

Board of Appeals Meeting (Thursday, October 12, 2023)

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1. CALL TO ORDER: Meeting called to order at 6:31 PM

A. October 12, 2023 Board of Appeals Meeting

2. ROLL CALL:

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

3. AGENDA:

A. October 12, 2023 Board of Appeals Agenda

4. PUBLIC HEARINGS:

A. **NETWORK TOWERS ST. MARY'S COLLEGE CUAP 23-0010;** The Applicant requests conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 91, Communication Tower, Commercial. Additionally, the Applicant requests a variance from Section 51.3.91.b.(11) waiving the requirement that the enclosure shall be buffered from adjoining properties with at least two rows of fast growing evergreen species such as red cedar or Leyland cypress and a variance from Schedule 63.3.a to waive the requirement of a 65' type B buffer yard from Mattapany Road.

“In the matter of CUAP 23-0010, Network Tower St. Mary's College, 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 Rural Preservation District.

Next, having made a finding that the standards for granting a variance and the objectives of Section 51.3.91.b. (11) have been met, I move to approve the variance waiving the requirement that the enclosure shall be buffered from adjoining properties.

Lastly, 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 waive the requirement of a 65' type B buffer yard from Mattapany Road.

Conditional use to allow a Communication Tower, Commercial, Use 91, at the Tower Site subject to the following (9/9/21 version)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 by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Ronald Payne Sr, Guy Bradley, Rich Richardson

B. NORRIS VAAP 23-1210; Variance from the St. Mary's County Comprehensive Zoning Ordinance Section 71.5.2.b to disturb the non-tidal wetland buffer and Section 72.3.1.c(2) for clearing more than 30% of the existing forest cover to construct a house.

"In the matter of VAAP 23-1210, the Norris property, having made a finding that the standards for granting a variance and the objectives of Section 24.3 and 24.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request from Section 71.5.2.b to disturb the non-tidal wetland buffer and Section 72.3.1.c(2) for clearing more than 30% of the existing forest cover to construct a house."

Motion by Guy Bradley, second by Wayne Miedzinski.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Ronald Payne Sr, Guy Bradley, Rich Richardson

C. TIPPETT VAAP 23-1003; Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a single-family dwelling.

"In the matter of VAAP 23-1003, the Tippet Property, 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 move to approve the VAAP 23-1003, Tippet Property variance request from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a house."

Motion by Guy Bradley, second by Wayne Miedzinski.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Ronald Payne Sr, Guy Bradley, Rich Richardson

5. REVIEW AND APPROVAL OF MINUTES:

A. Review and Approve the September 14, 2023 BOA Meeting Minutes

"I move to approve the minutes of the September 14, 2023 BOA meeting."

Motion by Guy Bradley, second by Rich Richardson.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Ronald Payne Sr, Guy Bradley, Rich Richardson

6. ADJOURNMENT:

A. Adjourn the October 12, 2023 Board of Appeals meeting

"I move to adjourn the October 12, 2023 Board of Appeals meeting at 7:47 pm."

Motion by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

Yea: Daniel Ichniowski, Wayne Miedzinski, Ronald Payne Sr, Guy Bradley, Rich Richardson