

Board of Appeals Meeting (Thursday, April 13, 2023)

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1. CALL TO ORDER: Meeting called to order at 6:32 PM

A. April 13, 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

Via: Media Control Room

Amy Carter, Video / Media Producer

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

- Chris Longmore, Representative of Rosehill Properties, LLC
- Bill Murray, Prospective Lot Owner
- Louis Jenkins -Attorney for SMECO
- Staci Lagana -LDG, Inc.
- Hugh Voehl -SMECO, Inc.
- Tommy Short -SMECO, Inc.

3. AGENDA:

A. Board of Appeals April 13, 2023 Agenda

4. PUBLIC HEARINGS:

A. UPTON VAAP 22-2676; WITHDRAWN BY APPLICANTS

B. ROSEHILL PROPERTIES, LLC VAAP 22-1932; Variances from Schedule 32.1 of the St. Mary’s County Comprehensive Zoning Ordinance to reduce the left side yard setback from 10 feet to zero feet to construct a boathouse, and reduce the side yard setbacks from 10 feet to zero feet and to construct a dwelling with a two-story deck.

"In the matter of VAAP 22-1932, Rosehill Properties, having made a finding that the standards for granting a variance and the objectives of Section 24.3 and Schedule 32.1 of the St. Mary’s County Comprehensive Zoning Ordinance (have) been met, I move to (approve) the variance requests to reduce the left side yard setback from 10 feet to zero feet to construct a boathouse and to reduce the side yard setbacks from 10 feet to zero feet to construct a dwelling with a two-story deck.

Condition:
1.) That the applicant will repair and solely be responsible for any damage to the road caused beyond normal wear and tear as a result of the construction activities or by the way of construction vehicles during the term of construction. "

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

C. SMECO RIDGE SUBSTATION CUAP 22-0313; Conditional use approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance for use type 91, Communications Tower, Commercial within the Village Center Mixed Use (VMX) zoning district and a variance from Schedule 63.3.a to modify the buffer yard planting requirements.

Motion #1

"In the matter of CUAP 22-0313, SMECO Ridge Communication Tower, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.91 of the St. Mary's County Comprehensive Zoning Ordinance (have) been met, I move to (approve) the request to allow the proposed Communication Tower, Commercial (Use 91) within the Village Center Mixed Use zoning district under the conditions noted on the Communications Tower (Commercial) Suggested BOA Conditions for Orders reviewed by the applicants.

Conditional use to allow a Communication Tower, Commercial, Use 91, at the Tower Site subject to the following conditions:

- 1.) Tower shall be constructed so as to provide adequate capacity for future co-location of other commercial and/or government-operated antennae unless the applicant demonstrates why such design is not physically feasible. The system design plan shall delineate areas near the base of the tower to be used for the placement of additional equipment buildings for other users.
- 2.) No signals, lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
- 3.) No commercial advertising or other signage shall be permitted on the tower.
- 4.) All obsolete or unused facilities, including buildings, towers, and all other improvements associated with the tower, shall automatically be deemed abandoned upon 24 months of continuous cessation of operations and shall be removed at such time without cost to the County. The Applicant shall provide a bond, letter of credit, or other appropriate surety at time of approval as approved by the County to cover the cost for demolition of the facility and site restoration.
- 5.) Contact information shall be prominently displayed on the fence enclosing each facility. This information shall be current and shall identify the company name, responsible individual, and phone number for the contact person.
- 6.) Final site plan approval shall be required.

Additionally, the foregoing conditional use is also subject to the following condition that the Applicants shall comply with any instructions and necessary approvals from the Department of Land Use and Growth Management.

Motion #1 by Guy Bradley, 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

Motion #2

"In the matter of CUAP 22-0313, SMECO Ridge Communication Tower, having made a finding that the standards for granting a conditional use 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 the required 65-foot Type B buffer yard along Bennett Drive to a 30-foot Type B buffer yard, the required 65-foot Type B buffer yard adjacent to commercial properties to a 15' Type B buffer yard, the required 30-foot Type C buffer yard adjacent residential properties to a 15' Type B buffer yard as delineated on the site plan shown on Exhibit 2 Attachment 4."

Motion #2 by Guy Bradley, 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 Minutes of the March 9, 2023 Meeting

"I move to approve the minutes of the March 9, 2023 meeting."

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

6. REVIEW AND APPROVAL OF ORDERS:

A. ABBOTT ORDER VAAP 22-1699

"I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the ABBOTT ORDER VAAP 22-1699."

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

B. TAYLOR & YANNAYON ORDER VAAP 22-0093

"I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the TAYLOR & YANNAYON ORDER VAAP 22-0093."

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

C. RAFI ORDER VAAP 22-1672

"I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the RAFI ORDER VAAP 22-1672."

Motion by Guy Bradley, 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

D. 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 Lynn Delahay.

Final Resolution: Motion Carries

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

Not Present at Vote: Ronald Payne Sr

7. REVIEW AND APPROVAL OF THE 3/15/2023 EDITED VERSION OF THE BOA 2023 MONTHLY HEARING SCHEDULE

A. Review and Approve the 3/15/2023 Edited Version of the 2023 BOA Monthly Hearing Schedule

"I make a motion to approve the 3/15/2023 Edited Version of the 2023 BOA Monthly Hearing Schedule."

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

8. ADJOURNMENT:

A. Adjourn the April 13, 2023 Board of Appeals meeting

"I move to adjourn the April 13, 2023 Board of Appeals meeting at 8:15 pm."

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