

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, SEPTEMBER 25, 2008.

Lara Roholt Westdorp, Vice Chairman, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday, September 25, 2008, at 7:00 p.m. Present were Ronald Peppe, Sr., John Clapp, and Sean Michalski. 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.

Ms. Roholt Westdorp stated the rules and procedures for the evening.

Approval of Minutes

The Board unanimously approved the Thursday, August 28, 2008 minutes as written, on a motion from Mr. Clapp seconded by Mr. Peppe Sr.

Cases

Ms. Roholt Westdorp swore in all persons who expected to testify at the meeting.

B-08-14 Jeffery Harold

An application was filed requesting reconsideration of a 43 ft. variance from the 75 ft. required setback from the centerline of the road, located on the southwest corner of the intersection of Scravel Rd. and Easterday Rd. (Tax Map 37, Parcel 150), Zoned Resource Conservation. The Applicant requested a one-month continuance. On a motion from Mr. Clapp, seconded by Mr. Michalski the Board unanimously approved the continuance to the October 23, 2008 hearing.

B-08-15 Robert Glickman

An application was filed requesting a special exception to establish an accessory apartment, located on the south side of Reich's Ford Road, ½ mile east of Hines Road, (Tax Map 87, Parcel 242, Lot 3A1), Zoned Agricultural. The Applicant requested a one-month continuance. On a motion from Mr. Michalski, seconded by Mr. Peppe Sr., the Board unanimously approved the continuance to the October 23, 2008 hearing.

B-08-16 Libertytown Volunteer Fire Dept. Inc.

An application was filed requesting requested a 7 ft. variance from the required 50 ft. rear yard setback in order to construct a proposed addition (fire hall), located on the south side of South Street, approximately 600 ft. east of the intersection of South Street and Mill Street (Tax Map 51, Parcel 44), zoned Residential (R-3).

The Board heard the Applicants' case and testimony. Prior to the Board's decision, the Applicant requested a one-month continuance. On a motion from Mr. Peppe Sr., seconded by Mr. Michalski the Board approved the continuance to the October 23, 2008 hearing. (Yea -3; Nays-1 Clapp).

New Business

Ms. Roholt Westdorp announced that the position of Alternate member for the Board of Appeals is still open and reminded the audience that the Board of Appeals is staffed by volunteers. Residents of Frederick County who are registered to vote are eligible to apply. All those interested in serving on the Board of Appeals should contact Joyce Grossnickle in the County Manager's Office.

Staff announced the Board of County Commissioners (BoCC) would be hearing proposed changes to the Zoning Ordinance in regards to the Agriculture and Resource Conservation zoning areas including Section 1-19-47 on Tuesday September 30, 2008.

The Board discussed and unanimously agreed that Section 1-19-47 of the Zoning Ordinance should be changed from the standard of "unreasonable hardship" to that of "practical difficulty" in determining variances. Furthermore, the variance definition in section 1-19-4 should be consistent with the standard established in Section 1-19-47.

Mr. Smith requested the Board submit their comments and recommendations in writing to Staff.

Being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Erica Cooke
Recording Secretary

Lara Roholt Westdorp, Vice Chair