

Board of Appeals Meeting (Thursday, December 14, 2023)*Generated by Appeals Bd on Wednesday, December 27, 2023***Meeting Called to Order at 6:30 pm****1. CALL TO ORDER:**

Call to Order: A. December 14, 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

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

Via: Media Control Room

Amy Carter, Video / Media Producer

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

Christopher Longmore, Applicant Representative

Barry Vukmer, Chesapeake Trails Surveying, LLC

Christopher Hare, Drove Collision

Joseph J. Kadjeski, P.E., COA Barrett

David Ross, President, Atlantic Realty Companies

Jonathan Ross, Vice President of Development and Construction, Atlantic Realty Companies

3. AGENDA:

A. December 14, 2023 Board of Appeals Agenda

4. PUBLIC HEARINGS:

A. WITHDRAWN CEDAR COVE MARINA VAAP 23-0176; Variance from Section 71.8.3 to disturb the Expanded 100' Critical Area Buffer to construct a new home with a marina office, two covered porches and garage.

B. LOVEVILLE MINE EXPANSION CUAP 23-0047; The Applicant requests the modification of conditional use approval 15-131-050 and 21-131-0001 to expand mining operations by 12.2 acres, pursuant to Chapter 25 of the Comprehensive Zoning Ordinance, for use type 82, Extractive Industry within the Rural Preservation District (RPD).

Motion: "In the matter of CUAP 23-0047, Loveville Gravel Mine Expansion, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.82 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to allow the Loveville Gravel Mine to expand mining operations including the previously approved conditions from CUAP 21-131-0001, to install a six (6) foot tall and fifty (50) foot long berm along Maryland Route 5, and the round trips per day are not to exceed an average of eighty (80)."

Motion by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

C. DROVE COLLISION VAAP 23-0240; The Applicant requests a variance from Schedule 63.3.a to remove the 65' Type B Buffer Yard along MD Route 5 and Three Notch Trail and to remove the 30' Type C Buffer Yards adjacent to the residential use properties. Additionally, the Applicant is requesting a variance from Schedule 64.3.1 to reduce the required parking of 51 spaces (3 ADA spaces included) to 20 spaces (1 ADA space included).

Motion: "In the matter of VAAP 23-0240, Drove Collision Garage, 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 from Schedule 63.3.a to remove the 65' Type B Buffer Yard along MD Route 5 and Three Notch Trail and to remove the 30' Type C Buffer Yards adjacent to the residential use properties and the variance request from Schedule 64.3.1 to reduce the required parking of 51 spaces (3 ADA spaces included) to 20 spaces (1 ADA space included)."

Motion by Guy Bradley, second by Wayne Miedzinski.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

D. PAX RIVER VILLAGE VAAP 23-0152; The Applicant requests a variance from Schedule 63.3.a to remove the 65' Type B Buffer Yard along MD Route 235, Shangri-La Drive, Great Mills Road and FDR Boulevard and a variance from Schedule 32.1 to reduce the required 20 % landscaping in the LCI District to 15%.

Motion: "In the matter of VAAP 23-0152, Pax River Village Center, 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 remove the 65' Type B Buffer Yard along MD Route 235, Shangri-La Drive, Great Mills Road and FDR Boulevard and the variance request to reduce the required 20 % landscaping to 15%."

Motion by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

5. REVIEW AND APPROVAL OF THE BOARD OF APPEALS 2024 MONTHLY PUBLIC HEARING SCHEDULE

A. Review and Approval of the Board of Appeals 2024 Monthly Public Hearing Schedule

Motion: "I move to approve the Board of Appeals 2024 Monthly Public Hearing Schedule ."

Motion by Rich Richardson, second by Wayne Miedzinski.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

6. REVIEW AND APPROVAL OF MINUTES:

A. Review and Approve the November 21, 2023 BOA Meeting Minutes

Motion: "I move to approve the minutes of the November 21, 2023 BOA meeting."

Motion by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

7. REVIEW AND APPROVAL OF ORDERS:

A. WILLIAMS ORDER VAAP 23-1158

Motion: "I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the WILLIAMS ORDER VAAP 23-1158."

Motion by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

B. GAHL ORDER VAAP 23-1370

Motion: "I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the GAHL ORDER VAAP 23-1370."

Motion by Rich Richardson, second by Wayne Miedzinski.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

C. FARRELL (PUMPFREY) ORDER VAAP 23-1031

Motion: "I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the FARRELL (PUMPFREY) ORDER VAAP 23-1031."

Motion by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

D. MOORE & SCHULMEYER ORDER VAAP 23-1084

Motion: "I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the MOORE & SCHULMEYER ORDER VAAP 23-1084."

Motion by Rich Richardson, second by Wayne Miedzinski.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

E. SEVEN POINTS AGRO CULTIVATION CENTER APPEAL ORDER ZAAP 18-00001405

Motion: "I make a motion to approve and for Chairman, Daniel Ichniowski, to sign the SEVEN POINTS AGRO CULTIVATION CENTER APPEAL ORDER ZAAP 18-00001405."

Motion by Wayne Miedzinski, second by Rich Richardson.

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay

8. ADJOURNMENT:

A. Adjourn the December 14, 2023 Board of Appeals meeting

Motion: "I move to adjourn the December 14, 2023 Board of Appeals meeting at 9:29 pm."

Motion by Wayne Miedzinski, second by Ronald Payne, Jr..

Final Resolution: Motion Carries

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

Not Present at Vote: Lynn Delahay