

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, October 25, 2007**

Billy Shreve, Chairman, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday October 25, 2007, at **7:00 p.m.** Present were, Robert Lawrence, Lara Roholt Westdorp, Ronald Peppe, Sr., and John Clapp. Also present were Wendy Kearney, Deputy County Attorney, and Planning Division staff Larry Smith, Zoning Administrator, Rick Brace, Principal Planner II, and Erica Cooke, Recording Secretary. Bernard Bordenick, Vice Chairman, was absent. Mr. Clapp sat on the Board in place of Mr. Bordenick.

*Official Minutes of the Board of Appeals' meetings are kept on file in the Planning Division.*

Mr. Shreve stated the rules and procedures for the evening.

### **Approval of Minutes**

The Board unanimously approved the Thursday, September 27, 2007 minutes as written, on a motion from Ms. Westdorp, seconded by Mr. Lawrence.

### **Approval of 2008 Schedule**

The Board unanimously approved the 2008 Hearing Dates and Deadline Schedule as presented, on a motion from Mr. Clapp, seconded by Ms. Westdorp.

### **CASES**

Mr. Shreve swore in all persons who expected to testify at the meeting.

#### **Case B-07-26      Carole Sepe**

An application was filed claiming Administrative Error in Zoning Administrator's oral decision and Planning Commission conditional approval of Clark Welding site plan [SP-97-11-12; action taken July 11, 2007] in that the industrial activities performed by applicant are not permitted in General Commercial zoning, located on the north side of Roundtree Road, opposite Lewis Mill Court, (Tax Map 84, Parcel 192, Lot 2), zoned General Commercial.

*Mr. Shreve announced a break at 9:00 p.m. The meeting resumed at 9:15 p.m.*

The Board determined the principle use of the Clark Welding and Fabrication is fabrication and manufacturing, which is prohibited in the General Commercial zoning district, that the decision of the Zoning Administrator that Clark Welding's primary use is welding was in error in the site plan decision of SP-97-11-12, and ruled in favor of the Applicant on a motion from Ms. Westdorp, seconded by Mr. Lawrence – Yeas 4, Nays 1 (Shreve).

#### **Case B-07-29      Carole Sepe**

An application was filed claiming Administrative Error in the Zoning Administrator's letter of interpretation dated July 25, 2007 indicating that the activities performed by Clark

Welding are permitted in General Commercial zoning, located on the north side of Roundtree Road, opposite Lewis Mill Court, (Tax Map 84, Parcel 192, Lot 2), zoned General Commercial.

The Board determined that the Zoning Administrator's letter of interpretation was in error and ruled in favor of the Applicant on a motion from Ms. Westdorp, seconded by Mr. Peppe, Sr. – Yeas 4, Nays 1 (Shreve).

### **ADJOURN**

The meeting was adjourned at 11:00 p.m. to be continued on Monday, October 29, 2007 at 7:00 p.m.

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR MONDAY, October 29, 2007**

Billy Shreve, Chairman, called to order a meeting of the Frederick County Board of Appeals ("Board") for Monday October 29, 2007, at 7:00 p.m. Present were, Bernard Bordenick, Robert Lawrence, Lara Roholt Westdorp, Ron Peppe, Sr., and John Clapp. Also present were Michael Chomel, Senior Assistant County Attorney, and Planning Division staff Larry Smith, Zoning Administrator, Rick Brace, Principal Planner II, and Erica Cooke, Recording Secretary.

Mr. Shreve stated the rules and procedures for the evening.

Mr. Shreve announced that Mr. Clapp would be sitting in for Mr. Bordenick on Case B-07-24.

### **CASES**

Mr. Shreve swore in all persons who expected to testify at the meeting.

#### **Case B-07-24      Carole Sepe**

An application was filed claiming Administrative Error in the Zoning Administrator's oral decision and the Planning Commission conditional approval of Clark Welding site plan [SP-97-11-12; action taken on July 11, 2007] as fabrication is not a permitted use in general commercial zoning district, located on the north side of Roundtree Road, opposite Lewis Mill Court, (Tax Map 84, Parcel 192, Lot 2), zoned General Commercial.

The Board determined as outlined in the letter from the Division of Permitting and Development Review dated October 24, 2006 that the Planning Commission was not in error in approving the site plan and denied the Applicant's request on a motion from Mr. Clapp, seconded by Mr. Lawrence – Yeas 4, Nays 1 (Westdorp).

*Mr. Clapp stepped down and Mr. Bordenick returned to the dais.*

The Chairman called case B-07-30. When no one appeared to represent the case, the Chairman moved the case to the end of the evening.

**Case B-07-31      Thomas Pellegrino**

An application was filed requesting an 8 foot variance from the required 25 foot rear yard setback for an addition, located on the north side of the terminus of High Beach Court (Tax Map 79, Parcel 223, Lot 681), zoned Planned Unit Development (PUD).

The Board unanimously approved the request subject to all testimony and exhibits on a motion from Mr. Bordenick, seconded by Mr. Peppe, Sr.

**Case B-07-32      Christopher Sappe**

An application was filed requesting a special exception to establish an accessory apartment, located on the south side of Dr. Perry Road, approx. ¼ mile west of Fire Tower Road (Tax Map 105, Parcel 114), zoned Agricultural.

The Board unanimously approved the request subject to all agency comments, the staff report, and written and oral testimony on a motion from Mr. Lawrence, seconded by Mr. Bordenick.

**Case B-07-30      Allegheny Power**

An application was filed requesting a special exception to expand an existing building [16' x 28'] with an addition [16' x 12'] in an existing nongovernmental utility facility, located on the north side of Jefferson Pike (MD Route 180) at its intersection with I-70 (Tax Map 76, Parcel 465), zoned R-3.

Since no one appeared to represent the Applicant at the hearing, the Board unanimously agreed to continue the case to the November 15, 2007 hearing on a motion from Ms. Westdorp, seconded by Mr. Lawrence.

The Board requested Staff contact the Applicant.

**ADJOURN**

Being no further business, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Erica Cooke  
Recording Secretary

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Mr. Billy Shreve, Chairman