

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, September 8, 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; 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 #10-0660 - MacDonald

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to clear and add lot coverage in the critical Area Buffer and to trade lot coverage in the Critical Area Buffer to replace a single family dwelling. The property contains 31,939 Square feet; is zoned Rural Preservation District, Limited Development Area (LDA) Overlay; and is located at 16261 Thomas Road, Piney Point, Maryland; Tax Map 69, Grid 14, Parcel 94.

Owner: Lynn MacDonald
Present: Jeff Tewel of Collinson, Oliff & Associates, Inc.

The property and variance request were advertised in The Enterprise on August 24, 2011 and August 31, 2011. 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 August 29, 2011 and the specific standards for granting variances in the critical Area, the 100-foot critical area buffer, and impervious surface trading. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Jeff Twell, COA, Inc. was sworn for the record and gave a brief overview of the request stating the Applicant has received an Administrative Variance to rotate the house and has reduced the overall size of the deck.

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

Ms. Lynn MacDonald, Applicant was sworn for the record. Ms. MacDonald stated the planting of the trees and shrubs for the planting agreement may be a tight fit on the property.

Mr. Greg Oliver, neighbor was sworn for the record. Mr. Oliver stated he is concerned about the heavy equipment coming in and out of the road.

Mr. Burt Oliver, neighbor was sworn for the record. Mr. Oliver explained there is no documented road maintenance agreement to protect the road against damages. Mr. Oliver expressed concerns regarding access and damages to the road. Mr. Oliver insisted the road must remain accessible for safety reasons.

Chairman Thompson hearing no more public comment closed the hearing.

Mr. Sparling provided the Board with proposed findings of fact for this case and the Board took a five (5) minute break to review the findings.

BREAK

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

Mr. Guy made a motion in the matter of VAAP #10-0660, MacDonald, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 71.8.3 and 41.5.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to clear and add lot coverage in the Critical Area Buffer and to trade lot coverage in excess of 1,000 square feet in the Critical Area Buffer to replace a single family dwelling, subject to the following conditions:

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

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

MINUTES AND ORDERS APPROVED

The minutes of August 11, 2011 and August 25, 2011 were approved as recorded.

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

None

DISCUSSION

Rules of Procedure

Mr. Miedzinski made a motion to accept the Rules of Procedure and Mr. Guy seconded. The motion passed by a vote.

Kuzmick

Mr. Thompson stated the attorney for this case is requesting to reschedule the 9/28/11 Hearing Examiner hearing. **Mr. Guy made a motion to send the request to the hearing examiner for decision and Mr. Edmonds seconded. The motion passed by a 5-0 vote.**

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: September 22, 2011

Howard Thompson
Chairman