

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

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday, October 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 September 24, 2009.

### **Miscellaneous**

Mr. Chomel briefed the Board on language changes to Section 1-19 -9.120 (A) of the Zoning Ordinance related to cases involving the FEMA Floodplain and clarification of the role of the Board in its ruling on such cases.

### **Cases**

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

#### **B-09-11      Scott E. Clabaugh**

An application was filed requesting a 32.5 ft. variance from the 50 ft. front yard setback; 40 ft. from the 50 ft. side yard setback and 30 ft. from the 50 ft. rear yard setback in an RC district; a 20 ft. variance on a 25 ft. FEMA floodplain buffer and a 25 ft. variance from the NRCS floodplain buffer on Building Permit A/P # 75368 to replace a building destroyed by fire, located on the west side of Foxville-Deerfield Road, approximately 2,000 ft. south of Raven Rock Road (Tax Map 12, Parcel 280), Zoned Resource Conservation.

On a motion by Mr. Michalski, seconded by Mr. Duke, the Board unanimously granted the requested variances, except the request for the 25 ft. variance from the NRCS floodplain buffer since it was deemed no longer necessary; no additional conditions were imposed.

### **Bylaws**

On a motion by Mr. Duke, seconded by Mr. Peppe, Sr., the Board unanimously approved the Bylaws as amended.

### **Deadline Schedule 2010**

On a motion by Mr. Clapp, seconded by Mr. Peppe, Sr. the Board unanimously approved the Deadlines, Site Visits, and Hearing Schedule for 2010, as amended.

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

Respectfully Submitted,

Erica Cooke  
Recording Secretary

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Lara Roholt Westdorp, Chair