

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
ROOM 14 * POTOMAC BUILDING * LEONARDTOWN, MARYLAND
Thursday, June 26, 2008**

Members present were George Hayden, Chairman; Wayne Miedzinski, Ronald Delahay, 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; Jenn Ballard, Environmental Planner; Kelly Seebold, Environmental Planner; and Gloria Bailey, Recording Secretary. George Sparling, 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

The Board rearranged the order of hearings in the following order:

VAAP #07-2857, Errington

Mr. Shawn Day, representing Mr. Errington, requested a continuance of the case to the next available date stating there have been plan revisions requested by staff.

Ms. Neale made a motion to continue the case until August 28, 2008 and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

VAAP #07-3249 – Merritt

Mr. Hayden explained the Board has a problem with the way the property was posted. Mr. Hayden stated the posting did not meet the standards of 3 x 2 feet to be seen by any one passing the property. Ms. Chaillet stated if the Board continues to a date certain the hearing will not have to be re-advertised in the newspaper and the mailings will not have to be redone.

Mr. Miedzinski made a motion in the matter of VAAP #07-3249, Merritt, I move to continue the case to August 28, 2008 and Ms. Neale seconded. The motion passed by a 5-0 vote.

VAAP #07-2592 - Leonard

The applicant is requesting a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to add new impervious surface in the Critical Area Buffer to add a deck. The property contains 54.17 acres; is zoned in Rural Preservation District (RPD), Resource Conservation Area (RCA) Overlay; and is located at 43799 Little Cliffs Road, Hollywood, Maryland; Tax Map 20, Block 12 , Parcel 15.

Owner: Michael Leonard and Mary Baluss

Present: Mary Baluss

The property was advertised in The Enterprise on June 11, 2008 and June 18, 2008.

Ms. Baluss stated the house is a log cabin built approximately 1890 and we propose to construct a 390 sq. ft. triangular deck between house and water. Ms. Baluss stated there are steep slopes which will not be affected by the construction. Ms. Baluss explained she would like to have a level deck to access the area without the problems we are having now. Ms. Baluss stated the construction will not be on the slope and will not cover any surface that is classified as highly erodible. Ms. Baluss submitted a picture of the house, as AP Exhibit 1, taken from the water to demonstrate how heavily planted the slope is. Ms. Baluss stated we also propose to add a turnaround to the current gravel driveway. Ms. Baluss stated the new space will be in the 100ft buffer area. Ms. Baluss stated as it is now the driveway goes straight down a hill and stops at our door where people pull off on the dirt and the oak tree. Ms. Baluss explained if we provide a parking area, it will channel traffic and the area will be in better shape. Ms. Baluss stated we

trucked in four loads of top soil to bring the slope up so it is not quite as steep. Ms. Baluss stated the house is grandfathered and all the surrounding neighbors have open decks and porches.

Mr. Miedzinski asked if Ms. Baluss has some type of expertise in plants. Ms. Baluss stated she is a Master Gardener. Mr. Miedzinski asked where the boundary line is for the driveway. Ms. Baluss stated the boundary line goes right down the middle between our property and the neighbors property.

Mr. Miedzinski confirmed two sheds on the property and asked if Ms. Baluss has considered moving one of these sheds out of the buffer. Ms. Baluss stated this could be done. Mr. Miedzinski asked for the proposed height of the deck. Mr. Stevens stated the deck will step down from the house and will be within 20 inches on one side and 30 inches on the other.

Ms. Chaillet read the staff report which recommended the following motion in the matter of VAAP #07-2594, 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 not been met, I move to deny the variance request to add new impervious surface in the Critical Area Buffer with the construction of a 450 square-foot deck.

Mr. Hayden stated he is concerned how close the deck would be to the cliff and asked if the applicant is willing to reduce the size of the deck in exchange for other impervious surface outside the buffer. Ms. Chaillet stated staff could work with the applicant to achieve this.

Mr. Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment.

Ms. Baluss referenced AP Exhibit A (P/O Attachment 6) color aerial photo shows where the sheds are located. Mr. Hayden marked the Exhibit where the sheds are located as follows: tractor shed is (A), three-sided shed is (B), one shed was removed it is marked with an "x" because it no longer exists.

Mr. Miedzinski asked if spacing of the deck boards should be regulated. Ms. Chaillet stated the Critical Area Commission recommends a quarter inch spacing in between boards. After discussion it was agreed upon to use a three-sixteenth inch spacing between deck boards.

Mr. Miedzinski referred to Attachment #4, paragraph 2a which states "Plant the following within 25 feet of new deck" and stated he does not recommend this and asked if the plantings could be done elsewhere. Ms. Chaillet stated the planting agreement can be worked on with Ms. Baluss.

Mr. Edmonds made a motion in the matter of VAAP #07-2592, Leonard, to continue the case to July 10, 2008 for decision only and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED - None

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Jada Stuckert, Typist Secretary

Approved in open session: July 24, 2008

George Allan Hayden
Chairman