

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, August 11, 2011**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Randy Guy, Veronica Neale, and George T. Edmonds. Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; Kelly Palmer, Environmental Planner; 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 #08-1963 – Yerby Pier (Continued from 6/23/11)**

Mr. Thompson indicated the hearing is continued from 6/23/11. Mr. Thompson reminded Ms. Yerby she is still under oath. Ms. Yerby agreed and indicated the shed has been removed and grass has been planted. Ms. Chaillet stated Ms. Yerby has in fact submitted a revised site plan.

Mr. Miedzinski asked if there is now a five (5) foot setback. Ms. Yerby stated yes. Ms. Yerby submitted an Agreement for Structure to Cross Lateral Line dated 5/11/11 for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Yerby submitted an Agreement for Structure to Cross Lateral Line dated 6/23/11 for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Chairman Thompson opened the hearing to public testimony, hearing none, closed the hearing to public testimony.

Mr. Sparling provided the members with proposed finding of fact for this case. ***Mr. Miedzinski made a motion that the proposed findings be accepted as findings of fact in this case and Ms. Neale seconded. The motion passed by a 5-0 vote.***

***Mr. Miedzinski made a motion in the matter of VAAP #08-0963, Yerby Pier, having made a finding that the standards for granting a variance and the objectives of Section 71.9.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance requests to reduce the lateral lines or extended property lines from 25 feet to zero, and to cross the lateral lines, to construct a pier and Mr. Guy seconded. The motion passed by a 5-0 vote.***

**CUAP #06-132-026 – Hertzler Pit (Continued from 7/28/11)**

Mr. Thompson reminded Mr. Soderberg that he is still under oath. Ms. Chaillet stated Mr. Groeger has contacted the State Highway Administration unfortunately there was no commitment from any one with SHA to attend therefore Mr. Groeger asked that SHA submit a written statement. Ms. Chaillet stated to date there has been no response.

The members reviewed the information provided regarding the number of pits currently open and travel north on MD Route 236 to MD Route 5 at this time.

Chairman Thompson opened the hearing to public testimony, hearing none, closed the hearing to public testimony.

Mr. Miedzinski asked what the amount of loads per day would be the absolute minimum. Mr. Miedzinski asked if 50 loads per day would suffice. Mr. Richards stated yes. Mr. Thompson asked if Mr. Richards would have a problem with staff evaluating the road after twelve (12) months. Mr. Richards stated he would agree to this. Mr. Sparling recommended if this condition is going to be

placed in the order a time limit needs to be placed in the order as well. Mr. Richards stated he would have no problem with this. Mr. Miedzinski recommended a period of two (2) years rather than one (1).

Chairman Thompson asked for a consensus from the Board regarding this case. It was the consensus of the Board to approve the variance with fifty (50) truckloads per day to travel north on Thompson Corner Road and to have the applicant return after a period of two (2) years. Mr. Sparling indicated he would have the findings of fact available for approval at the next meeting.

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

The minutes of July 28, 2011 were approved as recorded.

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

VAAP #08-2359 – Drift Inn Sign

VAAP #07-110-048 – Gloria Breaux Subdivision

VAAP #09-0633 – Guy Commercial Center Sign

#### **ADJOURNMENT**

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

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Jada Stuckert, Recording Secretary

Approved in open session: September 8, 2011

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Howard Thompson  
Chairman