

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, April 25, 2013**

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, William Greene, and Ronald Payne. Alternate John Brown was also present. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director; Yvonne Chaillet, Zoning Administrator; and Carrie Ann Heinz, Environmental Planner. 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 6:30 p.m.

PUBLIC HEARINGS

VAAP #12-0457 - Johnson

Ms. Carrie Ann Heinz, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct a single-family dwelling. The property contains 2.82 acres; is zoned Rural Preservation District, Limited Development Area (LDA) Overlay; and is located at 18499 Eighteen Wheel Drive, Lexington Park, Maryland; Tax Map 63, Grid 15, Parcel 291.

Owner: Julian Johnson Jr. & Robert Guy
Present:

The property and variance request were advertised in The Enterprise on April 10, 2013 and April 17, 2013. Ms. Heinz gave an overview of the staff report dated April 16, 2013 and the specific standards for granting variances in the critical area and the 100 foot critical area buffer. Ms. Heinz submitted the staff report and attachments for the record, *hereby labeled as Exhibit 1 by the Recording Secretary.*

Mr. Julian Johnson was sworn for the record. Mr. Robert Guy was sworn for the record. Mr. Johnson stated he just wanted to improve the property. Mr. Johnson stated the size of the house built meets the standards for lot coverage and it is a grandfathered lot. Mr. Johnson indicated the Critical Area Commission and the Health Department do not oppose the house that was built. Mr. Johnson indicated the property is still 85% wooded however he will abide by the Critical Area Planting Agreement. Mr. Moreland marked on the 2011 aerial photo the location of the property and submitted the 2011 aerial for the record, *hereby labeled as Exhibit 2 by the Recording Secretary.*

Chairman Hayden questioned the permit that was given and why the applicants did not follow the permit. Ms. Chaillet submitted a building permit dated 3/22/12 for the record, hereby labeled as Exhibit 3 by the Recording Secretary. Mr. Moreland asked if the trailer has been removed. Mr. Johnson stated yes, the trailer and stick-built addition have been removed and replaced with a 1,900 sq. ft. house.

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

Mr. Guy made a motion in the matter of VAAP #12-0457, Johnson, having made a finding that the standards for granting a variance in the critical Area and the objectives of Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to construct a replacement single-family dwelling and Mr. Greene seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of March 28, 2013 were approved as recorded.

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

VAAP #05-132-019 - St. Mary's Marketplace

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: May 9, 2013

George Allan Hayden
Chairman