

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
ROOM 14 \* POTOMAC BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, April 24, 2008**

Members present were Wayne Miedzinski, Vice-Chairman; Ronald Delahay, Veronica Neale, George T. Edmonds and 2<sup>nd</sup> Alternate Ronald Payne. George Hayden was excused. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; Kelly Seebold, Environmental Planner; 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 #07-3172 - Gladu**

The applicant is requesting variance to add new impervious surface in the Critical Area Buffer to construct a deck and two-story attached garage. The property contains 16,552 square feet; is zoned Rural Reservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 18968 McKay's Cove Lane, Valley Lee, Maryland; Tax Map 61, Block 02, Parcel 234.

Owner: Allen and Marilyn Gladu

The property was advertised in The Enterprise on April 9, 2008 and April 16, 2008.

Mr. Miedzinski stated the certified mailing receipts should be submitted to Land Use & Growth Management before close of business tomorrow. Mr. Gladu submitted Exhibit A – Packet containing a six page statement, six photographs, and eight maps and worksheets. Mr. Gladu stated he does not have an attached garage and the gazebo should not be considered impervious surface because it sits on cinder blocks. Mr. Gladu explained he is not sure how staff came up with five feet as a measurement because the deck will be 44 feet away from the water. Mr. Gladu stated the addition is in the only logical spot on the property.

Ms. Chaillet read the staff report which recommended denial of adding new impervious surface in the Critical Area Buffer and constructing a deck and two-story attached garage. Ms. Chaillet stated the deck would be, at it's closest point, five feet from the waters edge and stated the garage is located beneath the house therefore it is an attached garage. Ms. Chaillet stated the Gladu's own the lot next door which could be used for the addition.

***Ms. Neale made a motion to accept the staff report and adopt the findings of fact contained therein as their findings in this matter and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

Mr. Miedzinski opened the hearing to public comment. Ms. Kate Schmidt of the Critical Area Commission stated the Commission requires that no development occur in the buffer and that there be no disturbance to the habitat in the buffer. Ms. Schmidt stated the hardship has not been met as you would not be denying the applicant a reasonable use of their property and as they have additional lands to complete the addition.

Ms. Gladu stated it is their dream to be able to have this addition. Ms. Gladu stated there is no wildlife as all the ducks stay on the opposite side of the creek. Mr. Miedzinski closed the hearing to public comment.

***Ms. Neale made a motion in the matter of VAAP #07-3172, 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 not been met, I move to***

**deny the variance request to add new impervious surface in the Critical Area Buffer and that the applicant work with staff for an alternate location for the addition and Mr. Delahay seconded. The motion passed by a 5-0 vote.**

**VAAP #08-0124 - Roberts**

The applicant is requesting after-the-fact variance to add new impervious surface in the Critical Area Buffer with the placement of a shed. The property contains 1.00 acre; is zoned Rural Preservation district (RPD) Limited Development Area (LDA) Overlay; and is located at 49855 Gray Goose Lane, Ridge, Maryland; Tax Map 71, Block 21, Parcel 167.

Owner: Tom and Kathi Roberts

The property was advertised in The Enterprise on April 9, 2008 and April 16, 2008.

Mr. Roberts explained the after-the-fact variance request stating they were unaware that a shed under 300 square feet needed a permit. Mr. Roberts stated the shed is used to store oyster bed equipment, lawn care, equipment, and boating equipment. Mr. Roberts stated the shed currently sits under a pine tree atop all the pine needles where no other vegetation grows. Mr. Roberts asked that if the Board wants him to move the shed he be allowed to move it 20 feet closer to the house and mitigate by planting additional native trees and shrubs.

Ms. Chaillet read the staff report which recommended denial of adding impervious surface in the Critical Area Buffer with the placement of a shed. **Ms. Neale made a motion to accept the staff report and adopt the findings of fact contained therein as their findings in this matter and Mr. Edmonds seconded. The motion passed by a 5-0 vote.**

Mr. Miedzinski opened the hearing to public comment. Mr. Delahay stated moving the shed will kill the grass in another area of the yard. Mr. Delahay stated because of the pine tree they should be allowed to leave the shed where it is because nothing will grow under that pine tree. Ms. Schmidt stated it is the cumulative effects of development in the buffer that is harmful. Ms. Schmidt explained if everyone is allowed some small development in the buffer we would then see a declining health of the habitat, fish, wildlife, and water quality of the creek. Mr. Miedzinski closed the hearing to public comment.

**Ms. Neale made a motion in the matter of VAAP #08-0124, 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 not been met, I move to deny the variance request to add impervious surface in the 100-Foot Critical Area Buffer with the placement of a shed and Mr. Edmonds seconded. The motion passed by a 5-0 vote.**

**VAAP #07-1966 - Dollarton**

The applicant is requesting variance to clear more than 30 percent of the existing vegetation to construct a single-family dwelling. The property contains 15,319 square feet; is zoned Residential Neighborhood Conservation (RNC) District, Limited Development Area (LDA) Overlay; and is located at 26165 Skyview Drive, Hollywood, Maryland; Tax Map 20B, Grid 4 lot 13, Hollywood Shores Subdivision.

Owner: Terrance Dollarton  
Present: Jerry Nokelby

The property was advertised in The Enterprise on April 9, 2008 and April 16, 2008.

Mr. Nokelby gave a brief overview stating the lot is small and of irregular shape with a mild 2% slope. Mr. Nokelby stated the septic system will be placed on the northern end of the property which is 140 feet out of the buffer. Mr. Nokelby submitted Exhibit A- Two photos of the lot.

Ms. Chaillet read the staff report which recommended approval to clear more than 30 percent of the existing vegetation on the lot to construct a single-family dwelling. ***Ms. Neale made a motion to accept the staff report and adopt the findings of fact contained therein as their findings in this matter and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

Mr. Miedzinski opened the hearing to public comment, hearing none, closed the hearing for public comment.

***Ms. Neale made a motion in the matter of VAAP #07-1966, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to clear 1,938 square feet of vegetation, which is in excess of 30 percent of the vegetation on the property and in accordance with the planting agreement Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

#### **MINUTES AND ORDERS APPROVED**

The minutes of March 27, 2008 were approved as recorded.

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

ZAAP #06-110-066-Huseman/Estate of Jane Catherine Abell Bowles  
CUAP #08-131-011-Chopticon High School Wastewater Treatment Plant  
VAAP #07-3063-CRG Capital LLC  
VAAP #07-3064-CRG Capital LLC

#### **ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

---

Jada Stuckert, Recording Secretary

Approved in open session: May 22, 2008

---

George Allan Hayden  
Chairman