

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, NOVEMBER 19, 2009.**

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday, November 19, 2009 at 7:00 p.m. Present were Ronald Peppe, Sr., John Clapp, Alan Duke, and Chris 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. Peppe, Sr., the Board approved the minutes from October 22, 2009. (4 Yeas, 0 Nays, 1 Abstain- Manners)

Ms. Roholt Westdorp swore in all persons who expected to testify at the meeting and announced that the cases scheduled for the evening would be heard in a revised sequence.

### **Cases**

#### **B-09-16      Global Mission Church – Proposal of Special Public Hearing**

The Applicant was presented the opportunity to have a special public hearing due to the special circumstances and increased public interest in the case. Ashley Mancinelli, Esquire, representative for Global Mission Church, was agreeable to having the special public hearing, which was announced as being scheduled for January 20, 2010. The Board will conduct its regularly scheduled site visits that morning. The meeting will begin at 1:00 p.m., with plans to break for dinner and resume at 7:00 p.m., if necessary. Ms. Roholt Westdorp announced that should the case not be completed on the 20<sup>th</sup>, the remainder of the case will be heard on the regularly scheduled Board of Appeals hearing date of January 28, 2010 and if necessary, the following Monday, February 1, 2010. The Special hearing date will be posted to the public in accordance with all County regulations.

#### **B-09-13      Walter Raymond**

An application was filed requesting a 4 ft. variance from the 15 ft. rear building restriction line for a proposed addition, located on the east side of Crabapple Drive at its intersection with Sandy Court in Crestwood Village (Tax Map 77, Parcel 290, Sec. 35, Lot 31), Zoned Planned Unit Development (PUD).

On a motion from Mr. Peppe, Sr. seconded by Mr. Duke, the Board granted the request based on Applicant's testimony and analysis of evidence and materials in the record. (Yeas 4, Nays 1 -Clapp)

**B-09-06      T- Mobile Northeast LLC c/o Hillorie Morrison and Gregory Rapisarda**

An application was filed requesting a special exception to establish a 120 ft. high monopole for cell phone support along with a 20 ft. x 25 ft. equipment compound at base, located closer to the woodline northwest of an existing farm building approx. 800 ft. +/- due north of the intersection of Woodville Rd. and Old Annapolis Rd. (Tax Map 81 Parcel 42), Zoned Agricultural (A). This case was continued from the August 27, 2009 and September 24, 2009 hearings.

*Ms. Roholt Westdorp announced a break at 9:24 p.m. The hearing resumed at 9:39 p.m.*

Mr. Clapp made a motion to grant the request based on the comments made by the members of the Board, the evidence and materials presented, and the application having met criteria set forth in Sections 1-19-3.210, 1-19-8.332, and 1-19-8.420, seconded by Mr. Peppe, Sr.

Mr. Duke made an amendment to the motion, to note that only criteria within Section 1-19-8.420 that is within the purview of the Board of Appeals apply to the motion and to add a condition that the Applicant, operator and all tenants of the communications tower will provide point of contact information annually to the Zoning Administrator. Mr. Clapp seconded the amendment to the motion.

The Board unanimously approved the amendment to the motion and unanimously approved the amended motion.

**B-09-12      Calvin E. Mobley**

An application was filed requesting a 15 ft. variance from the 25 ft. FEMA floodplain buffer for a pool, located on the north side of Ivywood Dr. South, approx. 200 ft. west of Bradley Way, in Ballenger Crossing (Tax Map 77, Parcel 303, Lot 4099), Zoned Planned Unit Development (PUD).

The Board heard the case and during Board discussion, the Applicant requested a continuance to the December 17, 2009 hearing, which the Board unanimously granted on a motion from Ms. Roholt Westdorp, seconded by Mr. Peppe, Sr.

**B-09-14      Tibetan Meditation Center c/o Michael Campbell and Julie Blair**

An application was filed requesting a special exception to establish an accessory apartment, located between the west side of Gambrill Park Rd. and the east side of Hawbottom Rd. approx. 3, 000 ft. north of Rockbottom Rd. (Tax Map 47, Parcel 98), Zoned Resource Conservation (RC).

On a motion from Mr. Clapp, seconded by Mr. Manners, the Board unanimously granted the request on the basis of the Applicant having satisfied all criteria set forth.

Being no further business, the meeting was adjourned at 11:04 p.m.

Respectfully Submitted,

Erica Cooke  
Recording Secretary

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Lara Roholt Westdorp, Chair