

Frederick County Board of Appeals

Meeting Minutes

June 23, 2016

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, June 23, 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 Ms. Kathy Mitchell, 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. Miller, seconded by Mr. Robinson, the Board approved the minutes of the April 28, 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-16-11 **Verizon Wireless**

The Applicant, as represented by Harold Bernadzikowski of Network Building & Consulting, has requested a Variance of 9 feet from the 40-foot front yard setback requirement for installation of a telecommunications equipment located on the north side of Sumantown Road (2640 Sumantown Road, Tax ID #22-437224, Farm Lot 1) Zoned Agricultural (AG).

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June 23, 2016
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The Applicable Zoning Ordinance is:

- 1-19-3. 220 Variances

Mr. Terry read the staff report and suggested that the Variance be increased to 13 feet to the proposed fence around the compound area. Mr. Smith noted no agency comments. Mr. Bernadzikowski agreed to the change in the Variance increase and then presented his case. No witnesses spoke in favor or opposition of the Applicant's case. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Variance did meet the requirements of the Zoning Ordinance Section 1-19-3.220. On a motion by Mr. Robinson, seconded by Mr. Miller, the Board voted 5-0 to approve the Applicant's request.

B-16-12 Joseph J. and Hope E. Cencula

The Applicants, Joseph J. and Hope E. Cencula, has requested a Special Exception for a Limited Agricultural Activity for the keeping of dairy goats located at the corner of Roughton Drive and Moleton Drive (12805 Roughton Drive, Tax Map 89, Parcel 218, Lot 101) Zoned Residential-1 (R1).


The Applicable Zoning Ordinance is:

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

Mr. Terry read the staff report. Mr. Smith noted Agency comments from the Health Department. Mr. Cencula presented their 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 the Special Exception did meet the requirements of the Zoning Ordinance Sections 1-19-3.210 and 1-19-8.325. On a motion by Mr. Robinson, seconded by Mr. Bell, the Board voted 5-0 to approve the Applicant's request.

Prior to the meeting adjournment a Certificate of Recognition was presented to Mr. Robinson for his service to the Board.

The meeting adjourned at 07:30 p.m.


Respectfully submitted,
Donald L. Miller, Secretary