

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, July 12, 2018 at 6:30 p.m.**

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

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

David Weiskopf, Acting County Attorney, James Tanavage, Assistant County Attorney

CALL TO ORDER

PUBLIC HEARINGS

1. **Application/case no:** VAAP 18-0393, Combs Property
Owner: Stephen M. and Cory R. Combs (the "Applicants")
Agent: Floyd Graham
Location: 45168 Lighthouse Road, Piney Point, MD 20674
Tax Map: 65 **Grid:** 17 **Parcel:** 225 **Election District:** 2
Acres: 20,300 square feet
Zoning: Residential, Low-Density (RL) District, Intensely Developed Area (IDA) Overlay
Action requested: The Applicants request a variance from Schedule 32.1 of the Comprehensive Zoning Ordinance to reduce the required 10-foot side yard setback to 5 feet on the west side of the property to replace part of the existing single-family dwelling.

Presenter: Yvonne Chaillet, Zoning Administrator, 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 May 15, 2018 from Floyd Graham

Attachment 2: Land Use Map

Attachment 3: Site Plan

Attachment 4: 2017 Orthophoto of the Property

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers: Representing the Combs Property:

Floyd Graham, F & C Builders, LLC, 22794 Brown Road, Leonardtown, MD 20650

Exhibit 4: Applicant PowerPoint presentation.

Chairman Hayden opened the hearing to public comment:

Floyd Wilson, 45164 Light House Road, Piney Point, MD 20674

Exhibit 5: Survey, Subdivision Plat Record, dated 3/3/1995

Mr. Miedzinski made a motion "In the matter of VAAP 18-0393, Combs Property, 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 10-foot side yard setback to 5 feet on the west side of the property to replace part of the existing single-family dwelling." With the following condition:

1. *The new structure shall at no point be less than 10 foot from the next structure.*

Mr. Greene seconded the motion. The motion passed unanimously

2. **Application/case no:** VAAP # 17-1935, McAllister Property
Property owner: John James McAllister III (the "Applicant")
Location: 40416 Breton Beach Road, Leonardtown, Maryland 20650
Tax Map: 48 **Grid:** 13 **Parcel:** 108 **Election District:** 3
Acreage: 1.38 acres
Zoning: Rural Preservation (RPD) District, Limited Development Area (LDA) Overlay
Action requested: The Applicant requests a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to disturb the Critical Area Buffer by adding a 644 square-foot deck to the existing single-family dwelling.

Presenter: Ben Cohen, Environmental Planner, 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 of May 19, 2018 from John McAllister

Attachment 2: Critical Area Commission Comments dated December 1, 2017

Attachment 3: Land Use Map

Attachment 4: Site Plan

Attachment 5: 2014 Ortho Photo

Exhibit 3: Land Use and Growth PowerPoint presentation

Speaker: Representing the McAllister Property:

John James McAllister III, 40416 Breton Beach Road, Leonardtown, Maryland 20650

Exhibit 4: Applicant PowerPoint presentation.

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 VAAP #17-1935, McAllister 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 add a 644 square-foot deck to the existing single-family dwelling.

Mrs. Delahay seconded the motion. The motion passed unanimously

3. **Application/case no:** CUAP #17-131-009, Budds Creek Motorcross Sports, Inc.
Property owner: Jonathan Beasley (the "Applicant")
Agent: William L. Mehaffey, P.E., Mehaffey & Associates, PC
Location: 27969 Budds Creek Road, Mechanicsville, Maryland 20659
Tax Map: 11 **Grid:** 16 **Parcel:** 14 **Election District:** 4
Acreage: 142.24 acres
Zoning: Rural Preservation District (RPD)

Use Type: 68, Recreational Facility, Motor Sports Facilities

Action requested: The Applicant requests a modification of an approved conditional use, pursuant to Chapter 25 of the Comprehensive Zoning Ordinance, to provide additional onsite parking.

Presenter: Yvonne Chaillet, Zoning Administrator, 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 William L. Mehaffey, P.E., dated May 11, 2018

Attachment 2: Staff comments dated April 2, 2018 from L.U.G.M.

Attachment 3: BOA Resolution dated March 17, 1993

Attachment 4: BOA Resolution dated October 28, 1993

Attachment 5: BOA Amended Order dated June 11, 1998

Attachment 6: Land Use Map

Attachment 7: 2017 Ortho Photo

Attachment 8: Site plan

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers representing Budds Creek Motorcross Sports, Inc.:

William Mehaffey of Mehaffey and Associates P.C., 41650 Court House Drive, Leonardtown MD 20650

Philip Dorsey of Dorsey Law Firm, 22835 Washington Street, Post Office Box 530, Leonardtown, MD 20650

Johnathon Beasley, Owner Budds Creeks Motorcross Sports, Inc., 27969 Budds Creek Road, Mechanicsville, MD 20659

Exhibit 4: Applicant slide presentation of the Budds Creek Motorcross Sports additional parking spaces.

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

Mr. Greene made a motion "In the matter of CUAP #17-131-009, Budds Creek Motorcross Sports, Inc., having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.68.b (4) of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to modify the approved conditional use to provide two, grass parking areas for RV parking."

Mr. Brown seconded the motion. The motion passed unanimously

4. Application/case no VAAP 17-185-006 Patuxent Cove Forest Conservation Plan

Property owner: Conifer Realty, LLC, % Vonette Harris (the "Applicant")

Agent: Jim Gotsch, P.E., Soltesz, Inc.

Location: South side of Pegg Road near its intersection with Pegg Lane, Lexington Park, MD 20653

Tax Map: 43 **Grid:** 18 **Parcel:** 318 **Election District:** 8

Acreage: 11.57 acres

Zoning: Residential High-Density (RH) District

Action requested: The Applicant requests a variance from Section 75.8.2.b(6) of the Comprehensive Zoning Ordinance to remove 1 specimen tree with a diameter of 30 inches or more measured at 4.5 feet above ground.

Presenter: Yvonne Chaillet, Zoning Administrator, 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 June 11, 2018 from Jim Gotsch, P.E.
 - Attachment 2: Land Use Map
 - Attachment 3: 2017 Ortho Photo
 - Attachment 4: Forest Conservation Plan
- Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers representing Patuxent Cove Forest Conservation Plan:

Sam Wiest of of Dugan, McKissick & Longmore, LLC, 22738 Maple Road, Suite 101,
 Lexington Park, MD 20653
 Jim Gotsch, P.E., Soltesz, Inc., 23140 Moakley Street, Leonardtown, MD 20650
 Sam Leone, of Conifer Realty, LLC, 5560 Sterrett Place, Suite 200, Columbia, MD 21044

- Exhibit 4- Applicant PowerPoint Presentation
- Exhibit 5- Preliminary Forest Conservation Plan

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

Mr. Miedzinski made a motion "In the matter of VAAP #17-185-006, Patuxent Cove Forest Conservation Plan, having made a finding that the standards for granting a variance from Forest Conservation Priority Retention Areas and the objectives of Section 75.8.2.b(6) of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to remove specimen tree #2, which is a 35-inch white oak." with one condition that the priority retention areas be groomed to a good overall quality rating with a moderate to high retention value.

Mr. Greene seconded the motion. The motion passed unanimously

MINUTES AND ORDERS APPROVED

- 1. Mr. Brown made a motion approving the minutes for June 28, 2018.*
- Mr. Miedzinski seconded the motion. The motion passed unanimously.*

No orders were presented from the June 28, 2018 meeting.

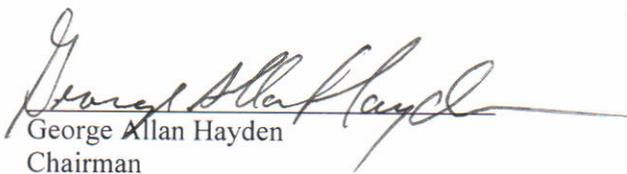
OTHER BUSINESS

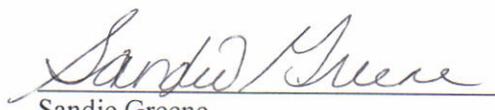
ADJOURNMENT

- Mr. Brown made the motion to adjourn the meeting.*
- Mr. Miedzinski seconded the motion. The motion passed unanimously*

The meeting was adjourned at approximately 9:10 p.m.

Approved in open session: July 26, 2018


 George Allan Hayden
 Chairman


 Sandie Greene
 Recording Secretary