

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, DECEMBER 18, 2008.

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday December 18, 2008, at 7:00 p.m. Present were Ronald Peppe, Sr., John Clapp, Sean Michalski and Alan Duke. 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.

Election of Officer- Vice Chair

Ms. Roholt Westdorp nominated Mr. Peppe, Sr., for the position of Vice Chair. The nomination was seconded by Mr. Clapp. Hearing no others, the call for nominations was closed. The Board unanimously voted to appoint Mr. Peppe, Sr. as Vice Chair.

Approval of Minutes

On a motion from Mr. Peppe, Sr. seconded by Mr. Clapp, the Board approved the minutes from November 20, 2008. Yeas-3, Nays- 0, Abstain- 2 (Duke, Michalski)

Cases

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

B-08-20 Robert & Barbara Craig c/o Leslie M. Powell, Attorney

An application was filed claiming Administrative Error in the Planning Commission's September 10, 2008 decision regarding the Craig's application (M-2856, AP# 7328) for a proposed subdivision, located on the north side of Delauter Road, approximately 2,200 ft. west of Gambrill Park Road (Tax Map 30, Grid 18, Parcel 218) Zoned Resource Conservation.

On a motion from Mr. Clapp, seconded by Mr. Michalski, the Board unanimously granted the applicant's request to continue the application to the February 26, 2009 hearing.

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

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 3 A-1), Zoned Agricultural. This application was continued from the November 20, 2008 hearing.

The Board requested explanation as to why no public notice posting was visible during the recent site visit performed on the property.

The Applicant stated the application, in fact, was originally filed in August, had been continued twice since and had been adequately posted since the original hearing date. The Applicant also stated that when informed of the sign not being present, they complied with Staff's request to pick up a new sign and repost.

On a motion from Mr. Michalski, seconded by Mr. Clapp, the Board unanimously agreed to hear the case.

On a motion from Mr. Clapp, second by Mr. Duke, The Board unanimously approved the request with the conditions that a partition be installed down the center of the accessory apartment to limit the size of the apartment to 600 square feet or less, that there be no access between the apartment and the area next to the apartment, and that the concerns of the Health Department be met, namely the comments related to the possible problem with the septic system.

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

An application was filed requesting a special exception request to establish a place of worship and preschool, located on the south side of MD Route 180, just east of the US 15/Route 340 interchange (Tax Map 85, Parcels 36 & 158), Zoned Resource Conservation. This application was continued from the November 20 hearing.

Mr. Peppe, Sr. made a motion, seconded by Mr. Clapp, to approve the application for the place of worship based on all testimony, exhibits and compliance with the requirements of Sections 19- 3.210 and 1-19-8.343.

Mr. Michalski proposed an amendment to the motion requesting to place a condition of a maximum occupancy of 700 seats for the church, seconded by Mr. Clapp. The Board unanimously agreed to include the amendment.

The Board unanimously approved the full motion as amended.

On a motion from Mr. Peppe, seconded by Mr. Duke, The Board unanimously moved to approve the application for the preschool facility to accommodate up to 200 students in a two-shift program, based on testimony, exhibits and compliance with Sections 1-19-8.341 and the applicable parking requirements, covering all phases.

Ms. Roholt Westdorp announced a Break 9:08 pm. The hearing resumed at 9:20 p.m.

B-08-21 Bruce Scheuttinger

An application was filed requesting to change a previously approved special exception (B-87-119), located north of North Alley, approximately 300 ft. east of MD Route 874, adjacent to the Town of New Market (Tax Map 801, Parcel 3841) Zoned R-1 Residential.

On a motion from Mr. Michalski, seconded by Mr. Peppe, Sr., the Board unanimously granted the request to remove the condition from previous case B-87-119 stipulating the special exception was conditioned for the applicant only and will now allow that approval to transfer with the property as is stated in current grants of special exception.

Adjourn

Being no further business, the meeting was adjourned at 9:34 p.m.

Respectfully Submitted,

Erica Cooke
Recording Secretary

Lara Roholt Westdorp, Chair