

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, NOVEMBER 20, 2008.**

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday November 20, 2008, at 7:00 p.m. Present were Ronald Peppe, Sr., John Clapp, and Chris Manners. 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. Westdorp stated the rules and procedures for the evening.

### **Approval of Minutes**

On a motion from Mr. Clapp, seconded by Mr. Peppe, Sr., the Board approved the minutes from October 23, 2008.      Yeas-3, Nays- 0, Abstain- 1 (Manners)

### **Board of Appeals Hearing Dates and Deadline Schedule for 2009**

The Board unanimously approved the Hearing Dates and Deadline Schedule for 2009 with corrections made as stated in a motion from Mr. Peppe, Sr., seconded by Mr. Clapp.

### **Cases**

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

#### **B-08-14      Jeffery Harold**

The application was continued from the October 23, 2008 hearing. The Applicant requested 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 Scavel Road and Easterday Road (Tax Map 37, Parcel 150), Zoned Resource Conservation.

On a motion from Ms. Westdorp, seconded by Mr. Clapp, the Board moved to grant the request for reconsideration and agreed to hear the case at the January 22, 2009 hearing. Yeas –3, Nays- 0, Abstain- 1 (Manners)

#### **B-08-15      Robert Glickman c/o Scott Miller, Esq.**

The application was continued from the October 23, 2008 hearing. Mr. Scott Miller, counsel for the Applicant, again requested an additional one-month continuance for special exception request 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.

On a motion from Mr. Peppe, Sr. seconded by Mr. Clapp, the Board unanimously approved the continuance to the December 18, 2008 hearing.

**B-08-18 Daybreak Community Church, Inc. c/o Scott Miller, Esq.**

The application was continued from the October 23, 2008 hearing. Mr. Scott Miller, counsel for the Applicant, requested an additional one-month continuance for special exception request to establish a place of worship and preschool, located on the south side of Md. Rt. 180, just east of the US 15/Route 340 interchange (Tax Map 85, Parcels 36 & 158), Zoned Resource Conservation.

On a motion from Mr. Peppe, Sr., seconded by Mr. Clapp, the Board unanimously approved the request for continuance to the December 18, 2008 hearing.

**Announcement**

Mr. Manners announced he would be recusing himself from the next case due to conflict of interest and left the hearing room.

**B-08-19 Robert and Tina Cardosi**

Request for special exception to establish an accessory apartment, located on the southeast side of Underwood Court, approx. 300' northeast of Underwood Lane (Tax Map 103, Parcel 158, Lot 25) Zoned R-1 Residential

Mr. Clapp, moved to approve the request, seconded by Mr. Peppe, Sr.

Staff requested the motion be amended to include verbiage to bind the applicant to all exhibits, testimony and agency comments.

Mr. Clapp agreed to amend the motion, seconded by Mr. Peppe, Sr. Yeas- 3, Nays – 0, Recusal-1 (Manners)

The amended motion passed. Yeas- 3, Nays- 0, Recusal- 1 (Manners)

Mr. Manners returned to the hearing room.

**Adjourn**

Being no further business, the meeting was adjourned at 7:44 p.m.

Respectfully Submitted,

Erica Cooke  
Recording Secretary

---

Lara Roholt Westdorp, Chair