

Frederick County Board of Appeals
Meeting Minutes
April 28, 2016

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, April 28, 2016 ("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 Mr. Wayne Robinson, Mr. Earl Bell, Mr. Don Miller and Mr. Mike Bowersox. Also present were Mr. Michael Chomel, Senior 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 February 25, 2016 meeting by a vote of 5-0.

Site Visits

All Board members present, indicated that they had visited the sites for the Cases before them.

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-16-07 Robert Donovan

The Applicant, as represented by himself, has requested an Appeal of Administrative Error in regard to the Zoning Administrator's decision letter, dated February 2, 2016, rejecting Mr. Donovan's appeal regarding the subdivision of the adjoining Laughlin's property located on the west side of Timmons Road (7950 Timmons Woods, part of Tax ID #08-214220, Timmons Woods Lots 1-4, Plat Book 96 Page 57) Zoned Agricultural (AG).

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(Continued)

The Applicable Zoning Ordinance is:

- 1-19-3.230 Appeals

Mr. Terry read the staff report. Mr. Smith noted no agency comments. Ms. Kathy Mitchell, Assistant County Attorney, presented the County's reasoning for the decision letter. Mr. Donovan presented his case. Two (2) witnesses spoke in support for the Applicant's case. Mr. Paul Rose, representing Robert and Abby Laughlin, spoke in opposition to the application. Based upon the evidence and testimony presented at the hearing the Board found that the request for an appeal did not meet the requirements of the Zoning Ordinance Section 1-19-3.230. On a motion by Mr. Bowersox, seconded by Mr. Miller, the Board voted 5-0 to deny the Applicant's request.

B-16-09 Verizon Wireless c/o Harold Bernadzikowski of Network Building & Consulting.

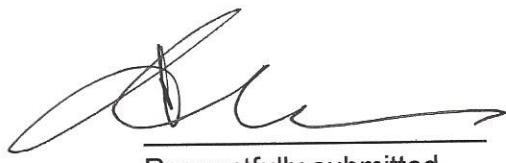
The Applicant, Verizon Wireless represented by Harold Bernadzikowski, has requested an Appeal of Administrative Error in regard to Zoning Administrator's denial of Building Permit AP#138516 due to "proposed cabinets cannot be placed within the front yard requirements" located on the north side of Sumantown Road (2640 Sumantown Road, Tax ID #22-437224, Farm Lot 1) Zoned Agricultural (AG).

The Applicable Zoning Ordinance is:

- 1-19-3.230 Appeals

Mr. Terry read the staff report. Mr. Smith noted Agency comments. Mr. Larry Smith presented the County's reasoning for the decision letter. Mr. Bernadzikowski presented the Applicant's case. No witnesses spoke in favor or opposition of the proposal. Based upon the evidence and testimony presented at the hearing the Board found that the request for an appeal did not meet the requirements of the Zoning Ordinance Section 1-19-3.230. On a motion by Mr. Robinson, seconded by Mr. Bell, the Board voted 3-2 to deny the Applicant's request. Mr. Greenwell and Mr. Bowersox voting in favor of the Applicants case.

The meeting adjourned at 09:07 p.m.



Respectfully submitted,
Donald L. Miller, Secretary