

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, FEBRUARY 25, 2010.**

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday, February 25, 2010 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 and swore in all persons who expected to testify and participate in the cross examination process during the meeting.

### **Minutes**

On a motion from Mr. Duke, seconded by Mr. Peppe, Sr., the Board unanimously approved the minutes of January 20, 2010.

### **Cases**

#### **B-09-16 Request for Reconsideration - Global Mission Church c/o Ashley Mancinelli Esq. of Severn, O'Connor & Kresslein**

A request for reconsideration was filed by the Division of Permitting and Development Review. Kathy Mitchell, Asst. County Attorney presented the Agency position.

Ashley Mancinelli, Esq., representing the Applicant opposed the reconsideration request.

Mr. Michalski made a motion to grant the request for reconsideration to the extent of only reconsidering the decision of the Board and not allowing any new testimony from either party into the record. The motion failed for lack of a second, thus the request for reconsideration also failed.

#### **B-10-01 American Tower c/o Kate Bargnesi**

An application was filed requesting a renewal zoning certificate for an existing 190 ft. high monopole telecommunications tower and a 100 ft. by 100 ft. equipment compound lease at its base, located on the north side of Woodsboro Road (MD Rt. 550) approximately 2,400 ft. north of Liberty Road (MD Rt. 26) (Tax Map 51, Parcel 41), Zoned Agricultural (Ag)

Mr. Chomel advised the Board that a special exception was already granted on this application and the Board was only considering renewal of the zoning certificate for a 5 year period and that there are only three criteria which constitute grounds for denial as set forth in Section 1-19-8.332 (G) (1), (2), and (3).

Mr. Michalski made a motion to approve the renewal of the zoning certificate based on the proffered and submitted testimony, evidence and exhibits of the entire record as meeting the conditions of Section 1-19-8.332 (G), seconded by Mr. Peppe, Sr.

Mr. Duke requested amending the motion adding that the Applicant and all tenants shall provide point of contact information annually to the Zoning Administrator. Mr. Michalski seconded the amendment.

The Board unanimously approved the amendment to the motion.

The Board unanimously approved the amended motion.

**B-10-02 Baltimore Yearly Meeting of the Society of Friends, Inc. c/o David Hunter**

An application was filed requesting a special exception to expand an existing rustic retreat/camp facility, located on the east and west of Mink Farm Road at its intersection with Tower Road (Tax Map 24, Parcel 5), Zoned Resource Conservation (RC)

On a motion from Mr. Duke, seconded by Mr. Peppe, Sr., the Board unanimously approved the application along with the caretakers residence as an accessory use on the basis of having met all the requirements of 1-19- 3.210, 1-19-8.327, with the applicant having agreed to comply with all the provisions of Section 1-19-7.200 that apply.

**Additional issues**

The Board discussed possible revisions to its Bylaws with respect to cross examination within its proceedings, the revision of the timeline for transmittal of materials in an administrative appeal from 15 days to 21 days, and the establishment of procedures for hearing zoning certificate renewals.

The Board was provided materials related to these issues as guidance and was tasked with reviewing the materials and to compose suggestions in preparation for discussion at the March 25, 2010 hearing.

Being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Erica Cooke  
Recording Secretary

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Lara Roholt Westdorp, Chair