

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR Thursday, August 25, 2011.

Alan Duke, Chair, called to order the regular meeting of the Frederick County Board of Appeals ("Board") for Thursday, August 25, 2011 at 7:00 p.m. in the 1st Floor Hearing Room in Winchester Hall. Present were Carole Jaar Sepe, Mike Bowersox, Robert Fenimore and John Capoccia. Also present were John Mathias, County Attorney, and Community Development Division staff Larry Smith, Zoning Administrator, and Craig Terry, Planner.

Official Minutes of the Board of Appeals' meetings are kept on file in the Planning Division.

The Chair stated the rules and procedures for the hearing.

Approval of Minutes

On a motion from Mr. Bowersox, seconded by Mr. Capoccia, the Board approved the minutes of July 28, 2011 (Yea 5, Nay 0)

Cases

The Chair swore in all persons who expected to testify at the meeting.

I. B-11-05 Michael Trojecki & Barbara Boyce c/o Jim Southam, Agent

An application was filed for a variance of 14.9 ft. from the required 25 ft. front yard setback and a variance of 22.5 ft. from the required 25 ft. FEMA Floodplain buffer, located on the west side of Nightingale Place within the Lake Langanore development. (6486 Nightingale Place, Tax Map 79, Parcel 208, Lot 34), Zoned Planned Unit Development (PUD).

Mr. Bowersox made a motion to approve the request on the basis that the Applicant met criteria set forth in Sections 1-19-3.220, 1-19-9.110 (B) (3), 1-19-10.500.11 and 1-19-321 (C) (1) (a) (2008 edition). Mr. Duke requested an amendment to the motion to indicate that the property was unique. The amended motion was seconded by Ms. Sepe. The Board voted on the amended motion and approved the application. (Yea 5, Nay 0)

II. B-11-06 Joyce E. Pickett (Bohrer)

An application was filed for a variance of 30 ft. from the required 40 ft. front yard setback in order to erect a pole shed, located off a common drive on the north side of Coppermine Road (10936 Coppermine Road, Tax Map 42, Parcel 274, Lot 4A), Zoned Agricultural (AG).

Mr. Bowersox made a motion to approve the request on the basis that the Applicant met criteria set forth in Section 1-19-3.220, as the property is unique. The motion was seconded by Mr. Capoccia. The Board voted on the motion and approved the application. (Yea 5, Nay 0)

III. B-11-07 Grant County Mulch, Inc. c/o Jordon Associates

The Chair swore in all persons that were not present during the first swearing.

An application was filed for a special exception to establish a limited wood waste recycling facility (mulch storage area), located on the north side of Manor Woods Road (6720 Manor Woods Road, Tax Map 95, Parcel 81), Zoned Agricultural (AG)

Ms. Sepe disclosed that she had received an invitation to the applicant's open house as Chair of the Building Committee at St. Joseph on Carrollton Manor and stated that she did not attend the open house.

Mr. Bowersox made a motion to approve the request on the basis that the Applicant met the criteria as testified. Mr. Duke restated the motion to approve the request on the basis that the Applicant met the criteria set forth in Sections 1-19-3.210, 1-19-5.310, 1-19-8.348 and 1-19-11.100 with the following conditions:

1. Hours of operation will be 4am to 8pm for the Agriculturally zoned portion of the property.
2. Total number of trucks will be 7 per day.
3. Applicant is bound by all testimony.

Ms. Sepe amended the motion to include the redacted contract be submitted to the Board. The motion was seconded by Ms. Sepe. The Board voted on the amended motion and approved the application. (Yea 5, Nay 0)

Closing

The Chair announced that the next meeting is scheduled for September 22, 2011.

Being no further business, the meeting adjourned at 8:45 PM.

Respectfully submitted
Carole Jaar Sepe
Vice-Chair

/s/
Alan Duke, Chair