

Frederick County Board of Appeals
Meeting Minutes
January 26, 2017

Mr. John Greenwell, Chair, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, January 26, 2017 ("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. 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, Acting 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. Conard, The Board approved the minutes of the December 15, 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-17-01 Daniel W. & Deborah L. Hall and Robert & Deborah Hall

The Applicants, Daniel W. & Deborah L. Hall and Robert & Deborah Hall, as represented by Noel S. Manalo, Esq. of Miles and Stockbridge, PC. and Mr. T. Michael Vansant of Vanmar Associates, Inc., have requested Variances for yard setbacks for two existing dwellings to allow for a 'corrective' addition plat to be recorded, located south of Route 70, Baltimore Natl Pike, on north side of Old Bartholows Road (5150-A and 5150-B Old Bartholows Road, Tax Map 89, Parcels 0000 and 0157, Tax ID#s 09-258523 and 09-258531) and is zoned Resource Conservation (RC).

January 26, 2017
(Continued)

The Applicable Zoning Ordinances are:

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

Mr. Terry read the staff report. Mr. DeSa noted that the Health Department had no objection with the requested variances for the property. Mr. Manalo, presented their case and, along with Mr. Vansant, 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.

Board Discussion of By-Law Updates

Mr. Greenwell noted that in the Board of Appeals by-laws the phrase "Frederick County Board of County Commissioners" appeared numerous times and needed to be changed to the phrase "Frederick County Council" to conform with the new County government. The Board had no issues with this revision and there was a consensus of the Board Members to approve that revision.

The meeting adjourned at 7:24 p.m.



Respectfully submitted,
Donald L. Miller, Secretary