**LAYTONSVILLE BOARD OF APPEALS**

**MEETING MINUTES**

**April 4, 2022 – 7:30 p.m.**

**Roll Call**

A meeting of the Laytonsville Board of Appeals was called to order by Chair Cecere at approximately 7:40 p.m. Board Members Foster, Kerns, Ols, and Ryan were present.

**Minutes**

The minutes for the Board of Appeals Meeting of December 6, 2021, were submitted. A motion was made by Chair Cecere and seconded by Member Foster to approve the minutes. The motion passed unanimously.

**Attendees**

Mr. Horace and Mrs. Claudia Perdue (Applicants)

Ms. Joy Jackson, Assistant Clerk, Laytonsville Town Hall

Ms. Kim Emswiler, Assistant Staff Member, Laytonsville Town Hall

Ms. Nadine Hasevoets-Tarwater, Secretary

**Old Business**

None.

**New Business**

Special Exception Application (SE-01-22) submitted by Mr. Alan Kinney, 335 W. Springettsbury Avenue, York, PA, on behalf of Mr. and Mrs. Perdue, 134 Barberry Lane, Laytonsville, MD. Mr. and Mrs. Perdue are requesting that an exception be made in order to permit them to erect a six foot fence.

***Hearing***

Chair Cecere began the hearing by outlining the procedures and administering the swearing in oath to all those providing testimony.

Chair Cecere requested Mr. Perdue to outlined his request for a Special Exception and clarification as to whether Mr. Kinney was the contractor hired to erect the fence.

Mr. Perdue confirmed that Mr. Kinney was one of the workmen engaged by the contractor. He explained to the Board that the fence was needed as required by Montgomery County since his property would contain a pool. The fence selected will match his neighbor’s fence.

Chair Cecere noted that the special exception application did not indicate that the fence was needed due to the construction of a pool and requested that this be added to the application. He asked if the fence be erected in the near future.

Mr. Perdue indicated that the pool was to have been built June of last year, but due to several setbacks in obtaining approval for the fence, the start up date had to be moved back. They hoped to be able to begin construction within the next few months. He did note, however, that the request for approval had been a frustrating process with several failed attempts.

Chair Cecere inquired as to whether there might be a supply chain issue.

Mr. Perdue replied that although not a problem originally, with all the setbacks, there might be an issue now.

Chair Cecere indicated that the approval of the special exception was limited to one year. Should the construction of the fence be delayed beyond a year, Mr. and Mrs. Perdue would be required to submit a request for an extension of the special exception.

Member Kerns noted that the attached plot covering the placement of the fence and pool were rather fuzzy and requested that a better copy be submitted.

Chair Cecere requested that the following exhibits be entered into the record:

* Application and Attachments – Exhibit 1
* Letter dated February 9, 2022, from Architectural & Covenants Administrator, acting in capacity as agent for Laytonsville Grove, HOA, Inc. – Exhibit 2

Chair Cecere proposed a motion to approve the application for a special exception based on the testimony, exhibits, and HOA approval letter to erect a six foot fence in accordance with Montgomery County Zoning Ordinance providing:

1. An updated copy of the plot be submitted. The current version is difficult to read and some of the information is not clearly visible in reference to measurements;
2. The design, construction, and appearance of the fence in question will be in compliance with the exhibits and evidence entered by the applicant at the April 4, 2022, hearing, including but not limited to the stipulations set forth by the Laytonsville Grove Home Owners Association as per it’s February 9, 2022, approval letter (Board of Appeals Exhibit 2); and
3. This Special Exception will be limited to one year from the date of the approval letter. If the work is not completed within the stipulated timeframe, applicant will be required to submit letter requesting an extension to the Special Exception.

Member Foster seconded the motion which passed unanimously.

Member Foster asked Chair Cecere to confirm date of next meeting which was set for May 2, 2022, by Zoom.

**Adjourn**

There being no further business, Chair Cecere made the motion to close the hearing and meeting. Member Kerns seconded the motion which passed unanimously.

Respectively submitted

Nadine Tarwater