

Board of Appeals Meeting (Thursday, May 11, 2023)

Generated by Appeals Bd on Friday, May 12, 2023

1. CALL TO ORDER: 6:28 PM

A. May 11, 2023 Board of Appeals Meeting

2. ROLL CALL:

A. Attendance of Members, Staff Support, Applicants, Representatives and Speakers

Board of Appeals Members Via: CSMC Meeting Room

Dan Ichniowski, Chair

Guy Bradley, Vice Chair

Lynn Delahay, Member

Rich Richardson, Member

Wayne Miedzinski, Member

Ronald Payne, Sr., Alternate Member

Steve Scott, Board Attorney

SMCG Supporting Staff to be in Attendance Via: CSMC Meeting Room

John Houser, Assistant County Attorney

Courtney Jenkins, Deputy Director -LUGM

Amanda Yowell, Zoning Administrator- LUGM

Stacy Clements, Planner III- LUGM

A.J. Cheney, Environmental Planner - LUGM

Jim Gotsch, Director - DPW&T

Via: Media Control Room

Amy Carter, Video / Media Producer

Applicants, Representatives & Speakers to be in Attendance Via: CSMC Meeting Room

Joe Kadjeski, COA Banett LLC

Erin Kimbro, Applicant -235 Farm & Outdoor Sports

231 Materials and Recycling Products, LLC

John Hanbury, Applicant

Jessica Faye Cheseldine-Dickerson, Applicant

Loretta Bernd, Applicant

Nicholas Capuano, Hannick Construction

3. AGENDA:

A. Board of Appeals May 11, 2023 Agenda

4. PUBLIC HEARINGS:

A. 235 FARM & OUTDOOR SPORTS VAAP 23-0018; Variance from Schedule 63.3.a to remove a portion of the 65' Type B Buffer Yard along MD Route 5 and to remove a portion of the 30' Type C Buffer Yard along the northwestern property line adjacent to a residential use property.

"In the matter of VAAP 23-0018, 235 Farm & Outdoor Sports, having made a finding that the standards for granting a variance and the objectives of Section 63.3: Buffer Yards and Schedule 63.3.a: Buffer Yard Standards of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce a portion of the 65' Type B Buffer Yard along MD Route 235 by 80 feet and to remove a portion of the 30' Type C side Buffer Yard beginning at the Route 235 Right-Of-Way and continuing North into the property for 150 feet."

Motion by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr

B. HANBURY VAAP 22-1297; Variance from Section 51.2.4.c. for a detached accessory structure (gazebo) to be located closer than 10 feet to another structure (pool).

"In the matter of VAAP 22-1297, having found that the standards for granting a variance and the objectives of Section 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request from Section 51.2.4.c. to allow a detached accessory structure (gazebo) to be located closer than 10 feet to another structure (pool)."

Motion by Rich Richardson, second by Wayne Miedzinski.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr

C. CHESELDINE-DICKERSON VAAP 21-1458; Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer for a replacement house on an existing foundation.

"In the matter of VAAP 21-1458, having found that the standards for granting a variance and the objectives of Section 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request from Section 71.8.3 to disturb the Critical Area Buffer for a replacement house on an existing foundation."

Motion by Lynn Delahay, second by Rich Richardson.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr

D. BERND VAAP 22-2528; Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a new deck and add a landing and stairs to an existing deck.

"In the matter of VAAP 22-2528, having found that the standards for granting a variance and the objectives of Section 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a new deck and add a landing and stairs to an existing deck."

Motion by Rich Richardson, second by Lynn Delahay.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr

5. REVIEW AND APPROVAL OF MINUTES:

A. Review and Approve the April 13, 2023 BOA Meeting Minutes

"I move to approve the minutes of the April 13, 2023 meeting."

Motion by Wayne Miedzinski, second by Lynn Delahay.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr

6. REVIEW AND APPROVAL OF ORDERS:

A. ROSEHILL PROPERTIES, LLC ORDER VAAP 22-1932

"I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the ROSEHILL PROPERTIES, LLC ORDER VAAP 22-1932."

Motion by Rich Richardson, second by Lynn Delahay.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr

B. SMECO RIDGE SUBSTATION ORDER CUAP 22-0313

"I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the SMECO RIDGE SUBSTATION ORDER CUAP 22-0313."

Motion by Lynn Delahay, second by Wayne Miedzinski.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr

C. OKONIEWSKI ORDER VAAP 22-1484

"I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the OKONIEWSKI ORDER VAAP 22-1484."

Motion by Wayne Miedzinski, second by Guy Bradley.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr

7. ADJOURNMENT:

A. Adjourn the May 11, 2023 Board of Appeals meeting

"I move to adjourn the May 11, 2023 Board of Appeals meeting at 8:18 pm."

Motion by Lynn Delahay, second by Guy Bradley.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Lynn Delahay, Guy Bradley, Rich Richardson

Not Present at Vote: Ronald Payne Sr