

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, March 27, 2008 and MONDAY, March 31, 2008

Billy Shreve, Chairman, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday March 27, 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, Craig Terry, 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, February 28, 2008 minutes as written, on a motion from Mr. Peppe Sr., seconded by Ms. Westdorp.

CASES

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

Case B-08-06 Target Corporation c/o VHB, Inc.

An Application was filed requesting a 30' variance from the 30' required side yard to retain existing building, located on the south side of Genstar Dr. approximately 1,000 feet east of MD Route 355 at Riverside Plaza Shopping Center (Tax Maps 77 and 86, Parcel 101 and part of 60), Zoned General Commercial.

The Board ruled to continue this case for 30 days, until the April 24, 2008 hearing in order for the applicant to comply with the property posting requirements on a motion from Mr. Lawrence, seconded by Mr. Bordenick. Yeas - 3, Nays - 2 (Westdorp, Peppe, Sr.)

Case B-07-34 Thomas and Donna Janc

An application was filed requesting reconsideration of 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 the application failing to meet regulation sections 1-19-119(B)(2) and 1-19-48 on a motion from Mr. Lawrence, seconded by Mr. Peppe, Sr.

Case B-08-02 Tom's Creek UM Church c/o Pastor Judith L. Kelly

An application was filed requesting a building setback variance of: 26' from the 40' required front yard along Simmons Road; 31' from the 50' required side yard (north side) and 36' from the 50' required side year (east side) and parking space set back variances of 19' from the 40' required front setback along the Simmons Road and 12' from the 40' required front set back along Tom's Creek Road and 4' from the 25' side setback along

the north property line, located on the northeast corner of the intersection of Tom's Creek Road and Simmons Road (Tax Map 15, Parcels 47 and 48), Zoned Agricultural.

The Applicant withdrew the request of a variance for a small addition to the front right corner of the sanctuary.

The Board approved the parking request and the building variance requests on the revised drawing, with the exception of the variance on the southeast side of the sanctuary on Simmons Road, on a motion from Mr. Lawrence, seconded by Mr. Peppe Sr. Yeas - 4, Nays - 1 (Westdorp).

Mr. Shreve announced a break at 8:48 p.m. The meeting resumed at 9:05 p.m.

Case B-08-03 Arnoldstown Road Property Owners c/o Harry DeMoll, Esq.

An application was filed claiming Administrative Error in the Planning Commission conditional approval dated January 9, 2008 of Carriage Hill Lot 7a – 7c, File S-591 (AP#6629), located on the south side of Arnoldstown Road, approximately 2,600 feet east of Mountain Church Road (Tax Map 74, Parcel 210), Zoned Agricultural.

Ms. Westdorp made a motion to remand the decision back to the Planning Commission. The motion failed for lack of a second.

The Board denied the applicants' request and moved that the decision of the Planning Commission be affirmed, on a motion from Mr. Bordenick, seconded by Mr. Lawrence. Yeas - 4, Nays - 1 (Westdorp).

COMMENTS

Mr. Shreve announced the remaining two cases on the agenda, B-08-04 and B-08-05, would be heard on Monday, March 31, 2008 at 7:00 p.m.

ADJOURN

The meeting was adjourned at 10:51 p.m., to be continued on Monday March 31, 2008.

MONDAY, March 31, 2008

Billy Shreve, Chairman, called to order a meeting of the Frederick County Board of Appeals ("Board") for Monday March 31, 2008, at 7:00 p.m. Present were, Bernard Bordenick, Robert Lawrence, and Lara Roholt Westdorp. Also present were Michael Chomel, Senior Assistant County Attorney, and Planning Division staff Larry Smith, Zoning Administrator and Craig Terry, Planner II.

CASES

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

Case B-08-04 Richard Ratcliff

An application was filed requesting a special exception to establish an accessory apartment, located on the west side of Edgewood Church Road, 200 feet north of Shookstown Road (Tax Map 66, Parcel 784), Zoned R-1 Residential.

The Board unanimously agreed to continue this case until such time that the applicant could meet the criteria established in section 1-19-405 and 1-19-48, on a motion from Mr. Lawrence, seconded by Ms. Westdorp.

Case B-08-05 Thomas R. Croker

An application was filed requesting a special exception to establish an accessory apartment, located on the west side of Penn Shop Road, approximately 700 feet south of Langdon Dr. (Tax Map 99, Parcel 11), Zoned R-1 Residential.

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

DISCUSSION

The Board opened the meeting to discuss sections of the Zoning Ordinance that may benefit from text amendment changes.

Possible relief under section 1-19-118 Non-Conforming Structures was discussed. The need for clarifying language in section 1-19-119 Non-Conforming Uses was also raised. The Board raised concerns about continuing to include animal rescue in the section on Kennels. Mr. Smith again offered share staff recommendations for changes in the Kennel definition to address this concern. The staff recommendations are part of a package that will be presented to the Board of County Commissioners at their April 12, 2008 Work Session on Agricultural and Resource Conservation zoned sections of the Ordinance. Finally, the Board recommended moving Accessory Apartment requests to section 1-19-213. Staff agreed to review this recommendation as a viable option.

ADJOURN

Being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Erica Cooke
Recording Secretary

Mr. Billy Shreve, Chairman