

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, May 9, 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 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**

**VAAP #12-2398 – Miles and Wood**

Ms. Yvonne Chaillet, LUGM was sworn for the record. Ms. Chaillet stated the case was heard on March 14, 2013 and continued by the Board until May 9, 2013. Ms. Chaillet gave an overview of the revised staff report and submitted the report, dated April 26, 2013, for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet indicated LUGM Inspector, Amy Fischer, visited the property and submitted written findings that no violations were found on the property. Ms. Chaillet stated that letter is attachment 2 to the staff report.

Mr. Dean Wolfe, for the Applicant, was sworn for the record. Mr. Wolfe stated the applicant has submitted a more accurate survey for the Board which is attachment 1 to the staff report. Ms. Chaillet indicated the screened porch listed on the survey has been moved out of the buffer and away from all property lines.

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 #12-2398, Miles and Wood, 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 been met, I move to approve the variance requests to reduce the front yard setback from 25 feet to 17 feet; to reduce the side yard setback on the north side of the Property from 10 feet to eight (8) feet; and to reduce the side yard setback on the south side of the Property from 10 feet to five and four tenths (5.4) feet and Mr. Moreland seconded. The motion passed by a 5-0 vote.***

**VAAP #13-0288 - Manning**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to reduce the required 25-foot front yard setback and variance from Footnote 4, Schedule 32.1 of the Comprehensive Zoning Ordinance to reduce the minimum side yard setback for a detached accessory structure in order to construct a shed. The property contains 11,234 square feet; is zoned Rural Preservation District, Limited Development Area (LDA) and Buffer Management (BMO) Overlays; and is located at 42019 White Point Beach Road, Leonardtown, Maryland; Tax Map 56, Grid 1, Parcel 35.

Owner: Cameron Manning

The property and variance request were advertised in The Enterprise on April 24, 2013 and May 1, 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, with attachments, dated April 29, 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 2 by the Recording Secretary*.

Mr. Cameron Manning was sworn for the record. Mr. Manning gave an overview of the property and the variance request. Mr. Manning stated the residence is very small and there isn't much room to store anything which explains the need for the shed. Mr. Manning stated the Health Department indicated if

the proposed shed is moved any closer inward it will encroach on the secondary septic field. Mr. Manning provided the Board with photos of the property, *hereby labeled as Exhibits 3, 4, 5, and 6 respectively by the Recording Secretary.*

Mr. Guy questioned the run-off from the roof of the proposed shed. Mr. Manning indicated he would be willing to install gutters on the shed to avoid run-off onto his neighbor's property. Mr. Manning stated he is aware that the shed will have to be anchored. Mr. Manning indicated other properties in the neighborhood have sheds for storage.

Chairman Hayden opened the hearing to public comment.

Ms. Margaret J. Abraham was sworn for the record. Ms. Abraham stated she is Mr. Manning's neighbor, living two houses down. Ms. Abraham stated the lots in this area are so small that everyone has a shed on their property in the front of the house which is the same location Mr. Manning is proposing. Mr. Manning stated this is not an uncommon request for this neighborhood; all sheds are close to the road, driveways, and neighboring houses. Ms. Abraham asked that the Board grant the variance request.

Chairman Hayden closed the hearing to public comment.

***Mr. Guy made a motion in the matter of VAAP #13-0288, Manning, 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 been met, I move to approve the variance request to reduce the required 25-foot front yard setback to 7 feet in order to construct a 576 square-foot shed and;***

***In the matter of VAAP #13-0288, Manning, having made a finding that the standards for granting a variance and the objectives of Footnote 4 in Schedule 32.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce the required five-(5) foot side yard setback for a detached accessory structure to two (2) feet in order to construct a 576 square foot shed with the following condition:***

***The Applicant submits a stormwater management plan to the Department of Land Use and Growth Management (LUGM) for approval. Mr. Greene seconded and the motion passed by a 5-0 vote.***

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

The minutes of April 25, 2013 were approved as recorded.

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

VAAP #12-0457 - Johnson

#### **ADJOURNMENT**

The meeting was adjourned at 7:45 p.m.

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Jada Stuckert, Recording Secretary

Approved in open session: May 23, 2013

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James R. Guy  
Vice-Chairman