

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, April 10, 2014**

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.

PUBLIC HEARINGS

CUAP #12-135-001 – Piney Point Cell Tower

This case is being continued from the March 13, 2014 hearing. Mr. Moreland recused himself from voting on this application. Chairman Hayden asked that staff provide Mr. Green all applicable information regarding this case so he can make an informed decision. Mr. Wyrough, for the applicant, requested that the case be continued again to allow the applicant additional time to provide the Board with information which they requested at the March 13, 2014 hearing.

Mr. Guy made a motion to continue the hearing to May 8, 2014 and Mr. Green seconded. The motion passed by a 5-0-1 vote with Mr. Moreland abstaining.

VAAP #05-3122 - Grant

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct a single-family dwelling and appurtenances. The property contains 1.62 acres; is zoned Rural Preservation District, Limited Development Area (LDA) Overlay; and is located at 25905 Whiskey Creek Road, Hollywood, Maryland; Tax Map 21, Grid 07, Parcel 144.

Owner: Mr. and Mrs. Robert L. Grant

Present: Wayne Hunt, Little Silences Rest and Brian Norris, Cherry Cove Builders

The property and variance request were advertised in The Enterprise on March 26, 2014 and April 2, 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 31, 2014 and the specific standards for granting variances in the Critical Area and the 100-foot buffer (prohibition on development in the buffer without a variance). Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Hunt addressed the standards for granting a variance indicating the applicant meets all requirements for granting the variance. Mr. Payne asked about the discrepancy in the acreage. Mr. Hunt explained that the shoreline has moved and the survey was corrected to reflect the new acreage.

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 #05-3122, 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 single-

family dwelling and appurtenances and Mr. Moreland seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of March 13, 2014 were approved as recorded.

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

VAAP #12-132-009 – South Gate Storage

ZAAP #12-141-028 – DePriest

VAAP #13-1580 – Pyles Property

VAAP #14-0073 – Feicht Property

ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: May 8, 2014

George Allan Hayden
Chairman