

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, September 27, 2018 at 6:30 p.m.**

Members present: George Allan Hayden, Chairman; John Brown, Vice-Chair; William Greene, Wayne Miedzinski and Lynn Delahay

Absent: Rich Richardson, Alternate

Bill Hunt, Director; Kathleen Easley, Deputy Director; Ben Cohen, Environmental Planner; Sandie Greene, Recording Secretary were present from the Department Land Use and Growth Management.

David Weiskopf, Acting County Attorney; James Tanavage, Assistant County Attorney and John Deatrick, Director, Department of Public Works and Transportation

CALL TO ORDER

PUBLIC HEARINGS

1. **Application/case no. 16-0225, Fitzgerald Property**
Property owner: Lori W. and Gary Michael Fitzgerald
Location: 45918 Patuxent Lane, California, Maryland, 20619
Parcel ID: tax map 35 grid 02 parcels 01
Election District: 8
Zoning: Residential, Low-Density (RL), Limited Development Area (LDA) and Buffer Management Overlay (BMO)
Acreage: 8,750 square feet
Action requested: Applicants will be requesting that the Board of Appeals continue their hearing on a variance from Section 71.9.6.h(1) of the Comprehensive Zoning Ordinance to construct a boatlift within 25 feet of the extended property line on the west side of the property.

Speaker for the Fitzgerald Property: Gary Michael Fitzgerald, 1540 Avon Street, Charlottesville VA 22902

Mr. Fitzgerald asked for a continuance of his property hearing. He found out after advertising that he needs a boundary line adjustment plat. Mr. Fitzgerald contacted the surveyor and he will not be available for four to six weeks. The date requested is December 13, 2018.

Mr. Hayden asked if staff had the certified mailings. Sandie Greene, Recording Secretary verified they had been received and Mr. Fitzgerald confirmed the public postings.

Mr. Hayden asked Bill Hunt, Director of Land Use and Growth Management if that date was acceptable? Mr. Hunt stated that was a regular scheduled meeting and the department approved the Fitzgerald case for December 13, 2018.

Mr. Brown made the motion to allow the applicants Lori W. and Gary Michael Fitzgerald to continue their case to the December 13, 2018 meeting.

Mr. Greene seconded. The motion passed unanimously.

2. Application/case no. VAAP 18-1092, Lee Property**Property owner:** Wendy A. Lee**Location:** 18943 Hodges Lane, Leonardtown, Maryland, 20650**Parcel ID:** Tax map 61 **grid 03 parcel 250 Election District: 2****Zoning:** Rural Preservation District (RPD), Resource Conservation Area (RCA)**Acreage:** 1.1 acres**Action requested:** Variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to disturb the Critical Area Buffer to construct a deck.

Presenter: Ben Cohen, Planner II, Land Use and Growth Management

Exhibit 1: Proof of Ad, USPS Certified Mail Receipts and Certification of Property Posting.

Exhibit 2: Staff Report

Attachment 1: Standards Letter received August 3, 2018 from Massey Construction, Inc.

Attachment 2: Critical Area Commission Comments dated September 10, 2018

Attachment 3: Site Plan

Attachment 4: 2017 Ortho Photo / Environmental Features Map

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers representing Lee Property: Jane McGee, Massey Deck, 35690 Aviation Yacht Club Road,
Mechanicsville, MD 20659

Wendy A. Lee, 18943 Hodges Lane, Leonardtown MD 20650

*Chairman Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment.**Mr. Greene made the motion "In the matter of VAAP #18-1092, Lee Property, 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 disturb the Critical Area Buffer to construct a 440 square-foot deck with the condition:"*

1. *The applicant must receive a Health Department approval prior to issuing a permit.*

*Mr. Brown seconded the motion. The motion passed 4/1.**For: John Brown, George Allan Hayden, William Greene and Lynn Delahay**Against: Wayne Miedzinski***3. Application/case no. CUAP 16-131-005, Fisher's Custom Butcher Shop****Property owner:** Rachel and Israel Fisher**Location:** 37404 Westham Lane, Mechanicsville, Maryland 20659**Parcel ID:** tax map 8 **grid 22 parcel 90 Election District 5****Zoning:** Rural Preservation District (RPD) **Acreage:** 82.65 acres**Action requested:** Modification of an approved conditional use, use type 86-slaughterhouse, pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to utilize additional buildings for this use.

Presenter: Ben Cohen, Planner II, Land Use and Growth Management

Exhibit 1: Proof of Ad, USPS Certified Mail Receipts and Certification of Property Posting.

Exhibit 2: Staff Report

Attachment 1: Standards Letter dated September 10, 2018 from Craig Sewell, SMADC
 Attachment 2: Board of Appeals Order of January 12, 2017
 Attachment 3: L.U.G.M. staff comments dated July 5 and July 26, 2017
 Attachment 4: Land Use Map
 Attachment 5: 2017 Orthophoto of Property
 Attachment 6: Site plan

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers representing Fisher's Custom Butcher Shop: Craig Sewell, Southern Maryland Agricultural Development Commission (SMADC), P.O. Box 745, Hughesville, MD 20637
 Israel Fisher, 37404 Westham Lane, Mechanicsville, Maryland 20659

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

Mr. Brown made the motion "In the matter of CUAP #16-131-005, Fisher's Custom Butcher Shop, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.86 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to modify the approved conditional use with the additions to Building B as shown on the site plan."

Mr. Miedzinski seconded the motion. The motion passed unanimously.

4. Application/case no. VAAP 18-1053, Nicol Property

Property owner: Bruce Nicol and Ryan Nicol

Location: 45093 Smiths Nursery Road, Hollywood, Maryland 20636

Parcel ID: tax map 27 grid 05 parcel 35

Election District: 6

Zoning: Rural Preservation District (RPD), Limited Development Area (LDA)

Acreage: 33,280 square feet

Action requested: Variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to disturb the Critical Area Buffer to construct a replacement single-family dwelling.

Exhibit 3: Land Use and Growth PowerPoint presentation

Presenter: Ben Cohen, Planner II, Land Use and Growth Management

Exhibit 1: Proof of Ad, USPS Certified Mail Receipts and Certification of Property Posting.

Exhibit 2: Staff Report

Attachment 1: Standards Letter from Bruce Nicol and Ryan Nicol, dated September 12, 2018
 Attachment 2: Critical Area Commission Comments dated July 10, 2018
 Attachment 3: 2017 Ortho Photo / Environmental Features Map
 Attachment 4: Site Plan

Speakers representing Bruce Nicol, 25120 Lender Lane, Hollywood, MD 20636

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

Ms. Delahay made the motion "In the matter of VAAP #18-1053, Nicol Property, 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 disturb the Critical Area Buffer to replace a single-family dwelling."

Mr. Greene seconded the motion. The motion passed unanimously.

- 5. Application/case no.** VAAP 18-0976, Armour Property
Property owner: Robert K. and Barbara L. Armour
Location: 37520 River Springs Road, Avenue, Maryland 20609
Parcel ID: tax map 46 grid 10 238 parcels
Election District: 7
Zoning: Rural Preservation District (RPD), Limited Development Area (LDA)
Acreage: 39,431 square feet
Action requested: Variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to disturb the Critical Area Buffer to construct a replacement single-family dwelling.

Presenter: Ben Cohen, Planner II, Land Use and Growth Management
 Exhibit 1: Proof of Ad, USPS Certified Mail Receipts and Certification of Property Posting.
 Exhibit 2: Staff Report

Attachment 1: Standards Letter from Barrett Vukmer dated August 24, 2018
 Attachment 2: Critical Area Commission Comments dated August 28, 2018
 Attachment 3: Land Use Map
 Attachment 4: 2017 Ortho Photo / Environmental Features Map
 Attachment 5: Site Plan

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers representing Armour Property: Barrett (Barry) Vukmer and Daniel Fogel of Chesapeake Trails Surveying, Inc. (CTS), P.O. Box 957, 22660 Washington Street, Leonardtown, MD 20650

Exhibit 4: Applicant PowerPoint presentation.

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

Mr. Miedzinski made the motion "In the matter of VAAP #18-0976, Armour Property, 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 disturb the Critical Area Buffer to replace a single-family dwelling."

Mr. Brown seconded the motion. The motion passed unanimously.

MINUTES AND ORDERS APPROVED

1. *Mr. Miedzinski made a motion approving the minutes for September 13, 2018.
 Mr. Brown seconded the motion. The motion passed unanimously.*
2. *Mr. Miedzinski made a motion authorizing Chairman Hayden to sign the order for (case no: VAAP #18-0389), McCormick-Goodhart Property
 Mr. Brown seconded the motion. The motion passed unanimously.*

3. Mr. Greene made a motion authorizing Chairman Hayden to sign the order for (case no: VAAP #12-0502), Ropshaw Property.

Ms. Delahay seconded the motion. The motion passed unanimously.

4. Ms. Delahay made a motion authorizing Chairman Hayden to sign the order for (case no: VAAP #18-0532), Pulliam Property.

Mr. Greene seconded the motion. The motion passed unanimously.

OTHER BUSINESS

The next meeting will be October 18, 2018.

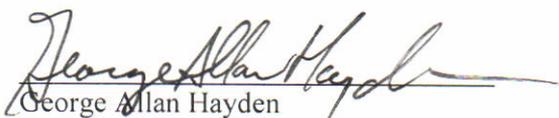
ADJOURNMENT

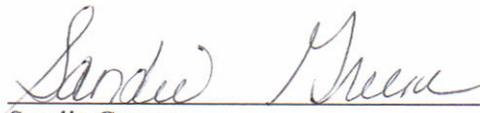
Mr. Miedzinski made the motion to adjourn the meeting.

Mr. Brown seconded the motion. The motion passed unanimously.

The meeting was adjourned at approximately 8:50 p.m.

Approved in open session: October 18, 2018


George Alan Hayden
Chairman


Sandie Greene
Recording Secretary