

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, October 9, 2008**

Members present were George Hayden, Chairman; Wayne Miedzinski, Veronica Neale, George Edmonds and Ronald Payne. Ronald Delahay was excused. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; Jenn Ballard, Environmental Planner; 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 #08-1380 - BRINSFIELD

The applicant is requesting variance to clear in the Critical Area Buffer and to add new impervious surface in the Critical Area Buffer to partially replace and expand a single-family dwelling and appurtenances; and variance to exceed the impervious surface limit on the property. The property contains 31,976 square feet; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 42387 Riverwinds Drive, Leonardtown, Maryland; Tax Map 56, Block 2, Parcel 92.

Owner: Edward and Nancy Brinsfield
Present: Bill Higgs

The property and variance were advertised in The Enterprise pm September 24, 2008 and October 1, 2008.

Mr. Higgs gave an overview of the project stating improvement would be adding a garage and porch. Mr. Higgs stated 1,681 square feet of impervious surface will be removed from the site during the renovations and referenced the staff report attachment #1 which addresses the standards for approval.

Ms. Chaillet read the staff report which recommended approval. ***Mr. Miedzinski made a motion to accept the staff report as findings of fact in this case and Ms. Neale seconded. The motion passed by a 5-0 vote.***

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 #08-1380 having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 71.8.3 and Section 41.5.3.i of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance to clear in the Critical Area Buffer and to add new impervious surface in the Critical Area Buffer to replace a single-family dwelling and appurtenances also in the matter of VAAP #08-1380 having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 41.5.3.i of the Comprehensive Zoning Ordinance have been met, I move to approve the variance request to exceed the impervious surface limit on the property to partially replace and expand an existing single family dwelling and Ms. Neale seconded. The motion passed by a 5-0 vote.

VAAP #08-0184 – Hall

The applicant is requesting variance to clear more than 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances. The property contains 18,241 square feet;

is zoned Residential Neighborhood Conservation District (RNC), Limited Development Area (LDA) Overlay; and is located at 40281 Wolfe Drive, Mechanicsville, Maryland; Tax Map 5A, Block 1, Parcel 54.

Owner: Richard and Anne Hall
Present: Barry Vukmer

The property and the variance were advertised in The Enterprise on September 24, 2008 and October 1, 2008.

Mr. Vukmer stated the lot is small and the owner is requesting a very modest sized house with a garage. Mr. Miedzinski asked if only one section of the sewage easement was to be cleared. Mr. Vukmer stated yes, the section behind the deck.

Ms. Ballard read the staff report which recommended approval. Mr. Hayden asked if the house would be elevated. Ms. Ballard stated yes it has to be elevated 7 feet above sea level. Mr. Vukmer stated the property is 5.5 feet above sea level now so the house will have to be elevated 1.5 feet.

Ms. Neale made a motion to accept the staff report and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

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

Ms. Neale made a motion in the matter of VAAP #08-0184 having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 72.3.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to clear in excess of 30 percent of the vegetation on the lot, subject to adherence to the Critical Area Planting Agreement and Planting Plan and accepting the findings of fact of the staff report and approval of the request to clear in excess of 30 percent of the Property's existing vegetation subject to the Critical Area Planting Agreement and Planting Plan and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.

VAAP #08-0767 – Calevas/Ferat

The applicant is requesting variance to add new impervious surface in the Critical Area Buffer and variance to trade more than 1,000 square feet of impervious surface in the Critical Area Buffer to replace an existing single-family dwelling and appurtenances. The property contains 34,848 square feet; is zoned Residential, Low Density District (RL), Intensely Developed Area (IDA) Overlay; and is located at 45008 Lighthouse Road, Piney Point, Maryland; Tax Map 65, Block 16, Parcel 225.

Owner: George and Pauline Calevas and Elaine Ferat
Present: John Ferat

The property and the variance were advertised in The Enterprise on September 24, 2008 and October 1, 2008.

Mr. Ferat gave an overview of the project stating the house was passed down by will of his uncle. Mr. Ferat stated the existing home is not large enough and is dilapidated. Mr. Ferat stated he and his family have worked with staff to come up with a plan that works and is good for the environment considering the restraints of the property. Mr. Ferat asked that the house be moved back 6 feet as well as moving the garage up 10 feet per staff's recommendation. Mr. Ferat asked if the planting agreement could be modified as 41 trees is a lot for this property. Ms. Ballard stated if 12 foot trees are planted this would reduce the overall amount to 20.5 trees on the lot.

Ms. Ballard stated moving the house back 6 feet is acceptable to staff with the removal of the proposed covered deck.

Ms. Ballard read the staff report which recommended approval. Mr. Payne asked about the two track driveway and asked about the materials to be used. Mr. Ferat stated pervious pavers would be used for the two track driveway. **Mr. Miedzinski made a motion to accept the staff report as findings of fact in this case and Ms. Neale seconded. The motion passed by a 5-0 vote.**

Chairman Hayden opened the hearing to public comment. Mr. Steven Dieudonne testified that the Ferat families are great people and neighbors and he is in favor of the project. Hearing no other public comment Chairman Hayden closed the hearing to public comment.

Ms. Ballard pointed out that the detached garage would need to be elevated. Ms. Ballard explained any enclosed structure over 600 feet needs to be elevated per the ordinance.

Mr. Miedzinski made a motion in the matter of VAAP #08-0767 having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 41.5.3.i and 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to trade more than 1,000 square feet of impervious surface in the Critical Area Buffer and to add impervious surface to the Critical Area Buffer, subject to adherence to the Critical Area Planting Agreement and Buffer Management Plan, stormwater management that satisfies the '10 percent rule', and relocation of the detached accessory structure 10 feet toward the front property line with the condition that the applicant provide an amended site plan and Ms. Neale seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of September 25, 2008 were approved as recorded.

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

VAAP #05-132-011 – Toyota of Southern Maryland

VAAP #08-1733 - Ewell

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: October 23, 2008

George Allan Hayden
Chairman