

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, July 10, 2014**

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 Bill Hunt, Deputy Director; Yvonne Chaillet, Zoning Administrator; Carrie Ann Pope, Environmental Planner; 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.

**PUBLIC HEARINGS**

**VAAP #14-0219 - Hamill**

Ms. Yvonne Chaillet and Carrie Ann Pope, LUGM were sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct a replacement single-family dwelling. The property contains 3.03 acres; is zoned Rural Preservation District, Limited Development Area (LDA) Overlay District; and is located at 16670 St. Jeromes Neck Road, Dameron, Maryland; Tax Map 71, Grid 4, and Parcel 9.

Owner: John and Barbara Hamill

The property and variance request were advertised in The Enterprise on June 25, 2014 and July 2, 2014. Ms. Pope submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Pope gave an overview of the staff report dated July 2, 2014 and the specific standards for granting variances in the Critical Area and the Critical Area Buffer. Ms. Pope submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Moreland questioned the calculations in the staff report. Ms. Pope indicated this number includes the proposed home, porch, existing driveway and parking, existing shed, existing playhouse, the stoop and the patio. Ms. Chaillet indicated in future staff reports staff will add further clarification to the existing lot coverage, removal of lot coverage, and new lot coverage. Mr. Sparling referenced the plat and asked about the driveway. Ms. Pope indicated the driveway is 219 square feet and is remaining lot coverage therefore it is not new.

Mr. John Hamill was sworn for the record. Mr. Hamill gave a brief overview of the variance request and indicated all the clearing will be properly mitigated. Mr. Hamill indicated the house is unable to be moved too much and the size of the home is quite modest. Mr. Hamill submitted photos of the property for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Payne asked about the acreage of the property indicating the staff report and the survey do not match. Mr. Hamill indicated this is the result of loss of property due to the expanding marsh.

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 #14-0219, Hamill, 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 disturb the Critical Area Buffer to construct a single-family dwelling with the condition that Mr. Hamill submit a new survey for review of possibly removing the driveway as impervious surface to Land Use and Growth Management and Mr. Moreland seconded. The motion passed by a 5-0 vote.***

**VAAP #14-0673 – Fisher Property**

Ms. Yvonne Chaillet and Ms. Carrie Ann Pope, LUGM were sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct additions to an existing single-family dwelling. The property contains 1.14 acres; is zoned Residential Neighborhood Conservation district (RNC), Limited Development Area Overlay; and is located at 45075 Millstone Lane, Hollywood, Maryland; Tax Map 27, Grid 23, and Parcel 164.

Owner: Jason and Christine Fisher

The property and variance request were advertised in The Enterprise on June 25, 2014 and July 2, 2014. Ms. Pope submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Pope gave an overview of the staff report dated July 2, 2014 and the specific standards for granting variances in the critical area and the Critical Area Buffer. Ms. Pope submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Payne asked who makes the decision that a tree is hazardous. Ms. Pope indicated staff makes this determination and/or a forester.

Mr. Jason Fisher was sworn for the record. Mr. Fisher gave a brief overview of the requested variance indicating the property is very unique in shape and very little disturbance will be done to the property during the construction process. Mr. Fisher indicated he is aware of the mitigation plan and is prepared to mitigate to make the property nice.

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 #14-0673, Fisher, 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 disturb the Critical Area Buffer to construct an addition to an existing single-family dwelling and Mr. Moreland seconded. The motion passed by a 5-0 vote.***

**VAAP #14-0664 – Sonic Signs**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to exceed the allowed square footage of a Master Sign Plan. The pad site contains 1.82 acres; is zoned Corridor Mixed Use (CMX) District; and is located at Lexington Village Commercial Condominium, Lexington Village Shopping Center, Unit 1 46350 Lexington Village Way, Lexington Park, Maryland; Tax Map 43, Grid 2, and Parcel 50.

Owner: MPI-LV-SOMAR, LLC  
Present: Eric Bailey

The property and variance request were advertised in The Enterprise on June 25, 2014 and July 2, 2014. 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 July 2, 2014 and the general standards for granting variances and the master sign plan regulations. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Chairman Hayden asked for clarification on the requested sign square footage. Ms. Chaillet indicated 250 square foot increase. TAPE!!!! Ms. Chaillet explained the subdivision of the original pad site into a condominium site. Mr. Moreland asked if other pad site owners would be coming forward and asking for additional signage.

Mr. Eric Bailey was sworn for the record. Mr. Bailey provided copies of a PowerPoint Presentation for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Bailey gave a brief overview of the requested variance indicating there is enough room in the retail building for one to three tenants. Mr. Green asked if this variance is denied, would the tenants for the retail site have any means of gaining signage for their business. Mr. Bailey indicated no, all options for signage has been extinguished. Mr. Moreland indicated that the applicant caused the need for the variance. Chairman Hayden indicated the request includes two signs on one of the businesses which seem excessive.

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

Mr. Moreland indicated he has an issue with because there is one building here and only one sign is needed, also it would seem that the previous owners of the property created the need for the variance. Chairman Hayden indicated the applicant changed the pad site due to economic constraints which is understandable however requirement (d) stipulates that the property owner cannot create the variance and requirement (c) stipulates that variance cannot be granted based on profit. Mr. Sparling asked when the property was converted to a condominium lot. Mr. Bailey indicated it was last year. Mr. Sparling indicated when the condominium was approved; it is now considered a separate lot with its own separate signage. Ms. Chaillet read the definition of "site" from the Ordinance. Mr. Sparling rescinded all this testimony regarding the condominium site.

***Mr. Green made a motion in the matter of VAAP #14-0664 having made a finding that the standards for granting a variance and the objectives of Section 65.5 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to exceed the allowed square footage of a Master Sign Plan for an additional 150 square feet of wall sign area and Mr. Guy seconded. The motion failed by a 2-3 vote with Mr. Moreland, Mr. Payne, and Mr. Hayden opposed.***

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

The minutes of June 12, 2014 were approved as recorded.

#### **RULES OF PRACTICE AND PROCEDURE**

Members discussed the rules of practice and procedure.

***Mr. Moreland made a motion to adopt the rules and Mr. Guy seconded. The motion passed by a 5-0 vote.***

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

ZAAP #12-2102 – Stuber

ZAAP #13-1618 - Henderson

#### **ADJOURNMENT**

The meeting was adjourned at 8:45 p.m.

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Jada Stuckert, Recording Secretary

Approved in open session: July 24, 2014

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George Allan Hayden  
Chairman