

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, July 26, 2012**

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, and Ronald Payne. Alternate John Brown was also present. George T. Edmonds was excused. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director of LUGM; 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 6:35 p.m.

PUBLIC HEARINGS

VAAP #07-3195 - Bright

This case was advertised in The Enterprise, but was withdrawn by the property owner and will be rescheduled at a later date.

VAAP #11-1851 – Holt

This case was advertised in The Enterprise, but has been rescheduled for a later date due to the applicant's failure to post the property and notify the adjacent property owners.

VAAP #10-1534 – Pilkerton

Ms. Yvonne Chaillet, LUGM was sworn for the record. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Mr. Chris Longmore, for the applicant, requested a continuance in order to work with staff and the Critical Area Commission to resolve any issues.

Mr. Guy made a motion in the matter of VAAP #10-1534, Pilkerton, to continue the case to September 13, 2012 and Mr. Moreland seconded. The motion passed by a 5-0 vote.

ADDITION TO THE AGENDA

VAAP #12-0051 - Mitchell

Chairman Hayden referenced a letter from Mr. Chris Longmore which asks what additional information the Board would like to see for this variance request. Mr. Longmore asked that the Board elaborate on their previous request. Chairman Hayden stated the Board originally asked for a scaled site plan. Mr. Longmore asked that if this information can be provided if the continuance date of October could be moved up. Chairman Hayden stated if this was to happen the case would need to be re-advertised.

VAAP #10-1341 – Sparks

Ms. Yvonne Chaillet, LUGM, was sworn for the record. The applicant is requesting a variance to increase the allowed square footage of a home occupation in the RPD. The property contains 1.68 acres; is zoned Rural Preservation District (RPD); and is located at 25410 Vista Road, Hollywood, Maryland; Tax Map 20, Grid 24, Parcel 71.

Owner: Bobby & Patricia Sparks
Applicant: Patricia Sparks

The property and variance request were advertised in The Enterprise on July 11, 2012 and July 18, 2012. 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 16, 2012 and the general standards for granting variances and the

specific regulations and standards for a home occupation. Ms. Chaillet submitted the staff report and attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary.*

Ms. Patricia Sparks was sworn for the record. Ms. Sparks stated she's been in business for 15 years and went through all the proper channels for permits. Ms. Sparks stated she was unaware that the walk-in refrigerator would be considered as square footage for the business. Ms. Sparks stated she viewed the refrigerator as an appliance rather than permanent building structure.

Chairman Hayden asked if there was anyone who wished to speak either for or against this case, hearing none, Chairman Hayden closed the hearing to public comment.

Mr. Payne made a motion in the matter of VAAP #10-1341, Sparks, having made a finding that the standards for granting a variance and the objectives of Section 51.3.116 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to increase the allowed square footage of a home occupation in the Rural Preservation District from 500 square feet to 612 square feet and Mr. Guy seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of July 12, 2012 were approved as recorded.

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

VAAP #11-2040 – Doussard

ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: August 9, 2012

George Allan Hayden
Chairman