

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, January 24, 2008

Billy Shreve, Chairman, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday January 24, 2008, at 7:00 p.m. Present were Bernard Bordenick, Robert Lawrence, Lara Roholt Westdorp, and Ronald 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, December 13, 2007 minutes as written, on a motion from Mr. Bordenick, seconded by Ms. Westdorp.

CASES

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

B-07-34 Thomas and Donna Janc

A request for Reconsideration was filed regarding the Board's December 2007 determination denying 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 agreed to hear the request for Reconsideration at the March 27, 2008 hearing on a motion from Mr. Bordenick, seconded by Mr. Peppe Sr.; Yeas-3, Nays-2 (Lawrence, Westdorp).

B-07-38 Hope Hill UM Church c/o Pastor Erma A. Dyson

An application was filed requesting a 42 foot variance from the 50 foot required side yard setback on a lot of record to erect an addition to the existing church [previously approved B-05-09], located on the south side of Fingerboard Road [Route 80], approximately 700 feet east of Baker Valley Road (Tax Map 95, Parcel 179) Zoned Agricultural

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

B-07-39 Catoctin Creek Joint Venture c/o William H. Bohn

An application was filed requesting a special exception to continue a previously approved accessory apartment [B-96-48], located on the south side of Brethren Church Rd. approximately 2,400 feet east of Main Street in Myersville (Tax Map 46, Parcel 456, Lot 1) Zoned R-3 Residential

The Board granted the request to continue the accessory apartment and that the applicant be bound to all testimony, exhibits and agency comments on a motion from Mr. Bordenick, seconded by Mr. Lawrence; Yeas – 4, Nays – 1 (Peppe Sr.).

Discussion

There was discussion among the Board regarding changes to the Bylaws. Mr. Shreve suggested changing the approval time period of applications from 2 years to 3 years.

Staff stated the criteria are not outlined in the Board of Appeals Bylaws but rather in Section 1-19-46 (J) of the Zoning Ordinance.

Mr. Shreve requested that his suggestion be noted and considered for the upcoming Zoning Ordinance rewrite.

ADJOURN

Being no further business, the meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Erica Cooke
Recording Secretary

Mr. Billy Shreve, Chairman