

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Thursday, November 18, 2004**

Present: Marie Underwood, Chairperson
George Allan Hayden, Vice Chair
Greg Callaway, Member
Ronald C. Delahay, Member
Michael Hewitt, Member
John B. Norris, III, County Attorney
Denis Canavan, Director, Department of Land Use & Growth
Management
Yvonne Chaillet, Planner III, LUGM
April Bahner, Critical Area Plans Reviewer, LUGM
Sharon Sharrer, LUGM Recording Secretary

Present as an observer was the Board's second Alternate, David Wayne Miedzinski. A sign-in sheet is on file in the Department of Land Use & Growth Management (LUGM). All participants in all cases were sworn in. The Chair called the meeting to order at 6:34 p.m.

PUBLIC HEARING

VAAP #04-2595 – CORNFIELD HARBOR SUBDIVISION

The applicants are requesting a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to construct a replacement single-family dwelling and appurtenances in the Critical Area Buffer. The property contains 11,250 square feet, is zoned Rural Preservation District (RPD) Limited Development Area (LDA) Overlay District, and is located at 13945 Cornfield Harbor Drive in Scotland, Maryland; Tax Map 74, Block 9, Parcel 126.

Owner: Paul Abbott & Elaine Barker

Withdrawn from agenda.

CUAP #04-2116 – TSIRIGOTIS

The applicant is requesting conditional use approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to replace a mobile home and expand it by more than 25%. The property contains .25 acres, is zoned Residential Low Density (RL), and is located at 45561 Norris Road in Great Mills, Maryland; Tax Map 42, Block 18, Parcel 173.

Owner: George Tsigotis

Mr. Tsigotis provided receipts from the certified mailings.

Mr. Tsigotis said that the mobile home currently on the property is a rental unit which is dilapidated, and he would like to replace it with something more in keeping with the neighborhood. He does plan to put a foundation under the new unit, making it look more like the subdivision next to the property.

Ms. Chaillet said that staff is supporting the request to replace the dilapidated mobile home with one which represents a 49% increase over the existing home. Staff feels that it will not negatively impact the adjoining properties, and that it will be in keeping with the character with the existing homes.

Mr. Hayden moved that the staff report be accepted. The motion was seconded by Mr. Callaway and passed by a 5 – 0 vote.

The Chair opened the hearing to public comment. The public hearing was closed with no comments.

The Chair offered the applicant the opportunity to make additional comments.

Mr. Delahay moved that 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, a Conditional Use to replace a mobile home and expand it by 49% be approved. The motion was seconded by Mr. Callaway and passed by a 5 - 0 vote.

VAAP #04-1653 – FRISCHHOLZ, Lot 21

The applicant is requesting a variance from Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance to clear in excess of 30% of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area. The property contains 19,300 square feet, is zoned Rural Preservation District (RPD) Limited Development Area (LDA) Overlay District, and is located on the corner of Lake Drive and Lanedon Drive in Leonardtown, Maryland; Tax Map 57, Block 19, Parcel 123, Lot 21.

Owner: Nora Lee Broches
Present: Dennis Frischholz

VAAP #04-1653 (lot 21) and VAAP #04-1652 (lot 22) were presented together. Mr. Frischholz provided receipts from the certified mailings.

Mr. Frischholz said that the properties are small lots that were put in many years ago, and he is trying to put a useable home on each of the properties. He said that only the amount of land which absolutely needs to be cleared to put in the actual houses, wells, and septic systems will be cleared.

Ms. Chaillet said that staff finds that the applicant has met the standards for variance, and is recommending approval subject to the applicant mitigating at a ratio of three-to-one (3:1) for the amount of disturbance.

Mr. Hayden moved that the staff reports for both VAAP #04-1653 (lot 21) and VAAP #04-1652 (lot 22) be accepted. The motion was seconded by Mr. Callaway and passed by a 5 – 0 vote.

The Chair opened the hearing to public comment.

Anne Grulich, a Leonardtown resident who lives across the street from the subject properties, asked that the other construction taking place in the area be considered. She said that she does not feel that this construction seems to be in keeping with the spirit of the Critical Area. The land is flat, and she mentioned concern with the draining of stormwater in the area. She also mentioned concerns with the level of the aquifer, as well as with the arsenic level in the water.

Ms. Underwood said that the Critical Area Commission had looked at these applications and recommended mitigation for the disturbance, but did not oppose the variances. She suggested that Ms. Grulich might want to address her concerns for future development in the area to the Critical Area Commission.

Sean Smoak, a Golden Beach resident, said he was concerned with the preservation of wildlife and the declining conditions in the Bay and Patuxent River.

The Chair closed the public hearing.

The Chair offered the applicant the opportunity to make additional comments.

Mr. Callaway moved that having accepted the staff report and 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, the variance to clear in excess of 30% of the existing vegetation be approved with the recommended condition to adhere to the Planting Agreement. The motion was seconded by Mr. Hewitt and passed by a 5 - 0 vote.

VAAP #04-1652 – FRISCHHOLZ, Lot 22

The applicant is requesting a variance from Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance to clear in excess of 30% of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area. The property contains 18,700 square feet, is zoned Rural Preservation District (RPD) Limited Development Area (LDA) overlay district, and is located on the corner of Lake Drive and Lanedon Drive in Leonardtown, Maryland; Tax Map 57, Block 19, Parcel 123, Lot 22.

Owner: Nora Lee Broches
Present: Dennis Frischholz

VAAP #04-1653 (lot 21) and VAAP #04-1652 (lot 22) were presented together. Mr. Frischholz provided receipts from the certified mailings.

Mr. Delahay moved that having accepted the staff report and 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, the variance to clear in excess of 30% of the existing vegetation be approved with the recommended condition to adhere to the Planting Agreement. The motion was seconded by Mr. Hayden and passed by a 5 - 0 vote.

VAAP #04-1551 – HOSTERLER

The applicant is requesting a variance from Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance to clear in excess of 30% of the existing vegetation and a variance from Section 71.7.3 of the St. Mary's County Comprehensive Zoning Ordinance to disturb slopes of 15% or greater to construct a single-family dwelling and appurtenances in the Critical Area. The property contains .23 acres, is zoned Residential Neighborhood Conservation (RNC) Limited Development Area (LDA) Overlay District, and is located on Skyview Drive approximately 800 feet from its intersection with Jones Wharf Road in Hollywood, Maryland; Tax Map 20B, Lot: 10 of Block G in Hollywood Shores Subdivision.

Owner: Dorothy Hosterler
Present: James Glenn Elrod, Jr., contract purchaser on property and the Applicant
Barrett Vukmer, land surveyor, Chesapeake Trails Surveying, LLC

Mr. Elrod presented the receipts from the certified mailings.

Mr. Elrod said that he would like to build an affordable starter home on this property.

Ms. Chaillet said that staff finds that the applicant has met the standards for variance in the Critical Area, and is recommending approval subject to the applicant mitigating at a ratio of three-to-one (3:1) for clearing in excess of 30% of the existing vegetation.

Ms. Underwood said that she did not see the issue of steep slopes addressed in the letter from the Critical Area Commission. Mary Owens, of the Critical Area Commission (CAC), said that it is unlikely that CAC would oppose the variance request since the property is a grandfathered lot. Ms. Underwood explained that the Board of Appeals does not normally proceed without having CAC official approval. She suggested that the case could be continued to a future meeting, or a motion could be made which was conditioned upon the receipt of CAC approval for the second variance request.

Mr. Hewitt asked about the stabilization of the steep slopes and the implementation of an erosion and sediment control plan. Ms. Bahner said that it looks like Soil Conservation District (SCD) gave the applicant a standard erosions and sediment control plan.

Mr. Callaway moved that the staff report be accepted. The motion was seconded by Mr. Hewitt and passed by a 5 – 0 vote.

The Chair opened the hearing to public comment.

Thomas Savoy, an adjacent property owner, said that the subject property has failed to perc several times, but did pass this time. He asked if there were plans for city water or sewer to come to the area anytime soon. He said that he did not see any way that the subject property, due to its small size and steep slopes, could hold any type of septic system. Ms. Underwood said that the plan has to have already been approved by the Health Department.

Ken Hastings, a Mechanicsville resident, mentioned his concern that SCD has not required an engineered plan for erosion and sediment control.

The Chair closed the public hearing.

The Chair offered the applicant the opportunity to make additional comments.

Barrett Vukmer, who prepared the plan for the applicant, said that he thought SCD approved a standard plan because the amount of clearing was only slightly higher than the exemption amount. He said that the steep slopes would be more of an issue for CAC than for SCD.

Mr. Delahay expressed his concern that too much information was still needed for him to feel comfortable voting on a motion.

Mr. Callaway moved that the Board continue the hearing until January 13, 2005 at 6:30 p.m. in Room 14 of the Governmental Center in Leonardtown to allow time for the Critical Area Commission to address the variance request for disturbance of steep slopes. The motion was seconded by Mr. Hayden and passed by a 5 – 0 vote.

VAAP #04-0213 – ADAMS

The applicant is requesting a variance from Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance to clear in excess of 30% of the existing vegetation and a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to construct a single-family dwelling and

appurtenances in the Critical Area Buffer. The property contains 21,763 square feet, is zoned Residential Neighborhood Conservation (RNC) Limited Development Area (LDA) Overlay District, and is located in Section 2 of Golden Beach Subdivision on Duke Road in Mechanicsville, Maryland; Tax Map 6, Block 2, Parcel 56, Lot 498.

Owner: R.J. Adams Construction
Present: Jeff Adams, owner of R.J. Adams Construction, Inc.

Mr. Adams presented receipts from the certified mailings.

Mr. Adams said that he would like to build a small Cape Cod style house on the subject property. He said that the amount of clearing will only be what is necessary to construct this small house.

Ms. Chaillet said that staff finds that the applicant has met the standards for variance subject to the conditions that the applicant adhere to the planting agreement and that SCD approve the erosion and sediment control plan.

Ms. Bahner read a copy of a letter received from Ken Hastings, a Mechanicsville resident, into the record. The letter expressed concern that a variance would be approved in an area that is already burdened by resource protection issues.

Mr. Hayden asked if the applicant had received a copy of the letter from CAC suggesting that a longer, narrower dwelling could be located further from the edge of tidal wetlands than the dwelling currently being proposed. Ms. Chaillet responded that the applicant should have received a copy of that letter.

Mr. Hayden moved that the staff report be accepted. The motion was seconded by Mr. Callaway and passed by a 5 – 0 vote.

The Chair opened the hearing to public comment.

Sean Smoak, a Golden Beach resident, asked the Board not to allow the amount of forest in Golden Beach to be further reduced. He said that by keeping the Critical Areas as zoned you keep a piece of St. Mary's alive.

Ken Hastings, a Mechanicsville resident who also owns an "unbuildable" lot in Golden Beach, said that the current owner of the property, as a builder who only recently purchased the property, should have known when he purchased the property that it was encumbered and that a variance would be needed to build there. He asked that the variance be denied.

The hearing was closed to public comment.

The Chair summarized the variance request before the Board. She said that the letter from the Critical Area Commission suggested that perhaps a house that was 20'x 30' (rather than the 24'x 24' dwelling proposed) would bring the house back further from the edge of the tidal wetlands. Board members agreed that this option of changing the shape of the house and moving it further from the tidal wetlands is a valid option for the applicant.

Mr. Hayden moved that having accepted the staff report and having made a finding that standard (a), "that special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of this Ordinance would result in unwarranted hardship," for variance in the Critical Area has not been met, the Board deny the variance to clear in excess of 30% of the existing

woodland and the variance to develop in the Critical Area Buffer. The motion for denial was seconded by Mr. Delahay and passed by a 5 – 0 vote.

VAAP #03-120-042 – PEGG RUN TOWNEHOMES

The applicant is requesting a variance from Section 71.4.2 of the St. Mary's County Comprehensive Zoning Ordinance to reduce the required 100-foot buffer from a perennial stream to construct a townhouse development. The property contains 5.1 acres, is zoned Residential High Density District (RH), and is located on Pegg Road in Lexington Park, Maryland; Tax Map 43, Block 21, Parcel 72.

Owner: James F. Munley
Present: Joe Mitchell, attorney representing Mr. Munley
Jerry Nokleby, of Nokleby Surveying, Inc.

Mr. Mitchell explained that the applicant is trying to complete a townhouse project which was started over 20 years ago. He said that the current Zoning Ordinance (Z02-01) was adopted 35 days after the current concept site plan for this project was approved. Mr. Nokleby said that at the time the initial concept plan for this property was designed and approved a 50-foot stream buffer was required under the existing Ordinance (90-11). He explained that construction permits were issued, clearing was done, and footings were put in for the retention walls. Mr. Nokleby said that granting the requested variance would allow the stabilization of the site to be completed.

Ms. Chaillet said that staff supported the request for the variance and recommended that the variance be approved.

Mr. Callaway moved that the staff report be accepted. The motion was seconded by Mr. Hewitt and passed by a 5 – 0 vote.

The Chair opened the hearing to public comment.

Karen Nelson, a member of the Countryside Homeowners Association Board, explained that she had no objection to the approval of the variance request. Her concern was to find out if the new townhouses would become a part of the Countryside Homeowners Association, or if they would have their own homeowners association. Mr. Nokleby explained that there will be a separate homeowners association for the new townhouses.

Jerry Nokleby, as the owner of two lots within 200 feet of the project, applauded the project. He said that the completion of this project could only help the neighborhood.

The Chair closed the public hearing.

Mr. Hewitt moved that having accepted the staff report and having made a finding that the standards for variance and the objectives of Section 71.4.2 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the variance to reduce the required 100-foot buffer from a perennial stream to construct a townhouse development be approved. The motion was amended by Mr. Hewitt to read that the variance to reduce the required 100-foot buffer to a 50-foot buffer from a perennial stream to construct a townhouse development be approved. The motion and amendment were seconded by Mr. Hayden and passed by a 5 - 0 vote.

VAAP #03-0830 – MARSHALL LUDLOW

The applicant is requesting a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to construct a replacement single-family dwelling and appurtenances in the Critical Area Buffer and a variance from Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance to clear

in excess of 30% of the existing vegetation. The property contains 2.2 acres, is zoned Rural Preservation District (RPD) Limited Development Area (LDA) Overlay District, and is located at the end of St. Jerome's Neck Road in Dameron, Maryland; Tax Map 46, Block 8, Parcel 14.

Owner: Marshall Ludlow
Present: Jerry Soderberg, of DH Steffens Company

Mr. Soderberg explained that there is only one neighbor and he provided a copy of the mailing information on the certified mailing from the Post Office, explaining that the receipt had been misplaced. Mr. Norris noted that the green card from the certified letter had come back signed.

Mr. Soderberg said that Mr. Ludlow is currently residing in the existing dwelling on the subject property. He said that he had just received notification of the new determination of where the Critical Area Buffer is located, and that he had come up with an acceptable plan based on this new determination. Since he just received this information, the new plan has not yet been through the review process. Mr. Soderberg said that this new plan meets the objections of both CAC and staff.

Mr. Hayden asked if this new plan could be accepted. Mr. Norris explained that since this new plan was not the plan that was advertised, reviewed by various agencies, or commented on by CAC it was not the plan before the Board of Appeals for approval. Mr. Norris said that the options open to the Board were to move forward with the application before them or to continue the hearing until a future meeting. Mr. Canavan asked the applicant if he was amending the current application per the current exhibit. Mr. Soderberg responded that he was amending the current application.

Mr. Callaway moved that the Board continue the hearing until January 13, 2005 at 6:30 p.m. in Room 14 of the Governmental Center in Leonardtown to allow time for the applicant to amend his variance application and to have the amended application reviewed. The motion was seconded by Mr. Hayden and passed by a 5 – 0 vote.

CUAP #04-131-008 – KRONLUND PIT #1

The applicants are requesting Conditional Use approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance to expand an approved conditional use. The property contains 157.17 acres, is zoned Rural Preservation District (RPD), and is located on the south side of Lockes Crossing Road approximately 4,500 feet east of MD Route 236 in Mechanicsville, MD; Tax Map 8, Block 16, Parcel 74.

Owner: Soltzfus; John & Rebecca, Stephen & Sadie, Amos & Rebecca
Present: Jerry Soderberg, of DH Steffens Company

Mr. Soderberg presented the receipts from the certified mailings.

Mr. Soderberg said that, as far as he knows, there have been no complaints from the existing mining operations. Drivers are routinely cautioned about maintaining low speeds and the road conditions are monitored monthly, with one repair to the road already having been completed.

Ms. Underwood asked if there was any issue of being too close to property lines. Mr. Soderberg explained that they are well away from any property lines other than those of the property owners who are a party to the mining operation. Board members questioned whether a signed consent was needed from each of the adjoining property owners for operations close to

the property line. Mr. Soderberg said that they would have no problem providing signed consents from the property owners.

Ms. Chaillet explained that the proposed mining schedule is for three (3) acres in preparation, three (3) acres being mined, and three (3) acres in reclamation until the mining has been completed. The mine is part of three agricultural parcels. She explained that the applicant is proposing a maximum of 75 truckloads a day or 150 trips, which is what was approved in 2002. The travel route will remain the same as in the previous approval.

Mr. Callaway moved that the staff report be accepted. The motion was seconded by Mr. Hewitt and passed by a 5 – 0 vote.

The Chair opened the hearing to public comment. The public hearing closed with no comments.

The Chair offered the applicant an opportunity to make additional comments.

Mr. Hewitt moved that 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, a Conditional Use for an extractive industry involving the mining of more than five (5) acres pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance be approved subject to the following conditions:

- 1. State regulations shall be adhered to and a copy of the State Mining Permit shall be on file in the Department of Land Use and Growth Management.**
- 2. The total acreage approved shall not exceed 19.86 acres (9.91 + 9.95) and the reclamation/grass and seeding shall be completed within six (6) months after the mining activities have ceased.**
- 3. All mining operations shall cease as of December 31, 2009.**
- 4. A bond in the amount of \$15,000 shall remain in effect with the Department of Public Works and transportation to ensure future repairs to the west side of Lockes Crossing Road. In addition, the maximum speed limit for the gravel trucks shall be 35 miles per hour on Lockes Crossing Road.**
- 5. A maximum of 75 truckloads per day (which equals 150 trips) shall be used to haul materials from the site. The travel route shall be west on Lockes Crossing Road and north on Thompson's Corner Road. The east side of Lockes Crossing Road shall not be used to haul material at any time.**
- 6. Hours of operation for the mining operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday 8:00 a.m. to 2:00 p.m. on Saturday. No operations shall be permitted on Sundays or Holidays (New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).**
- 7. No other raw/mining materials shall be brought from off-site and placed on the current conditional use property.**
- 8. No topsoil shall be removed from the site. All topsoil shall be stockpiled for reclamation purposes.**

9. There shall be no burning on-site except for trees and other wood products derived from site clearing and grubbing operations.
10. All access roads used for the conditional use shall be treated with water on a weekly basis to effectively minimize dust.
11. The natural flow of water through surrounding properties shall not be altered or restricted by the applicant as a result of this conditional use.
12. The property shall not be used as a fill or landfill operation cited in the St. Mary's County Solid waste Ordinance.
13. There shall be no buildings constructed on site for the purposes of the mining operation, and no on-site sales shall be authorized.
14. A 200-foot undisturbed setback shall be required around the perimeter of the subject mining operation.
15. Prior to the extraction of any natural resources, the applicant shall obtain all applicable approvals with copies submitted to the Department of Land Use and Growth Management. The conditions imposed by this approval and all other applicable Federal, State, and local ordinances, regulations, and laws shall be binding on the owners of this property, their partners, lessees, heirs and assigns. All requirements of codes and laws relative to mining operations in St. Mary's County and the State of Maryland as they apply to St. Mary's County shall be adhered to.
16. The Department of Land Use and Growth Management, its employees and agents, are authorized to make official on-site inspections in accordance with the St. Mary's County Zoning Ordinance, and may not be refused entry to monitor and enforce the Board of Appeals conditions of approval.
17. All of the conditions approved in this application shall be listed on the site plan for approval.
18. The Board of Appeals shall approve any conditions, changes, or modifications of the approved conditional use on this site.
19. Any violations of the conditions of this approval or violation of any Federal, or State laws, rules, regulations, codes, or ordinances may result in the suspension or revocation of the decision by the Board of Appeals.
20. The adjoining property owners must grant consent where the activity will occur within 200 feet of their properties.

The motion was seconded by Mr. Callaway and passed by a 5 – 0 vote.

CUAP #00-130-022 – SEVENTH DISTRICT VOLUNTEER RESCUE SQUAD

The applicant is requesting Conditional Use Approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance to expand an existing approved conditional use. The property contains 3.78 acres, is zoned Rural Preservation District (RPD), and is located at 21530 Colton Point Road in Avenue, Maryland; Tax Map 46, Block 5, Parcel 461.

Owner: Seventh District Volunteer Rescue Squad

Present: Gilbert Murphy, President of Seventh District Volunteer
Rescue Squad
Ronald Mattingly, Vice President of Seventh District Volunteer
Rescue Squad

Certified mailing receipts were not available at the hearing. The applicant will present them at LUGM within the next week.

Mr. Murphy asked that the Board of Appeals consider a renewal of the Conditional Use approval which was granted in 2000. Due to funding issues, the expansion was not completed at the time of the original expansion approval. The current application is for an expansion which is considerable smaller than the previous approval. Mr. Murphy said that it is not necessarily just a case of needing to expand; it is a case of having to expand in order to meet OSHA requirements.

Mr. Mattingly explained that one reason for an expansion considerably smaller than the one which was previously approved was the realization that there may be a future need for a substation in Clements. He said that it makes more sense to plan for this future need, instead of creating one huge building at this time.

Ms. Chaillet said the height and architectural character of the addition will match to existing rescue squad facility. Additional parking, including a van accessible parking space, will be constructed. Staff feels that the applicant has met the standards for conditional use approval, and recommends approval of this request.

Mr. Delahay moved that the staff report be accepted. The motion was seconded by Mr. Callaway and passed by a 5 – 0 vote.

The Chair opened the hearing to public comment. The public hearing closed with no comment.

Mr. Delahay moved that having made a finding that the Standards for Conditional Use pursuant to Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, conditional use approval to allow a 1,584 square-foot expansion of an existing rescue squad station be approved subject to satisfying the Department of Public Works & Transportation's requirements for stormwater management. The motion was seconded by Mr. Hayden and passed by a 5 - 0 vote.

ACTIONS TAKEN BY PLANNING DIRECTOR ON VARIANCE APPLICATIONS RECEIVED FOR ADMINISTRATIVE REVIEW

VAAP #04-1351 – William & Linda Nelson – 7,266 square feet – Variance from Section 32.1 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to construct a 6' x 23' (138 sq. ft.) porch to be attached to the front of the existing house, which will reduce the front yard setback from 26 feet to 20 feet. **Variance approved with signed Zoning Yard Reduction Agreement.**

VAAP #04-0066 – Liberty Home Builders – 9,438 square feet – Variance from Section 32.1 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to reduce the front building restriction line on Athlone Drive from 25 feet to 23 feet to accommodate a single-family dwelling. **Variance approved.**

VAAP #04-2087 – Patuxent Habitat for Humanity – 6,000 square feet – Variance from Section 32.1 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to reduce the side yard setback from 10 feet to 6 feet to accommodate a single-family dwelling. **Variance approved.**

VAAP #04-2183 – St. Georges Island Improvement Association – 13.3 acres
– Variance from Section 71.8.3 and from Section 71.8.3 of the St. Mary's County
Comprehensive Zoning Ordinance (Z02-01) to increase the amount of
impervious surface in the Critical Area Buffer with additions to an existing
building. **Variance approved.**

VAAP #04-1507 – William Sento - .81 acre – Variance from Section 41.5.3 and
from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance
to construct a single-family dwelling and appurtenances in the 100-foot Critical
Area Buffer. **Variance approved.**

MINUTES AND ORDERS APPROVED

The minutes of October 14, 2004 were approved as recorded.

The Board authorized the Chairman to review and sign the orders. The Chair review and approved as submitted the following Orders:

CUAP #04-132-009 – New Market Park & Ride Lot
VAAP #04-0494 – Short Acres Subdivision, amended

ELECTION OF OFFICERS

Mr. Delahay moved that the election of officers be held in December. The motion was seconded by Mr. Callaway and passed by a 5 – 0 vote.

ADJOURNMENT

The meeting was adjourned at 9:08 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: December
8, 2004

Marie E. Underwood
Chairperson