

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, September 13, 2012**

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, and Ronald Payne. George T. Edmonds and John Brown were 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.

**PUBLIC HEARINGS**

**VAAP #10-1534 – Pilkerton – Continued from 7/26/12**

Mr. Chris Longmore requested a continuance.

***Mr. Guy made a motion to continue VAAP #10-1534 to the September 27, 2012 meeting and Mr. Moreland seconded. The motion passed by a 4-0 vote.***

**VAAP #10-120-001 – Kingswood Subdivision – Continued from 7/12/12**

Chairman Hayden indicated this case is being continued from the July 12, 2012 meeting where the case was opened, public comment was received and public testimony was closed.

Mr. Jerry Nokleby was sworn for the record. Mr. Nokleby submitted a page entitled "Proposed Lots 1-8 Kingswood Subdivision" for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Mr. Nokleby also submitted a printed copy of the PowerPoint Presentation for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Chairman Hayden stated he is uncomfortable granting waivers without an approved plan from the Planning Commission. Mr. Sparling clarified the request is for specific variances for specific lots. Mr. Sparling indicated this information has been received from the applicant. Mr. Sparling indicated if this is a different plan than what the Planning Commission reviewed, the Board may not want to take any action but rather refer the case back to the Planning Commission.

Mr. Phil Shire was sworn for the record. Mr. Shire indicated after meeting with the applicants several times it was decided the applicant would move forward to the Planning Commission. Mr. Shire stated the Planning Commission would not make a decision until they knew whether or not the variances would be granted which is why this case is before the Board of Appeals tonight.

Mr. Winters was sworn for the record. Mr. Winters narrated the PowerPoint Presentation that was shown for the Board. After discussion it was decided that request #3 not be considered.

Ms. Chaillet stated this revised site plan has not been reviewed by any member of staff; it has not been through TEC or reviewed by the Planning Commission. Ms. Chaillet stated the applicant has not addressed the standards for granting a variance.

Mr. Shire stated he met with both the applicant and Mr. Nokleby regarding the new site plan and he has in fact reviewed the information and is okay with it.

Mr. Hayden stated the information the board is looking for is more lot specific. Each lots to identify each variance request. 8:00 p.m.

***Mr. Guy made a motion to continue the case to October 11, 2012 and Mr. Payne seconded. The motion passed by a 4-0 vote.***

**VAAP #11-1852 – Holt**

Ms. Chaillet indicated the certified mail receipts have not been received and the property was not posted in time.

Mr. William Holt was sworn for the record. Mr. Holt submitted the certified mail receipts for the record.

Ms. Yvonne Chaillet, LUGM was sworn for the record. Ms. Chaillet stated the property was to be posted August 29, 2012 but the property wasn't posted until after August 31, 2012. Mr. Hayden asked if the certified mail receipts were sent on time. Ms. Chaillet stated yes.

**BREAK**

Chairman Hayden having spoken with the Board's attorney stated the applicant will be required to repost the property and resend the certified mailings prior to the case being heard by the Board. Mr. Shire stated the department would be willing to waive the application fees through LUGM.

**CUAP #12-131-006 – Loveville Surface Mine & VAAP #12-131-006 – Loveville Surface Mine**

Mr. Page Wyrrough requested a continuance for both cases.

***Mr. Guy made a motion to continue CUAP & VAAP #12-131-006 to the October 25, 2012 meeting and Mr. Moreland seconded. The motion passed by a 4-0 vote.***

**MINUTES AND ORDERS APPROVED**

The minutes of August 9, 2012 were approved as recorded.

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

VAAP #08-1313 - Randall

**ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

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Jada Stuckert, Recording Secretary

Approved in open session: October 25, 2012

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George Allan Hayden  
Chairman