

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, May 12, 2011**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Randy Guy, Veronica Neale, and Ronald Payne, Alternate. George Edmonds was excused. 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 6:30 p.m.

DECISION

ZAAP #07-0118 – Rice

This case is continued from the April 28, 2011 meeting for a request by Christian and Michele Rice for reconsideration, at a future public hearing, the Board's decision dated March 24, 2011, to reverse the Planning Director's decision to issue building permit #07-0118 to expand an existing garage.

Ms. Neale made a motion to reconsider case #07-0118 Rice at a later date and Mr. Guy seconded. The motion passed by a 5-0 vote.

PUBLIC HEARINGS

VAAP #08-1963 – Yerby Pier

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to cross the lateral lines/extended property lines to construct a pier. The property contains 2.06 acres; is zoned Rural Preservation District, Resource Conservation Area (RCA) Overlay; and is located at 49645 Buzz's Marina Way, Ridge, Maryland; Tax Map 71, Grid 20, Parcel 532.

Owner: Charles Earp and Brenda Yerby
Present: Brenda Yerby

The property and variance request were advertised in The Enterprise on April 27, 2011 and May 4, 2011. 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 May 2, 2011 and the general standards for granting variances and standards for shoreline resources. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*. Ms. Chaillet stated she receive a letter in opposition of the request today from Joseph and Christy Henderson. Ms. Chaillet submitted the letter dated May 12, 2011 for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*.

Ms. Brenda Yerby, Applicant was sworn for the record. Ms. Yerby stated having been advised by staff that she would not need an attorney present this evening asked if she should in fact have an attorney present tonight. Mr. Thompson stated if Ms. Yerby feels uncomfortable in any way, it is fully within her right to have an attorney present to help represent her. Ms. Yerby stated she believes she can represent herself. Ms. Yerby stated she is requesting a modest pier that will not interfere with the abutting property owners. Ms. Yerby stated one of the abutting property owners (Mr. Dean) is actually in agreement with the pier and has signed an affidavit to this effect. Mr. Sparling asked that the written affidavit signed by the neighbor be submitted for the record. Ms. Yerby stated she forgot to bring the affidavit with her this evening.

Mr. Tim Dean was sworn for the record. Mr. Dean testified that he has in fact signed an affidavit in favor of the request tonight. Mr. Dean clarified for the record the site plan that he has a permit to cross lateral line #3, not #2.

Mr. Thompson stated if the Applicant has permission from one of the neighbors then the variance for the Dean side is no longer necessary. Mr. Sparling agreed stating the Applicant would only need a variance from the opposing side in this case being the Henderson's. *Mr. Dean submitted his personal plat for the record, hereby labeled as Exhibit 4 by the Recording Secretary.*

BREAK

Chairman Thompson stated the documents under question have been reviewed. Ms. Yerby asked that the hearing be continued so she has time to hire a surveyor to review all the documentation. Mr. Miedzinski asked that the owners of lot 3 be notified. Ms. Chaillet stated the earliest date available to continue the case is June 23, 2011.

Mr. Miedzinski made a motion in the matter of VAAP # Yerby Pier, I move to continue the hearing to June 23, 2011 and Mr. Guy seconded. The motion passed by a 5-0 vote.

VAAP #11-132-001 – Fair Office Park – WITHDRAWN

CUAP #11-135-001 – Morganza Cell Tower - WITHDRAWN

MINUTES AND ORDERS APPROVED

The minutes of April 28, 2011 were approved as recorded.

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

VAAP #10-1107 – Van Heerden

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: May 26, 2011

Howard Thompson
Chairman