

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, August 26, 2010**

Members present were Howard Thompson, Chairman; Randy Guy, Veronica Neale, Ronald Payne and George T. Edmonds. Wayne Miedzinski was excused. 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 #09-2282 - Caldwell

Ms. Chaillet the property and variance request were advertised in The Enterprise on August 11, 2010 and August 18, 2010. Ms. Chaillet submitted the property posting and mailing receipt affidavit for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet stated the applicant is requesting a continuance to a date certain to amend their site plan to include a geo-thermal system. Ms. Cindy Grebb, agent for the applicant, formally requested a continuance.

Chairman Thompson opened the hearing. Mr. Edmonds made a motion to continue the hearing to September 9, 2010 and Mr. Guy seconded. The motion passed by a 5-0 vote.

CUAP #09-110-012 & VAAP #09-110-012 – Phillip Moore Mining Operation

It was the consensus of the Board to hear both the CUAP and VAAP cases together. The applicant is requesting a modification of a conditional use approval to reduce the size of the original tract of land for an extractive industry. The property contains 78.18 acres; is zoned Rural Preservation District (RPD); and is located at 20533 Point Lookout Road, Great Mills, MD, Maryland; Tax Map 50, Grid 23, Parcel 199.

Owner: James L. and Deborah L. Hills
Present: NG&O Engineering

The property and conditional use request were advertised in The Enterprise on August 11, 2010 and August 18, 2010. Ms. Chaillet submitted the certification of property posting and mailing receipts for both cases for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report August 20, 2010 and the conditional uses, use classifications, use types and location with a zoning district, and extractive industries. Ms. Chaillet submitted the staff report for the CUAP Application dated August 20, 2010 with five attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated August 20, 2010 and the general standards for granting variances and extractive industries. Ms. Chaillet submitted the staff report for the VAAP Application dated August 20, 2010 for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Ms. Chaillet submitted an additional site-plan showing the location of lot 5 for the record, *hereby labeled as Exhibit 4 by the Recording Secretary*.

Mr. Bob Trautman stated Mr. Donnie Oaker, agent for the applicant, could not be present tonight and asked that he attend this meeting in Mr. Oaker's absence. Mr. Trautman stated we are reclaiming the property as we move along with the project.

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

Mr. Guy made a motion to accept the CUAP and VAAP staff reports as findings of fact in these cases and Ms. Neale seconded. The motion passed by a 5-0 vote.

Mr. Guy made a motion in the matter of VAAP #09-110-012, Phillip Moore Mining Operation, having made a finding that standards for granting a variance and the objectives of Section 51.3.80 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce the required 200-foot setback from the Property's boundary with Lot 5 to zero and Mr. Edmonds seconded. The motion passed by a 5-0 vote.

Mr. Edmonds made a motion in the matter of CUAP #09-110-012, Phillip Moore Mining Operation, having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve a modification of the approved Conditional Use, pursuant to Chapter 25 of the Ordinance, to reduce the size of parcel 199 by five (5) acres, subject to the Applicant obtaining a variance from Section 51.3.80 of the Ordinance to reduce the required 200-foot setback from an external property line as previously voted on and Ms. Neale seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of July 22, 2010 were approved as recorded.

The Board authorized the Chair to review and sign the following orders:
VAAP #09-1744 – Corinthian Yacht Club

ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: September 9, 2010

Howard Thompson
Chairman