

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, MARCH 26, 2009.**

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday, March 26, 2009 at 7:00 p.m. Present were John Clapp, Sean Michalski, Alan Duke, and Christopher 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. Roholt Westdorp stated the rules and procedures for the evening.

### **Approval of Minutes**

On a motion from Mr. Clapp, seconded by Mr. Michalski, the Board approved the minutes from February 26, 2009. (Yeas 4, Nays 0, Abstain 1- Manners)

### **Cases**

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

#### **B-08-22      John M. Clarke**

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, Grid 12, Parcel 194, Lot 2), zoned Agricultural. This application was continued from the January 22, 2009 hearing.

Mr. Smith, Zoning Administrator, provided an update to the Board regarding this case. Testimony provided at the previous hearing indicated the silo was constructed in 1954. Mr. Smith stated in the initial review of the zoning Ordinance, and taking into consideration the date the silo was built and the change of use of the structure from agricultural to residential, that the silo changed from a conforming structure to a nonconforming structure as per Section 1-19-4.220, Nonconforming Structures Subsection (A)(1). After reviewing the information submitted by the Applicant, and the testimony provided during the hearing, Mr. Smith concluded that the Applicant has decreased the nonconformity by reducing the height of the structure by approximately 16 ft., that he had no objections to the approval of the permit, and that the permits had been approved.

**B-09-03      Laura S. Fisher c/o Rand Weinberg, Esq.**

An application was filed requesting a special exception to establish a kennel/dog training facility (with ancillary uses of daycare and grooming), located on the south side of Elmer Derr Road, approximately 1,000 ft. east of Valley Pine Drive (Tax Map 85, Parcel 164, Lot 1), Zoned Agricultural.

*Ms. Roholt Westdorp announced a break at 9:10 p.m. The hearing resumed at 9:20 p.m.*

On a motion from Mr. Clapp, seconded by Mr. Duke, the Board unanimously approved the application having met criteria set forth in Sections 1-19-2.10 and 1-19-8.338, subject to agency comments, exhibits, and conditions listed in the Findings and Decisions.

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

A request for Reconsideration was filed for Claim of 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 its intersection with Gambrill Park Road (Tax Map 30, Parcel 215), Zoned Resource Conservation. The application was originally heard at the February 26, 2009 hearing.

Mr. Manners recused himself from the case.

On a motion from Mr. Michalski, seconded by Mr. Duke, the Board denied the request for reconsideration on the basis that the arguments presented were substantially the same as those presented in the original case and no significant errors were determined that would warrant reconsideration. (Yeas 4, Nays 0, Recusal 1- Manners)

**Adjourn**

Being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully Submitted,

Erica Cooke  
Recording Secretary

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Lara Roholt Westdorp, Chair