

Frederick County Board of Appeals
Meeting Minutes
December 15, 2016

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, December 15, 2016 ("Hearing") at 7:00 p.m. in the 2nd. Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members Mr. Mike Bowersox, Mr. Earl Bell, Mr. Tom Conard and Mr. Don Miller, Mr. Michael Chomel, Assistant County Attorney, and for the Division of Planning and Permitting ("Staff") Mr. Tolson DeSa Principal Planner (sitting in for Larry Smith, Zoning Administrator) and Mr. Craig Terry, Zoning Planner.

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

Introductions

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, and a second by Mr. Miller, The Board approved the minutes of the November 17, 2016 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.

Site Visits

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

Case

B-16-21 Edward F. Mayne, Jr. and Tonjia R. Mayne

The Applicants, Edward F. Mayne, Jr. and Tonjia R. Mayne, have requested a Variance of 34 feet from the 40 foot front yard setback to retain an existing pole barn, located on the south side of Glissans Mill Road at the intersection with Dollyhyde Road (13045 Glissans Mill Road, Tax Map 70, Parcel 108, Tax ID#18-370980) and is zoned Agricultural (AG).

(Continued)

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The Applicable Zoning Ordinance is:

- 1-19-3.220 Variances
- 1-19-6.100 Design Requirements

Mr. Terry read the staff report. Mr. DeSa noted that the Health Department also had issues with the septic fields on the property. Mr. Mayne, presented their case and answered questions from the Board. 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 Variance did meet the requirements of the Zoning Ordinance Section 1-19-3.220. On a motion by Mr. Bowersox, seconded by Mr. Conard, the Board voted 5-0 to approve the Applicant's request.

B-16-22 Robert C. Shaffer and Jennifer Shaffer

The Applicants, Robert C. Shaffer and Jennifer Shaffer, have requested Variance of 15 feet from the 25 foot front yard setback to construct a single-family dwelling, located on the south side of Accipiter Drive (6747 Accipiter Drive, Tax Map 68, Parcel 155, Lot 331, Tax ID#27-532799) and is zoned Planned Unit Development (PUD)

The Applicable Zoning Ordinance is:

- 1-19-3.220 Variances

Mr. Terry read the staff report. Mr. DeSa reported that there were no Agency comments. The Applicants presented their case and answered questions from the Board. 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 Variance did meet the requirements of the Zoning Ordinance Section 1-19-3.220. On a motion by Mr. Bowersox, seconded by Mr. Bell, the Board voted 5-0 to approve the Applicant's request.

The meeting adjourned at 7:36 p.m.



Respectfully submitted,
Donald L. Miller, Secretary