

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, July 12, 2012**

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, George T. Edmonds, 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.

**PUBLIC HEARINGS**

**VAAP #12-0511 - Medlin**

Ms. Yvonne Chaillet, LUGM was sworn for the record. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Mr. John Murphy, for the applicant, was sworn for the record. Mr. Murphy asked for a continuance to allow the owner to make changes to the site plan.

***Mr. Guy made a motion in the matter of VAAP #12-0511, Medlin, to continue the case to August 9, 2012 and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

**VAAP #11-2040 – Doussard**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct a shed and walkway; variances to reduce the required 10-foot setback between structures. The property contains 1.00 acre; is zoned Rural Preservation District (RPD), Limited Development Area (LDA) Overlay; and is located at 16480 Sayre Point Lane, Piney Point, Maryland; Tax Map 69, Grid 9, Parcel 134.

Owner: James Doussard

The property and variance requests were advertised in The Enterprise on June 27, 2012 and July 4, 2012. 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 June 28, 2012 and the specific standards for granting variances in the Critical Area, the 1-foot Critical Area Buffer, and the general regulations and standards for all uses. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. James Doussard was sworn for the record. Mr. Doussard submitted a twenty (20) page explanation of the variance requests dated 7/12/12 for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Doussard addressed the standards for granting a variance while referring to staff report attachment 1.

Chairman Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Sparling submitted proposed findings of fact for this case.

***Mr. Moreland made a motion to adopt the proposed findings of fact and Mr. Guy seconded. The motion passed by a 5-0 vote.***

***Mr. Guy made a motion in the matter of VAAP #11-2040, 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 shed and walkway and having made a finding that the standards for granting a variance and the objectives of Section 51.2.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce the required 10-foot setback between the existing shed and the new shed and to approve the variance request to reduce the required 10-foot setback between the relocated garage and the new shed and Mr. Moreland seconded. The motion passed by a 5-0 vote.***

#### **VAAP #10-120-001 – Kingswood Subdivision**

Ms. Chaillet, LUGM was sworn for the record. The applicant is requesting six variances as follows:

1. Variance to increase the residential density in the RPD.
2. Variance to reduce the required side yard setback in the RPD on proposed lots 1 through 5.
3. Variance to reduce the front yard setbacks in the RPD on proposed lots 1 through 6.
4. Variance to reduce the required minimum 150-foot lot width in the RPD on proposed lots 1 through 6.
5. Variance to reduce the required 75-foot minimum lot frontage in the RPD on proposed 2, 3, and 4.
6. Variance to increase the number of residential lots on two private roads.

The property contains 16.03 acres; is zoned Rural Preservation District (RPD); and is located on the north side of MD Route 5, approximately 2.5 miles west of Chingville Rd.; Tax Map 49, Grid 18, Parcel 66.

Owner: The Lightfoot Group, LLC  
 Presenter: Butch Bailey, Nokleby Surveying, Inc.

The property and variances were advertised in The Enterprise on June 27, 2012 and July 4, 2012. 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 July 5, 2012 and the general standards for granting variances and development standards. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Butch Bailey, for the applicant, was sworn for the record. Mr. Bailey gave a brief overview of the variance requests.

Chairman Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment.

After discussion, Mr. Bailey asked for a continuance in order to provide more specific information to the Board. ***Mr. Guy made a motion in the matter of VAAP #10-120-001, Kingswood Subdivision, to continue the case to September 13, 2012 and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

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

The minutes of June 28, 2012 were approved as recorded.

**The Board authorized the Chair to review and sign the following orders:**  
 VAAP #12-1012 – Oakville Elementary School Sign

#### **ADJOURNMENT**

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

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Jada Stuckert, Recording Secretary

Approved in open session: July 26, 2012

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George Allan Hayden  
Chairman