

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, SEPTEMBER 24, 2009.

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday, September 24, 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.

Approval of Minutes

On a motion from Mr. Duke, seconded by Mr. Michalski., the Board approved the minutes from August 27, 2009. (Yeas 4, Nays 0, Abstained 1-Clapp)

Cases

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

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. This case was continued from the August 27, 2009 hearing.

The Applicant requested another continuance to the November 19, 2009 meeting.

Mr. Michalski made a motion to grant the continuance to the November hearing, seconded by Mr. Clapp.

Ms. Roholt Westdorp requested an amendment to the motion, being that this continuance request was the third received from the Applicant, that language be added to the motion stating that there be no other continuances granted and that the case will be heard in November. The motion for amendment failed for lack of a second.

The Board voted on the original motion made by Mr. Michalski, seconded by Mr. Clapp and unanimously granted the request for continuance to the November 19, 2009 hearing.

Administrative Bylaws Changes

The Board discussed the changes to the Administrative Bylaws and unanimously approved the changes on the following motions:

Mr. Clapp made a motion to approve the changes to the Bylaws as outlined by the Chair and amended the motion to include the addition of a new paragraph to section 3 (B). Mr. Michalski seconded both the motion and the amended motion.

Mr. Michalski made a motion to accept the changes to Section 5, as outlined by the Chair, seconded by Mr. Peppe, Sr.

Mr. Clapp made a motion to accept the changes as outlined by the Chair, seconded by Mr. Michalski.

The Board directed staff to bring a final draft to be formally adopted at next month's meeting.

Outstanding Issues related to Text Amendment ZT-09-05, Administration and Enforcement and the September 16, 2009 Joint Meeting with Planning Commission

In response to a question from Mr. Michalski, Mr. Chomel clarified for the Board that the actual text that is going before the Board of County Commissioners (BOCC) for public hearing reflects the BOCC's direction to the Planning Staff. However, accompanying the text is a staff report, in which the recommendations of the Board of Appeals, as well as recommendations from the Planning Commission are being highlighted for the BOCC's consideration and ultimate determination.

Ms. Roholt Westdorp added that in the Staff report, there is mention that the BOCC, during a workshop on September 4, 2009, made a decision to maintain the reference to unreasonable hardship.

BOCC Legislative Package for 2010

The BOCC submitted a request to the Board of Appeals asking for comments on the current legislative package for 2010 in preparation for hearings scheduled for October 20 and 22, 2009.

The Board unanimously decided as an entity, the Board had no comments to contribute.

Being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted,

Erica Cooke
Recording Secretary

Lara Roholt Westdorp, Chair