

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, December 13, 2018 at 6:30 p.m.**

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

Absent: George Allan Hayden, Chairman

Bill Hunt, Director, Kathleen Easley, Deputy Director; Kathy Garcia Administrative Coordinator; Ben Cohen, Planner II; and Sandie Greene, Recording Secretary were present from the Department of Land Use and Growth Management.

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

**CALL TO ORDER**

**PUBLIC HEARINGS**

1. VAAP #17-110-005, Resubdivision of Farmstead Lot 12, Grandview Haven , continued from October 25, 2018.  
Owner: Anthony and Candish Greenwell (the "Applicants")  
Agent: Christopher T. Longmore, Esq., Dugan, McKissick & Longmore, L.L.C.  
Location: 25853 Morganza Turner RD, Mechanicsville, Maryland

Action Requested: The Applicants request density variances to subdivide their farmstead and create lot 25 and lot 26 in Phase Two of the Grandview Haven Subdivision without providing the required public water system.

Speakers Representing Grandview Haven:

Christopher T. Longmore, Esq., Dugan, McKissick & Longmore, L.L.C. 22738 Maple Road, Suite 101, Lexington Park, MD 20653

Mr. Longmore stated that due to the research and the complexity of the Grandview Haven case he and his clients are requesting an extension of time while they are researching other avenues to resolve the case. Mr. Longmore stated he has spoken to Mr. David Weiskopf, County Attorney and he has agreed to the continuance. Mr. Longmore also stated that the Land Use and Growth Department staff are in favor of the continuance and has requested the date of March 14, 2019.

Mr. Miedzinski made a motion that case VAAP #17-110-005, Resubdivision of Farmstead Lot 12, Grandview Haven be continued to March 14, 2019.

Mr. Greene seconded. The motion passed unanimously.

2. VAAP #16-0225, Fitzgerald Property – **continued from September 27, 2018**  
**Property owner:** Lori W. and Gary Michael Fitzgerald  
**Location:** 45918 Patuxent Lane, California, Maryland  
**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.

**Presenter-** Kathleen Easley, Deputy Director, Land Use and Growth Management

**Exhibit 1-** Proof of Public Ad, USPS Certified Receipts and Posted signs from the September 27, 2018 meeting

**Exhibit 2-** Staff Reports

Attachments:

- 1 Standards letter dated September 10, 2018 from Mike & Lori Fitzgerald
- 2 Location Map
- 3 Land Use Map
- 4 Environmental Map
- 5 Site Plan
- 6 MDE General Title Wetlands License No. 15-GL-1017
- 3 Metropolitan Commission Approval

**Exhibit 3** Land Use and Growth Powerpoint Presentation

**Speakers Representing Fitzgerald Property:**

Mike Fitzgerald, 45918 Patuxent Lane, California, MD 20619

**Exhibit 4** Applicant Digital Pictures

**Exhibit 5** Applicant Printed Plans

Vice - Chairman Brown opened the hearing to public comment.

- 1. Tom Weaver, 45912 Patuxent Lane, California, MD 20619

Hearing no other closed the hearing to public comment.

*Mr. Greene, made a motion "In the matter of VAAP # 16-0225 having made a finding that the standards for granting a variance and the objectives of Section 71.9.6.h (1) of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance requests to construct a boatlift within 25 feet of the extended property line on the west side of the property."*

*Mr. Richardson seconded.*

*For: William Greene, Lynn Delahay and Rich Richardson, John Brown  
Against: Wayne Miedzinski*

- 3. **Application/case no.** 18-1404, Cullison Property  
**Property owner:** Mark Cullison  
**Location:** 16394 Thomas Road, Piney Point  
**Parcel ID:** tax map 69 grid 08 parcels 218

**Election District:** 9

**Zoning:** Rural Preservation District (RPD), Limited Development Area (LDA) **Acreage:** 1 acre

**Action requested:** Variance from Section 71.8.3 of the Comprehensive Zoning Ordinance (CZO) for an encroachment in the 100-foot buffer in the critical area for a new house.

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

**Exhibit 1-** Proof of Public Ad, USPS Certified Receipts and Postings

**Exhibit 2-** Staff Reports

**Attachments:**

- 1: Standards Letter from Robert Trautman, dated November 6, 2018
- 2: Area Map
- 3: Land Use Map
- 4: 2017 Ortho Photo / Environmental Features Map
- 5: Critical Area Commission Comments email dated November 16, 2018
- 6: Site Plan

**Exhibit 3:** Staff Powerpoint

**Speaker for the Cullison Property:**

Robert Trautman, Professional Land Surveyor, 45248 Abell Drive, California, MD 20619

Vice - Chairman Brown opened the hearing to public comment, hearing none, closed the hearing to public comment.

*Mr. Greene, made a motion "In the matter of VAAP #18-1404, Cullison 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 single-family dwelling."*

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

**4. Application/case no. 17-0048, XU Property**

**Property owner:** Fang Frank Xu

**Location:** 47834 Cross Manor Rd, St. Inigoes

**Parcel ID:** tax map 63 Parcel 298

**Election District:** 1

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

**Acreage:** 1.45

**Action Requested:** Variance from Section 71.8.3 of the Comprehensive Zoning Ordinance (CZO) for an encroachment in the 100-foot buffer in the critical area for a deck.

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

**Exhibit 1-** Proof of Public Ad, USPS Certified Receipts and Postings

**Exhibit 2- Staff Reports**

**Attachments:**

- 1: Standards Letter from Fang Frank Xu, dated March 3, 2017
- 2: Area Map
- 3: Land Use Map
- 4: 2017 Ortho Photo / Environmental Features Map
- 5: Critical Area Commission Comments email dated April 3, 2017
- 6: Site Plan

**Exhibit 3: Staff Powerpoint**

**Speaker for the Xu Property:**

Fang Frank Xu, 47834 Cross Manor Road, Saint Inigoes, Maryland, 20684

**Exhibit 4: Applicant Presentation**

Vice - Chairman Brown opened the hearing to public comment, hearing none, closed the hearing to public comment.

*Mr. Greene, made a motion "In the matter of VAAP #17-0048, Xu 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 deck" with one condition:*

- 1. *The deck has quarter inch spacing between the boards.*

*Mr. Miedzinski, seconded. The motion passed unanimously.*

**MINUTES AND ORDERS APPROVED**

- 1. *Mr. Greene made a motion approving the minutes for November 8, 2018. Ms. Delahay seconded the motion. The motion passed unanimously.*
- 2. *Mr. Miedzinski made a motion authorizing Vice Chairman Brown to sign the order for Case No. VAAP #18-0539, Pleisse Property. Mr. Greene seconded the motion. The motion passed unanimously.*
- 3. *Mr. Greene made a motion authorizing Vice Chairman Brown to sign the order for Case No. VAAP #18-132-003, Toyota Annex North Lexington Properties, LLC. Mr. Miedzinski seconded the motion. The motion passed unanimously.*

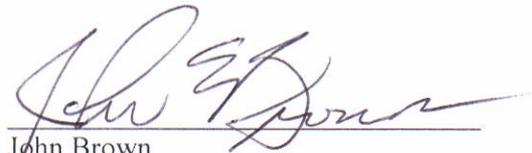
**OTHER BUSINESS**

**ADJOURNMENT**

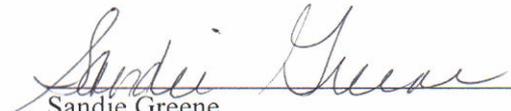
*Mr. Miedzinski made the motion to adjourn the meeting.  
Mr. Richardson seconded the motion. The motion passed unanimously.*

The meeting was adjourned at approximately 7:45 p.m.

Approved in open session: January 10, 2019



John Brown  
Vice - Chairman



Sandie Greene  
Recording Secretary