

## Frederick County Board of Appeals

### Meeting Minutes

July 25, 2019

Mr. John Greenwell, Chairman, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, July 25, 2019 ("Hearing") at 7:00 p.m. in the 1st. Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members Mr. Don Miller, Mr. Andrew Brown, Mr. Ken Farrell and Mr. Rob Neale. Also, present were, Ms. Kathy Mitchell, Assistant County Attorney, and for the Division of Planning and Permitting, ("Staff"), Mr. Tolson DeSa, Zoning Administrator and Mr. Michael Paone, Zoning Planner I.

Official Minutes of the Board of Appeals' meetings are kept on file in the Community Development Division.

### Introductions

The Chair welcomed the audience to the hearing and requested that all cell phones and other electronic devices be turned off.

### Rules and Procedures

The Chair stated the rules and procedures for the hearing and swore in all persons who expected to testify or cross-examine at the hearing.

### Approval of Minutes

On a motion by Mr. Neale, and a second by Mr. Miller, The Board approved the minutes of the June 27th meeting by a vote of 5-0.

### Case

#### **B-19-21      Linda and Daniel Patton**

Linda and Daniel Patton are requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential District. The Property is identified as 9229 Oak Tree Circle, Frederick MD 21701, Tax Map 50, Parcel 0154, Tax ID# 08216487, and is zoned Low Density Residential (R1).

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.325 Limited Agricultural Activity in the Residential Districts
- 1-19-11.100 Definitions

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Page 1 of 3

July 25, 2019  
(Continued)

Mr. Paone read the staff report and Mr. DeSa noted no agency comments. Ms. Patten presented her case. Three (3) persons spoke in opposition to the Application and no one spoke in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception did meet the requirements of the Zoning Ordinance and on a motion by Mr. Neale, seconded by Mr. Miller, the Board voted 3-2 approve the Applicant's request. Mr. Farrell and Mr. Brown voted against the Case.

**B-19-22      Jeffrey Cosgrove and Barbara Meely**

Jeffrey Cosgrove and Barbara Meely are requesting approval of a Special Exception to permit an Accessory Dwelling Unit Greater than 800sq.ft. The Property is identified as 3706 Petersville Road, Knoxville MD 21758, Tax Map 0092, Parcel 0015, Tax ID# 12-589671 and is zoned Low Density Residential (R1)

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.321 Accessory apartments greater than 800 square feet to be located in an accessory structure

Mr. Paone read the staff report and Mr. DeSa noted no agency comments. Mr. Cosgrove presented his case. No one spoke in opposition or in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Variances did meet the requirements of the Zoning Ordinance Sections and on a motion by Mr. Miller and seconded by Mr. Farrell, the Board voted 4-0 approve the Applicant's request. Mr. Neal abstained.

**B-19-23      Teresa Tippett and Denise Demosky**

Teresa Tippett and Denise Demosky are requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential District. The Property is identified as 5806 Catocin Vista Dr., Mt. Airy MD 21771, Tax Map 80, Parcel 0106, Tax ID# 09-236120, and is zoned Low Density Residential (R1).

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.325 Limited Agricultural Activity in the Residential Districts
- 1-19-11.100 Definitions

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July 25, 2019  
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Mr. Paone read the staff report and Mr. DeSa noted no agency comments. Ms. Tippet presented her case. No one spoke in opposition and one person spoke in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception did meet the requirements of the Zoning Ordinance and on a motion by Mr. Neale, seconded by Mr. Miller, the Board voted 3-2 approve the Applicant's request. Mr. Farrell and Mr. Brown voted against the Case.

**B-19-24      Anthony R and Jessica A Taylor**

Anthony R. and Jessica A. Taylor are requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential District. The Property is identified as 11978 Arlington Mill Road, Union Bridge MD 21791, Tax Map 60, Parcel 0088, Tax ID# 213410, and is zoned Low Density Residential (R1)

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.325 Limited Agricultural Activity in the Residential Districts
- 1-19-11.100 Definitions

Mr. Paone read the staff report and Mr. DeSa noted no agency comments. Ms. Taylor presented her case. No one spoke in opposition and one person spoke in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception did meet the requirements of the Zoning Ordinance and on a motion by Mr. Farrell, seconded by Mr. Neale, the Board voted 4-1 approve the Applicant's request. Mr. Brown voted against the Case.

The meeting adjourned at 8:10 PM.



Respectfully submitted,  
Donald L. Miller, Secretary

