

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, February 26, 2009**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Ronald Delahay, George T. Edmonds, and Ronald Payne. Veronica Neale was absent. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; 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 #08-110-063 – Hancock Subdivision

The applicant is requesting variance to increase the density in the Rural Preservation District (RPD). The property contains 2.061 acres; is zoned Rural Preservation District (RPD); and is located at 25737 and 25739 Three Notch Road, Hollywood, Maryland; Tax Map 20, Grid 14, Parcels 21 & 373.

Owner: Mary E. Hancock
Present: Shelia Smith

The property and variance were advertised in The Enterprise on February 11, 2009 and February 18, 2009.

Ms. Chaillet read the staff report which recommended approval of the variance to increase the density. Mr. Miedzinski asked if this is currently all one parcel. Ms. Chaillet stated yes and the applicant wants to subdivide ½ acre. Mr. Miedzinski asked about the third blue structure on the property. Ms. Smith stated this is a small home that was built in the 1920's which is now used for storage.

Mr. Thompson opened the hearing to public comment, hearing none, closed the hearing for public comment.

Mr. Miedzinski made a motion in the matter of VAAP #08-110-063 having made a finding that the standards for granting a variance and the objectives of Section 32.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to increase the density in the rural Preservation District (RPD) by subdividing around the existing houses on the Property to create two lots of less than five acres each and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

CUAP #05-132-050 – STS Bus Shelter

The applicant is requesting modification to an approved Conditional Use to construct a shelter for the St. Mary's County Transit Buses. The property contains 210.73 acres; is zoned Rural Preservation District (RPD); and is located at 44825 St. Andrews Church Road, California, Maryland; Tax Map 42, Grid 04, Parcel 104.

Owner: Board of County Commissioners
Present: George Erichsen

The property and conditional use were advertised in The Enterprise on February 11, 2009 and February 18, 2009.

Ms. Chaillet read the staff report which recommended approval of the modification to an approved condition use to construct a shelter for the St. Mary's County Transit Buses. Mr. Payne asked how many buses would be located here. Mr. Erichson stated the County has 28 buses but only 24 would be located on the property. Mr. Erichsen submitted an aerial photograph of the property, marked as Exhibit A by the Recording Secretary and stated this is a three sided, lean to structure made out of steel.

Mr. Miedzinski asked if there would be any clearing of the property. Mr. Erichsen explained there would be a total of approximately six trees that would need to be cleared. Mr. Erichsen stated he pushed the structure further into the maintenance area to reduce the amount of clearing on the property.

Mr. Thompson opened the hearing to public comment, hearing none, closed the hearing for public comment.

Mr. Miedzinski made a motion in the matter of CUAP #05-132-050, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.33 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to modify the approved conditional use to construct a bus shelter for the St. Mary's County Transit Buses, subject to the following conditions which were first established under CUAP #98-1192:

- 1. The conditional use approval is for the 10 acres depicted on the site plan and is independent of the conditional use approval for the landfill site. The 10-acre boundary shall be clearly delineated on the approved site plan.***
- 2. All outdoor storage and parking areas, including the fleet of STS buses, shall be clearly labeled on the approved site plan.***
- 3. A minimum 100-foot setback shall be established from MD Route 4 (St. Andrews Church Road) and the proposed parking lot shall be labeled as such on the site plan.***

Mr. Edmonds seconded and the motion passed by a 5-0 vote.

VAAP #07-2857 - Errington

This case was withdrawn by the applicant.

MINUTES AND ORDERS APPROVED

The minutes of January 22, 2009 were approved as recorded.

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

VAAP #08-0219 – Aley

VAAP #07-131-054 – Tidewater Dental

CUAP #08-131-040 – Maryland International Raceway

ANNOUNCEMENTS

Ms. Chaillet stated the Board of Appeals retreat would be held on Friday, March 27, 2009 from 9:00 a.m. to 3:00 p.m.

ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: March 12, 2009

Howard Thompson
Chairman