

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR
Thursday, April 24, 2014

Mr. Alan Duke, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, April 24, 2014 ("Hearing") at 7:00 p.m. in the 1st Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members John Capoccia, Wayne Robinson and alternate member John Greenwell. Also present were Mr. Michael Chomel, Assistant County Attorney, and for the Community Development Division ("Staff") Mr. Larry Smith, Zoning Administrator, and Mr. Craig Terry, Planner. Board members Mr. Mike Bowersox and Mr. Robert Fenimore were not able to attend the Hearing.

The Site visits for the Cases listed below were made on Wednesday, April 16, 2014. Board members Alan Duke and John Greenwell attended. Mr. Smith and Mr. Terry also attended the Site visits for Staff. John Capoccia and Wayne Robinson visited the sites on their own. Site visit observations were shared during the discussion for each case.

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

Introductions

The Chair welcomed attendees and requested that all cell phones be turned off.

Approval of Minutes

On a motion by Mr. Capoccia, seconded by Mr. Greenwell, the Board approved the minutes of the March 27, 2014 hearing (Yea 4, Nay 0). The Findings and Decisions from the March 27th Hearing were signed by the Board members who attended that meeting.

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. Swearing-in occurred as required during the meeting as additional attendees arrived.

CASES

B-14-11 Anthony & Tara Bentz (Request for Variance)

The Applicants, Anthony & Tara Bentz, c/o Robert F. Gauss & Associates, 100 Irishtown Court, Emmitsburg, MD 21727, are requested 12.5 foot variances from both of the required 50 foot side yard setbacks for a dwelling. Location is on the west side of Annandale Road (16726 Annandale Road, Tax ID # 05-165393, Tax Map 8, Parcel 268). Planning Region is Thurmont, Zoning District is Resource Conservation (RC), and Comp. Plan Designation is Natural Resource.

Applicable Zoning Ordinances are:

- Section 1-19-3.220, Variances (General Criteria)
- Section 1-19-6.100, Design Requirements
- Section 1-19-11.100, Definitions

Based upon the evidence and testimony presented at the Hearing, the Board discussed and found that the Applicants [meet / do not meet] the general criteria in Section 1-19-3.220, Variances. In determining the finding, the Board first found that special conditions and circumstances exist, in accordance with Section 1-19-3.220(C)(1), as follows: that the shape of the lot (narrowness), the topography (front and rear constrains the building area), and environmental concerns (location of the well and septic) and that the denial of a variance would constrain the residence to 26 feet wide and that others in the district have more normal size residences, thus contributing to an unreasonable hardship on the applicant.

Therefore the Board moved to grant the Applicants' request for a 12.5 foot variance from both of the required 50 foot side yard setbacks. Motion by Mr. Greenwell, second by Mr. Capoccia, vote Yea 3, Nay 0, Abstain 1 (Duke).

B-14-12 Carol L. Herman (Request for Variance)

The Applicant, Carol L. Herman, 4024 Lynn Burke Road, Monrovia, MD 21770, is requesting a 14 foot variance from the required 65 foot total front yard setback to construct an addition to a single family dwelling on a corner lot. Location is at the corner of Lynn Burke Road and Thomas Spring Road (4024 Lynn Burke Road, Tax ID # 03-132994, Tax Map 98, Parcel 202, Lot 4). Planning Region is Urbana, Zoning District is Residential-1 (R1), and Comp. Plan Designation is Rural Residential.

Applicable Zoning Ordinances are:

- Section 1-19-3.220, Variances (General Criteria)
- Section 1-19-4.600(A), Measurement of Front Yard Depths
- Section 1-19-6.100, Design Requirements
- Section 1-19-11.100, Definitions

Based upon the evidence and testimony presented at the Hearing, the Board discussed and found that the Applicant meets the general criteria in Section 1-19-3.220, Variances. In determining the finding, the Board first found that special conditions and circumstances [exist / do not exist], in accordance with Section 1-19-3.220(C)(1), as follows: shape of the lot (as affected by the construction of the side road) and the unreasonable hardship would be that the construction of the side road made this a two front yard lot, the setbacks of which deny the applicant a right allowed to others in the district, that is to add to the residence and renovate the living space in order to age-in-place in their current location.

Therefore the Board moved to grant the Applicants' request for a 14 foot variance from both of the required 65 foot front yard setbacks. Motion by Mr. Robinson, second by Mr. Capoccia, vote Yea 3, Nay 0, Abstain 1 (Duke).

B-14-13 Brooks A. Ahalt, DVM (Request for Special Exception)

The Applicant, Brooks Ahalt, 4014-J Mountville Road, Jefferson, MD 21775, is requesting a Special Exception approval to establish an Animal Hospital. Location is on the north side of Roundtree Road (3850 Roundtree Road, Tax ID # 14-319697, Tax Map 84, Parcel 192, Lot 2). Planning Region is Brunswick, Zoning District is Village Center (VC), and Comp. Plan Designation is Village Center.

Applicable Zoning Ordinances are:

- Section 1-19-3.210, Special Exceptions (General Criteria)
- Section 1-19-8.338, Kennels, Animal Hospitals or Veterinary Clinics in the A and VC Districts (Specific Criteria)
- Section 1-19-11.100, Definitions

Based upon the evidence and testimony presented at the Hearing, the Board discussed and found that the Applicant meets the general criteria in Section 1-19-3.210, Special Exceptions.

The Board also discussed and found that the Applicant meets the specific criteria in Section 1-19-8.338, Kennels, Animal Hospitals or Veterinary Clinics in the A and VC Districts.

Therefore the Board moved to grant the Applicants' request for a Special Exception to establish an Animal Hospital. Motion by Mr. Capoccia, second by Mr. Robinson, vote Yea 3, Nay 0, Abstain 1 (Duke).

Closing

The next Board meeting is scheduled for May 22, 2014. Being no further business, the meeting adjourned at 7:44 p.m.

Respectfully submitted,

/s/

Alan Duke, Chair