

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Thursday, January 10, 2008**

Members present were George Hayden, George T. Edmonds, Wayne Miedzinski, Ronald Delahay, and Veronica Neale. 2nd Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Christy Holt Chesser, County Attorney 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 #07-1251 – Windsor

Ms. Chaillet gave a brief overview of the project stating the owners need to reduce impervious surface and wish to continue the case until January 24, 2008. ***Ms. Neale made a motion in the matter of VAAP #07-1251, Windsor to continue the case to January 24, 2008 and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.***

ZAAP #07-0118 – Rice – Decision Only

Mr. Miedzinski made a motion in the matter of ZAAP #07-0118, I move that the Board find that the structure proposed to be enlarged is nonconforming because it does not conform to side yard setback requirements, and that the inclusion in the building permit of a change to the first floor walls did not cure this nonconformance. The Board additionally finds that the provisions of Chapter 52.3 governing expansion of nonconforming structures have not been met in this case and Ms. Neale seconded. The motion passed by a 5-1 vote with Mr. Edmonds opposed.

Mr. Miedzinski made a motion in the matter of ZAAP #07-0118, I move that the Board make a finding that the decision of the Planning Director to issue a building permit to add a second story to an existing garage was clearly erroneous and to reverse the decision to issue said permit and Ms. Neale seconded. The motion passed by a 5-1 vote with Mr. Edmonds opposed.

VAAP #07-2539 – Anderson

The applicant is requesting a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to place impervious surface within the expanded Critical Area Buffer to construct a replacement single-family dwelling, deck and driveway. The property contains .41 acres; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 16440 Ball Point Road, Piney Point, Maryland; Tax Map 69, Block 9, Parcel 139.

Owner: Frank H. Anderson III & Sandra B. Anderson

The property and variance were advertised in The Enterprise on December 26, 2007 and January 2, 2008.

Mr. William Higgs stated the owners wish to replace the existing home, which was in existence prior to the Critical Area Regulations becoming effective. Mr. Higgs stated although the owners and himself disagree with the request to move the house back an additional 13 feet the owners are willing to do so.

Mr. Hayden opened the hearing to public comment, hearing none, he closed the hearing for public comment. Ms. Chaillet read the staff report, which recommended approval. After

discussion, **Mr. Miedzinski made a motion to accept the staff report and adopt the findings of fact contained therein as the Board's findings in this matter and Ms. Neale seconded. The motion passed by a 5-0 vote.**

Ms. Neale made a motion in the matter of VAAP #07-2539 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 variance request to add impervious surface in the Critical Area Buffer, subject to the Applicants repositioning their proposed single family dwelling to be as far from Mean High Water as possible and complying with the Critical Area Planting Agreement/Buffer Management Plan and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of December 13, 2007 were approved as presented.

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

VAAP #07-2595 – Haynie ATF Deck
VAAP #07-2334 – Ulrich
ZAAP #06-132-017 – FDR Holdings, LLC

ADJOURNMENT

The meeting was adjourned at 7:00

Jada Stuckert, Recording Secretary

Approved in open session: January 24, 2008

George Allan Hayden
Chairman