**LAYTONSVILLE BOARD OF APPEALS**

**MEETING MINUTES**

**October 2, 2023 – 7:30 p.m.**

**Roll Call**

A meeting of the Laytonsville Board of Appeals was called to order by Chair Cecere at approximately 7:37 p.m. Board Members Kerns, Ols, and Casaperalta were present.

**Minutes**

The minutes for the Board of Appeals Meeting of October 7, 2023, were submitted. A motion was made by Member Kerns to accept the minutes and seconded by Chair Cecere. The motion passed unanimously.

**Attendees**

Mr. Kyle Graeves

Mr. Jim Ruspi

Mayor Charles Hendricks

Ms. Mark Burke, Clerk, Laytonsville Town Council

Ms. Nadine Hasevoets-Tarwater, Secretary

**Old Business**

None.

**New Business**

Special Exception Application (SE-03-23) submitted by Mr. and Mrs. Graeves, 7407 White House Lane, Laytonsville, MD, for a five-foot fence around his property.

***Hearing***

Chair Cecere made a motion to open the Special Exception Hearing which was seconded by Member Kerns and passed unanimously. Chair Cecere began the hearing by outlining the procedures and administering the swearing in oath to all those providing testimony.

Chair Cecere requested that the approval letter from the Laytonsville Preserve Homeowners Association, Mr. Graeves’ application to the Laytonsville Preserve Homeowners Association, and Mr. Graeves’ Special Exception Application to the Laytonsville Board of Appeals be marked as Exhibits, 1, 2, and 3.

Chair Cecere requested Mr. Graeves to outline the reasons for Special Exception SE-03-23.

Mr. Graeves is requesting a special exception to install a five-foot fence around his property (pool and hot tub) in accordance with Montgomery County code.

Chair Cecere added that the Laytonsville Town ordinance stipulates that a four-foot fence should be installed but Montgomery County code dictates a five-foot fence surrounding a property with a pool or hot tub. Consequently, a special exception must be requested to meet the county’s code.

Chair Cecere asked if there were any questions or opposition to the special exception from the Board Members or members in the audience. There were no questions or opposition from the Board Members.

Mayor Hendricks requested clarification as to the location of the patio, pool, and hot tub.

Mr. Graeves confirmed that the hot tub would be outside of the pool but that water from the hot tub would flow into the pool.

Member Casaperalta requested clarification that the fence was already installed.

Mr. Graeves apologized for installing the fence before the proper approval was obtained.

Chair Cecere indicated that if there were no other questions, the record could be closed to take a vote on the Special Exception.

Chair Cecere made a motion to approve Special Exception SE-03-23. Motion seconded by Member Kerns and passed unanimously.

Member Kerns asked Chair Cecere if a term of approval for the special exception should be included.

Chair Cecere confirmed that the Special Exception will be valid during the time that Mr. Graeves owns the home. If the home should be sold, it will be the responsibility of the new owner to ask for an extension of the Special Exception. This extension can be requested by letter.

Mayor Hendricks asked for clarification as to why a Special Exception for a fence would require term limits. He pointed out that it should not matter who owned the house, the term limits should be the same. He indicated that after the October meeting, he consulted the zoning ordinance and found nothing regarding term limits.

Chair Cecere validated Mayor Hendricks’ point and added that in the past, Special Exceptions had two-year term limits. The Board decided to change the timing because it felt that it was not always justifiable in many cases. The Board is proceeding in this manner so that the Special Exception is not an automatic approval. Chair Cecere pointed out that once the town’s ordinance is changed, there will not be an issue. Chair Cecere indicated that before the Board was established, Special Exceptions were less regulated.

Mayor Hendricks also inquired as to whether the other Special Exceptions contained terms for fences, and was assured that the process was the same. He also indicated that he would like to change the ordinance.

Member Kerns added that it was logical to have term limits on Special Exceptions and raised concerns regarding issuing Special Exceptions that have perpetuity.

The Board welcomed its new Member Percy Casaperalta and thanked Paul Foster for his service to the Board.

**Adjourn**

There being no further business, Chair Cecere proposed a motion to close the meeting which was seconded by Member Ols and passed unanimously. The meeting adjourned at approximately 7:55 p.m.

Respectively submitted

Nadine Tarwater