

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, July 14, 2011**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Randy Guy, Veronica Neale, and George T. Edmonds. Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney Brian Dugan and George Sparling were 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 6:33 p.m.

**PUBLIC HEARINGS**

**Vergheese Nonconforming Use Status** *(Continued from May 19, 2011)*

Chairman Thompson gave an overview of the May 19, 2011 meeting. Yvonne Chaillet, Zoning Administrator was sworn for the record. Mr. Zack Mattingly was sworn for the record.

Mr. Norris III asked Mr. Mattingly to identify the May 19, 2011 Exhibit No. 4 for the record and Mr. Mattingly did so. Mr. Mattingly identified the building on Exhibit 4 marked with a green "X" as being on the property prior to 1969 and that it used to be two or three sheds which were used to work on cars. Mr. Norris referred to Exhibit 3 Page 45. Mr. Mattingly indicated on Exhibit 4 the locations of the work and storage areas. Mr. Norris noted the lot numbers in which Mr. Mattingly indicated on Exhibit 4. Mr. Mattingly indicated that from 1972 through present day lots 160-164 were used for the auto racing and repair business. Mr. Norris referred to Exhibit 3 Page 46 and Page 87 which Mr. Mattingly identified. Mr. Thompson asked if all the pages in the book have to do with the auto racing and repair business. Mr. Mattingly stated yes. Mr. Thompson questioned page 57 as it is addressed to Zack Mattingly of Bell Motor Company. Mr. Mattingly indicated this is a receipt for contract work he did for Bell Motors

Mr. Mattingly testified his father opened the shop in the 1950's. Mr. Norris referenced Exhibit 3 Pages 2, through 10 and 176 through 178. Mr. Thompson stated there are documents contained in Exhibit 3 that the Board is not comfortable entering into the record without further clarification. Mr. Thompson stated he would like to have the signature on Exhibit 3 Page 10 reviewed. Mr. Thompson stated he would feel more comfortable having Mr. Grimm come in to testify on this as it is a completely different signature than all the others. Mr. Thompson asked Mr. Dugan to look in to the Board's subpoena powers. Mr. Thompson stated this page is the most important piece of evidence in this case. Mr. Thompson stated he is not going to continue with the hearing until he knows the validity of this signature. Mr. Norris stated there are three versions of this permit (Pages 4, 5, and 10) and even if it is Mr. Grimm's signature we need to know if he approved it himself or authorized it to be signed on his behalf. Mr. Norris asked that if an affidavit is submitted by Mr. Grimm that this questioned be addressed. The Board agreed that they would like clarification on this page. Mr. Dugan and Mr. Norris agreed to either have Mr. Grimm come in to testify at the next hearing or meet with Mr. Grimm to get a signed affidavit regarding the signatures.

Mr. Thompson asked if anyone present tonight would like to speak either for or against the applicant. Mr. Norris asked that tabs 2 and 3 be moved into evidence. [Page 87 was stricken from the record and agreed upon by both Mr. Dugan and Mr. Norris]

Ms. Loretta Abell Vallandingham, representing the Abell family, was sworn for the record. Ms. Vallandingham read a statement from the family for the record. Ms. Vallandingham used Exhibit 4 to indicate where buildings were located in 1951. Ms. Vallandingham testified to the noise, lack of operational hours, blockage of the driveway, blight, and general nuisances on the property in question. Mr. Thompson asked if anyone has ever gone over to speak with Mr. Mattingly. Ms.

Vallandingham stated no and that through the years there have been numerous times 911 has been called with no avail. Mr. Norris stated Ms. Vallandingham mentioned she was representing the Abell family however she has provided no evidence of this fact. However, the Board required Mr. Mattingly to provide a signed affidavit from Mr. Verghese. Ms. Vallandingham amended her statement and indicated if the affidavit is an issue then she is speaking for herself. Mr. Norris further questioned Ms. Vallandingham statements. Mr. Dugan stated if Mr. Norris wants to cross examine the witness so be it, but he can do it without badgering the witness. Mr. Norris stated this shows the credibility of the witness that she has changed her testimony. Ms. Vallandingham clarified her testimony.

Hearing no others, Mr. Thompson asked for a continuance date. Mr. Dugan stated he was unsure when he would be able to meet with Mr. Grimm.

***Mr. Guy made a motion to continue the hearing to a later date and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

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

The minutes of June 23, 2011 were approved as recorded.

**The Board authorized the Chair to review and sign the following orders:**  
VAAP #11-132-001 - Fair Office Park

#### **ADJOURNMENT**

The meeting was adjourned at 8:10 p.m.

---

Jada Stuckert, Recording Secretary

Approved in open session: July 28, 2011

---

Howard Thompson  
Chairman