

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR WEDNESDAY, JANUARY 20, 2010.

Lara Roholt Westdorp, Chair, called to order a special meeting of the Frederick County Board of Appeals ("Board") for Wednesday, January 20, 2010 at 1:00 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.

The Chair began the meeting with recitation of the rules and procedures for the evening specific to administrative appeals, cross examination process and announced the meeting would be conducted in the following sequence, starting with presentations by Agencies and Appellant followed by Citizen testimony.

The Chair swore in all persons who expected to testify and participate in the cross examination process during the meeting.

Case

B-09-16 Global Mission Church

An application was filed by Global Mission Church represented by Ashley Mancinelli, David Severn, and Danny B. O'Connor of Severn, O'Connor & Kresslein, P.A., claiming Administrative Error by the Frederick County Planning Commission in denial of their Site Development Plan (SP-92-37) on October 14, 2009 for a Place of Worship, located on the northwest corner of the intersection of MD Rt. 109 (Old Hundred Road) and Interstate 270 and Adjoined on the north by a parcel fronting onto Dr. Perry Road (Tax Map 105, Parcels 109 and 114, Lot 4 and Tax Map 111, Parcel 36) the property is zoned Agricultural and Resource Conservation and lies within the Urbana Planning Region.

Representing the Agency position were Wendy Kearney, Deputy County Attorney and Kathy Mitchell, Assistant County Attorney.

The Board opened the proceedings with a discussion of the issue to be decided on the Appeal.

A motion by Mr. Michalski to consider the issue of Administrative error failed to gain a second.

On a motion from Mr. Clapp, seconded by Mr. Duke, the Board agreed to hear the case *de novo* as to the issues raised on appeal. (4:1:0; Nay -Michalski)

The Board also discussed the merits of granting additional time for Presentation and Rebuttal equal to 90 minutes (Board Bylaws provide for 25 minutes) for both parties.

On a motion from Mr. Clapp, seconded by Mr. Michalski, the Board agreed (3:2:0; Nays - Peppe, Duke) to allow sixty (60) minutes total for Presentation and Rebuttal, allowing the respective parties to determine how they would allocate the time between Presentation and Rebuttal.

*The Chair announced a break at 3:41 p.m. The hearing resumed at 3:56 p.m.
The Chair announced a break 5:27 p.m. The hearing resumed at 7:00 p.m.*

The Applicant chose to use all their allotted time for their Presentation. A motion by Mr. Michalski, seconded by Mr. Clapp, to not allow any additional time to the Applicant failed (2:3:0; Nays - Westdorp, Peppe Sr., Duke).

The Chair announced a break at 8:30 p.m. The hearing resumed at 8:45 p.m.

A motion by Mr. Michalski at 11:00 p.m. to extend the proceedings for another hour failed to gain a second.

A motion by Mr. Michalski to find that the Board's *de novo* hearing did not find any reason to support granting the Applicant's requests also failed to gain a second.

The Board closed the record following public comment and Rebuttal and agreed to continue the case at the January 28, 2010 hearing.

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

Respectfully Submitted,

Erica Cooke
Recording Secretary

Lara Roholt Westdorp, Chair