

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

ELECTIONS

Mr. Payne nominated George Hayden for Chairman and Mr. Moreland seconded. The motion passed by a 4-0-1 vote with Mr. Hayden abstaining.

Mr. Hayden nominated Mr. Guy for Vice-Chairman and Mr. Moreland seconded. The motion passed by a 4-0-1 vote with Mr. Guy abstaining.

PUBLIC HEARINGS

VAAP #11-1597 - Ballard

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct a patio. The property contains 23,958 square feet; is zoned Residential Neighborhood Conservation (RNC) District, Resource Conservation Area (RCA) Overlay; and is located at 21901 Helen Lane, Leonardtown, Maryland; Tax Map 40, Grid 16, Parcel 99.

Owner: Robert & Cynthia Ballard

The property and variance request were advertised in The Enterprise on January 30, 2013 and February 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 February 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*. Ms. Chaillet submitted comments from David Rullman for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*.

Robert and Cynthia Ballard were sworn for the record. Mr. Ballard submitted four pictures for the record, *hereby labeled as Exhibits 4, 5, 6, and 7 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 #11-1597, Ballard, 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 375- foot patio and Mr. Moreland seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

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

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

VAAP #12-0511 - Medlin

DISCUSSION

Mr. Sparling submitted suggested amendments to the Rules of Procedure as follows:

Rule 1-105.b

The latest day is included in the determination unless it is a Saturday, Sunday, or legal holiday, in which event the latest day is the next preceding day which is not a Saturday, Sunday, or legal holiday.

Rule 2-104.c

Proof of Notice. An applicant or appellant shall file with the Clerk of the Board, at least three days prior to the date of a hearing, (1) evidence of any required mailings and (2) an affidavit of any required posting(s) including a photograph of the notice(s) as posted. Unless legally sufficient proof of notice is filed as required by this paragraph, the scheduled hearing shall be postponed and the applicant or appellant shall pay to the Clerk the cost of publication of notice of a new hearing date. If an appellant fails to file a legally sufficient proof of notice as required by this paragraph, upon motion of the original applicant and upon a showing of prejudice to the original applicant, The Board may dismiss the appeal.

Mr. Sparling asked that the Board review the proposed amendments for vote at the next meeting.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: March 14, 2013

George Allan Hayden
Chairman