market Street, Frederick, Maryland 21701

Cases

B271180 (B-22-19) Martinez

Requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential Districts in accordance with Section 1-19-3.210 and Section 1-19-8.325 of the Frederick County Zoning Ordinance to allow up to 12 chickens, with no roosters, on a residentially zoned property.

The property is described as 5811 Corporal Jones Ct, Frederick, MD 21702, Tax Map 81, Parcel 0090, Tax ID# 18374358, Zoning Low Density Residential (R1), Size .92 Acres.

Applicant Nick Martinez presented his case of asking for a Limited Agricultural Activity. Stated that they keep the pens super clean and maintain them. They have had chickens in the past. Laura Martinez gave more details about the coop being 50 feet away from the property line and stated that they will clean it weekly.

Doris Blaze, 5809 Corporal Jones Ct., Frederick, MD 21702 spoke against the exception because they were originally only going to have 10 chickens instead of 12. When they purchased, they home they were told no livestock per the covenants. She is concerned about wildlife and the odor of the chickens. It is a nice residential neighborhood, and she would like to remain the same.

The board questioned about this being after the fact. Mr. Martinez stated that they didn't realize they could not have chickens and had already redone their shed to house the chickens. When they realized it wasn't allowed without being permitted they rebuilt the coop to meet all requirements and to file for the special exception.

Record closed.

Motion by Mr. Greenwell in case B273258 in keeping chickens on lots less than 3 acres to approve. Second by Mr. Lawton. Passed Unanimously.

<u>VOTE</u>	<u>3-0-0-2</u>
FOR:	3
AGAINST:	0
ABSTAIN:	0
ABSENT:	2

B273258 (B-22-20) Fingerboard Holding LLC

Requesting approval by the Board of Appeals to grant a variance in accordance with Section 1-19-4.220(c). Nonconforming Structures, to expand nonconforming portions of a nonconforming structure if no increase of the building footprint is proposed and the expansion does not extend farther into the required setback. Section 1-19-4.220(c) states that the Board of Appeals may grant a variance to expand a nonconforming portion of an existing nonconforming structure only if the proposed expansion does not:(1) Increase the original footprint of the nonconforming portion of the structure; (2) Extend farther into the required setback(s) than the existing nonconforming portion(s) of the nonconforming structure; or (3) Include the construction of a nonconforming porch, enclosure of an existing nonconforming porch, or the addition of stories on top of a nonconforming porch.

The Property is described as, 9708 Thompson Road, Ijamsville, MD 21754 Tax Map 0096, Parcel 0136, Zoning, Agricultural (A), Size .98 Acres.

The applicant Rishi Barkataki stated that they have lived in the same neighborhood and in a historic home. They want to convert the historic building into a nicer one. They just want to improve the building without changing the footprint.

Motion by Mr. Lawton to approve the case B273258 that we approve the application as submitted since it is in conformance with all section 1-19-4.220(c) of the Zoning. Second Mr. Greenwell. Approved unanimously.

<u>VOTE</u>	<u>3-0-0-2</u>
FOR:	2
AGAINST:	0
ABSTAIN:	0
ABSENT:	2

B267835 (B-22-21) Coleman

Requesting a 36 ft. variance to a 40 ft. front building restriction line in order to construct a garage, in accordance with Section 1-19-3.220 Variances and Section 1-19-6.100 Design Requirements of the Frederick County Zoning Ordinance. If approved, the variance would create a 4 ft. front building restriction line.

The Property is described as 11713 Bunker Hill Ct. Union Bridge, Md 21791 Tax Map 0035, Parcel 0171, Zoning, Agricultural (A), Size 1.23 Acres.

Applicant Kirk Coleman stated that he built the building with no permit. If he brings the building forward the building will be on top of the septic tank. Stated that he tried to contact the County right when COVID hit. He knows he can't have the access at the bottom of the yard and has had it all surveyed.

Motion by Mr. Lawson that Case B267835 does not meet the requirement of Section 1-19-3.220 and 1-19-6.100. No second. Motion fails.

Motion by Mr. Greenwell in Case B267835 Mr. Coleman requesting a 4-foot variance to build a garage in accordance Section 1-19-3.220 to approve the case with the knowledge that Mr. Coleman knows that the Lackey Road access is denied access. Second by Mr. Brown. Mr. Greenwell and Mr. Brown were in favor. Mr. Lawton was a Nay.

<u>VOTE</u>	<u>2-1-0-2</u>
FOR:	2
AGAINST:	1
ABSTAIN:	0
ABSENT:	2

B269034 (B-22-22) Glyseen

Requesting approval of a Special Exception to permit an Accessory Dwelling Unit (ADU) Greater than 1,000 sq. ft. in accordance with Section 1-19-3.210 and Section 1-19-8.321 of the Frederick County Code. The ADU is 1,089 sq. ft.

Property is described as 7127 Autumn Leaf Lane, Frederick MD 21702, Tax Map 57, Parcel 0268, Tax ID 21410675, Zoned Residential (R3), Size 1.45 Acres.

The applicant Eric Glyseen and Kam Hover with Colonial Renovations were present. Mr. Glyseen stated that the special exception they are requesting is approval for the secondary structure on the property with a bathroom. They had an amendment filed for the covenant. They are trying to make the situation right. Mr. Hover stated that Mr. Glyseen wishes to turn the structure into a legal building.

Motion by Mr. Lawton in case B269034 move that they approve the application for an accessory dwelling unit greater than 1000 sq. ft. that meets the requirements of Section 1-19-3.210 and Section 1-19-8.321. Seconded by Mr. Greenwell. Passed Unanimously.

<u>VOTE</u>	<u>3-0-0-2</u>
FOR:	3
AGAINST:	0
ABSTAIN:	0
ABSENT:	2

Adjournment

There being no additional business before the Board, the meeting was adjourned by Vice Chairman Brown at 7:53 pm.

Respectfully Submitted
Mary Dolan, Administrative Specialist II