

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, September 11, 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 Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; Kelly Seebold, Planner I; and Jada Stuckert, 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

VAAP #08-1110 – Miles – Continued from 7/24/08

The applicant is requesting variance to add impervious surface in the Critical Area Buffer to construct an addition and garage to the existing house. The property contains 29,196 square feet; is zoned Rural Preservation District (RPD) Limited Development Area (LDA) Overlay; and is located at 43705 Stephenson Drive, Leonardtown, Maryland; Tax Map 56A, Block 24, Parcel 5.

Owner: Wilbert and Donna Miles

The property and variance were advertised in The Enterprise on July 9, 2008 and July 16, 2008.

Mr. Miles gave an overview of the project stating the expansion of the living area is needed for a handicapped relative who will be moving in soon. Ms. Neale asked if the entrance to the home will have a handicap ramp for access. Mr. Miles stated access will be through the proposed garage.

Ms. Chaillet read the staff report which recommended approval to add impervious surface to the Critical Area Buffer. Chairman Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Miedzinski made a motion to accept the staff report as findings of fact in this case and Ms. Neale seconded. The motion passed by a 5-0 vote.

Ms. Neale made a motion in the matter of VAAP #08-1110 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 add impervious surface to the Critical Area Buffer subject to the applicant working with staff to achieve the proper Critical Area Planting Agreement and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

VAAP #07-3039 – Rosado

The applicant is requesting a variance to encroach into the required lateral line setback to construct a pier. The property contains 18,295 square feet; is zoned Rural Preservation District (RPD) Limited Development Area (LDA) Overlay; and is located at 37205 Gibson Road, Bushwood, Maryland; Tax Map 46, Block 3, Parcel 123.

Owner: Jamie and Deborah Rosado

The property and the variance were advertised in The Enterprise on August 27, 2008 and September 3, 2008.

Mr. Rosado stated he and his family would like to access their waterfront but need a pier to do so. Mr. Rosado stated everyone else in his area has a pier. Mr. Rosado stated his proposed pier is shorter than most at only 100 feet long and referenced Attachment #1 of the staff report. Ms. Seebold read the staff report which recommended approval to encroach into the required lateral line setback to construct a pier. Mr. Miedzinski asked if the pier would have pilings. Mr. Rosado stated it would not.

Chairman Hayden opened the hearing to public comment. Robin Linkers stated the proposed pier would impede the use of his own pier which he uses daily. Mr. Linkers stated the length of the proposed pier limits how he will be able to fish off his own pier. Ms. Chaillet submitted Exhibit 1 – Arial Photo of Piers.

Anita Mann stated she objects to the pier stating she uses only one side of her pier which has three slips and the proposed pier will impede her access. Chairman Hayden closed the hearing to public comment.

Mr. Miedzinski made a motion to accept the staff report as findings of fact in this case with a correction to change the width of the pier from 5 feet to 6 feet and Ms. Neale seconded. The motion passed by a 5-0 vote.

Mr. Miedzinski made a motion in the matter of VAAP #07-3039 having made a finding that the standards for granting a variance and the objectives of Sections 24.3 and 71.9.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to encroach into the required lateral line setback to construct a pier and Ms. Neale seconded. Ms. Chaillet stated the motion should include both lateral line setbacks. The Board agreed and the motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of August 28, 2008 were approved as recorded.

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

VAAP #08-0939 - Deep

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: September 25, 2008

George Allan Hayden
Chairman