

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Thursday, June 14, 2007**

Members present were George Hayden, Chair, Wayne Miedzinski, Veronica Scriber, and George Edmonds. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Christy Holt Chesser, County 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

CUAP #05-132-029 - Stoltzfus Property Mine

The applicant is requesting a modification of a conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to add a condition regarding the average number of truckloads per day. The property contains 125 acres; is zones Rural Preservation District (RPD); and is located at 28575 Thompson Center Road, Mechanicsville, Maryland; Tax Map 08, Block 2 & 3, Parcel 40 & 69.

Owner: Samuel and Magdalena Stoltzfus
Present: Dan Ichniowski

This property was advertised in the Enterprise on May 30, 2007 and June 6, 2007. The property was posted and certified mail receipts were submitted to staff for the files.

Mr. Hayden stated he would like to hear the CAUP #05-132-027 at the same time and asked Ms. Chaillet for the legal description on the Swann Property. (Legal description and vote listed below)

After discussion, Mr. Miedzinski made a motion in the matter of CUAP #05-132-029, Stoltzfus Property, having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request for a modification of an approved conditional use pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to add the following condition: By Agreement of the Applicant, no more than 200 total truckloads per day may be hauled from the Applicant's surface mines which are served by MD Route 236 and Ms. Scriber seconded. The motion passed by a 4-0 vote.

CUAP #05-132-027 – Swann Property

The applicant is requesting a modification of a conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to add a condition regarding the average number of truckloads per day. The property contains 220 acres; is zones Rural Preservation District (RPD); and is located at 36350 Davis Road, Chaptico, Maryland; Tax Map 16, Block 18, Parcel 11.

Owner: Ingrid E. Swann
Present: Dan Ichniowski

This property was advertised in the Enterprise on May 30, 2007 and June 6, 2007. The property was posted and certified mail receipts were submitted to staff for the files.

After discussion, Mr. Miedzinski made a motion in the matter of CUAP #05-132-027, Swann Property, having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request for a modification of an approved conditional use pursuant to Chapter 25 of the

Comprehensive Zoning Ordinance to add the following condition: By Agreement of the Applicant, no more than 200 total truckloads per day may be hauled from the Applicant's surface mines which are served by MD Route 236 and Ms. Scriber seconded. The motion passed by a 4-0 vote.

VAAP #06-3452 – Colonial Workshop

The applicant is requesting a variance from Section 72.3 of the Comprehensive Zoning Ordinance to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances. The property contains 15,249 sq. ft.; is zoned Residential Neighborhood Conservation (RNC) District, Limited Development Area (LDA) Overlay District; and is located at 40317 Dockser Drive, Mechanicsville, Maryland; Tax Map 5A, Block 01, Parcel 54.

Owner: Colonial Workshop, Inc.
Present: William Higgs

This property was advertised in the Enterprise on May 30, 2007 and June 6, 2007. The property was posted and certified mail receipts were submitted to staff for the files.

Mr. Higgs brought attention to a letter in the Board's packets listing the reasons for the variance. Mr. Miedzinski stated he appreciates where the mound systems are located.

Ms. Scriber made a motion in the matter of VAAP #06-3452, Colonial Workshop, having made a finding that the standards for 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 that the variance to clear in excess of 30 percent of the existing woodland be APPROVED with the recommended condition to adhere to the Critical Area Planting Agreement and Mr. Miedzinski seconded. The motion passed by a 4-0 vote.

VAAP # 05-0777 – James Johnson

The applicant is requesting a variance from Section 72.3 of the Comprehensive Zoning Ordinance to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances. The property contains 15,000 sq. ft; is zoned Residential Neighborhood Conservation (RCN) District, Limited Development Area (LDA) Overlay District; and is located at 29860 Washington Road, Mechanicsville, Maryland; Tax Map 5A, Block 06, Parcel 338.

Owner: James E. Johnson, Jr.
Present: Glenn Gass

This property was advertised in the Enterprise on May 30, 2007 and June 6, 2007. The property was posted and certified mail receipts were submitted to staff for the files.

Mr. Gass stated the lot is irregular shaped and wooded. Mr. Miedzinski stated he would like to see the mound system behind the house to save some habitat. Mr. Gass stated the mounds were places around where the perks were successful.

Mr. Miedzinski made a motion to accept the staff report and Mr. Edmonds seconded. The motion passed 4-0.

Mr. Miedzinski made a motion in the matter of VAAP #05-0777, Johnson, having made a finding that the standards for 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 that the variance to clear in excess of 30 percent of the existing woodland be APPROVED with the recommended condition to adhere to the Critical Area Planting Agreement and the

initial and secondary mound system be switched and Mr. Edmonds seconded. The motion passed by a 4-0 vote.

VAAP #07-0744 - Boling

The applicant is requesting a variance from Section 72.3 of the Comprehensive Zoning Ordinance to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances. The property contains 18,132 sq. ft; is zones Residential Neighborhood Conservation (RCN) District, Limited Development Area (LDA) Overlay District; and is located at 30128 Shoreview Drive, Mechanicsville, Maryland; Tax Map 5A, Block 06, Parcel 340.

Owner: Joseph and Crissy Boling
Present: Glenn Gass

This property was advertised in the Enterprise on May 30, 2007 and June 6, 2007. The property was posted and certified mail receipts were submitted to staff for the files.

Mr. Miedzinski again stated he would like to see the mound system behind the house to save some habitat. Mr. Gass stated that moving the mounds would create a hardship on the owner.

After discussion, Mr. Miedzinski made a motion in the matter of VAAP #07-0744, Boling, having made a finding that the standards for 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 that the variance to clear in excess of 30 percent of the existing woodland be APPROVED with the recommended condition to adhere to the Critical Area Planting Agreement, and the initial and secondary mound systems be switched subject to Health Department approval and Mr. Edmonds seconded. The motion passed by a 4-0 vote.

VAAP #07-0335 - Cooper

The applicant is requesting a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to add new impervious surface in the Critical Area Buffer to construct a detached garage and deck. The property contains 1.01 acres; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 20149 Dalonbay Lane, Lexington Park, Maryland; Tax Map 59, Block 05, Parcel 155.

Owner: Finley Wayne Cooper and Judy Cooper
Present: Wayne Cooper

This property was advertised in the Enterprise on May 30, 2007 and June 6, 2007. The property was posted and certified mail receipts were submitted to staff for the files.

Mr. Cooper apologized for the late submission of the updated site plans stating he noticed a mistake on the original. Ms. Chaillet read the staff report which recommended approval. **Mr. Miedzinski made a motion to accept the staff report and Ms. Scriber seconded. The motion passed by a 4-0 vote.**

After discussion, Ms. Scriber made a motion in the matter of VAAP #07-0335, Cooper, having made a finding that the standards for 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 that the variance to add new impervious surface in the Critical Area Buffer to construct a detached garage and deck be approved, subject to the following conditions:

- 1. The Applicant shall construct the deck in a pervious manner, with spacing between the deck boards and six (6) inches of gravel substrate under the deck.**

2. **The Applicant shall adhere to the Critical Area Planting Agreement which requires mitigation at a ratio of three to one (3:1) per square foot of the variance granted in accord with Section 24.4.2.b of the Ordinance.**
3. **The Applicant shall follow the B2 site plan for the deck and remove 80 sq. ft. from the driveway to allow for a 40 foot deck.**

The motion was seconded by Mr. Edmonds and passed by a 4-0 vote.

CUAP #06-2286 - Barnes

The applicant is requesting to expand a non-conforming structure and to exceed the limits of expansion pursuant to Section 52.3 of the Comprehensive Zoning Ordinance to replace a mobile home. The property contains 1 acre; is zones Residential, Low Density (RL) District; and is located at 46205 Millstone Landing Road, Lexington Park, Maryland; Tax Map 35, Block 20, Parcel 86.

Owner: Marguerite Barnes
Present: Sara Foot

This property was advertised in the Enterprise on May 30, 2007 and June 6, 2007. The property was posted and certified mail receipts were submitted to staff for the files.

Ms. Foot stated Ms. Barnes has lived in a single wide mobile home since the early 60's and is now in a position where her family has expanded and she needs a larger home. Ms. Foot stated the mobile home Ms. Barnes would like to place on the lot is 52x28 feet including the tongue.

Ms. Chaillet read the staff report which recommended denial. Mr. Miedzinski made a motion to accept the staff report and Ms. Scriber seconded. Mr. Canavan asked if Ms. Foot sold a mobile home that is 46 x 28 in size. Ms. Foot stated that she does. Mr. Canavan stated that the department could not support a 72% increase but could support a 50% increase in size.

After further discussion, Mr. Miedzinski made a motion in the matter of CAUP #06-2286, Barnes, having made a finding that the conditional use standards of Section 25.6 of the Comprehensive Zoning Ordinance have not been met and that the requirements of Section 52.3 of the Ordinance have not been met, I move that the request to replace a mobile home and expand it by 72 percent be denied, however the Board does approve an increase of the size of the residence by 50 percent to 1,365 square feet and Mr. Edmonds seconded. The motion passed by a 4-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of May 10, 2007 and June 4, 2007 were approved as recorded.

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

**VAAP #05-0778 – Lanedon Subdivision
VAAP #05-0779 – Lanedon Subdivision
VAAP #06-1860 – Julian Johnson Property**

ADJOURNMENT

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

Jada Stuckert, Recording
Secretary

Approved in open session: July 12, 2007

George Allan Hayden
Chairman