

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, May 14, 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 Derick Berlage, Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney George Sparling was also present.

Mr. Derick Berlage, Director of Land Use and Growth Management introduced himself to the Board stating the department will continue to work on professionalism, customer service, and the future of St. Mary's County.

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 #08-131-032 – Patuxent Baptist Church**

The applicant is requesting an after-the-fact variance to reduce the required setback between structures to construct an accessory building. The property contains 38,241 square feet; is zoned Residential Mixed Use (RMX) District; and is located at 22614 Chancellors Run Road, Great Mills, Maryland; Tax Map 43, Grid 1, Parcel 243.

Owner: Patuxent Baptist Church, Inc.  
Present: Pastor Richard Connor

The property and variance were advertised in The Enterprise on April 29, 2009 and May 6, 2009.

Ms. Chaillet read the staff report which recommended denial of the request for an after-the-fact variance to reduce the required setback between structures to construct an accessory building. Ms. Chaillet submitted Exhibit 1 being a 2007 aerial photo of the church lot and Exhibit 2 being a set of nine (9) photos of the property structure.

Mr. Miedzinski asked how close the structure is to the church. Ms. Chaillet stated it is 7.5 feet from the structure.

Mr. Connor stated the church needed more space for a meeting room and he knew a permit should have been obtained however he did not obtain one and asked for forgiveness. Mr. Thompson asked why the structure wasn't placed in the rear of the church. Mr. Miedzinski asked what the size was of the structure. Mr. Connor stated it is 41 x 14 feet. Mr. Edmonds asked what alternative is available. Ms. Chaillet stated the structure could be placed on the North side of the church.

Mr. Miedzinski asked who the home improvement contractor is as referenced in the staff report. Mr. Connor stated there was no home improvement contractor. Mr. Delahay asked why a permit wasn't applied for. Mr. Connor stated he did wrong. Mr. Miedzinski asked if there were any fines imposed. Ms. Chaillet stated no, not at this time. Mr. Thompson asked what would happen if this is denied tonight. Ms. Chaillet stated staff can work with the applicant to have the structure moved to a proper place.

Ms. Chaillet stated this has already gone through TEC if the applicant decides to move the structure, staff will work with them to ensure the structure is located correctly and legally on the property.

Chairman Thompson opened the hearing to public comment, hearing none, closed the hearing to public comment.

***Mr. Miedzinski made a motion in the matter of VAAP #08-131-032, having made a finding that the standards for granting a variance and the objectives of Section 51.2.4.c of the St. Mary's County Comprehensive Zoning Ordinance have not been met, I move to deny the variance request to reduce the required 10-foot setback between a principal structure and an accessory structure with the condition that the church has 90 days to relocate the structure and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

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

The minutes of April 9, 2009 and April 20, 2009 were approved as recorded.

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

VAAP #04-0876 – Konecny

VAAP #05-132-019 – St. Mary's Marketplace

#### **ADJOURNMENT**

The meeting was adjourned at 7:00 p.m.

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Jada Stuckert, Recording Secretary

Approved in open session: May 28, 2009

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Howard Thompson  
Chairman