

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, March 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 was Bill Hunt, Deputy Director and Yvonne Chaillet, Zoning Administrator. 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

**CUAP #12-131-006 – Loveville Surface Mine & VAAP #12-131-006 – Loveville Surface Mine
(Continued from 01/10/13)**

Mr. Sparling gave an overview of the pending regulations regarding mining operations. Mr. Sparling indicated there is nothing for the Board to consider at this time regarding the ongoing mining operation. Mr. Moreland recused himself from these cases. Mr. Page Wyrrough, Attorney for the Applicant, indicated he is in agreement with the County Attorney, George Sparling.

VAAP #12-2398 – Miles and Wood

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to reduce the front yard and side yard setbacks. The property contains 12,415 square feet; is zoned Residential Neighborhood Conservation (RNC) District, Limited Development Area (LDA) and Buffer Management (BMO) Overlay; and is located at 24183 River Drive, Maddox, Maryland; Tax Map 22A, Parcel 39.

Owner: Linda Miles and Jeannette Wood
Present: Dean Wolfe, Builder for the Owner

The property and variance request were advertised in The Enterprise on February 27, 2013 and March 6, 2013. Ms. Chaillet indicated the mailing receipts were received. Ms. Chaillet gave an overview of the staff report dated March 1, 2013 and the general standards for granting variances, and the development standards. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 1 by the Recording Secretary.*

Dean Wolfe, Builder for Applicant, was sworn for the record. Mr. Wolfe stated he was hired to build the addition and do some interior renovations to the existing house. Mr. Wolfe stated the addition is of very modest size and matches other homes in the neighborhood.

Mr. Moreland questioned the authenticity of the numbers on the location drawing considering it is not a certified by a surveyor or engineer.

Chairman Hayden opened the hearing to public comment.

Mr. Ernest Hanowell, neighbor, was sworn for the record. Mr. Hanowell submitted seven (7) exhibits for the record which are listed below.

- Exhibit N1 – Written Summary of Testimony
- Exhibit N2 – Aerial Photo of Property
- Exhibit N3 – Photo of Miles & Wood House
- Exhibit N4 – Photo of Property Line
- Exhibit N5 – Photos of Drainage Ditch and Property Line
- Exhibit N6 – Photos of Gazebo Relocation and Storm Runoff
- Exhibit N7 – Photos of Tree Cuttings and Brush

Mr. Hanowell gave an overview of the exhibits and requested that the variance not be granted. Mrs. Susan Hanowell was sworn for the record. Mrs. Hanowell indicated an existing fence was removed as well as trees and brush. Mrs. Hanowell stated she is very worried about the possibility of more erosion and asked that the Board not grant the variance.

Chairman Hayden closed the public hearing to public comment. Mr. Moreland suggested the applicant obtain a more accurate survey of the property and have staff look at the property. Mr. Wolfe stated after viewing the evidence submitted by the Hanowell's he is in support of continuing the case so a proper survey can be obtained and submitted to the Board. Mr. Wolfe asked for a continuance.

Mr. Guy made a motion in the matter of VAAP #12-2398, Miles and Wood, to continue the case to May 9, 2013 and Mr. Moreland seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of February 14, 2013 were approved as recorded.

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

None

ADMINISTRATIVE

Rules of Procedure

Mr. Guy made a motion to accept the two changes to the Rules of Procedure and Mr. Greene seconded. The motion passed by a 5-0 vote.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: March 28, 2013

George Allan Hayden
Chairman