

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, AUGUST 27, 2009.

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday, August 27, 2009 at 7:00 p.m. Present were Ronald Peppe, Sr., Sean Michalski, Alan Duke, and Chris Manners. Also present were Wendy Kearney, Deputy 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.

Approval of Minutes

On a motion from Mr. Duke, seconded by Mr. Peppe, Sr., the Board approved the minutes from July 23, 2009. (Yeas 4, Nays 0, Abstained 1-Manners)

Announcements

The Chair announced that on September 16, 2009, the Board would join the Planning Commission to discuss the Administration and Enforcement Text Amendment prior to its regularly scheduled site visits for all cases to be heard at the September hearing.

Discussion of Administrative Bylaws Changes

On a motion from Mr. Peppe, Sr., seconded by Mr. Duke, the Board unanimously voted to post a draft of recommended changes to its Bylaws for public comment for 30 days. The Board will then act on a final draft at the September 24, 2009 meeting.

Cases

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

B-09-05

The case was withdrawn by the Applicant.

B-09-08

The case was withdrawn by the Applicant.

B-09-06 T-Mobile Northeast LLC c/o Hillorie Morrison

An application was filed requesting a special exception to establish a 100 ft. high monopole for cell phone support along with a 20 ft. x 25 ft. equipment compound at base, located to the north side of an existing farm building approx. 800 ft. +/- due north of the intersection of Woodville Road and Old Annapolis Road (Tax Map 81 Parcel 42), zoned Agricultural.

The Applicant requested continuance to the September 24, 2009 meeting, which the Board unanimously granted on a motion from Mr. Michalski, seconded by Mr. Duke.

B-09-07 Richard & Barbara Sale and Arthur & Mary Mohr, Contract Purchasers

An application was filed requesting a special exception to continue an Accessory Apartment, located on the west side of Sandra Lee Court, approximately 1/8 mile south of the intersection with Kemptown Church Road (Tax Map 97, Parcel 24), zoned Residential (R-1).

The contract purchasers of the property, Arthur and Mary Mohr were formally recognized as co-applicants in the case.

On a motion from Mr. Peppe, Sr., seconded by Mr. Manners, the Board unanimously approved the application.

B-09-09 Church of the Redeemer c/o Severn, O'Connor & Kresslein, P. A.

An application was filed requesting a variance of 2 ft. from the required 40 ft. side yard setback, located 1/8 west of Buckeystown Pike at its intersection with Spectrum Drive (Tax Map 77, Parcel 132), zoned General Commercial.

Mr. Michalski made a motion to deny the application based on the finding that there is no uniqueness of the subject property, seconded by Ms. Westdorp. The motion failed. (Yeas 2, Nays 3- Peppe, Duke, Manners). Mr. Michalski made a motion to approve the application, seconded by Mr. Peppe, Sr. (Yeas 4, Nay 1-Westdorp)

Ms. Roholt Westdorp announced a Break at 9:04 p.m. The hearing resumed at 9:17 p.m.

B-09-10 Kristina M. Hemingway, c/o Miles and Stockbridge, P.C.

An application was filed claiming Administrative Error in the Lot of Record Determination by Gary Hessong, Director of the Division of Permitting and Development Review (DPDR), regarding Tax Map 61, Parcel 108 having three (3) lots of record, located on the north side of Black Ankle Road, approximately ¼ mile west of Buffalo Road, zoned Agricultural.

Ms. Roholt Westdorp announced a Break at 10:16 p.m. The hearing resumed at 10:30 p.m.

Mr. Michalski made a motion, and amended the motion, to affirm, in full, the decision of the Director of the Division of Permitting and Development Review and adopt that decision as that of the Board. Mr. Manners seconded both motions, and the Board unanimously approved the amended motion.

Being no further business, the meeting was adjourned at 11:43 p.m.

Respectfully Submitted,

Erica Cooke
Recording Secretary

Lara Roholt Westdorp, Chair