

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, July 26, 2007**

Members present were Wayne Miedzinski, Chair; Veronica Scriber, and George Edmonds. Members excused were George Hayden, Greg Callaway, and Ron Delahay. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Christy Holt Chesser, County Attorney 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VAAP #06-2026 – Dennison – Application Withdrawn. Ms. Chaillet stated LUGM contacted all abutting property owners of the withdrawal prior to tonight's meeting.

VAAP #06-3144 – Friedman

The applicant is requesting a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to add new impervious surface in the 100-foot Critical Area Buffer and variance from Section 32.1 of the Comprehensive Zoning Ordinance to reduce the front yard setback to replace a single-family dwelling and appurtenances. The property contains 3.12 acres; is zoned Rural Preservation District (RPD), Resource Conservation Area (RCA) Overlay; and is located at 47171 South Snow Hill Manor Road, St. Mary's City, Maryland; Tax Map 58, Block 24, Parcel 12.

Owner: Barry S. Friedman
Present: Jackie Meiser

The property and requested variances were advertised in The Enterprise on July 11, 2007 and July 18, 2007.

Mr. Friedman gave an overview of the project and addressed the constraints of the property. Ms. Meiser gave an overview of the project and addressed each standard for the requested variance.

Ms. Chaillet read the staff report which recommended approval. After discussion, **Ms. Scriber made a motion to accept the staff report and Mr. Edmonds seconded. The motion passed by a 3-0 vote.**

Mr. Miedzinski opened the hearing to public comment, hearing none, closed the hearing. Ms. Chaillet stated a letter was received from an abutter, Mr. James Nutter in support of the application.

After discussion, **Ms. Scriber made a motion in the matter of VAAP #06-3144, Friedman, having made a finding that the standards for 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 that the variance to add new impervious surface in the Expanded Critical Area Buffer to construct a replacement single family dwelling be approved, subject to the Applicant adhering to the Critical Area Planting Agreement and Mr. Edmonds seconded. The motion passed by a 3-0 vote.**

Ms. Scriber made a motion in the matter of VAAP #06-3144, Friedman, having made a finding that the standards for variance and the objectives of Section 32.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move that the variance to reduce the front yard setback from 25 feet to 8 feet to replace a detached garage, be approved and Mr. Edmonds seconded. The motion passed by a 3-0 vote.

CUAP #03-132-028 – Phillip Moore Mining Operation

The applicant is requesting a modification of a conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for an extractive industry over five acres. The property contains 98 acres; is zoned Rural Preservation District (RPD); and is located at 20533 Point Lookout Road, Great Mills, Maryland; Tax Map 50, Block 23, Parcel 199.

Owner: James L. and Deborah Hills
Present: Don Oaker

The property and the conditional use request were advertised in The Enterprise on July 11, 2007 and July 18, 2007.

Mr. Oaker stated the certified mail receipts are being brought to the meeting by a colleague. Mr. Oaker gave an overview of the project stating there were no new changes, only a reduction in area.

Ms. Chaillet read the staff report which recommended approval. After discussion, ***Ms. Scriber made a motion to accept the staff report and Mr. Edmonds seconded. The motion passed by a 3-0 vote.***

Mr. Miedzinski asked the public in attendance for this hearing if they received certified mail giving notice of this hearing. The majority of the public raised their hand in agreement with receiving the certified mail notice for both hearings.

After discussion, ***Ms. Scriber made a motion in the matter of CUAP #03-132-028, Phillip Moore Mining Operation, having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve a modification of the approved Conditional Use, pursuant to Chapter 25 of the Ordinance, to reduce the size of parcel 199 by 13.1 acres, thus reducing the size of the original tract from 98 acres to 84.9 acres, as designated in the application contingent upon receiving the certified mail receipts no later than 5:00 p.m. tomorrow and Mr. Edmonds seconded. The motion passed by a 3-0 vote.***

VAAP #03-132-028 – Phillip Moore Mining Operation

The applicant is requesting a variance from Section 51.3.80 of the Comprehensive Zoning Ordinance to reduce the required setback from an external property line. The property contains 98 acres; is zoned Rural Preservation District (RPD); and is located at 20533 Point Lookout Road, Great Mills, Maryland; Tax Map 50, Block 23, Parcel 199.

Owner: James L. and Deborah Hills
Present: Don Oaker

The property and the variance request were advertised in The Enterprise on July 11, 2007 and July 18, 2007.

Ms. Chaillet read the staff report which recommended approval. After discussion, ***Ms. Scriber made a motion to accept the staff report and Mr. Edmonds seconded. The motion passed by a 3-0 vote.***

After discussion, ***Ms. Scriber made a motion in the matter of VAAP #03-132-028, Phillip Moore Mining Operation, having made a finding that the Conditional Use Standards of Section 51.3.80 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to reduce the required 200-foot setback from the external property line on the northern boundary of the mining operation to a minimum of 42.33 feet from lot 1 and a minimum of 140 feet from lot 2; and from the external property line on the***

eastern boundary of the mining operation to a minimum of 184.66 feet from lot 3 as shown on the Overall Development Plan dated May 2007 contingent upon receiving the certified mail receipts no later than 5:00 p.m. tomorrow and Mr. Edmonds seconded. The motion passed by a 3-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of July 12, 2007 were approved as recorded.

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

CUAP #05-132-029 - Stoltzfus Property Surface Mine

CUAP #05-132-027 – Swann Property

VAAP #06-3452 – Colonial Workshop, Inc.

VAAP #05-0777 – James Johnson

VAAP #07-0744 – Boling

VAAP #07-0335 – Cooper

CUAP #06-2286 – Barnes

ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: August 9, 2007

Wayne Miedzinski
Acting Chairman