

MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, November 15, 2012

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, George T. Edmonds, and Ronald Payne. Alternate John Brown was also present. 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 #07-3195 - Bright

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to add lot coverage in the Buffer and a variance to reduce the side yard setback on the west side of the property. The property contains 19,578 square feet; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 40295 Rosebank Lane, Leonardtown, Maryland; Tax Map 48, Grid 1, Parcel 68.

Owner: Charles & Leone Bright

The property and variance requests were advertised in The Enterprise on October 31, 2012 and November 7, 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 October 31, 2012 and the specific standards for granting variances in the Critical Area, the 100-foot Critical Area Buffer and development standards. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Charles Bright was sworn for the record. Mr. Bright gave an overview of the need for the two variances. Ms. Chaillet submitted an aerial photo of the property for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Moreland questioned the location of the addition and the Critical Area Buffer lines. Ms. Chaillet stated the site plan should be corrected prior to the issuance of a permit. Mr. Bright submitted a full copy of the survey, including date, for the record, *hereby labeled as Exhibit 4 by the Recording Secretary*.

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 #07-3195, Bright, 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 add lot coverage in the Buffer, subject to the following conditions:

- 1. The Applicants shall provide a Planting Plan prior to the issuance of the building permit, which shows the required 3:1 mitigation per square foot of the variance granted pursuant to Section 24.4.2.b of the Ordinance. The Planting Plan shall show which native species have been selected for planting, and where in the Critical Area Buffer the Applicants propose to plant the vegetation.***
- 2. The Applicants shall comply with the Critical Area Planting Agreement and approved Planting Plan.***

In the matter of VAAP #07-3195, Bright, 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 reduce the side yard setback on the west side of the property from 15 feet to nine feet.

Mr. Moreland seconded and the motion passed by a 5-0 vote.

VAAP #12-1562 - Hackett

Ms. Yvonne Chaillet, LUGM was 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 21,780 square feet; is zoned Residential Neighborhood Conservation (RNC) District, Limited Development Area (LDA) Overlay; and is located at 45174 Christman Road, Hollywood, Maryland; Tax Map 27, Grid 11, Parcel 386.

Owner: Joan & Raymond Hackett, Jr.
Present: Ron Litten of R.L. Litten & Associates, Architects

The property and variance request were advertised in The Enterprise on October 31, 2012 and November 7, 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 November 7, 2012 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. Ron Litten, for the applicant was sworn for the record. Mr. Litten submitted an enlarged site plan for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Litten gave an overview of the variance request stating the proposed house and deck are no closer to the water than the existing house.

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

Mr. Edmonds made a motion in the matter of VAAP #12-1562, Hackett, 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 replacement single-family dwelling, subject to the following conditions:

- 1. The Applicant shall provide a Planting Plan prior to the issuance of the building permit, which shows the required three to one (3:1) mitigation per square foot of the net area of lot coverage in the Critical Area Buffer and the required one to one (1:1) mitigation for the area that will be temporarily disturbed during construction, but is outside the area of permanent lot coverage. The Planting Plan shall show which native species have been selected for planting, and where in the Critical Area Buffer the Applicants propose to plant the vegetation.***
- 2. The Applicants shall comply with the Critical Area Planting Agreement and approved Planting Plan.***

Mr. Guy seconded and the motion passed by a 5-0 vote.

VAAP #11-1852 - Holt

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to increase the residential density in the RPD with the addition of a second dwelling. The property contains 2.4 acres; is zoned Rural Preservation District; and is located at 26516 Holt Lane, Mechanicsville, Maryland; Tax Map 13, Grid 24, Parcel 12.

Owner: William & Mary Holt
Present: Tina Holt for the applicants

The property and variance request were advertised in The Enterprise on October 31, 2012 and November 7, 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 October 31, 2012 and the general standards for granting variances and development standards. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Ms. Tina Holt was sworn for the record. Ms. Holt gave an overview of the variance request stating the second dwelling is necessary so that she can move back on to the property and take care of her mother-in-law.

Chairman Hayden opened the hearing to public comment.

Mr. Joe St. Clair was sworn for the record. Mr. St. Clair indicated he is the Chairman of the Metropolitan Commission but is not here representing them tonight. Mr. St. Clair stated he is a longtime friend of the family. Mr. St. Clair testified to the location of the trailer before it was removed. Mr. St. Clair asked that the Board grant the variance.

Ms. Scriber asked that the Board grant the variance.

Ms. Mary Catherine Holt was sworn for the record. Ms. Holt asked the septic and well system. Mr. Hayden explained the well and septic regulations are dealt with through the Health Department. Ms. Holt testified she would like to have the additional dwelling on the property.

Ms. Laverne Holt was sworn for the record. Ms. Holt asked that the Board approve the variance request. Ms. Holt stated she does not understand why the trailer cannot be placed on the property. Ms. Holt stated this is family property and each family should be allowed to have their own house.

Ms. Linda Holt testified to other avenues she's explored in case the variance is denied and she has yet to come up with a viable option at this point. Ms. Holt reiterated the need for the variance request.

Chairman Hayden closed the hearing to public comment.

Mr. Moreland made a motion in the matter of VAAP #11-1852, Holt, having made a finding that the standards for granting a variance and the objectives of Schedule 32.1 of the St. Mary's County Comprehensive Zoning Ordinance have not been met, I move to deny the variance request to increase the residential density in the RPD with the addition of a second dwelling on 2.4 acres and Mr. Payne seconded. The motion passed by a 3-2 vote with Mr. Edmonds and Mr. Hayden opposed.

MINUTES AND ORDERS APPROVED

The minutes of October 25, 2012 were approved as recorded.

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

VAAP #10-120-001 – Kingswood Subdivision

VAAP #12-0051 - Mitchell

ADJOURNMENT

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

Jada Stuckert, Recording Secretary

Approved in open session: December 13, 2012

George Allan Hayden
Chairman