

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, May 16, 2019 at 6:30 p.m.**

Board of Appeals (Thursday, May 16, 2019)

Generated by Sandie Greene on Friday, May 17, 2019

Members present

George Allan Hayden, Chair
John E Brown, Vice Chair
Wayne Miedzinski
Lynn Delahay
J Daniel Ichniowski, Alternate

Member absent

Rich Richardson

Land Use and Growth Management Staff Present

Bill Hunt, AICP, Director
Kathleen Easley, AICP, Deputy Director
Stacy Clements, Planner III
Sandie Greene, Recording Secretary

County Government Supporting Staff Present

David Weiskopf, County Attorney
Anuj J. Patel, Assistant County Attorney
James Tanavage, Assistant County Attorney

Meeting called to order at 6:30 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. AGENDA**

Board of Appeals Agenda May 16, 2019

At the start of the meeting George Allen Hayden, Chair announced that the case of VAAP #17-0057, Nelka Property will be heard as the first case.

4. PUBLIC HEARING:

Case No: VAAP #17-0057, Nelka Property; After the Fact Lot Coverage with Set Backs.

Owner: Raymond Nelka, Jr. (the "Applicant")
Location: 20171 Windy Lane, Coltons Point, MD
Tax Map: 53A Grid: 22 Parcel: 32 Election District: 7
Lot Size: 13,947 Square Feet / 0.32 Acres
Land Use: Rural Residential
Zoning: Residential Neighborhood Conservation District (RNC)
Overlays: Limited Development Area (LDA) and Buffer Management Overlay (BMO)

Request: Applicant is requesting an after-the-fact variance from the Comprehensive Zoning Ordinance Section 41.5.3 to exceed the lot coverage limit and Section 41.7.4 to encroach closer to the water than the principal structures on an adjacent property for the construction of a single family dwelling unit with a driveway.

“Wayne Hunt of Little Silence Rest, representing the Nelka Property Owners, requested a withdrawal of the VAAP # 17-0057, NELKA PROPERTY hearing for the evening. The Nelka Property Owners will request a hearing at a later date.”

5. PUBLIC HEARING:

VAAP #19-0165, Schultz Property; Disturbance of the Critical Area Buffer and Set Back

Owner: John P. & Laura S. Schultz (the “Applicant”)

Location: 20650 Waterside Dr., Leonardtown, MD

Tax Map: 48 Grid 13 Parcel 46 Election District 3

Lots 26 & 27: Lot Size 15,028 Square Feet Land Use Rural Preservation

Zoning Rural Preservation District (RPD)

Overlay Resource Conservation Area (RCA) and Buffer Management Area (BMO)

Request Applicant is requesting a variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb the critical area buffer to construct a garage and Schedule 32.1 to reduce the required twenty-five (25)-foot front yard setback and fifteen (15)-foot side yard setback.

Presenter- Stacy Clements, Land Use and Growth Management, Planner III

Exhibit 1 — Proof of Public AD, USPS Certified Receipts and Posted Signs

Exhibit 2 — Staff Report

Attachments

1 Standards Letters from Laura and John Schultz

2 Critical Area Commission Comments dated May 10, 2019

3a Site Plan – Details

3b Site Plan - Close up

4 Location Map

5 Land Use Map

6 Zoning Map

7 Critical Area Map

8 Contour and Soils Map

9 Floodplain Map

Exhibit 3- Land Use and Growth PowerPoint presentation

Speaker Representing Schultz Property: Applicants,

John P. Schultz of 20650 Waterside Drive, Leonardtown, MD 20650

Exhibit 4: Applicant PowerPoint presentation

Chairman Hayden opened the hearing to public comment hearing none; the hearing was closed to public comment.

“In the matter of VAAP #19-0165, Schultz Property, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 24.4 of the St. Mary’s County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to disturb the

critical area buffer to construct a garage and Section 24.3 to reduce the required twenty-five (25) to twenty-three (23)-foot front yard setback and fifteen (15)-foot to five (5) side yard setback.”

Condition:

"1. Provide relief for the rainwater from the roof of the new garage."

Motion by Wayne Miedzinski, second by John E Brown.

Final Resolution: Motion Carries

Yea: George Allan Hayden, Wayne Miedzinski, Lynn Delahay, John E Brown, Daniel Ichniowski

6. PUBLIC HEARING:

VAAP # 18-1924, Muris Harmon Property; Disturbance of Critical Area Buffer

Owner: Timothy Muris and Pamela Harmon (the "Applicant")

Location 39015 Van Ward Road, Abell, MD

Tax Map 47 Grid: 8 Parcel: 149 Election District: 7

Lot Size 80,962 Square Feet / 1.86 Acres

Land Use Rural Preservation

Zoning Rural Preservation District (RPD)

Overlay Limited Development Area (LDA)

Request Applicant is requesting a variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb 2,334 SF in the critical area buffer to construct a single family dwelling unit with a driveway.

Presenter- Stacy Clements, Land Use and Growth Management, Planner III

Exhibit 1 — Proof of Public AD, USPS Certified Receipts and Posted Signs

Exhibit 2 — Staff Report

Attachments

1 Standards Letters from of April 5, 2019, from Wayne P. Hunt

2 Critical Area Commission Comments dated

3 Site Plan

4 Location Map

5 Land Use Map

6 Zoning Map

7 Critical Area Map

8 Contour and Soils Map

9 Floodplain Map

Exhibit 3- Land Use and Growth PowerPoint presentation

Exhibit 4 – Public Citizen Letter of Concern, Dr. Sophie Landsburg, 307 Williamsburg Drive, Silver Springs, MD 20901

Speakers Representing Muris Harmon Property: Wayne Hunt of Little Silences Rest, 41650 Courthouse Drive, Unit 101 Leonardtown, MD 20650

Exhibit 5: PowerPoint presentation by Wayne Hunt of Little Silence Rest

Chairman Hayden opened the hearing to public comment;

1. Dr. Lori Landsburg, 39011 Vanward Road, Abell, MD 20606

Hearing no other; the hearing was closed to public comment.

"In the matter of VAAP #18-1924, Muris Harmon Property, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to disturb 2,334 square feet in the critical area buffer to construct a single family dwelling unit with a driveway".

Condition:

"1. At the completion of the project the road will be restored to it's existing condition prior to construction."

Motion by Lynn Delahay, second by John E Brown.

Final Resolution: Motion Carries

Yea: George Allan Hayden, Wayne Miedzinski, Lynn Delahay, John E Brown, Daniel Ichniowski

7. REVIEW AND APPROVAL OF MINUTES:

Review and Approval of the Board of Appeals April 11, 2019, minutes.

I move to accept the minutes of the April 11, 2019, Board of Appeals meeting.

Motion by Wayne Miedzinski, second by Daniel Ichniowski.

Final Resolution: Motion Carries

Yea: George Allan Hayden, Wayne Miedzinski, Lynn Delahay, John E Brown, Daniel Ichniowski

8. REVIEW AND APPROVAL OF ORDERS:

Review and Approval of Orders of the VAAP #18-1713, O'Faran Property

"I move to authorize Chairman Hayden to sign the order for VAAP #18-1713, O'Faran Property."

Motion by Wayne Miedzinski, second by John E Brown.

Final Resolution: Motion Carries

Yea: George Allan Hayden, Wayne Miedzinski, Lynn Delahay, John E Brown, Daniel Ichniowski

9. ADJOURN:

Adjourn the May 16, 2019, Board of Appeals Meeting.

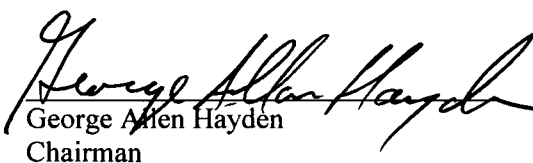
"I move to adjourn the May 16, 2019, Board of Appeals meeting at 7:40 p.m."

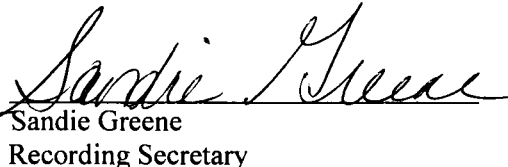
Motion by Daniel Ichniowski, second by Wayne Miedzinski.

Final Resolution: Motion Carries

Yea: George Allan Hayden, Wayne Miedzinski, Lynn Delahay, John E Brown, Daniel Ichniowski

Approved in open session: June 13, 2019


George Allan Hayden
Chairman


Sandie Greene
Recording Secretary