

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, February 23, 2012**

Members present were George A. Hayden, Chairman; Randy Guy, George T. Edmonds, Robert Moreland, and Ronald Payne. Alternate Mike Mummaugh was also present. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney George Sparling was also present.

A sign-in sheet is on file at LUGM. All participants in all cases were sworn in. The Chair called the meeting to order at 6:31 p.m.

Chairman Hayden stated we do have an order for Knott Family Farm Meat Processing Facility however it was received later than expected therefore we will review the order and sign it at the next meeting.

PUBLIC HEARINGS

VAAP #09-1821 - Hawes

Mr. Moreland explained he has a conflict of interest and recused himself from this case. Chairman Hayden accepted Mr. Moreland's wish and asked that Mr. Mummaugh sit in on the hearing. Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer and a variance from Section 41.5.3 of the Ordinance to trade lot coverage in excess of 1,000 square feet in the Critical Area Buffer to replace a single-family dwelling. The property contains 25,700 square feet; is zoned Rural Preservation District, Limited Development Area (LDA) Overlay; and is located at 40335 Drury Lane, Leonardtown, Maryland; Tax Map 40, Grid 19, Parcel 73.

Owner: Marc & Ann Hawes

The property and variance request were advertised in The Enterprise on February 15, 2012 and February 22, 2012. Ms. Chaillet submitted the certified mail receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated February 13, 2012 and the specific standards for granting variances in the Critical Area and the 100-foot critical area buffer. Ms. Chaillet corrected a mistake in the Staff Report stating on page two Section V.3 the existing porch and patio is on the south side of the property, not the north side. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Marc and Mrs. Ann Hawes were sworn for the record. Mr. Hawes read a statement (Staff Report Attachment 1) explaining the need for the variance. Mr. Hawes responded to comments from the Critical Area Commission as noted in Staff Report Attachment two (2). Mrs. Hawes explained this project has been several years in the making and they have worked very hard to make sure we are in line with the regulations. Mr. Hawes submitted 4 photos of the property for the record, *hereby labeled as Exhibits 3-6 respectively by the Recording Secretary*. Mr. Hawes submitted a site plan with proposed plantings and existing buildings in color for the record, *hereby labeled as Exhibit 7 by the Recording Secretary*. Mr. Hawes then submitted a hand drawn site plan for the record, *hereby labeled as Exhibit 8 by the Recording Secretary*.

Chairman Thompson opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Guy made a motion to accept the staff report and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

Mr. Guy made a motion in the matter of VAAP #09-1821, Hawes, having made a finding that the standards for granting a variance in the critical Area and the objectives of Sections 71.8.3 and 41.5.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance requests to add lot coverage in the Critical Area Buffer and to trade more than 1,000 square feet in the Critical Area Buffer to replace a single family dwelling, subject to the following conditions:

- 1. The Applicant shall provide a Planting Plan prior to the issuance of the building permit, which shows the required 3:1 mitigation per square foot of the variance granted pursuant to Section 24.4.2.b of the Ordinance. The Planting Plan shall show which native species have been selected for planting, and where in the Critical Area Buffer the Applicants propose to plant the vegetation.**
- 2. The Applicant shall comply with the Critical Area Planting Agreement and approved Planting Plan.**

Mr. Edmonds seconded and the motion passed by a 5-0 vote.

VAAP #11-0963 - Milan

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to clear and add lot coverage in the Critical Area Buffer and a variance to trade lot coverage in excess of 1,000 square feet in the Critical Area Buffer to replace a single family dwelling. The property contains 2.35 acres; is zoned Rural Preservation (RPD) District and the Limited Development Area (LDA) Overlay; and is located at 25136 Lindner Lane, Hollywood, Maryland; Tax Map 27, Grid 5, Parcel 38

Owner: Lawrence Milan IV, and Jennifer Milan
Present: Chris Longmore of Dugan, McKissick and Longmore; Wayne Hunt of LSR, Inc.

The property and variance request were advertised in The Enterprise on February 15, 2012 and February 22, 2012. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated February 14, 2012 and the specific standards for granting variances in the critical area, impervious surface trading, and the 100-foot critical area buffer. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Lawrence and Mrs. Jennifer Milan were sworn for the record. Mr. Longmore asked that the Staff Report be amended to reflect the 8.8% proposed lot coverage rather than 8.1% lot coverage. Mr. Milan gave an overview of the property and the proposed project. Mrs. Milan described the areas outside the existing house and the proposed house.

Mr. Wayne Hunt, LSR, Inc. was sworn for the record. Mr. Hunt testified to the site location, survey and plans for development.

Mr. Longmore submitted a letter from David Mason in support of the request for the record, hereby labeled as Exhibit 3 by the Recording Secretary. Mr. Longmore provided his closing testimony and addressed the standards for granting a variance.

Chairman Thompson opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Guy made a motion to accept the staff report as amended and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

It was the consensus of the Board to approve the request. Mr. Sparling will draft findings of fact for the Board's signature at the next meeting.

MINUTES AND ORDERS APPROVED

The minutes of February 9, 2012 were approved as recorded.

The Board authorized the Chair to review and sign the following orders:

None

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: May 10, 2012

George A. Hayden
Chairman