

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, December 13, 2007

Billy Shreve, Chairman, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday December 13, 2007, at 7:00 p.m. Present were Bernard Bordenick, Robert Lawrence, Lara Roholt Westdorp, and Ron Peppe, Sr. 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.

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, November 15, 2007 minutes as written, on a motion from Ms. Westdorp, seconded by Mr. Bordenick.

CASES

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

Case B-07-24 Carole Sepe

A request for Reconsideration was filed regarding the Board's October 2007 determination that the Planning Commission did not error in providing conditional approval of Clark Welding site plan [SP-97-11-12; action taken on July 11, 2007] located on the north side of Roundtree Road, opposite Lewis Mill Court, (Tax Map 84, Parcel 192, Lot 2), zoned General Commercial.

The Board denied the request on a motion from Ms. Westdorp, seconded by Mr. Lawrence. Mr. Bordenick stated that he would not be voting since he did not hear the case in October. Yeas – 4, Nays – 0, Abstain – 1 (Bordenick)

B-07-34 Thomas and Donna Janc

An application was filed requesting a special exception to Expand a Legal Non-Conforming Structure, located on the east side of Old Frederick Road, ¼ mile north of Mud College Road (Tax Map 20, Parcel 50), zoned Agricultural.

The Board unanimously denied the request due to failing to meet regulation sections 1-19-48 (b)(1), 1-19-48 (b)(2), and 1-19-118 (a)(1) on a motion from Mr. Lawrence, seconded by Ms. Westdorp.

B-07-35 Jeremy and Jeanette Mathias

An application was filed requesting a special exception to establish an accessory apartment, located on the south side of Fingerboard Road (MD Route 80), 300 feet east of Maryland Manor Drive (Tax Map 98, Parcel 270, Lot 3), zoned R-1 Residential.

The Board unanimously approved the request on a motion from Ms. Westdorp, seconded by Mr. Bordenick.

B-07-36 Rick Houck c/o Seymour Stern, Esq.

An application was filed claiming Administrative Error in Zoning Administrator's determination on Permit #58631, located on the north side of Opossumtown Pike 1, 000 feet south of Sunday's Lane (Tax Map 48, Parcel 19), zoned Agricultural.

The Board moved to grant the Applicants request for a three month continuance, allowing the Applicant to return sooner if they are prepared to do so, on a motion from Ms. Westdorp, seconded by Mr. Bordenick; Yeas – 4, Nays – 1 (Peppe Sr.)

B-07-37 Michael Page

An application was filed requesting a variance of 3 feet from the 6 foot required separation between buildings in order to retain a 19th century smokehouse, located on the south side of Arnolstown Road, 200 feet west of Mountain Church Road (Tax Map 74, Parcel 132), zoned Resource Conservation.

The Board unanimously approved the request based on all testimony and concurrence that the applicant met the requirements of 1-19-47(c) and 1-19-197 on a motion from Mr. Peppe Sr., seconded by Mr. Lawrence.

Discussion

The Board was advised of a withdrawal in the case of B-07-01 –Mary Anne Grossnickle, an appeal of Administrative Error in the determination regarding lots of record from the Division of Permitting and Development Review, as per letter dated December 4, 2006 (Oakland Mills, Section 2, Lots A-D, File # M-2561)

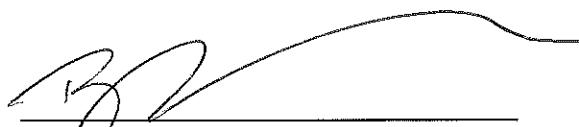
The Board was advised of an order of abatement granted by the Court in the case of B-05-41 –Kimberly McMillan-Stakes, special exception request to establish a kennel (animal rescue) for cats.

ADJOURN

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Erica Cooke
Recording Secretary



Mr. Billy Shreve, Chairman