

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR

Thursday, March 28, 2013

Alan Duke, Chair, called to order the regular meeting of the Frederick County Board of Appeals ("Board") for Thursday, March 28, 2013 at 7:02 p.m. in the 1st Floor Hearing Room in Winchester Hall. Present were Carole Jaar Sepe, Bradford Dyjak, John Capoccia and Mike Bowersox. Also present were Mr. Michael Chomel, 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.

Introduction

The Chair requested that all cell phones be turned off.

Approval of Minutes

On a motion from Mr. Bowersox, seconded by Mr. Capoccia, the Board approved the minutes of February 28, 2013 (Yea 5, Nay 0)

Rules and Procedures

The Chair stated the rules and procedures for the hearing and swore in all persons who expected to testify at the meeting.

Cases

B-13-01 Sugarloaf Citizens Association Inc., etal c/o The Law Office of Michele Rosenfeld LLC

The Board received a request for reconsideration in response to the Board's February 28, 2013 denial of the Appellant's Administrative Appeal in connection with the Frederick County Planning Commission's approval of site development plan SP-92-37 for the Global Mission Church, SBC.

Ms. Sepe (Board Member) made 4 motions respective to reconsideration of case B-13-01, all of which were denied.

B-12-03 Monocacy Montessori Communities, Inc. c/o Bruce Dean, Linowes and Blocher LLP

An application was filed requesting an extension to a previously approved Temporary Special Exception to a Public Charter Elementary School on a commercial property per Ordinance Section 1-19-3.210, 1-19-5.310 and 1-19-8.300, located at 7215 Corporate Drive, Frederick, MD and is further identified as Tax Map 86, Parcel 215, Lot 17). Zoned Office/Research Industrial (ORI).

Mr. Terry read the staff report. Mr. Smith read the agencies comments. The board members noted their observations during their scheduled site visit on Wednesday, March 20, 2013.

On a motion from Mrs. Sepe and seconded by Mr. Capoccia, the Board unanimously approved the application for a one-year extension based on criteria set forth in Ordinance Sections 1-19-3.210, 1-19-5.310 and 1-19-8.300. (Yea 5-0)

B-13-04 Christian Webster, Owner, c/o Dean Ramsey of Bastian Homes,

An application was filed requesting a 15 feet variance from a required 25 feet front yard setback in order to allow construction of a single-family dwelling on a property located at 6739 Accipter Drive in the Lake Linganore community, New Market, MD (Tax ID #27-526128, Tax Map 68, Parcel 155, Lot 335). Zoned Planned-Unit Development (PUD).

Mr. Terry read the staff report. Mr. Smith read the agencies comments. The board members noted their observations during their scheduled site visit on Wednesday, March 20, 2013.

Ms. Sepe (Board Member) made a motion to approve the case with a setback of 10 feet. The motion was denied (Yea 1- Nay 4).

On a motion from Mr. Dyjak and seconded by Mr. Capoccia, the Board unanimously approved the application for a 15 feet variance based on criteria set forth in Ordinance Sections 1-19-3.321 due to the uniqueness of the property and the hardship to the property Owner. (Yea 5-0)

B-13-05 Friends of Frederick County et al c/o David W. Brown Esq. of Knopf & Brown

An application was filed for an Administrative Appeal of the Frederick County Planning Commission (FCPC) approval of site plan S-1130 for the Landsdale PUD on a property located on the west side of Ed McClain Road, Urbana, MD (Tax Map 88, Parcels 24, 44 & 45). Zoned Planned Unit Development (PUD).

Mr. Terry read the staff report. Mr. Smith read the agencies comments. The board members noted their observations during their scheduled site visit on Wednesday, March 20, 2013.

Break at 9:10 p.m. The hearing resumed at 9:22 p.m.

During the meeting, the Appellants withdrew their appeal relating to the 2009 Wetlands Mitigation Plan and the Forest Resource Ordinance. The Applicants had also in a submission to the Board withdrew their appeal relating to the building setbacks and parking requirements as applied to the FCPC granted conditional approval.

On a motion from Mr. Dyjak and seconded by Mr. Bowersox, the Board of Appeals denied the administrative appeal and upheld the FCPC's approval of the Landsdale PUD Combined Preliminary Subdivision and Site Plan S-1130 as the evidence submitted for the appeal did not indicate an error was committed in the approval by the FCPC in reference to the Stormwater Management Administrative Waiver. (Yea 5-0)

Closing

Being no further business, the meeting adjourned at 11:30 p.m.

Respectfully submitted,

Carole Jaar Sepe,
Recording Secretary

Alan Duke, Chair