

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, November 18, 2010**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Randy Guy, 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; 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 6:30 p.m.

**PUBLIC HEARINGS**

**VAAP #09-1727 – Flat Iron LLC**

The applicant is requesting variance to add lot coverage in the Critical Area Buffer to construct a detached garage. The property contains 14,184 square feet fastland (22,500 square feet deed); is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 13995 Cornfield Harbor Drive, Scotland, Maryland; Tax Map 74, Grid 9, Parcel 95.

Owner: Flat Iron LLC  
Present: Barry Vukmer, Chesapeake Trails Surveying LLC

The property and variance were advertised in The Enterprise on November 3, 2010 and November 10, 2010. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated November 10, 2010 and the specific standards for granting variances in the Critical Area and the 100-foot Critical Area Buffer. Ms. Chaillet submitted the staff report with attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Vukmer stated he would like to add that these lots have been consolidated therefore there are no remaining building rights on the property.

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

***Mr. Edmonds made a motion to accept staff report Section 5, numbers 1-8 and the first paragraph of each standard in Section 6 as findings of fact in this case and Mr. Guy seconded. The motion passed by a 5-0 vote.***

***Ms. Neale made a motion in the matter of VAAP #09-1727, Flat Iron LLC, 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 been met, I move to approve the variance request to add lot coverage in the Critical Area Buffer to construct a detached garage, subject to the following conditions:***

- 1. The Applicant shall provide a Buffer Management Plan prior to the issuance of the building permit, which shows the required 3:1 mitigation per square foot of the variance granted. The Planting Plan shall show which native species have been selected for planting, size of vegetation at time of planting, when the planting will occur, where on the Property the Applicant proposes to plant the vegetation, and a plan to ensure 100 percent survival for two years after installation. Areas without forest vegetation in the Buffer must be planted first prior to planting understory trees or shrubs in already forested areas and prior to paying fees-in-lieu; and***

2. ***The Applicant shall comply with the Critical Area Planting Agreement and approved Buffer Management Plan.***

***Mr. Edmonds seconded and the motion passed by a 5-0 vote.***

**VAAP #10-1553 - Kirk**

The applicant is requesting variance to reduce the required front yard setback to construct a shed. The property contains 8,250 square feet; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay with Buffer Management Overlay (BMO); and is located at 18817 McKays Beach Road, Leonardtown, Maryland; Tax Map 61A, Parcel 3 (Lot 23).

Owner: John and Kathleen Kirk

The property and variance were advertised in The Enterprise on November 3, 2010 and November 10, 2010. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated November 10, 2010 and the general standards for granting variances and the development standards. Ms. Chaillet submitted the staff report with attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Miedzinski asked how far the property line is from the road. Mr. Kirk stated the shed will be a foot taller than it is right now and will be 12 by 14 square feet. Mr. Kirk stated unfortunately this is the only place on the property where the shed can be placed. Ms. Kirk stated the shed will not be placed any closer to the road than the existing shed.

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

***Mr. Miedzinski made a motion to accept staff report Section 5, numbers 1-5 and using public testimony to address the standards of Section 6 as findings of fact in this case and Mr. Guy seconded. The motion passed by a 5-0 vote.***

***Mr. Miedzinski made a motion in the matter of VAAP #10-1553 having made a finding that the standards for granting a variance and the objectives of Schedule 32.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce the required front yard setback from 25 feet to one foot with the following condition:***

1. ***The Applicant shall comply with the required five-foot setback from the side property line.***

***Mr. Edmonds seconded and the motion passed by a 5-0 vote.***

**CUAP #10-1641 – Charles Memorial Gardens**

The applicant is requesting conditional use approval to install a pet crematory in the existing building. The property contains 42.01 acres; is zoned Rural Preservation District (RPD); and is located at 26325 Point Lookout Road, Leonardtown, Maryland; Tax Map 32, Grid 14, Parcel 174.

Owner: W.C. and Joyce A. Mattingly, T/E  
Present: James P. Kelly, Manager, Charles Memorial Gardens, Inc.

The property and conditional use request were advertised in The Enterprise on November 3, 2010 and November 10, 2010. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated November 10, 2010 and the conditional uses, use classifications, use types and location within zoning districts, and funeral and interment

service. Ms. Chaillet submitted the staff report with attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary.*

Mr. Kelly stated Charles Memorial Gardens has been in place for 33 years. Mr. Kelly stated we currently have a pet cemetery and would now like to provide a pet crematory. Mr. Kelly stated the closest facility currently is located in Bel-Air which isn't even in the tri-county area.

Mr. Miedzinski questioned the case information in paragraph three of the staff report regarding the U.S. Emissions report. Mr. Kelly introduced Wayne Johnson. Mr. Johnson stated the system is designed to have 0% emission. Mr. Edmonds asked where the unused ashes would be disposed. Mr. Kelly stated we would offer two services one being an individual cremation where the ashes would go directly to the owners and the second service would be for Veterinary services where the ashes would probably be scattered. Mr. Edmonds asked if there are any diseases that could come from these ashes. Mr. Johnson stated no, the cremation process heats at 1,700 degrees therefore there is nothing left.

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

***Mr. Miedzinski made a motion to accept staff report Section 5, numbers 1 and 2, using public testimony to address the standards of Section 6 as findings of fact in this case and Ms. Neale seconded. The motion passed by a 5-0 vote.***

***Mr. Edmonds made a motion in the matter of CUAP #10-1641, Charles Memorial Gardens, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.52, Funeral and Interment Service, of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to install a pet crematory in the existing building and Mr. Guy seconded. The motion passed by a 5-0 vote.***

#### **MINUTES AND ORDERS APPROVED**

The minutes of October 14, 2010 were approved as recorded.

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

None

#### **ADJOURNMENT**

The meeting was adjourned at 7:20 p.m.

---

Jada Stuckert, Recording Secretary

Approved in open session: December 9, 2010

---

Howard Thompson  
Chairman