

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

Thursday, May 28, 2015

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, May 28, 2015 ("Hearing") at 7:00 p.m. in the 1<sup>st</sup> Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members Al Duke, Don Miller, Wayne Robinson, and Alternate Board member Tom Conard. Also present were Mr. Michael Chomel, Assistant County Attorney, and for the Community Development Division ("Staff") Mr. Larry Smith, Zoning Administrator, 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.

All Board members attended the site visit and there were no significant observations noted.

## Approval of Minutes

On a motion by Mr. Miller, seconded by Mr. Conard, the Board approved the minutes of the April 23, 2015 meeting by a vote of 5-0.

## Rules and Procedures

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-15-12 James and Joshua Frey

The Applicants, James and Joshua Frey, request Special Exception approval to establish a Sawmill in the Agricultural Zoning district on the property located on the west side of Woodville Road (8520 Woodville Road, Tax Map 60, Parcel 28, Tax ID #19-387135), zoned Agricultural. Applicable Zoning Ordinances are::

- Sec. 1-19-3.210 Special Exceptions
- Sec. 1-19-8.347 Sawmill in the A and RC Districts
- Sec. 1-19-11.100 Definitions

Mr. Terry read the staff report. Mr. Smith noted comments of the Health Department. Mr., Noel Manolo (Miles and Stockbridge, 15 North Court Street, Frederick) presented the Applicant's case. One witness spoke in favor of the proposal, one witness spoke in opposition, and three witnesses made general comments on the case. Mr. Manolo presented the Applicant's rebuttal.

Based upon the evidence and testimony presented at the hearing, the Board discussed and found that the request for a Special Exception met the requirements of the Zoning Ordinance including Sections 1-19-3.210 and 1-19-8.347. On a motion by Mr. Miller, seconded by Mr. Robinson, the Board voted 5-0 to grant the Applicant's request for a Special Exception.

B-15-13 Douglas Rice

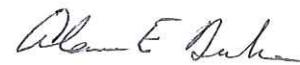
The Applicant, Douglas Rice, requests approval for an Activity within a Floodplain for an interior remodel of an existing single family dwelling, located at the intersection of Putnam Road and Mountaintdale Road (6213 Mountaintdale Road, Tax Map 39, Parcel 4, Tax ID #20-401346), zoned Residential (R-1). Applicable Zoning Ordinances are:

- Sec. 1-19-9.110 Activities within Floodplain District
- Sec. 1-19-9.120 Procedures for Activities within the FEMA Floodplain

Mr. Terry read the staff report. Mr. Smith stated that there were no Agency comments. Mr. Rice presented his case. No witnesses testified on the proposal.

Based upon the evidence and testimony presented at the hearing, the Board discussed and found that the request for approval for an Activity within a Floodplain the requirements of the Zoning Ordinance, including Sec. 1-19-9.110 and Sec. 1-19-9.120. On a motion by Mr. Robinson, seconded by Mr. Conard, the Board voted 5-0 to grant the Applicant's request for the requested approval.

The meeting adjourned at 8:10 p.m.



Respectfully submitted,

Alan E. Duke, Secretary