

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, May 10, 2012**

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, George T. Edmonds, and Ronald Payne. Alternate Mike Mummaugh was also present. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; 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 #11-2116 – Mazzocchi Property

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to clear in excess of 30 percent of the existing vegetation in the Critical Area to construct a single-family dwelling. The property contains 15,131 square feet; is zoned Residential Neighborhood Conservation (RNC) District and Resource Conservation Area (RCA) Overlay; and is located at 21717 Fairway Drive, Leonardtown, Maryland; Tax Map 40, Grid 19, Parcel 203.

Owner: Paul & Dorothy Mazzocchi
Present: Howard Wentworth (Contract Purchaser), William Higgs (Surveyor)

The property and variance request were advertised in The Enterprise on April 25, 2012 and May 2, 2012. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated May 2, 2012 and the specific standards for granting variances in the critical area and site development standards for forest and woodland protection. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. William Higgs of Little Silences Rest Inc. was sworn for the record. Mr. Higgs summarized the variance request standards as listed in Staff Report Exhibit 2, Attachment 1. Mr. Higgs asked that the variance request be approved. Mr. Payne inquired about the roof top disconnect and the polygon on the site plan. Mr. Higgs explained this is simply a directional flow for the roof drains. Mr. Moreland asked if this subdivision had water and sewer. Mr. Higgs stated yes. Chairman Hayden asked what the full footprint of the house is. Mr. Higgs stated it is 2,755 square feet.

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

Mr. Edmonds made a motion to accept the staff report section 5 subsections 1-5 as findings of fact in this case and Mr. Guy seconded. The motion passed by a 5-0 vote.

Mr. Moreland made a motion in the matter of VAAP #11-2116, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 72.3.1.c of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to clear 68.4 percent of the existing vegetation in the Critical Area to construct a single-family dwelling, subject to the following conditions:

- 1. The Applicant shall provide a Planting Plan prior to the issuance of the building permit, which shows the required 3:1 mitigation per square foot of the variance granted pursuant to Section 24.4.2.b of the Ordinance. The Planting Plan shall show which native species have been selected for planting, and where in the Critical Area Buffer the Applicant proposes to plant the vegetation; and***

- 2. *The Applicant shall comply with the Critical Area Planting Agreement and approved Planting Plan.***

Mr. Guy seconded and the motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of February 23, 2012 and March 22, 2012 were approved as recorded.

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

VAAP #11-1998 – Lexington Park Baptist Church Sign

ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: June 14, 2012

George Allan Hayden
Chairman