

Frederick County Board of Zoning Appeals

Meeting Minutes September 22, 2022

Chairman Andrew Brown called to order the regular hearing of the Frederick County Board of Zoning Appeals on Thursday, September 22, 2022, at 7:00 pm. This was a public meeting using WebEx and Public input via telephone. Board members present: Mr. Shannon Bohrer, Mr. Dan Lawton, Mr. John Greenwell and Mr. Gerald Ziembra.

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

The Chair announced the rules and procedures of the meeting and swore in all present who were to testify.

First item of business was the minutes, for the June, July, and August meetings.

First item of business was the approval of the June 2022, July 2022, and August 2022 Minutes. Mr. Lawton had some minor revisions to the June, July and August minutes. Motion by Mr. Bohrer to approve the minutes as corrected. Mr. Ziembra seconded the motion. Approved unanimously 3-0-0-2.

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

B-22-26 (B273278)

Requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential Districts in accordance with Section 1-19-3.210, Section 1-19-8.325 and Section 1-19-11.100 of the Frederick County Code to allow up to 20 chickens, with no roosters, on a residentially zoned property containing .92 acres.

Ms. Maria Alvarez stated her name and address for the BOA and had no comment since Mr. Paone had presented her case which she agreed with.

There was one public caller, who had no complaints and was in complete support of the applicant.

There was one change to the Special Exception – the address was changed to Opossumtown Pike from Opossumtown Road. Record closed.

Motion by Mr. Ziembra to approve. Seconded by Mr. Lawton. Voted on and passed unanimously.

<u>VOTE</u>	5-0-0-0
FOR:	5
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

B-22-27 (B273402)

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, 4 chickens, 2 turkeys, 4 ducks, 2 pygmy goats and 1 potbelly pig as family pets on a residentially zoned property.

Michael Vallarino and Kristen Shu stated their names and full address. The voiced that they wanted to have 2 Turkeys, 4 ducks and 4 chickens. They were not going to have pygmy goats or a potbelly pig. Mr. Greenwell asked if they had spoken with neighbors. Ms. Shu stated that she had spoken with all of her neighbors.

Mr. Lawton asked staff and council about whether they are just approving specific animals. Mr. Paone noted that it is important that the applicant have the numbers of animals they are requesting. Council Mr. Sinton commented that it is important to have the up to numbers. The board questioned Council as to whether the applicants could change the number of animals at the hearing. Council Mr. Sinton stated that they would not be allowed to do that without public notice since the current numbers have already been published. If the applicants wish to change the numbers, they will have to go through the Special Exception process again.

Record closed.

Motion by Mr. Greenwell to approve the request for a Special Exception for a Limited Agricultural Activity in the Residential District in accordance with Section 1-19-3.210 and Section 1-19-8.325 of the Frederick County Zoning Ordinance to allow up to 4 chickens, 2 turkeys and 4 ducks. Seconded by Mr. Ziembra. Voted on and passed unanimously.

<u>VOTE</u>	5-0-0-0
FOR:	5
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

B-22-28 (B273544)

Requesting a 17 ft. variance from the required 25 ft.

Front Building Restriction Line along Pinehurst Drive, in order to construct an in ground pool, in accordance with Section 1-19-3.220 Variances, Section 1-19-6.100 Design Standards, and Requirements of the Frederick County Zoning Ordinance. If approved, the variance would create an 8 ft. front building restriction line along Pinehurst Drive. This is a "Through Lot" with two front Building Restriction Lines (Lakeview Ct & Pinehurst Dr).

Mr. Paone stated that the applicants were not present and had asked for their case to be deferred. (Continued)

Motion by Mr. Lawton to continue B-22-28 also known as (B273544) until the October hearing. Seconded by Mr. Ziembra. Voted on and passed unanimously.

<u>VOTE</u>	5-0-0-0
FOR:	5
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

Chairman Brown asked if there was any other business to discuss. Mr. Ziembra asked about the November hearing date since the fourth Thursday would be Thanksgiving. The meeting will be on November 17th. Council Tom Sinton asked whether case B-22-28 would be heard at the October or November hearing. Chairman Brown stated that it would be heard at the October hearing.

Adjournment

There being no additional business before the Board, the meeting was adjourned by Chairman Brown at 7:16 pm.

Respectfully Submitted
Mary Dolan, Administrative Specialist II