

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Thursday, March 10, 2005**

Present: George Allan Hayden, Chairman
Greg Callaway, Vice Chair
Ronald C. Delahay, Member
Wayne Miedzinski, Member
Walter Gillette, 2nd Alternate
John B. Norris, III, County Attorney
Denis Canavan, Director, Department of Land Use & Growth
Management
Yvonne Chaillet, Planner III, LUGM
Sharon Sharrer, LUGM Recording Secretary

Present as an observer was Board Member Mike Hewitt. Since Mr. Hewitt was unable to attend the previous hearing, and Mr. Gillette was present on the Board at that time, Mr. Gillette remained on the Board for the continuation of the Big Foot Hunt Club hearing. A sign-in sheet is on file in the Department of Land Use & Growth Management (LUGM). All participants in all cases were sworn in.

The Chair called the meeting to order at 6:31 p.m.

PRESENTATION BY COMMISSIONER MCKAY

Commissioner President Thomas McKay, on behalf of the Board of County Commissioners, expressed thanks to the Board of Appeals members for the work they do for the County. He made a brief presentation on the Base Relocation and Closure (BRAC) process, and shared the "St. Mary's County - Embracing Progress..." video with the Board of Appeals. Commissioner McKay explained that 2005 is a critical year for St. Mary's County because the BRAC process taking place this year has the potential to have a larger impact on St. Mary's County than all of the prior BRAC's combined.

PUBLIC HEARING

CUAP #87-1824 – BIG FOOT HUNT CLUB

The applicant is requesting an amendment to an approved conditional use pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01). The property contains 21.1 acres, is zoned Rural Preservation District (RPD), and is located at 24450 Pincushion Road in Loveville, Maryland; Tax Map 24, Block 18, Parcel 173.

Owner: Big Foot Hunt Club, Inc.
Present: Joseph Mitchell
Billy Mehaffey, of Mehaffey & Associates
Spencer Whalen, President of Big Foot Hunt Club, Inc.

Mr. Norris explained that this case was continued from the Board of Appeals February 10, 2005 meeting. Certified mail receipts were presented at the previous hearing. The staff report was presented and accepted at that time. The hearing was opened to the public, and the public comment portion of the hearing began at that time.

Roger Mattingly, a Pincushion Road resident, explained his home was built in 1986, well before the establishment of the Big Foot Hunt Club. He said that he had never had a problem with Big Foot Hunt Club until 2002. He said that the Southern Maryland Sporting Clay Club came in at that time and took over the Big Foot Hunt Club. Mr. Mattingly explained that Sunday is the

only day that he has to relax and sleep in, and asked that the Board deny the request. Other concerns mentioned were the summer camp and the ages of the children involved; food and alcohol allowed or sold on the premises and any necessary permits for this; additional traffic; loud music; the number of fundraisers which will be held; and the day care center located within 100 yards of the shooting range.

J. C. and Amy Guy, residents of Pincushion Road, explained that their property is located adjacent to Big Foot Hunt Club, and that pellets from the shooting range actually land on their property. Mr. Guy explained that Mr. Whalen had asked him to sign a form allowing Big Foot Hunt Club and the Southern Maryland Clay Shooters permission to utilize his property. Mr. Guy said that this form was not signed. Ms. Guy provided copies of an outline survey of the property and information on shotfall distances and zones. She explained that part of the shotfall zones for all five existing trap houses falls onto their property. Ms. Guy said that she didn't think anyone should run the risk of being shot on their own property.

Melissa Higgs, another Pincushion Road resident, explained that this is not a gun issue for her since her husband is an avid hunter, a police officer, a member of the Emergency Services Team, and a certified sniper. She said that Sundays are the only days they have to relax together; and they would like to be able to relax and sleep in on Sunday mornings. She expressed a concern with the lead issue, and the possible impact on animals and the land.

Julia Farr Mattingly, who said she was born and raised on Pincushion Road, said she was strongly opposed to the request and asked the Board not to approve the request before them. She said that she looks forward to relaxing on Sunday mornings. Ms. Mattingly expressed concerns with the impact of increased traffic on the little country road, and to the Mennonite Community who use Pincushion Road every day. She also mentioned concern for the impact of all of the lead on the soil and well water.

Heather Hephner, a Pincushion Road resident, explained that her concern is with the noise from the gunshots. She explained that she lives in the area, but not within the shotfall safety zone areas. Mr. Callaway asked if her opposition was to the Sunday morning hours, or to other issues. Ms. Hephner explained that she does not want the noise from the gunshots to get any worse than it already is.

Karen Farr, another Pincushion Road resident, explained that her deck is about 700 feet from Big Foot Hunt Club. She said that when Big Foot Hunt Club started there were only about 20 members, and it didn't bother them. During the summer of 2002 things changed, so they could no longer go out and enjoy their back yard. Ms. Farr explained that Sundays are family days. She also expressed concern for the Amish traffic on the road, especially since there is an Amish church on the road.

Two of the area resident who had already spoken asked to be allowed to clarify their opposition for the Board. Mr. Mattingly clarified that his opposition is not only to the Sunday hours; it is to the entire operation. Mr. Guy explained that the Sunday hours and the addition of the sporting clays are both concerns for his family; as well as the existing shotfall safety zones which fall on their property.

The Chair closed the public hearing.

Mr. Mitchell agreed that the property line does run as shown on the boundary survey presented by Ms. Guy, and explained that the map used by the applicant prepared from tax maps, not a boundary survey. He reminded the Board that the proposal before the Board is just for three changes. He stressed that there has not been any shooting on Sunday mornings since they came before the Board of Appeals a couple of years ago. Mr. Mitchell said that club members have spoken to members of the Mennonite community, and were told that the Mennonite community has no problem with the activities of the Club.

The Chair asked if the applicant's engineer agreed with the lines drawn on Ms. Guy's shotfall zone depiction. Mr. Mitchell said that it looks like the lines emanate from about 30 to 40 feet in front of the shooters. Mr. Mehaffey explained that he had not had time to study the site plan marked by Ms. Guy with safety zones, but explained that it does not appear to exhibit the same shotfall pattern he felt was pertinent. He explained that the applicant's exhibit was prepared to show shotfall patterns and safety zones pertinent to the sporting clay stations, not for the trap stations.

Members had questions about the use of steel shot versus lead shot, increased traffic, provisions for curious children, the number of possible fund raising events, and club expenses. The questions were answered by the applicant's representatives.

The Chair noted that both sides should keep in mind that good neighbors are hard to find. Mr. Gillette expressed concern about the effects of lead shot may on farmland, but noted this was really a concern for the Environmental Protection Agency (EPA). Board members expressed further concerns regarding disturbing the tranquility of Sunday mornings for area residents and with the additional traffic on that road while members of the Mennonite community are traveling to and from the church further down the road. Mr. Callaway commended Big Foot Hunt Club for trying to promote safety with guns, and teaching gun safety to children.

Mr. Miedzinski made a motion that having accepted the staff report, dated January 4, 2005; and having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met; the Board grant Conditional Use approval to upgrade the on-site sewage system and to permit the establishment of a "sporting clays" course. Conditional Use approval was granted after-the-fact to enclose a portion of the original clubhouse and to construct a pavilion. The request to amend the hours of operation was not approved. The motion was seconded by Mr. Callaway and passed by a 5-0 vote.

VAAP #04-3031 – RICHARD COPSEY

The applicant is requesting Variance from Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area. The property contains 15,000 square feet; is zoned Residential Neighborhood Conservation (RNC), Limited Development Area Overlay (LDA) District; and is located at lot 554 in Section 2 of the Golden Beach Subdivision on Jefferson Drive, just before its intersection with Golden Beach Road in Mechanicsville, Maryland; Tax Map 6, Block 1, Parcel 56.

Owner: Richard A. Copsey
Present: William E. Males, for Mr. Copsey

Receipts from certified mailings were provided to staff.

William Males, speaking for Mr. Copsey, explained that the trees on the lot are basically 3-4 inch scrub pine trees. He said that an abandoned old truck has been demolished on the property; spreading parts all over the part of the property that will be cleared. Ms. Chaillet explained that the property is entirely wooded, and much of the vegetation is made up of invasive species which are strangling the other vegetation on the property.

Mr. Gillette made a motion that the staff report be accepted. The motion was seconded by Mr. Callaway and passed by a 5-0 vote.

The Chair opened the hearing to public comment.

Gerard Kelly, an adjacent property owner, asked what effect the clearing of this property and building a house will have on his land. Ms. Chaillet responded that this should not affect his land. She explained that the law requires that adjoining property owners be notified of a variance case, even though it should not affect the neighboring property.

The Chair closed the public hearing.

Mr. Callaway made a motion that having accepted the staff report, dated February 28, 2005; and having made a finding that the standards for variance in the Critical Area and the objectives of Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met; the Board grant the variance to clear in excess of 30 percent of the existing woodland cover, with the recommended condition to adhere to the Critical Area Planting Agreement. The motion was seconded by Mr. Gillette and passed by a 5-0 vote.

CUAP #02-130-029 – McINTOSH PIT

The applicant is requesting amendment to an approved Conditional Use pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to revise the allowed number of truckloads. The property contains 80 acres; is zoned Rural Preservation District (RPD); and is located on the west side of Burnt Mill Drive, approximately two miles north of its intersection with McIntosh Road; Tax Map 25, Block 16, Parcel 249.

Owner: Raymond Woodburn

Withdrawn from agenda.

ACTIONS TAKEN BY PLANNING DIRECTOR ON VARIANCE APPLICATIONS RECEIVED FOR ADMINISTRATIVE REVIEW

VAAP #05-0141 – Joann Stauffer – 22,050 square feet - Variance from Section 32.1 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to reduce the side yard setback. **Variance approved.**

VAAP #04-2891 – Patrick Dean – 2.60 acres - Variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to encroach on the Critical Area Buffer and to increase the amount of impervious surface in the Critical Area, and from Section 71.7.3 for disturbance of steep slopes with additions to a single-family dwelling. **Variance approved with signed planting agreement.**

VAAP #04-0877 – Karin Konecny – 0.954 acre - Variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to increase the amount of impervious surface in the Critical Area Buffer to construct a single-family dwelling and septic system. **Variance approved with signed planting agreement.**

VAAP #04-2978 – James Morgan – 15.35 acres - Variance from Section 41.6.2.a and variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to increase the amount of impervious surface within the Critical Area Buffer to construct a single-family dwelling and appurtenances and to disturb the slopes greater than 15%. **Variance approved with signed planting agreement.**

MINUTES AND ORDERS APPROVED

The minutes of February 10, 2005 were approved as recorded.

The Board authorized the Chairman to review and sign the orders. The Chair reviewed and approved as submitted the following Orders:

CUAP #04-135-003 – Buzz’s Marina Cellular Tower
VAAP #03-0830 – Marshall Ludlow
VAAP #04-0213 – Golden Beach Subdivision
VAAP #04-0739 – Golden Beach Subdivision, Lot 210

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: April 14,
2005

George Allan Hayden
Chairperson