

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, November 14, 2013**

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; 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 #12-141-028 – McDermott Property

Ms. Chaillet, LUGM was sworn for the record. The property contains 0.38 acres; is zoned Residential, Low-Density (RL) District, Limited Development Area (LDA) Overlay; and is located at 17759 Whitestone Drive, Tall Timbers, Maryland; Tax Map 65, Block 3, Parcel 312.

Mr. Sparling stated the board received the video and copies of the Hearing Examiner's Findings however they did not receive the actual exhibits submitted and indicated that the exhibits are legally necessary to the case. Therefore Mr. Sparling recommended the case be continued. ***Mr. Moreland made a motion to continue the hearing to December 12, 2013 and Mr. Guy seconded. The motion passed by a 5-0 vote.***

PUBLIC HEARINGS

VAAP #12-132-009 – South Gate Self Storage (Continued from 10/10/13)

Ms. Yvonne Chaillet, LUGM was sworn for the record and explained this case is being continued from October 10, 2013 where the applicant agreed to a continuance in order to receive comments from the Navy regarding the project. Ms. Chaillet indicated those comments were received on November 13, 2013 and have been submitted for the record, *hereby labeled as Exhibit 1 by the Recording Secretary.*

Mr. Sparling indicated it has been the policy of the board to not consider variances which have not been approved by the Planning Commission. Chairman Hayden referred to Staff Report Attachment #2 – Planning Commission Meeting Minutes of June 10, 2013 which state *“Mr. Evans made a motion in the matter of CCSP #12-132-009, South Gate Storage, having accepted the staff report and having made a finding that the objectives of Section 60.5.4 of the Zoning Ordinance have been met, and noting that the referenced project has met all requirements for concept approval, to be forwarded to the Board of Appeals, I move that the concept site plan be approved with the condition that upon approval by the Board of Appeals the concept site plan will be returned to the Planning Commission for further review and Mr. Willard seconded. The motion passed by a 5-2 vote with Ms. Guazzo and Ms. McNeill opposed.”*

Mr. Hunt, LUGM was sworn for the record. Mr. Hunt confirmed the Planning Commission's approval indicating they only want to see the project again to look at the aesthetic renderings. Mr. Longmore, attorney for the applicant, indicated Planning Commission approval was given on June 10, 2013 and requested the Board of Appeals take action on the requests tonight in order to avoid delay to the applicant. Mr. Jay Hobson, Civil Engineer for the applicant, confirmed the Planning Commission only had questions regarding elevations and aesthetics of the buildings. Mr. Hayden stated the Board is not confident that the Planning Commission won't reverse their decision which would negate any variances granted therefore the Board should return the case to the Planning Commission.

Mr. Moreland made a motion to remand the case back to the Planning Commission on their November 25th meeting for a revision of their approval motion to remove the stipulation that the case shall return to the Planning Commission after receiving Board of Appeals approval and that once the Planning Commission motion is amended the case shall return to the Board of Appeals on 12-12-13 and Mr. Guy seconded. The motion passed by a 5-0 vote.

VAAP #13-1207 - Hudson

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct an attached garage with second story living space and a parking area. The property contains 10,300 square feet; is zoned Residential Low Density (RL) district, Intensely Developed Area (IDA) Overlay; and is located at 45473 Saint George's Avenue, Piney Point, Maryland; Tax Map 65A, Parcel 39.

Owner: James & Julianna Hudson
Present: Jeff Errington, Errington Builders, LLC

The property and variance request were advertised in The Enterprise on October 30, 2013 and November 6, 2013. 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 November 4, 2013 and the specific standards for granting variances in the critical area and the 100 foot critical area buffer. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Errington was sworn for the record. Mr. Errington gave a brief PowerPoint presentation explaining the variance request and provided a copy of the PowerPoint presentation for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Errington addressed each standard for the variance.

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 #13-1207, Hudson, 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 two-story attached garage with second story living space and a parking area and Mr. Green seconded. The motion passed by a 5-0 vote.

VAAP #12-0632 - Crawford

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct a new walkway, porch, deck, two-story detached garage, and driveway and to exceed the allowed lot coverage in the Critical Area. The property contains 1.9 acres; is zoned Residential Neighborhood Conservation (RNC) district, Limited Development Area (LDA) Overlay; and is located at 23630 Town Creek Drive, Lexington Park, Maryland; Tax Map 35A, Grid 6, Parcel 18.

Owner: David & Pamela Crawford

The property and variance request were advertised in The Enterprise on October 30, 2013 and November 6, 2013. 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 November 1, 2013 and the specific standards for granting variances in the critical area, the 100-foot critical area buffer, and the limited development area overlay district. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

David Crawford was sworn for the record. Mr. Crawford explained his wife has MS and now requires wheelchair access ramps which explain the need for the walkways. Mr. Crawford indicated the living space above the garage is for an in house nurse. Mr. Crawford indicated the reason for all the renovations are specifically for his wife's medical needs and quality of life.

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 #12-0632, Crawford, 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 new walkway, porch, deck, detached two-story garage, and driveway and Mr. Green seconded. The motion passed by a 5-0 vote.

Mr. Guy made a motion in the matter of VAAP #12-0632, Crawford, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 41.5.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request to exceed the allowed lot coverage in the Critical Area and Mr. Green seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of October 10, 2013 were approved as recorded.

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

VAAP #13-0908 – Felps

VAAP #13-0438 - Rosenbluth

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: December 12, 2013

George Allan Hayden
Chairman