

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, September 9, 2010**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Ronald Payne, Veronica Neale, and George T. Edmonds. Randy Guy was absent. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; Jenn Ballard, Environmental Planner; and Jada Stuckert, Recording Secretary. Attorney George Sparling 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 6:35 p.m.

PUBLIC HEARINGS

VAAP #09-2282 – Caldwell (*Continued from 8/26/10*)

The applicant is requesting variance to trade more than 1,000 square feet of lot coverage in the Critical Area Buffer and a variance to disturb the Buffer and clear in the Buffer to replace existing dwellings with new dwellings and appurtenances. The property contains 1.95 acres; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 25040 Old Brick Way, Hollywood, Maryland; Tax Map 27, Grid 5, Parcel 40.

Owner: Robert and Phyllis Caldwell
Present: Cynthia Greb, Compass Pointe, LLC

Ms. Ballard stated this hearing is continued from August 26, 2010 and the property and variance were advertised in The Enterprise on August 11, 2010 and August 18, 2010. Ms. Ballard stated the certification of property posting and mailing receipts were submitted for the record at the August 26, 2010 hearing. Ms. Ballard gave an overview of the staff report August 31, 2010 and the Specific Standards for Granting Variances in the Critical Area, Impervious Surface Trading and The 100-Foot Critical Area Buffer. Ms. Ballard clarified Section IV.2 stating the number 2,269 square feet should read 2,369 square feet. Ms. Ballard submitted the staff report dated August 31, 2010 for the record including the amendment listed above, *hereby labeled as Exhibit 1 by the Recording Secretary.*

Mr. Miedzinski asked if the Critical Area Commission is opposed to the attached deck. Ms. Ballard stated yes, they are opposed however the applicants have revised the plan to remove the attached deck.

Ms. Cindy Greb, agent for the applicant, stated she agrees with the staff report. Ms. Greb stated the Critical Area Commission will be visiting the site tomorrow to discuss the planting agreement and how best to accommodate the mitigation. Ms. Greb asked that the applicant be allowed to continue to work with the Critical Area Commission and staff regarding the mitigation for this property. Staff agreed.

Chairman Thompson opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Miedzinski stated the property is a grandfathered lot with over 70% of the property in the Critical.

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

Mr. Miedzinski made a motion in the matter of #09-2282, Caldwell, having made a finding that the standards for granting a variance and the objectives of Sections 41.5.3 and 71.8.3

of the St. Mary's County Comprehensive Zoning Ordinance have been, I move to approve the variance requests to trade more than 1,000 square feet of lot coverage in the Critical Area Buffer and to disturb the Buffer and clear in the Buffer to replace existing dwellings with new dwellings and appurtenances and Ms. Neale seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of August 26, 2010 were approved as recorded.

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

CUAP & VAAP #09-110-012 Phillip Moore Mining Operation

ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: September 23, 2010

Howard Thompson
Chairman