

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, May 23, 2013**

Members present were Randy Guy, Vice-President; Robert Moreland, William Greene, and Ronald Payne. George Allan Hayden and John Brown were excused. Department of Land Use & Growth Management (LUGM) staff present were Bill Hunt, Deputy Director; 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.

**MOTION**

**ZAAP #12-144-008 – Bennett Homes, LLC, Plat Exempt Division**

Mr. Sparling indicated this is a legal matter that has been heard by the Hearing Examiner. Mr. Sparling stated he has prepared an order for this case recommending the Director of Land Use and Growth Management vacate without affirming or reversing said decision and that the matter be remanded to the Department of Land Use and Growth Management for administrative action.

***Mr. Moreland made a motion to adopt the order as recommended by the Hearing Examiner and Mr. Greene seconded. The motion passed by a 4-0 vote.***

**PUBLIC HEARINGS**

**ZAAP #13-140-001 - Masteller**

The applicant is requesting an appeal of the administrative decision to rename Sparks Lane, a private right of way, based on a forged signature of one of the owners sharing the right of way. The property is zoned Rural Preservation District; and is located on Wrong Way Lane, (formerly Sparks Lane), California, Maryland; Tax Map 50, Grid 5, Parcel 176.

Owner: David M. Masteller

The property and appeal were advertised in The Enterprise on May 8, 2013 and May 15, 2013. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary.*

Mr. David M. Masteller was sworn for the record. Mr. Masteller testified that the Wrong Way Lane was improperly renamed. Mr. Masteller stated someone forged his signature. Mr. Masteller indicated the changing of the road name has caused numerous challenges including changes to professional licensing, mortgage, taxes, etc.

Mr. Moreland stated by looking at the signatures it is clear to see that the signature in question is not Mr. Masteller's signature. Mr. Greene asked if Masteller received a notice indicating the change. Mr. Masteller stated no, he did not receive any notice and indicated he learned of the change from a neighbor.

Ms. Yvonne Chaillet was sworn for the record. Ms. Chaillet stated the addressing technician acted on the signatures provided to him. Ms. Chaillet stated Section 66.3.2 of the Ordinance addresses Official Road Name Changes.

Vice-Chairman Guy opened the hearing to public comment.

Ms. Kimberly B. Bowles was sworn for the record. Mr. Moreland interrupted testimony and advised Ms. Bowles that she is not obligated to testify. Mr. Moreland stated Ms. Bowles is under oath and could possibly incriminate her. Ms. Bowles stated she understood. Ms. Bowles stated she did nothing wrong and had permission from Mr. Masteller to change the name of the road and Mr. Masteller signed the petition. Ms. Bowles stated her son was present when Mr. Masteller signed the petition. Ms. Bowles stated she did bring the petition to LUGM for the road name change however the signatures on the petition are authentic.

Mr. Moreland asked if Ms. Bowles has a copy of the petition that was filed. Ms. Bowles stated no. Ms. Chaillet provided Ms. Bowles with a copy of the petition which is Attachment 2 to the staff report. Mr. Moreland questioned Ms. Bowles about the printed names and signatures on the petition. Ms. Bowles testified Mr. Masteller printed and signed his name to the petition.

Mr. Sparling clarified the Board is to determine if the evidence supports the changing of the road name.

Mr. Masteller swore the signature on the petition is not his. Mr. Sparling showed Mr. Masteller staff report attachments 1 and 3 and asked if he recognized and signed these documents. Mr. Masteller stated yes.

Mr. Tyler Bowles was sworn for the record. Mr. Bowles testified he went with his mother to have the petition signed.

Vice Chairman Guy closed the hearing to public testimony.

***Mr. Moreland made a motion in the matter of Zoning Appeal, Masteller, I move that the Board of Appeals reverse the Planning Director's decision to rename Sparks Lane, a private right of way, to Wrong Way Lane. The motion fails without obtaining a second.***

***Mr. Greene made a motion to that the Board of Appeals uphold the Planning Director's decision to rename Sparks Lane, a private right of way, to Wrong Way Lane. The motion fails without obtaining a second.***

***Mr. Moreland made a motion to continue the case to June 13, 2013 and Mr. Greene seconded. The motion passed by a 4-0 vote.***

Mr. Sparling stated the Chairman (in this case Vice-Chair) can allow an absent board member to review the recordings of the case and allow then to vote on the matter at the next hearing.

***Mr. Greene made a motion to allow the re-opening of the testimony at the June 13, 2013 hearing and Mr. Payne seconded. The motion failed by a 2-2 vote with Mr. Moreland and Mr. Guy opposed.***

#### **MINUTES AND ORDERS APPROVED**

The minutes of May 9, 2013 were approved as recorded.

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

VAAP #13-0288 – Manning

VAAP #12-2398 – Miles & Wood

#### **ADJOURNMENT**

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

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Jada Stuckert, Recording Secretary

Approved in open session: June 13, 2013

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George Allan Hayden  
Chairman