

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, FEBRUARY 26, 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. Peppe, Sr., seconded by Mr. Clapp, the Board unanimously approved the minutes from January 22, 2009.

Cases

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

B-08-20 Robert & Barbara Craig c/o Leslie A. Powell, Atty.

An application was filed claiming Administrative Error in the Planning Commission's September 10, 2009 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 its intersection with Gambrill Park Road (Tax Map 30, Parcel 215), zoned Resource Conservation. This application was continued from the December 18, 2008 hearing.

Ms. Roholt Westdorp announced a break at 9:04 p.m. The hearing resumed at 9:15 p.m.

Mr. Clapp made a motion ruling that the Planning Commission made an error in denying the application and in its determination that Section 1-19-236(K) was applicable to this property, seconded by Mr. Michalski. The motion failed. (Yeas 2, Nays 3 - Westdorp, Peppe Sr., Duke)

On a motion from Mr. Duke and seconded by Mr. Peppe, Sr., the Board affirmed the decision of the Planning Commission based on the fact that it is a cul-de-sac as defined in the Ordinance, that low density development is applicable to this subdivision, and that Division 2 of the Subdivision Regulations does apply. (Yeas 3, Nays 2- Michalski, Clapp)

B-09-01 Anna Prayer Counseling, Inc. c/o Lavelle & Associates

An application was filed requesting a special exception to expand a previously approved religious camp/retreat center (construction of 1,136 sq. ft. addition and

12,565 sq. ft. new building), located on the south side of Peters Road, 1,550 ft. west of Roderick Road (Tax Map 104, Parcel 29), zoned Resource Conservation.

On a motion from Mr. Michalski, seconded by Mr. Peppe, Sr., the Board unanimously granted the application on the basis of the applicant's testimony, prepared materials and evidence in the record.

**B-09-02 Carl L. & Richard P. Zimmerman d/b/a Frederick Pool & Spa
c/o Andrew DiPasquale , Esq.**

An application was filed requesting a 51 ft. variance from the required 100 ft. width and 3 ft. from the required 8 ft. side yard setback in order to construct a storage addition to an existing garage, located on the west side of MD Route 355, approximately 600 ft. north of Grove Road (Tax Map 77, Parcel 70), zoned General Commercial.

Mr. Clapp made a motion denying the request based on the applicant's lack of evidence to support uniqueness and failure to show unreasonable hardship, and included the provision that the denial of the request is with regard to the variance request of 3 ft. from the required 8 ft. side yard setback and that the Board is not making a determination with regard to the request for the 51 ft. variance in light of Staff's representations, seconded by Mr. Michalski. (Yeas 4, Nays 1 –Peppe, Sr.)

Adjourn

Being no further business, the meeting was adjourned at 10:58 p.m.

Respectfully Submitted,

Erica Cooke
Recording Secretary

Lara Roholt Westdorp, Chair