

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, JANUARY 22, 2009.**

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday January 22, 2009 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.

### **Approval of Minutes**

On a motion from Mr. Michalski, seconded by Mr. Duke, the Board unanimously approved the minutes from December 18, 2008.

### **Cases**

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

#### **B-08-09      Bryan Boswell**

An application was filed requesting a special exception to establish an accessory apartment, located on the north side of Ward Kline Road, ¼ mile east of Easterday Road, (Tax Map 38, Parcel 188), zoned Resource Conservation. This application was continued from the July 24, 2008 hearing.

The Applicant submitted a request to have the case dismissed without prejudice.

On a motion from Mr. Clapp, seconded by Mr. Peppe, Sr., the Board unanimously granted the applicant's request to dismiss case #B-08-09 without prejudice.

#### **B-08-14      Jeffery & Catherine Marie 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 Road and Easterday Road, (Tax Map 37, Parcel 150), zoned Resource Conservation. This application was continued from the November 20, 2008 hearing.

Mr. Clapp moved to grant the request with the condition that the accessory building be constructed by the applicant to the size and location as proposed and presented in his application, seconded by Mr. Michalski. – Yeas - 4, Nays – 1 (Peppe, Sr.)

An application was filed requesting a 21 ft. variance from the 30 ft. maximum height for a dwelling in order to retain a silo structure converted to an observatory, located on the south side of Oak Hill Road, ½ mile west of Clyde Young Road, (Tax Map 33, Parcel 194, Lot 2), zoned Agricultural.

*Ms. Roholt Westdorp announced at Break 8:55 pm. The hearing resumed at 9:09 p.m.*

On a motion from Mr. Clapp, seconded by Mr. Michalski, the Board unanimously moved to continue the application until the March 26, 2009 hearing, in order for Staff to reassess the determination and need for a variance.

**Other Business**

Ms. Roholt Westdorp commented on the current budget crisis' occurring at both the State and County Government levels and offered for discussion the option of the Board members foregoing their stipend. The Board deliberated on the issue.

On a motion from Mr. Clapp, seconded by Mr. Peppe, Sr., the Board unanimously voted to forgo each member's salary for the remainder of the County Fiscal Year 2009, starting with the January 2009 stipend, in an effort to help ease the County's financial burden.

**Adjourn**

Being no further business, the meeting was adjourned at 9:21 p.m.

Respectfully Submitted,

Erica Cooke  
Recording Secretary

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Lara Roholt Westdorp, Chair