### Board of Appeals (Thursday, January 27, 2022)

Drafted by Sherrie Young, BOA Recording Secretary on Friday, January 28, 2022

**1.CALL TO ORDER:** Meeting called to order at 6:30 pm.

#### 2. ROLL CALL: Attendance of Members, Presenters and Staff Support

## **Board of Appeals Members Via: CSMC Meeting Room**

Dan Ichniowski, Chair Wayne Miedzinski, Vice Chair Lynn Delahay, Member Rich Richardson, Member Guy Bradley, Member Ronald Payne, Sr., Alternate Member Steve Scott, Board Attorney

## **SMCG Supporting Staff Via: CSMC Meeting Room**

Harry Knight, Deputy Director- LUGM Stacy Clements, Planner III- LUGM

#### SMCG Supporting Staff Via: CSMC Meeting Room & ZOOM

Neil Murphy, Deputy County Attorney

## **SMCG Supporting Staff Via: Media Control Room**

Amy Carter, Video / Media Producer

## **SMCG Supporting Staff Via: Savich Conference Room**

Sherrie Young, BOA Recording Secretary- LUGM

#### Applicants, Representatives & Speakers Via: CSMC Meeting Room & ZOOM

Delores Hockey
Thomas Hockey
Patrick Crowley
John Yazdan
Julie Yazdan
Steve Vaughan, LSR, Inc.
Wayne Davis, W. M. Davis Inc.
Jack Simms
Chris Longmore, Esq.

3. AGENDA: January 13, 2022, Board of Appeals Meeting

#### 4. RECONSIDERATION OF ORDER:

# VAAP 21-1100003 BRACKETT SUBDIVISION APPEAL & VARIANCE ORDER; MOTION TO RECONSIDER BRACKETT ORDER

## The Boards Original Motion made on December 9, 2021, BOA

"In the matter of VAAP 21-110-003, Brackett Subdivision, I move that the Board of Appeals, having made a finding that the granting of this variance is in accordance with the purpose and intent of the St. Mary's County Subdivision Ordinance, I move to approve the variance request to reduce the minimum travel width from eighteen (18) to ten (10) feet."

"In the matter of VAAP #21-110-003, Brackett Subdivision, and in accordance with the Rules of Practice and Procedure of the St. Mary's County Board of Appeals, Rule 5-105(c), I move that the Board of Appeals:

1) Motion to order a new hearing before the Board of Appeals.

Motion: Lynn Delahay Second: Wayne Miedzinski Final Resolution: Motion Carried 2-3

Against: Guy Bradley, Rich Richardson, and Dan Ichniowski

2) Motion to modify the Boards previous decision to grant a variance to include all the provisions of 30.14 in its entirety.

Motion: Guy Bradley Second: Rich Richardson Final Resolution: Motion Carried 3-2

Against: Wayne Miedzinski and Lynn Delahay

#### **5. PUBLIC HEARINGS:**

#### A. HOCKEY PROPERTY VAAP 21-1268

"In the matter of VAAP # 21-1268 having made a finding that the standards for granting a variance and the objectives of Sections 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I approve the variance request from Section 71.8.3 to disturb the Critical Area Buffer to construct a 47 linear foot retaining wall."

Motion: Rich Richardson Second: Wayne Miedzinski Final Resolution: Motion Carried 5-0

#### B. CROWLEY PROPERTY VAAP 21-1319

"In the matter of VAAP # 21-1319 having made a finding that the standards for granting a variance and the objectives of Sections 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I approve the variance request from Section 71.8.3 to disturb the Critical Area Buffer to construct a new dwelling and driveway."

Motion: Lynn Delahay Second: Rich Richardson Final Resolution: Motion Carried 5-0

## C. YAZDAN PROPERTY 21-1863

"In the matter of VAAP # 21-1863 having made a finding that the standards for granting a variance and the objectives of Sections 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I approve the variance request from Section 71.8.3 to disturb the Critical Area Buffer to construct a new dwelling within the existing footprint of the previous dwelling, which was destroyed in a fire."

Motion: Wayne Miedzinski Second: Lynn Delahay Final Resolution: Motion Carried 5-0

#### D. SIMMS PROPERTY VAAP 21-1886

"In the matter of VAAP # 21-1886 having made a finding that the standards for granting a variance and the objectives of Sections 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I approve the variance request from Section 71.8.3 to disturb the Critical Area Buffer to regrade 585 square feet of an existing riparian access road using 190 square feet of soil from an adjacent vegetated bank."

Motion: Rich Richardson Second: Wayne Miedzinski Final Resolution: Motion Carried 5-0

#### 6. REVIEW AND APPROVAL OF MINUTES:

## A. January 13, 2022, Board of Appeals Minutes

"I move to approve the January 13, 2022, Board of Appeals Minutes."

Motion: Wayne Miedzinski Second: Lynn Delahay Final Resolution: Motion Carried 5-0

#### 7. REVIEW AND APPROVAL OF ORDERS:

#### A. ZAAP 21-1170 GWYNN APPEAL OF KLUG PROPERTY EVENTS ORDER

"I make a motion to approve and for Chairman, Daniel Ichniowski to sign the ZAAP 21-1170 Gwynn Appeal Of Klug Property Events Order."

Motion: Wayne Miedzinski Second: Lynn Delahay Final Resolution: Motion Carried 5-0

#### B. ZAAP 20-13200012 MECHANICSVILLE DOLLAR GENERAL APPEAL ORDER

"I make a motion to approve and for Chairman, Daniel Ichniowski to sign the ZAAP 20-13200012 Mechanicsville Dollar General Appeal Order."

Motion: Wayne Miedzinski Second: Lynn Delahay Final Resolution: Motion Carried 5-0

#### 8. ADJOURN:

"I move to adjourn the January 27, 2022, Board of Appeals meeting at 8:40 p.m.."

Motion: Wayne Miedzinski Second: Lynn Delahay Final Resolution: Motion Carried 5-0