

# **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR**

**Thursday, September 27, 2012.**

Alan Duke, Chair, called to order the regular meeting of the Frederick County Board of Appeals ("Board") for Thursday, September 27, 2012 at 7:00 p.m. in the 1st Floor Hearing Room in Winchester Hall. Present were Carole Jaar Sepe, Brad Dyjak, Mike Bowersox and John Capoccia. Also present were Michael Chomel, Senior Assistant 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 Community Development Division.*

## **Introductions**

The Chair stated the rules and procedures for the hearing.

## **Approval of Minutes**

On a motion from Mr. Capoccia, seconded by Mr. Bowersox, the Board approved the minutes of July 26, 2012 (Yea 5, Nay 0)

## **Cases**

The Chair announced that Case B-12-07 - Great Southern Investment, LLC c/o Rand D. Weinberg, Esq. was withdrawn.

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

## **B-12-09 – Donald Hurley, Rickey Hurley and Jeffrey and Erna Green.**

An application was filed for 10 variances from the required minimum lot area, and the minimum side yard setbacks in order to complete the addition plat process, located on the south side of Wigville Road, approximately 2500 feet southwest of Wigville Road at Fox Tower Road (5249C, 5249E and 5249F Wigville Road, Tax Map 24, Parcels 54 and 55) Zoned Resource Conservation (RC).

Mrs. Sepe made a motion to approve the case on the basis that the Applicants met criteria of Sections 1-19-3-220 and 1-19-6-100 including the uniqueness requirement based on shape, existing lot size, existing building setbacks and conveyance history. The motion to grant the ten variances requested for 5249C, 5249E and 5249F was seconded by Mr. Dyjak. The Board voted and approved the application. (Yea 5, Nay 0)

## **B-11-02 – Liberty Towers LLC – Discussion of Court Ruling.**

On June 11, 2012 the Circuit Court of Frederick County remanded the case to the Board of Appeals for further proceedings. The Board discussed the legal issue and then Mr. Chomel provided three options for discussion and decision by the Board regarding further proceedings.

Mrs. Sepe made a motion to reconsider the case in its entirety. The motion failed for lack of second. Mr. Bowersox made a motion to proceed to a public hearing to examine the five-year plan and the new plat provided. The motion was seconded by Mr. Capoccia. The Board voted and the motion was approved. (Yea 4, Nay 1)

## **Closing**

The Chair announced that the next meeting will be held on October 25, 2012.

Being no further business, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Carole Jaar Sepe, Vice Chair  
Recording Secretary

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/s/  
Alan Duke, Chair