

Board of Appeals (Thursday, January 10, 2019)

Generated by Sandie Greene on Tuesday, January 22, 2019

Members present

John Brown, Vice-Chair
Lynn Delahay
Rich Richardson

Members Absent

George Allen Hayden, Chair
Wayne Miedzinski

Staff Present:

Bill Hunt, Director
Kathleen Easley, Deputy Director
Stacy Clements, Environmental Planner III
Sandie Greene, Recording Secretary
Sharon Ferris, Administrative Assistant to the Commissioners of St. Mary's County

Meeting called to order at 6:30 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARING

Action: A. Dept: LAND USE AND GROWTH MANAGEMENT /
VAAP #18-1662, Chen Property

Property owner: Peter & Patricia Chen

Location: 27228 Holly Lane, Mechanicsville, Maryland 20659
Lot 41 St. Mary's Beach

Parcel ID: Tax Map: 15 **Grid: 00 Parcel: 00 Election District: 6**

Acreage: 0.53 acres

Zoning: Residential Neighborhood Conservation (RNC),
Limited Development Area (LDA) Overlay

Lot size: 23,086 square feet

Action requested: Variance from Section 72.3.1.c (2) of the Comprehensive Zoning Ordinance (CZO) for clearing in excess of 30% of any forest or developed woodland. Section 71.7.3.d to disturb slopes greater than 15% in the critical area to construct a new home.

Presenter- Stacy Clements, Planner III, Land Use and Growth Management

Exhibit 1- Proof of Public Ad, USPS Certified Receipts and Posted signs

Exhibit 2- Staff Reports

Attachments:

- 1 Standards Letter of December 2, 2018 from Anita Sullivan
- 2 Location Map
- 3 Land Use Map
- 4 Contour & Soils Map
- 5 Critical Area Commission Comments dated December 20, 2018
- 6 Site Plan

Exhibit 3 Land Use and Growth Powerpoint Presentation

Speakers Representing Chen Property:

Anita Sullivan, 40562 Old Horse Landing Road, Mechanicsville, MD 20659

Exhibit 4 Chen Property Presentation of pictures from the LUGM presentation Exhibit 3

Vice - Chairman Brown opened the hearing to public comment; hearing no other closed the hearing to public comment.

"In the matter of VAAP #18-1662, Chen 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 slopes in excess of 15% and to clear more than 30% of existing forest to construct a 1,386 square-foot single-family dwelling, a 624 square foot detached garage, and driveway."

Motion by Rich Richardson, second by Lynn Delahay.

Final Resolution: Motion Carries

Yea: Rich Richardson, Lynn Delahay, John Brown

4. OLD BUSINESS

Action: A. APPROVAL OF MINUTES

I move to approve the minutes of December 13, 2018.

Motion by Rich Richardson, second by Lynn Delahay.

Final Resolution: Motion Carries

Yea: Rich Richardson, Lynn Delahay, John Brown

Action: B. APPROVAL OF ORDERS

1. I move to authorize Vice Chairman Brown to sign the order for Case No. VAAP #16-0225, Fitzgerald Property.

Motion by Rich Richardson, second by Lynn Delahay.

Final Resolution: Motion Carries

Yea: Rich Richardson, Lynn Delahay, John Brown

2. I move to authorize Vice Chairman Brown to sign the order for Case No. 18-1404, Cullison Property,

Motion by Rich Richardson, second by Lynn Delahay.

Motion Carries

Yea: Rich Richardson, Lynn Delahay, John Brown

3. I move to authorize Vice Chairman Brown to sign the order for Case No. 17-0048, XU Property.

Motion by Rich Richardson, second by Lynn Delahay.

Motion Carries

Yea: Rich Richardson, Lynn Delahay, John Brown

5. NEW BUSINESS

David Weiskopf, County Attorney advised the Board that Mr. Samuel D. Cowen, Counsel for Storage Mall of the AMERICO/Uhaul Case to be heard on February 4, 2019 has requested the Board of Appeals to require information from the AMERICO/Uhaul representatives.

John Brown, Vice Chair asked Mr. Weiskopf to refer the email and attachment to Mr. John Upton, St. Mary's County Board of Appeals Acting Attorney for the AMERICO / Uhaul case.

Action: A. Adoption of the 2019 Board of Appeals Calendar

A motion was made to accept the 2019 Board of Appeals Schedule as presented by staff.

Motion by Lynn Delahay, second by Rich Richardson.

Final Resolution: Motion Carries

Yea: Rich Richardson, Lynn Delahay, John Brown

6. ADJOURN

Action: A. Adjourn the January 10, 2019.

A motion was made to adjourn the Board of Appeals meeting of January 10, 2019.


Motion by Lynn Delahay, second by Rich Richardson.


Final Resolution: Motion Carries

Yea: Rich Richardson, Lynn Delahay

The meeting was adjourned at 7:05 p.m.

Approved in open session: February 14, 2019


John Brown
Vice - Chairman


Sandie Greene
Recording Secretary