

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR

Thursday, January 22, 2015

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, January 22, 2015 ("Hearing") at 7:02 p.m. in the 1st Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members Mike Bowersox, Alan Duke, Donald Miller, and Wayne Robinson. 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.

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

Introductions and Administrative Matters

The Chair welcomed the audience to the hearing and requested that all cell phones and other electronic devices be turned off.

Approval of Minutes

On a motion by Mr. Bowersox, seconded by Mr. Robinson, the Board approved the minutes of the December 18, 2014 meeting by a vote of 5-0.

Rules and Procedures

All Board members noted that they had attended the site visit or had visited the site personally.

The Chair stated the rules and procedures for the hearing and swore in all persons who expected to testify or cross-examine at the hearing.

CASE

B-15-01 Ms. Elizabeth Burrow

The Applicant, Ms. Elizabeth Burrow, requests a Variance of 14.9 feet from the required front yard setback and 22.2 feet from the 25 foot required FEMA Floodplain buffer, located on Nightingale Place (6486 Nightingale Place, Tax Map 79, Parcel 208, Lot 34), Zoned Planned Unit Development (PUD). Applicable Zoning Ordinances are:

- Sec. 1-19-3.220 Variances
- Sec. 1-19-9.110 (B) (3) Floodplain and Stream Setbacks

Mr. Terry read the Staff Report. He noted that the Board had previously granted the same request in August, 2011, but that the approval had expired due to lack of construction starting within two years. Mr. Smith noted that there were no Agency comments. Ms. Burrow presented the Applicant's case. Based on a question from Mr. Miller, Mr. Smith suggested that the Applicant amend the Application to include a Variance for the two decks, which would also go into the floodplain. Mr. Chomel suggested that the Variance amendment for the decks be further amended to state "as described on the documents submitted in support of the Application." Ms. Burrow did so amend her Application. One witness spoke in support of the Application. No other witnesses spoke on this Application.

Based upon the evidence and testimony presented at the hearing, the Board discussed and found that the request for a Variance met the requirements of the Zoning Ordinance, including Sections 1-19-3.220 and 1-19-9.110 (B) (3) and that uniqueness and unreasonable hardship requirements have been met. Mr. Bowersox made a motion to approve the Applicant's request as amended, seconded by Mr. Robinson. The Board voted 5-0 to approve the request for the Variances.

The meeting adjourned at 7:19 p.m.

A handwritten signature in cursive script, reading "Alan E. Duke", positioned above a horizontal line.

Respectfully submitted,

Alan E. Duke, Secretary