

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, March 13, 2014**

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, Ronald Payne, and John Brown. William Greene was excused. Department of Land Use & Growth Management (LUGM) staff present were Bill Hunt, Deputy Director; Yvonne Chaillet, Zoning Administrator; and Carrie Ann Heinz, Critical Area Planner. 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 #13-1580 – Pyles Property**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to reduce the required 25-foot setback to 17 feet in order to construct a one-story addition to the existing two-story detached garage. The property contains 1.432 acres; is zoned Rural Preservation District; and is located at 38529 Dorothy Mae Court, Clements, Maryland; Tax Map 24, Grid 19, Parcel 218.

Owner: Charles and Romell Pyles  
Present: Anita Sullivan, Agent for Applicant

The property and variance request were advertised in The Enterprise on February 26, 2014 and March 5, 2014. 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 20, 2014 and submitted it for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Ms. Sullivan testified that the lot itself is restricted due to its size and the applicant would like to enclose a portion of the driveway to house his personal vehicle. Ms. Sullivan submitted five (5) photos of the properties driveway for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Moreland indicated when the Pyles purchased the property they applied for and built the now existing detached three car garage. Ms. Sullivan indicated this is correct. Mr. Moreland asked if the applicant has room in the rear of the property near Route 234 to build a one car garage. Ms. Sullivan stated yes. Mr. Moreland indicated there is also room between the existing fence and the rear of the property to building this garage. Mr. Guy asked if the applicant provided answers to the standards for granting a variance. Ms. Sullivan stated the applicants did submit a letter regarding the standards. Ms. Chaillet indicated a short paragraph was received by staff however it did not answer the standards for granting a 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 #13-1580, Pyles, having made a finding that the standards for granting a variance from Schedule 32.1 of the Comprehensive Zoning Ordinance have not been met, I move to deny the request to reduce the required 25-foot front yard setback to 17 feet and Mr. Moreland seconded. The motion passed by a 5-0 vote.***

**VAAP #14-0073 – Ruth Feicht Property**

Ms. Carrie Ann Heinz, LUGM was sworn for the record. The applicant is requesting a variance to clear in excess of 30 percent of the existing vegetation in the critical Area to construct a single-family dwelling. The property contains 10,000 square feet; is zoned Residential Neighborhood Conservation (RNC) District, Limited Development Area (LDA) Overlay; and is located at 24230 Patuxent Beach Road, California, Maryland; Tax Map 35, Grid 02, Parcel 03.

Owner: Rory and Ruth Feicht

The property and variance request were advertised in The Enterprise on February 26, 2014 and March 5, 2014. Ms. Heinz submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Heinz gave an overview of the staff report dated March 5, 2014 and submitted it for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Feicht indicated they are asking to clear in excess of 30% of the existing vegetation in the critical area and would be willing to mitigate. Mr. Feicht submitted a letter to the Board of Appeals dated 3/13/14, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Feicht submitted a memo from the St. Mary's County Health Department dated 3/12/14, *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 #14-0073 having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 72.3.1.c of the St. Mary's County comprehensive Zoning Ordinance have been met, I move to approve the variance request to clear 7,025 square feet or 85.6 percent of the existing vegetation to construct a single-family dwelling in the Critical Area, 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 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 on the Property the Applicant proposes to plant the vegetation. Areas without forest vegetation must be planted first prior to paying fees-in-lieu; and***
- 2. The Applicant shall comply with the Critical Area Planting Agreement and approved Buffer Management Plan; and***
- 3. The proposed clearing shall not exceed 85.6 percent of the existing vegetation.***

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

**CUAP #12-135-001 – Piney Point Commercial Communication Tower**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a conditional use to construct a commercial communication tower. The property contains 12.91 acres; is zoned Residential, Low-Density (RL) District; and is located at 17750 Piney Point Road, Piney Point, Maryland; Tax Map 65, Grid 05, Parcel 311.

Owner: Joseph E. and Mary A. Goddard  
Present: Page Wyrough, Attorney for the Applicant; Manny Dureja, Telecom LLC and Pat Mudd of Mudd Engineering

The property and conditional use request were advertised in The Enterprise on February 26, 2014 and March 5, 2014. 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 March 6, 2014 and submitted it for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Wyrough submitted the following exhibits for the record, *hereby labeled as written by the Recording Secretary*. Mr. Wyrough and Mr. Dureja gave an overview of the exhibits and how they relate to the request for a monopole.

1. FCC Compliance & Guidance for Human Exposure to RF Electromagnetic Fields – *Exhibit 3*
2. Buildout Plan (5 pages) – *Exhibit 4*
3. Report on drawings and calculations (12 page) – *Exhibit 5*
4. Photo simulations from visual impact study for proposed monopole (3 pages) – *Exhibit 6*
5. Letter from Mike Candland, Dynis regarding lease agreement – *Exhibit 7*

Throughout discussion, the Board asked for several pieces of information to include larger photos, proper site plans, etc.

***A motion and seconded in the matter of CUAP #12-135-001, Piney Point Commercial Communication Tower, to continue the case to the April 10, 2014 meeting. The motion passed by a 5-0 vote.***

#### **MINUTES AND ORDERS APPROVED**

The minutes of December 12, 2013 were approved as recorded.

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

None

#### **ELECTION OF OFFICERS**

***Mr. Payne nominated George Hayden as Chairman and Randy Guy as Vice-Chairman and Mr. Moreland seconded. The motion passed.***

#### **ADJOURNMENT**

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

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Jada Stuckert, Recording Secretary

Approved in open session: April 10, 2014

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George Allan Hayden  
Chairman