

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, June 24, 2010**

Members present were Wayne Miedzinski, Vice-Chairman; Randy Guy, Veronica Neale, George T. Edmonds and Ronald Payne. Howard Thompson was excused. 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 #07-132-003 – Lexington Village (Kohl's) Continued from 5/27/10

The applicant is requesting variance to modify the required buffer yard. Mr. Longmore stated we are scheduled to go before the Planning Commission this coming Monday and asked that this case be continued until Planning Commission approval can be obtained.

Ms. Neale made a motion in the matter of VAAP #07-132-003, to continue the hearing to July 8, 2010 to allow time for the Applicant to gain approval from the Planning Commission and Mr. Guy seconded. The motion passed by a 4-0-1 vote with Mr. Edmonds abstaining.

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

The applicant is requesting to extend until December 31, 2010 the following approved variances from the Comprehensive Zoning Ordinance: 1) Section 63.4 to reduce the required buffer yards and 2) Section 64.3 to reduce the number of required parking spaces. The property contains 15.10 acres; is zoned Corridor Mixed Use District (CMX), Airport Environs (AE) Overlay; and is located on the west corner of the MD Route 235 and MD Route 4 intersection in California, Maryland; Tax Map 34, Grid 15, Parcels 51, 52, 53, 422, and 520.

Owner: Phil Sanders
Present: John Norris Jr.

The property and variance request were advertised in The Enterprise on June 9, 2010 and June 16, 2010. 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 June 14, 2010 including the General Standards for Granting Variance, Buffer Yards, and Off-Street Parking and Loading Spaces Required and Permitted. Ms. Chaillet submitted the staff report dated June 14, 2010 for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Norris gave an overview of the changes to the site plan stating due to the downturn in the economy and the implementation of the 2009 Stormwater Management Regulations several items on the site plan had to be revised. Mr. Norris submitted the site plan for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Norris stated the County implemented an extension of building permits due to the downturn in the economy and asked that the Board grant the Applicant's request for an extension.

Mr. Edmonds stated the effects of traffic are a large concern and now the Applicant is asking for the Board to approve this project without anything moving forward. Mr. Norris stated the Planning Commission conditions of approval will stand and reiterated that the Applicant is simply asking for an extension of the approvals to continue with the process.

Mr. Sparling asked if the Stormwater Management Plan has approval from the Department of Public Works and Transportation. Mr. Norris stated no, however we have met the grandfathering stipulation. Mr. Miedzinski asked if there has been any activity on the property. Mr. Phil Sanders stated there have been negotiations with the Church to purchase a portion of their property for the roadway as well as negotiating with potential pad site owners. Mr. Miedzinski stated his only issue is that there is no proof that the Applicant has been moving forward in planning of this project.

Ms. Chaillet stated the site plan the Board based their decision with the original approval shows a Food Lion. Ms. Chaillet asked by how many square feet has the site plan changed to date. Mr. Sanders stated there will actually be a reduction in square footage. Ms. Chaillet stated if the site plan changes, the Applicant will have to come back before the Board for approval of variances. Ms. Chaillet explained if the original approved site plan changes the Board has to re-review the site plan for variance approval. Ms. Chaillet stated if any part of the Bayside Shopping center is proposed to remain the Applicant will also have to go back before the Planning Commission for re-review and approval.

Vice-Chairman Miedzinski opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Shire stated if the hearing is continued and perhaps this comes to a granting of the extension. If the applicant has worked with DPW&T to gain their preliminary approval they may in fact be grandfathered for Stormwater Management.

Ms. Neale made a motion in the matter of VAAP #05-132-019, to continue the case to July 8, 2010 and Mr. Guy seconded. The motion passed by a 5-0 vote.

BREAK

VAAP #09-1744 – Corinthian Yacht Club

The applicant is requesting to a variance to trade more than 1,000 square feet of lot coverage in the Critical Area Buffer; variance to clear in the Buffer and add lot coverage in the buffer to replace an existing mobile home with a single-family dwelling and appurtenances. The property contains 26,571 square feet; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 48583 Bean Road, Ridge, Maryland; Tax Map 70, Grid 10, Parcel 81.

Owner: Corinthian Yacht Club
Present: Philip Deming

The property and variance request were advertised in The Enterprise on June 9, 2010 and June 16, 2010. 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 June 14, 2010 including the Specific Standards for Granting Variances in the Critical Area, Impervious Surface Trading, and the 100-Foot Critical Area Buffer. Ms. Chaillet submitted the staff report dated June 14, 2010 for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Deming stated the mobile home is over 50 years old and we felt it would look better to replace the mobile home with a single family home. Mr. Miedzinski asked how many members are in the club. Mr. Deming stated there are approximately 75 members. Mr. Miedzinski asked if there are any specific plans for the house. Mr. Deming provided a photo with specifications of the proposed house for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Deming indicated the septic system would be replaced.

Ms. Chaillet stated the replacement septic system is not noted on the site plan therefore an amendment to the variance is necessary however the applicant would not have to re-advertisement. Ms. Chaillet recommended we continue the hearing to allow the applicant time to show the replacement septic system on the site plan and gain approvals from the Soil Conservation District etc.

Vice-Chairman Miedzinski opened the hearing to public comment.

Mr. Ron Brown – Abutting Property Owner

Mr. Brown stated he and his wife are in complete support of replacing the mobile home. Mr. Brown encouraged the Board to use their regulatory discretion to approve this request as expeditiously as possible.

Vice Chairman Miedzinski closed the hearing to public comment.

Mr. Guy made a motion in the matter of VAAP #09-1744, to continue the case to July 22, 2010 to allow time for the revision of the site plan and to receive Soil Conservation District and Health Department review and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of May 27, 2010 were approved as recorded.

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

CUAP #10-135-001 – Verizon Wireless at Hermanville

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: July 8, 2010

Howard Thompson
Chairman