

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, July 22, 2010**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Veronica Neale, George T. Edmonds and Ronald Payne. Randy Guy was absent. 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 #09-1744 – Corinthian Yacht Club- Continued from 6/24/10

Ms. Chaillet gave an overview of the request to trade more than 1,000 square feet of lot coverage in the Critical Area Buffer and 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. Ms. Chaillet submitted new Critical Area Commission comments dated July 19, 2010 for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet stated this hearing was continued from 6/24/10 in order to obtain Soil Conservation District and Health Department review. Ms. Chaillet stated Mr. Deming has submitted a revised site plan to show the new septic system and the Critical Area Commission, Soil Conservation District, and the Health Department have all reviewed the site plan and have no objections. Ms. Chaillet submitted a letter from George Baroniak dated June 24, 2010 for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Miedzinski inquired about the floor plan. Mr. Deming submitted a photo of the model and type of house which was previously submitted as Exhibit 3 at the 6/24/10 hearing.

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.

Ms. Neale made a motion in the matter of VAAP # 09-1744, Corinthian Yacht Club, 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 request to clear and add lot coverage in the Critical Area Buffer to replace a mobile home, subject to the following conditions: 1) The Applicant shall provide a Buffer Management Plan (Planting Plan) prior to the issuance of the building permit, which shows the required 3:1 mitigation per square foot of the variance granted. The Planting Plan shall show which native species have been selected for planting, and where on the Property the Applicant proposes to plant the vegetation. Areas without forest vegetation in the Buffer must be planted first prior to planting understory trees or shrubs and prior to paying fees-in-lieu; and: 2) The Applicant shall comply with the Critical Area Planting Agreement, and approved Buffer Management Plan, and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

Mr. Miedzinski made a motion in the matter of VAAP #09-1744, Corinthian Yacht Club, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 41.5.3.i (3) (b) of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to trade lot coverage in the Critical Area Buffer to replace a mobile home and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of July 8, 2010 were approved as recorded.

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

VAAP #07-132-003 – Lexington Village (Kohl's)

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

VAAP #05-3786 – Hluchanek – Monan

ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: August 26, 2010

Howard Thompson
Chairman