

Frederick County Board of Appeals
Meeting Minutes
July 23, 2015

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, July 23, 2015 ("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 Mike Bowersox, Don Miller, Wayne Robinson and Alternate Board member Tom Conard. Also present were Mr. Michael Chomel, Assistant County Attorneys, 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.

Site Visits

All Board members, except for Mr. Greenwell, indicated that they had visited the sites for the Cases on July 15, 2015. Mr. Greenwell visited the sites on July 18, 2015

Approval of Minutes

On a motion by Mr. Bowersox, seconded by Mr. Conard, the Board approved the minutes of the June 25, 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-15-17 Aaron Rosenzweig & Jen-Lien Fang

The Appellants, Aaron Rosenzweig & Jen-Lien Fang, requested a Special Exception for a Limited Agricultural Activity for the keeping of chickens and dwarf goats on the property located on the east side of Viewsite Drive at 6189 Viewsite Drive (Tax Map 78, Parcel 666, Lot 27, Tax ID #09-230475) zoned Residential-1 (R-1).

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.325 Limited Agricultural Activity in the Residential Districts

Mr. Terry read the staff report. Mr. Smith noted that there were no Agency comments. Mr. Rosenzweig presented the Applicant's case. No witnesses spoke in favor or in opposition to the proposal. 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 1-19-8.325. On a motion by Mr. Conard, seconded by Mr. Bowersox, the Board voted 5-0 to grant the Applicant's request for a Special Exception with the conditions that the chickens would be limited to fifteen (15) or less, that the dwarf goats would limited to three (3) or less, and goat pens would be located 50 feet from property lines.

B-15-18 TMGN, LLC & Robert Krop

The Applicant, TMGN, LLC & Robert Krop, requests a variance of 12 feet from the required 15 foot side yard setback for an existing HVSAC system on the property located on the south side of Reichs Ford Road at 9710 Reichs Ford Road. (Tax Map 77, Parcel 183, Lot 2, Tax ID #28-534973), zoned General Industrial (GI).

The Applicable Zoning Ordinance is:

- 1-19-3.220 Variances

Mr. Terry read the staff report. Mr. Smith noted comments from Development Review Planning and the Health Department. Mr. Krop presented the Applicant's case. No witnesses spoke in favor or in opposition to the proposal. 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 Section 1-19-3.220. On a motion by Mr. Miller, seconded by Mr. Robinson, the Board voted 5-0 to grant the Applicant's request for Variance.

B-15-19 Hostetter Grain, Inc.

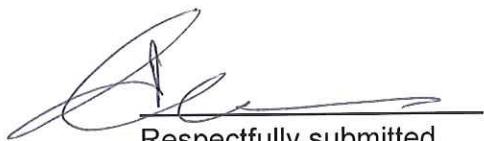
The Applicant, Hostetter Grain, Inc., represented by Barry Hostetter (481 Limestone Road, Oxford, PA 19363), requests Special Exception Approval to expand a nonconforming use by adding an additional silo on the property located on the south side of Kelley Road at 9819 Kelly Road, (Tax Map 58, Parcel 76, Tax ID #13-300674), zoned Residential-1 (R-1).

The Applicable Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-4.230 Nonconforming Uses

Mr. Terry read the staff report. Mr. Smith noted comments from Soils Conservation. Mr. Hosteller presented the Applicant's case. Mr. Bowersox noted site visit observations. No witnesses spoke in favor or in opposition to the proposal. 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 1-19-8.230. On a motion by Mr. Bowersox, seconded by Mr. Robinson, the Board voted 5-0 to grant the Applicant's request for a Special Exception to add an additional silo.

The meeting adjourned at 8:15 p.m.



Respectfully submitted,
Donald L. Miller, Secretary