

Frederick County Board of Appeals

Meeting Minutes

June 27, 2019

Mr. John Greenwell, Chairman, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, June 27, 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. William Morrow and Mr. Rob Neale. Also, present were, Mr. John S. Mathias, 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.

Approval of Minutes

On a motion by Mr. Neale, and a second by Mr. Miller, The Board approved the minutes of the April 25th meeting by a vote of 5-0.

Site Visits

All Board members present indicated that they had visited the sites for the Cases before them.

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.

Case

B-19-18 Carl L. Miller

Carl L. Miller is requesting an Appeal of Administrative decision of a "Lot of Record" determination per a letter from Michael Wilkins, Director of Frederick County's Department of Development Review, dated February 15, 2019. The Property is described as Tax Mao 69, Parcel 06, Tax ID# 13-300917 as is zoned Agricultural (AG).

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The Applicable Zoning Ordinances are:

- 1-19-2.140 Questions of Interpretation and Enforcement
- 1-19-2.150 Board of Appeals

The owner asked the Board for a continuance of the Case. On motion by Mr. Miller, seconded by Mr. Neale, the Board voted 5-0 to continue the Case to the July hearing.

B-19-19 Todd M.E. Adkins and Tom M. Adkins

Todd M.E. Adkins and Todd M. Adkins are requesting a variance of 12 feet on the left side and 14 feet on the right side of the proposed home location, from the required 50-foot side yard setbacks to allow placement of the newer and 20 ft. longer mobile home. The Property is located at 6016 Mountain dale Road, Thurmont MD, 21788. Tax Map 0039, Parcel 0078, Tax ID# 20-402075 as is zoned Resource Conservation (RC).

The Applicable Zoning Ordinances are:

- 1-19-3.220 Variances
- 1-19-8.325 Design Requirements

Mr. Paone read the staff report and Mr. DeSa noted no agency comments. Mr. Adkins 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. Neale, amended and seconded by Mr. Miller, the Board voted 5-0 approve the Applicant's request.

B-19-20 Norman D. Fekrat

Norman D. Fekrat, as represented by Mr. Dustin Lavelle, Lavelle & Associates, Inc., is requesting Variances of 15 feet from the 25 ft. front yard setback in order to construct a single-family dwelling. The property is located at 6424 Lakeridge Drive, New Market, MD, 21774, Tax Map 0079, Parcel 0185, Tax ID#27-510418, and is zoned Planned Unit Development (PUD)

The Applicable Zoning Ordinances are:

- 1-19-3.220 Variances
- 1-19-6.100 Design Requirements

Mr. Paone read the staff report and Mr. DeSa noted no agency comments. Mr. Lavelle presented his client's case. Two 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 Variance did not meet the requirements of the Zoning Ordinance Sections 1-19-3.220 and 1-19-6.100 by a vote of 3 to 2.

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B-19-13 Double M, LLC

Double M, LLC, as represented by Mr. Paul Flynn, Esq. of Flynn & Clarke is requesting an Appeal of the January 9, 2019 Frederick County Planning Commission Decision to not approve Site Plan SP 16-04A. The property identified as Buckeystown Pike, Tax Map 95, Parcel 88, Tax ID# 01000128 and is zoned Mineral Mining (MM)/Agricultural (A)

The Applicable Zoning Ordinance is:

- 1-19-3.230 Appeals

Mr. Greenwell recused himself and Mr. Miller took over as Chairman. Mr. Paone read the staff report and Mr. Tim Goodfellow presented the County' staff report with assistance from Ms. Kathy Mitchell. Mr. Flynn presented his client's case. Over thirty (30) people 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 Appeal did not meet the requirements of the Zoning Ordinance Sections 1-19-3.230 by a tie vote of 2 to 2. A tie vote constitutes a denial.

The meeting adjourned at 11:40 PM.



Respectfully submitted,
Donald L. Miller, Secretary

