

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, January 22, 2009**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Ronald Delahay, Veronica Neale, and George T. Edmonds. Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Acting Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney George Sparling was also present.

A sign-in sheet is on file at LUGM. All participants in all cases were sworn in. The Chair called the meeting to order at 6:30 p.m.

PUBLIC HEARINGS

VAAP #08-0219 - Aley

The applicant is requesting an after-the-fact variance to add lot coverage in the Critical Area Buffer with a walkway, porch, driveway; variance to disturb the Critical Area Buffer to construct a deck and add new lot coverage for a detached garage and to expand existing appurtenances; and variance to disturb steep slopes. The property contains 4.74 acres; is zoned Residential Neighborhood Conservation district (RNC), Limited Development Area (LDA) Overlay; and is located at 27190 Cat Creek Road, Mechanicsville, Maryland; Tax Map 14, Grid 18, Parcel 361.

Owner: Richard and Theresa Aley

The property and variance requests were advertised in The Enterprise on January 7, 2009 and January 14, 2009.

Mr. Aley gave a brief overview of the request stating he wishes to construct a garage and a deck. Ms. Neale stated she noticed the steep slopes on the property. Mr. Aley stated this is why the deck was downsized and the garage moved to the driveway side of the house on the plans. Mr. Miedzinski asked if the deck would be located in the rear of the home. Mr. Aley stated yes it would provide a deck for the kitchen door. Mr. Miedzinski asked if this is a rental property. Mr. Aley stated yes. Mr. Miedzinski asked if anything would be done to stabilize the slopes. Ms. Chaillet stated a silt fence would be used during construction to minimize runoff.

Ms. Chaillet read the staff report which recommended approval of each request. ***Ms. Neale made a motion to accept the staff report as findings of fact in this case and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

Chairman Thompson opened the hearing to public comment. Mark Wyler asked if the garage would be attached to the home itself rather than being located elsewhere on the property. Mr. Aley stated the garage would be attached to the home. Chairman Thompson closed the hearing to public comment.

Ms. Neale made a motion in the matter of VAAP #08-0219, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to disturb and add lot coverage to the Critical Area Buffer and to approve the after-the-fact lot coverage in the Buffer subject to adherence to a Critical Area Planting Agreement and Planting Plan and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

Mr. Miedzinski made a motion in the matter of VAAP #08-0219, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 71.7 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to

approve the variance request to disturb steep slopes subject to adherence to a Critical Area Planting Agreement and Planting Plan with the following conditions:

- 1. The 21 x 10 foot deck have quarter inch spacing between the slats, and**
- 2. A silt fence be placed around the rear of the house during construction to minimize runoff.**

Mr. Edmonds seconded and the motion passed by a 5-0 vote.

VAAP #07-131-054 – Tidewater Dental

The applicant is requesting variance to reduce the rear yard setback and the side yard setback on the south side of the property to construct a shed. The property contains 20,000 square feet; is zoned Downtown Core Mixed Use District (DMX); and is located at 21534 Great Mills Road, Lexington Park, Maryland; Tax Map 43a, Parcel 85.

Owner: Retawedit Properties, LLC
Present: Mark Cohen

The property and variance request were advertised in The Enterprise on January 7, 2009 and January 14, 2009.

Mr. Cohen gave an overview of the case stating this is an unfortunate set of events. Ms. Chaillet read the staff report which recommended approval of the request to reduce the side yard setback on the south side of the property from 10 feet to two feet and to reduce the rear yard setback from 20 feet to 19 feet to construct a 640 square foot shed. Mr. Miedzinski asked when the renovation was done on the building. Mr. Cohen stated the interior renovation was done in 1994.

Ms. Neale made a motion to accept the staff report as findings of fact in this case and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

Chairman Thompson opened the hearing to public comment, hearing none, closed the hearing for public comment. Mr. Miedzinski stated he visited the site and the soil is stable and everything looks good. Ms. Neale agreed.

Ms. Neale made a motion in the matter of VAAP #07-131-054, having made a finding that the standards for granting a variance and the objectives of Section 32.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance requests to reduce the side yard setback on the south side of the Property from 10 feet to two feet and to reduce the rear yard setback from 20 feet to 19 feet for a 640 square foot shed as constructed and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

CUAP #08-131-040 – Maryland International Raceway

The applicant is requesting a modification of conditional use approval to increase the site by 15 acres to expand the existing parking area and to improve the storm water management facilities serving the site. The property contains 147.86 acres; is zoned Rural Preservation District; and is located at 27861 Budds Creek Road, Mechanicsville, Maryland; Tap Map 11; Grid 22; Parcel 12.

Owner: Millrace Promotions, LLC
Present: Scott Boling, Herb Redmond, and Royce Miller

The property and conditional use request were advertised in The Enterprise on January 7, 2009 and January 14, 2009.

Mr. Boling gave an overview submitting Exhibit 1 – May 7, 08 Boundary Survey, Map of Area Affected by Proposed Site Plan, and a full set of Site development Plans containing 7 maps. Exhibit 2 – December 29, 08 letter to Board of Appeals from Carolyn Laray. Exhibit 3 – January 21, 09 letter to Board of Appeals from Robert Ecker.

Mr. Herb Redmond gave an overview of the site referencing and submitting for the record Exhibit 4 – Map showing the 2009 boundary and the 15 acres added in 2008. Exhibit 5 – Map showing the 15 acre reservation area. Exhibit 6 – Map of 2008 existing site overlay of approved 2002 design plans. Exhibit 7 – Map of grading and sediment control plan.

Mr. Royce Miller stated this is a family owned business which averages over 200,000 attendees per year and employs over 100 persons during an event. Mr. Miller explained some of the events held at the raceway and submitted the following exhibits.

Exhibit 8 – Young boy in dragster

Exhibit 9 – Young girl in dragster

Exhibit 10 – Group of children behind dragster

Exhibit 11 – Five photos of new facilities including restrooms, grandstand, and food court

Exhibit 12 – Four photos of crowd attending events

Exhibit 13 – Four photos of trailer towing vehicles

Exhibit 14 – Four photos of camper trailer towing vehicles

Exhibit 15 – Two photos of racer trailer parking lot

Ms. Chaillet read the staff report which recommended approval of the request to add 15 acres to be used to improve traffic flow, expand parking, and to accommodate a new stormwater management facility.

Mr. Miedzinski asked about the type of storm water management facilities. Mr. Redmond stated sand filter would be used. ***Ms. Neale made a motion to accept the staff report as findings of fact in this case and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.*** Chairman Thompson opened the hearing to public comment.

Carolyn Laray stated she is in support and the raceway is good for tourism in the County. Kim Collins stated she is in support. Shelly Peterson stated she is in support and as a hotel manager the events held at the raceway help fill the rooms in local hotels. Wayne Delosier stated he has watched this raceway grow over the years and is in support of the project as it is good for the community. Tom Brown stated everything being done to this property is complimentary to the County. John Parlett stated he is in favor of the project as he is a long time dragster himself. Tommy Demore stated this is a clean, family event type place and is in full support of the project. Chairman Thompson closed the hearing for public comment.

Mr. Miedzinski made a motion in the matter of CUAP #08-131-040, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.66 if the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to modify the approved conditional use with the addition of 15 acres to be used to improve traffic flow, expand parking, and to accommodate a new storm water management facility and Ms. Neale seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of January 8, 2009 were approved as presented.

The Board authorized the Chair to review and sign the following orders:

ZAAP #06-110-066 – Huseman/ Estate of Jane Catherine Abell Bowles

VAAP #08-0371 – Holton

VAAP #08-2345 - Finnacom

ADJOURNMENT

The meeting was adjourned at 8:04 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: February 12, 2009

Howard Thompson
Chairman