

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Thursday, December 14, 2006**

Members present were George Allan Hayden, Chair; Greg Callaway, Vice Chair; Ronald Delahay; Wayne Miedzinski; and Gertrude Scriber. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; Susan Mahoney, Planning Specialist; and Cindy Koestner, Recording Secretary. George Edmonds, Board of Appeals First Alternate, was also present. Christy Holt Chesser, County Attorney, and Colin Keohan, Deputy County Attorney, were 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

**CUAP #06-132-030 – ST. ANDREW'S LANDFILL TRANSFER STATION
(Continued from November 9, 2006)**

The Applicant is requesting modification to an approved conditional use pursuant to Chapter 25 of the St. Mary's Comprehensive Zoning Ordinance to construct and operate a processing facility and transfer station. The property contains 210.70 acres; is zoned Rural Preservation District (RPD); and is located at 44825 St. Andrew's Church Road, California, Maryland; Tax Map 42, Block 4, Parcel 104.

Owner: St. Mary's County Commissioners
Present: George Erichsen, Director; John Groeger, Deputy Director; Richard Tarr; and Gary Whipple; all of the Department of Public Works and Transportation (DPW&T). David Foster and Bill Chicca of Maryland Environmental Services (MES).

This case was advertised in the *St. Mary's Today* on 10/22/06 and 10/29/06. The property was posted and certified mail receipts were submitted to staff for the files. This case was continued from the November 9, 2006 public hearing.

Joe Densford, attorney, sat in for the legal department in place of Ms. Chesser due to a conflict of interest.

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| Applicant's Exhibit 1: | Information on solid waste management and history of solid waste management in St. Mary's County |
| Applicant's Exhibit 2: | Letter to George Erichsen from the Maryland Department of the Environment (MDE) regarding review of the St. Mary's County Comprehensive Solid Waste Management and Recycling Plan, adopted 10-24-06 |
| Applicant's Exhibit 3: | Print out of DPW&T's search for historical sites in St. Mary's County |
| Applicant's Exhibit 4: | Copy of State Highway Administration (SHA) guidelines for traffic impact reports/studies |
| Public Testimony Exhibit 1: | Letter from Leonardtown, MD Mayor, J. Harry Norris, III, regarding traffic implications for MD 5 (presented by John Norris, Jr.) |

- Public Testimony Exhibit 2: Letter from Bill McKissick, Jr., attorney with Dugan, McKissick, Wood & Longmore, LLC, in representation of Marcas LLC and the First Colony Planned Unit Development adjacent to the St. Andrew's Landfill (presented by John Norris, III)
- Public Testimony Exhibit 3: Photos of the wooded buffer around the St. Andrew's Landfill site
- Public Testimony Exhibit 4: Letter from neighboring property tenant, John Norris, III, opposing the transfer station, accompanied by "*Waste Transfer Stations: A Manual for Decision-Making*," published by the Environmental Protection Agency

Mr. Hayden explained the Board will hear the conditional use request and the variance request for the St. Andrew's Landfill transfer station at the same time due to overlapping and related information pertinent to both cases. Mr. Erichsen explained DPW&T, the Applicant, is requesting a modification of the existing conditional use approval #86-1651 (CU #86-1651) in order to construct a solid waste transfer station and processing facility at the St. Andrew's Landfill site. CU #86-1651 originally authorized that there will be no buildings on the site except for the attendant's shelter. Mr. Erichsen explained the Applicant is also requesting a variance from Section 51.3.93, which states, "*New facilities shall be horizontally located 1,500 feet from the nearest home or institutional building and 2,500 feet from a potable water supply or wellhead.*" Mr. Whipple pointed out the nearest building located off the St. Andrew's Landfill property is approximately 760 feet from the proposed transfer station site and the nearest potable water supply is within 1,030 feet of the proposed site

Mr. Erichsen explained there are two closed landfill areas located on the subject property: Area A and Area B. Area A, site of the proposed transfer station, was capped with a soil cover, while Area B was capped with a state-of-the-art synthetic liner. The property also contains Area C, which MDE has already approved for landfill use, and Area D, which is reserved for future expansion. In addition, several of DPW&T's operations are located on the subject property. Mr. Whipple explained there is no better area within this 210-acre parcel to locate a transfer station due to physical constraints of the land. The cap on Area B was not designed to hold a building foundation, Area C needs to be kept open so it is available for future landfill use if needed, and Area D needs to be kept on reserve for future expansion. There is no other County-owned property that provides a location as suitable as Area A of the St. Andrew's Landfill. Constructing the transfer station on top of Area A will conserve land, redevelop an impacted area and preserve future landfill capacity for the County. Mr. Whipple explained the separation distances of Section 51.3.93 should not be applicable to transfer stations because transfer stations do not permanently store waste. Mr. Tarr pointed out MDE regulations allow a new well to be drilled within 50 feet of a known source of contamination or within 10 feet of a property line, so the 2,500 foot setback from a potable water supply is negated if an adjacent property owner desires to drill a new well.

Mr. Whipple explained the subject property was the site of landfill activity prior to being purchased by St. Mary's County in the early 1970s and solid waste operations have been in existence on the property for years. He pointed out the County already has permission develop Area C for landfill use, which is closer to neighboring residential areas than the site of the proposed transfer station. In addition, a transfer station does not require the same amount of excessive clearing as a landfill operation does. The County currently stores transfer trailers filled with waste on the property that may not need to be stored as long if a transfer station is present and the transfer station will allow the redevelopment of a closed landfill site and thereby preserve other property in the RPD from being developed.

Mr. Whipple explained the transfer station project will not change the 200-foot wooded buffer between the landfill site and the neighboring residential areas. He added the proposed building site does not contain any wetlands, is not located in a floodplain, is not in the Critical Area, does not contain any endangered species or habitats, is not inside of any historic preservation districts and will not impact any currently known historic sites. Mr. Whipple clarified the use of Area A for the transfer station will actually diminish the landfill's impact to neighboring land uses because the transfer station will create an impervious surface over the soil cap of Area A, which will reduce water infiltration through the landfill waste and reduce the chance of groundwater contamination.

Mr. Tarr explained the current hours of 8:00 a.m. to 4:30 p.m. of the St. Andrew's Landfill will remain the same; however, operations at the transfer station will need to continue after hours to allow workers time to remove waste from the tipping floor and load it into the trucks in order to comply with a permit condition set by MDE that waste be cleared from the building on a daily basis. In addition, trucks may be arriving prior to 8:00 a.m. so they are ready when the site opens. The convenience center used by homeowner's will still be open on Sundays, but the transfer station will only operate six days a week. Mr. Hayden inquired about the operations that will take place inside the transfer station. Mr. Tarr replied loaded collection trucks will arrive and empty waste onto the floor. The waste will then be loaded into larger trucks and those trucks will be covered at a tarping station. The building will include a scale for the trucks picking up waste so the attendant can monitor the load and ensure it does not exceed the maximum weight allowed. The waste will then be transported to a landfill in Virginia. Mr. Tarr noted all of the waste transfer operations will take place inside the building. He explained Calvert County notified St. Mary's County that trailers over 38 feet will no longer be allowed to transport waste to the Appeal Transfer Station in Calvert County. Because the St. Mary's County trailers are 40 feet to 45 feet long, they cannot haul to Calvert County. Mr. Hayden inquired about the Virginia landfill site. Mr. Tarr responded Virginia is the nation's number two importer of municipal solid waste and the Virginia landfill is over 300 acres in size. He stressed the transfer station will help minimize costs and consolidate waste. Mr. Hayden asked if recyclable materials will be pulled from the waste that is transported to the transfer station. Mr. Tarr replied yes, because it will also be a processing facility. He estimated that 10 percent to 15 percent of the waste will be pulled as recyclable. He noted the County currently recycles 30 percent of its waste and the transfer station will help increase that rate.

Mr. Whipple explained the transfer station has been designed to minimize the impact on surrounding properties. The building will be 38 feet high at its peak, which is under the 40-foot height limitation for the RPD. The building will be gray so that it blends in with the surrounding area and the doors will be oriented towards the current County operations to reduce visual and noise impacts to adjacent properties. The waste will be removed from the building daily and odor will be controlled through the use of odor bonding agents that were developed specifically for solid waste operations. The site will be landscaped with coniferous trees and will be encircled by fencing to help capture any refuse that may escape the building.

Mr. Hayden asked if there will be doors on both sides of the building to allow trucks to drive through. Mr. Tarr replied there will be doors on the front of the building, where trucks dumping waste will back in, and a door on the back of the building at a lower level to allow trucks picking up waste to pull in. He noted MDE does not require transfer stations to have doors, but DPW&T chose to include doors in the design because they will help keep the waste in and the rain out. Some of the doors can be closed when traffic is slow and all of the doors will be closed overnight. Mr. Erichsen explained the door openings will be tall so they will not become damaged if drivers forget to lower their truck trailers prior to pulling out of the building. They will also retract on the inside of the building to keep weather elements from interfering with their ability to function properly.

Mr. Hayden asked if the County Landfill property contains any wells. Mr. Whipple responded the property is served by public water. Mr. Hayden asked if private haulers will be

allowed to dump waste at the transfer station. Mr. Erichsen replied yes, and any private hauler will be charged to dump. Mr. Hayden inquired about the difference in cost to develop Area C for landfill use versus constructing the transfer station. Mr. Erichsen responded the transfer station will cost three to four million dollars to develop and will also bring in revenue from private commercial haulers who pay tipping fees to dump waste. Area C would cost 12 to 15 million dollars to develop and would be full in approximately seven years, at which time the County would be back in the same situation. Mr. Erichsen noted Area C does not need to be developed if a transfer station is built. Mr. Hayden asked if the County will have a contract with a Virginia landfill to dump waste from the transfer station. Mr. Tarr replied the County will contract with a hauler, who will be allowed to dump the waste at any licensed landfill; however, the hauler will probably dump at a Virginia landfill.

Mr. Hayden asked how long it has been since Area A was capped. Mr. Tarr responded it was capped in the early 1970s. Mr. Hayden inquired about the homeowners' convenience center currently in operation at the County Landfill. Mr. Tarr responded the convenience center will remain in operation and the homeowner operations will be kept separate from the commercial operations.

Mr. Groeger explained no traffic impact study was required because impact to MD 4 will be minor. The hours of operation of the transfer station are outside of the peak traffic hours of MD 4. In addition, the trash haulers are already hauling from Calvert County to Virginia via MD 4 and MD 5. Mr. Miedzinski asked if the building will require water and electric service. Mr. Whipple replied only electric will be provided to the building. He added water trucks will be utilized to help clean the tipping floor when needed. Mr. Miedzinski asked if the building will contain fans. Mr. Whipple responded yes. Mr. Hayden inquired about periodic testing of contamination. Mr. Tarr replied the County has an environmental monitoring plan in place to test groundwater for contamination and the County is required to report to MDE every six months. He added there have been no problems to date. The County has also checked wells offsite for adjacent property owners and found no problems with contamination. Mr. Hayden asked if the reduced setback from a wellhead will increase the probability of contamination. Mr. Tarr responded the reduced setback will not make any difference and the transfer station will actually improve the cap on Area A and help prevent water from infiltrating the landfill below.

The Chair opened the hearing to public comment.

John B. Norris, Jr. stated he is representing St. Andrew's LLC. He explained a development of three-story dwellings is being planned for property near the landfill site. He expressed concern over the impact a transfer station will have on the neighborhood, including the odor of the waste that will be contained for a period of time before it arrives. He noted the landfill already puts off an odor and a transfer station will only make it worse. Mr. Norris stated there will also be noise and visibility impacts. He asked the Board to consider these impacts and require DPW&T to locate the transfer station elsewhere, either further back on the same property or on another County property. Mr. Norris expressed concern DPW&T is trying to hurry the transfer station project along because they are in a time bind due to the restriction that prevents hauling to Calvert County. He explained it is not a good idea to locate a transfer station inside of a development district.

Dudley Lindsley explained she is a member of the Solid Waste Advisory Committee (SWAC), which supports the transfer station as it is being proposed. Mr. Hayden inquired about the function of SWAC. Mr. Tarr responded the members are local citizens, appointed by the Board of County Commissioners, that meet with DPW&T once a month to review the Solid Waste Management and Recycling Plan.

John Norris, III explained he rents property adjoining the St. Andrew's Landfill from St. Andrews LLC and he expressed several concerns regarding the proposed transfer station. He explained CU #86-1651 should not be considered valid any longer because no active landfill cell

has been in use on the property over the past year. He expressed concern there was not enough information available on tonight's hearing and no copy available of the most recently adopted solid waste plan. Mr. Norris stated solid waste should not be located in the Lexington Park Development District (LPDD) and a transfer station on the subject property will cause both odor and noise problems. He explained the buffers do not appear to be adequate. He added a traffic study should be conducted prior to approval of this transfer station because the shoulders of MD 4 are too narrow to pass trucks and the truck traffic may increase accidents. Mr. Norris explained the property he rents for his office contains a well that is near the landfill property and he expressed concern the groundwater will be contaminated by liquids contained in the waste that run off the floor of the transfer station, water that runs off the floor when it is washed down, and water that runs off the trucks when rain permeates the mesh covers.

Kim Reynolds explained he is with Centercorp Partnership, which owns the property adjacent to the property of Mr. Norris, III. Mr. Reynolds stated he supports Mr. Norris's position on this case.

The Chair closed the hearing to public comment.

Mr. Erichsen countered DPW&T is not in a time bind because the County obtained a long-haul contract to transfer trash to the King George County Landfill in Virginia. Mr. Erichsen stated Adequate Public Facilities (APF) findings for traffic are not required until final site plan approval, and DPW&T will conduct a traffic study if the Board wishes. He explained a copy of the latest solid waste plan has not been available because DPW&T just received the approval letter from the State on December 11, 2006. Mr. Erichsen explained the Board can make the application of the odor reducing agent a condition of approval. He added the buffer meets the requirements set forth in CU #86-1651 and additional plantings will be included around the transfer station.

Mr. Tarr explained the floor of the transfer station will have a slight slope that will direct any liquid towards a common area in the corner, where it will be pumped into a storage tank and later pumped into a truck and hauled away. He noted this is a condition of the State permit for the transfer station. Mr. Hayden asked if there is a wash area where the County's trash trucks are cleaned. Mr. Tarr responded yes, but washing the trucks will not create a high concentration of runoff. Mr. Miedzinski inquired about water runoff through the covering of the trucks. Mr. Tarr responded the County trucks are covered with steel but the long-haul trucks will be covered with mesh. He explained the long-haul trucks are sealed and water tight around the bottom of the trailer and the back gate to prevent any water that may infiltrate the mesh from running out. He added the Health Department will perform inspections on the long-haul trucks of the hauler the County contracts with.

Mr. Miedzinski inquired about the feasibility of moving the transfer station to a different location on the 210-acre parcel. Mr. Tarr responded DPW&T does not want to compromise Area C or Area D because they may be needed for future landfill use. Mr. Hayden asked if the transfer station can be located on the far north section of the old McLeod landfill that has already been capped. Mr. Tarr responded there are steep-slope and wetlands issues with that portion of the property. Mr. Erichsen added more neighboring properties will be affected if the transfer station is located farther back, including planned residential developments and State lands. Mr. Hayden explained the Board needs more time to review the testimony and information received before making a decision. He added the County has the option of investigating other areas for building the transfer station. Mr. Erichsen countered DPW&T does not feel there are other sites within the 210-acre parcel that can be built on. Mr. Hayden replied the Board needs to plan a site visit. Mr. Tarr explained the Board can also plan a site visit to another transfer station in the State in order to observe the operations. The Board agreed more time is needed.

Mr. Miedzinski moved that the Board continue this case at the February 8, 2007 hearing, and leave the record open, in order to allow the Board time to review additional

information submitted during the public hearing and visit the proposed site of the transfer station. The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

VAAP #06-132-030 – ST. ANDREW’S LANDFILL TRANSFER STATION

The Applicant is requesting a variance from Section 51.3.93 of the St. Mary’s Comprehensive Zoning Ordinance to reduce the required setback from the nearest home or institutional building and to reduce the required setback from a potable water supply or wellhead. The property contains 210.70 acres; is zoned Rural Preservation District (RPD); and is located at 44825 St. Andrew’s Church Road, California, Maryland; Tax Map 42, Block 4, Parcel 104.

All remaining cases heard tonight were advertised in the *St. Mary’s Today* on 11/26/06 and 12/3/06 and in the *Enterprise* on 12/3/06 and 12/6/06. The properties were posted and certified mail receipts were submitted to staff for the files.

Mr. Miedzinski moved that the Board continue this case at the February 8, 2007 hearing, and leave the record open, in order to allow the Board time to review additional information submitted during the public hearing and visit the proposed site of the transfer station. The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

The Chair called a recess at 9:40 p.m. The Chair called the meeting back to order at 9:45 p.m.

VAAP #06-0606 – MESZAROS (RENAMED JRW PROPERTIES)

The Applicant is requesting a variance from Section 72.3 of the St. Mary’s Comprehensive Zoning Ordinance to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances. The property contains 15,000 square feet; is zoned Residential Neighborhood Conservation District (RNC), Limited Development Area Overlay (LDA); and is located at 29968 Barger, Mechanicsville, Maryland; Tax Map 5A, Block 10, Parcel 54.

Owner: JRW Properties
Present: Bill Higgs, Little Silences Rest, agent

Ms. Chaillet explained the ownership of the property changed from Karoly Meszaros to JRW properties since the staff report was prepared. She amended the staff report to state that the property is located in a floodplain, according to Flood Insurance Rate Map (FIRM) panel number 81. Because of this, the property will be required to comply with all floodplain regulations stated in Section 76.6.2 of the Ordinance. All living space must be elevated one foot above the flood protection elevation, which is six feet; therefore, the living space must be elevated to at least seven feet. Ms. Chaillet stated the home, including the attached garage and porch, will be 3,380 square feet, and the amount of impervious surface on the property will be 22.5 percent of the property. The property is 100 percent forested and 8,467 square feet, or 56 percent, of the vegetative cover must be cleared in order to allow space for the proposed dwelling and appurtenances.

Mr. Higgs explained the lot is relatively small in size and the applicant will be required to construct a mound system and drill a well. He noted the lot is grandfathered and other lots in the area have already been granted variances. Mr. Hayden inquired about letters received from neighbors about flooding. Ms. Chaillet responded she spoke with one neighbor, Mr. Campbell, who expressed concern that clearing the subject property will cause the street to flood when it rains. Ms. Chaillet noted the Soil Conservation District (SCD) and the Health Department approved the site plan and the Maryland Critical Area Commission (CAC) does not oppose the variance. She stated the applicant has to clear on the property in order to be allowed reasonable use of the property to build a house. The applicant will be required to mitigate for the cleared vegetation.

Mr. Miedzinski moved that having accepted the staff report, as amended by staff to include floodplain information, the Board adopt the findings of fact contained therein as their findings in this matter. The motion was seconded by Ms. Scriber and passed by a 5-0 vote.

The Chair opened the hearing to public comment. The hearing closed with no public comments.

Mr. Hayden asked if the lot contains a ravine or marshy area. Mr. Higgs replied the lot is almost flat and water flows along a gradual slope off the back of the lot to a wetland area. Mr. Miedzinski added the property only contains a small ditch.

Ms. Scriber moved that having adopted the staff report, dated November 29, 2006, and having made a finding that the standards for variance in the Critical Area and the objectives of Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the Board grant approval of the variance to clear in excess of 30 percent of the existing woodland, with the conditions that the Applicant shall adhere to the Critical Area Planting Agreement and comply with all floodplain regulations, as stated in Section 76.6.2 of the Ordinance, including the elevation of all living space at least one foot above the flood protection elevation. In addition, the Board voted to rename the case "JRW Properties" due to a change in ownership of the property. The motion was seconded by Mr. Callaway and passed by a 5-0 vote.

VAAP #06-2346 – LEEDOM, INC.

The Applicant is requesting a variance from Section 71.8.3 of the St. Mary's Comprehensive Zoning Ordinance to add new impervious surface in the Critical Area Buffer, and a variance from Section 72.3 of the Ordinance to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances. The property contains 15,492 square feet; is zoned Rural Preservation District (RPD), Limited Development Area Overlay (LDA); and is located at 37406 River Springs Road, Avenue, Maryland; Tax Map 46, Block 9, Parcel 357.

Owner: Leedom, Inc., c/o Ward Phelps
Present: Jack Seisman, Sr., President of Leedom Inc.

Ms. Chaillet explained the Applicant plans to construct a four-story dwelling, which will include three stories of living space and a garage, and must clear 3,200 square feet, or 66 percent, of the vegetative cover in order to make space for the proposed dwelling and appurtenances. The property is located in a floodplain with a flood protection elevation of five feet; therefore, all living space will be required to be elevated at least one foot above the flood elevation. Ms. Chaillet noted the well, septic tank and drainfields, as well as most of the dwelling, will be located outside of the Critical Area Buffer. She added SCD and the Health Department approved the site plan and CAC does not oppose the variance. Ms. Chaillet stated the applicant plans to include a sprinkler system in the home.

Mr. Seisman explained the foundation will be surrounded by stone and elevated above the flood elevation and the shed will be modified to match the home. He added the property contains some nice trees that will be saved and the plans include \$20,000 of landscaping. Mr. Miedzinski inquired about the height of the home. Ms. Chaillet explained the home is measured to the mid-point of the pitched roof and not to the actual point, so the home will be six inches under the maximum 40 feet allowed by the Ordinance. Mr. Hayden asked how many bedrooms the house will have. Mr. Seisman replied the home will have two bedrooms, two bathrooms and a powder room.

Mr. Hayden inquired about the proposed well. Mr. Seisman replied the well will be located on the adjoining property, also owned by Leedom Inc., and will be shared between both properties. Mr. Hayden asked if there is a water agreement for the well. Mr. Seisman replied there is a signed water agreement and there will also be an easement for the well.

Mr. Miedzinski moved that having accepted the staff report, the Board adopt the findings of fact contained therein as their findings in this matter. The motion was seconded by Mr. Callaway and passed by a 5-0 vote.

The Chair opened the hearing to public comment. The hearing closed with no public comments.

Mr. Callaway moved that having adopted the staff report, dated December 5, 2006, and having made a finding that the standards for 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, the Board grant approval of the variance to add new impervious surface in the Critical Area Buffer to construct a single-family dwelling and appurtenances, and;

Having made a finding that the standards for variance in the Critical Area and the objectives of Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the Board grant approval of the variance to clear in excess of 30 percent of the existing woodland, with the condition that the Applicant shall adhere to the Critical Area Planting Agreement. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.

VAAP #05-132-046 – POTOMAC LAND LODGE AND RESTAURANT

The Applicant is requesting a variance from Section 71.8.3 of the St. Mary's Comprehensive Zoning Ordinance to add new impervious surface in the Critical Area Buffer and to clear in the Critical Area Buffer, and a variance from Section 72.3 of the Ordinance to clear in excess of 30 percent of the existing vegetation, and a variance from Section 41.5.3.i(3)(b) of the Ordinance to exceed the amount of impervious surface traded in the Critical Area Buffer. The property contains 2.63 acres; is zoned Commercial Marine District (CM), Limited Development Area Overlay (LDA); and is located at 16680 Piney Point Road, Piney Point, Maryland; Tax Map 66, Block 19, Parcels 47 and 48.

Owner: Potomac Land LTD, c/o Chuck Kimball

Mr. Hayden inquired about a posting issue for the Potomac Lodge and Restaurant case on tonight's agenda. Ms. Chaillet responded neighboring residents informed staff they were not aware of tonight's hearing until Tuesday, December 12th. She noted the property was posted as required by November 29th and the original sign was posted on the fence. She explained Chuck Kimball contacted staff on December 4th to inform them the sign was missing. He ordered a new sign and posted it in the window of the restaurant that currently occupies the property. Ms. Chaillet explained the sign was posted within 25 feet of the property line; therefore the posting was in compliance. Mr. Callaway asked if the property was advertised in the papers and if notices were mailed to adjoining property owners. Ms. Chaillet replied the property was advertised and certified mail receipts for the mailings were submitted to staff. The Board agreed the case was properly posted.

Ms. Scriber moved that the Board continue this case at the February 22, 2007 meeting, and leave the record open, due to time constraints. The motion was seconded by Mr. Miedzinski and passed by a 5-0 vote.

ACTIONS TAKEN BY PLANNING DIRECTOR ON VARIANCE APPLICATIONS RECEIVED FOR ADMINISTRATIVE REVIEW

VAAP #06-1824 – Myers – 0.90 acres – The applicant is requesting a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to add impervious surface in the expanded Critical Area Buffer and to clear in the Buffer to construct a single-family dwelling and appurtenances. **Variance approved with conditions.**

VAAP #05-2144 – Aley – 4.74 acres – The applicant is requesting a variance from Section 71.7 of the St. Mary's County Comprehensive Zoning Ordinance to disturb steep slopes, and a variance from Section 71.8.3 of the Ordinance to add impervious surface in the expanded Critical Area Buffer to construct a single-family dwelling. **Variance approved with conditions.**

VAAP #06-2319 – Williams – 17,242 square feet – The applicant is requesting a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to place impervious surface in the Critical Area Buffer, and a variance from Section 32.1 of the Ordinance to reduce the front yard setback to construct a single-family dwelling and appurtenances. **Variance approved with conditions.**

VAAP #06-1795 – Tiede – 43,560 square feet – The applicant is requesting a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to add impervious surface in the expanded Critical Area Buffer to construct a deck. **Variance approved with conditions.**

MINUTES AND ORDERS APPROVED

The minutes of November 30, 2006 were approved as recorded.

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

ZAAP #05-2934 – Tilley's Marina
VAAP #06-0924 – Griffin

ANNUAL ELECTION OF OFFICERS

The annual election of officers took place with Mr. Hayden being re-elected as Chair and Mr. Callaway being re-elected as Vice Chair.

ADJOURNMENT

The meeting was adjourned at 10:20 p.m.

Cindy R. Koestner, Recording Secretary

Approved in open session: January 11, 2007

George Allan Hayden
Chairman