

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
ROOM 14 \* POTOMAC BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, July 10, 2008**

Members present were George Hayden, Chairman; Wayne Miedzinski, Ronald Delahay, Veronica Neale and George T. Edmonds. 2<sup>nd</sup> Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; and Gloria Bailey, Recording Secretary. George Sparling, Attorney 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 #07-2594 - Leonard**

Ms. Chaillet gave an overview of the discussion at the June 26, 2008 hearing. Ms. Chaillet submitted Exhibit 1 – photos of the property for the record.

Mr. Hayden asked for the square footage of the chicken coop. Mr. Stevens stated the chicken coop is 69 square feet and the concrete pad is 16 square feet. Ms. Chaillet stated staff would like to see 390 square feet removed from the buffer as a trade for the deck. Mr. Hayden stated the original plan was to have the applicant remove the shed that is in the buffer however staff has verified that this shed does not exist.

After discussion, ***Mr. Miedzinski made a motion to amend the staff report “e” to read “The Applicants must implement erosion and sediment control measures during construction and they must mitigate for the new impervious surface and the use of straw bails for erosion control is allowed” and to accept the staff report as findings of fact in this case Ms. Neale seconded. The motion passed by a 5-0 vote.***

***Mr. Miedzinski made a motion in the matter of VAAP#07-2594, 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 add new impervious surface in the Critical Area Buffer with the construction of a 450 square-foot deck, subject to the following conditions:***

- 1) ***The Applicants shall move the deck two feet south of its proposed location on the site plan;***
- 2) ***The spacing between the deck boards shall be a minimum of three sixteenths (3/16") of an inch; and***
- 3) ***The Applicant shall remove 300 square-foot of existing impervious surface out of the Critical Area Buffer, this being the existing woodshed, chicken coop, the 16 sq. ft. concrete pad and the 88 sq. ft. concrete pad, and***
- 4) ***The Applicant shall comply with the Critical Area Planting Agreement which requires mitigation at a ration of three to one (3:1) per square foot of the variance granted in accordance with Section 24.4.2.b of the Ordinance.***
- 5) ***The Applicant may build an addition of 120 sq. ft wood shed to be placed in the Critical Area and work with staff for placement***

***Ms. Neale seconded and the motion passed by a 5-0 vote.***

**VAAP #08-0858 – Smith**

The applicant is requesting variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to add impervious surface in the Critical Area Buffer to construct an attached garage

on the existing dwelling; and variance from Section 41.5.3.i of the Comprehensive Zoning Ordinance to exceed the impervious surface limit on the property. The property contains 43,511 square feet; is zoned Residential Neighborhood conservation District (RNC), Limited Development Area (LDA) Overlay; and is located at 46145 East Sunrise Drive, Lexington Park, Maryland; Tax Map 35a, Block 23, Parcel 29.

Owner: Steven and Janet Smith

The property and variance were advertised in the Enterprise on June 25, 2008 and July 2, 2008

Mr. Steven Smith stated they would like to add an attached garage to their home. Ms. Chaillet read the staff report which recommended approval and stating the new regulations do not count pathways leading to the water as lot coverage therefore staff recalculated without the pathways and the applicant will not be exceeding the impervious surface limit.

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

Mr. Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment. Mr. Smith asked for authorization to remove the existing sheds after the construction of the garage. The Board agreed and granted their authorization in their motion.

***Mr. Miedzinski made a motion in the matter of VAAP #08-0858 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 add impervious surface in the Critical Area Buffer to construct an attached garage to the existing dwelling with the following conditions:***

- 1. The Applicant shall remove the two existing storage sheds no later than 60 days after the completion of the two car attached garage; and***
- 2. The Applicant shall submit a planting plan for the review and approval which shows the required mitigation; and***
- 3. The Applicant shall adhere to the Critical Area Planting Agreement.***

***Ms. Neale seconded and the motion passed by a 5-0 vote.***

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

The minutes of June 26, 2008 were approved as presented.

**The Board authorized the Chair to review and sign the following orders: None**

#### **ADJOURNMENT**

The meeting was adjourned at 7:10 p.m.

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Jada Stuckert, Typist Secretary

Approved in open session: July 24, 2007

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George Allan Hayden

Chairman