

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, July 12, 2018 at 6:30 p.m.**

Members present: George Allan Hayden, Chairman; John Brown, Vice-Chair; William Greene, Wayne Miedzinski, Lynn Delahay and Rich Richardson, Alternate

Bill Hunt, Director; Yvonne Chaillet, Zoning Administrator; Kathleen Easley, Senior Planner; Ben Cohen, Environmental Planner and Sandie Greene, Recording Secretary were present from the Department Land Use and Growth Management.

David Weiskopf, Acting County Attorney, James Tanavage, Assistant County Attorney

CALL TO ORDER

PUBLIC HEARINGS

1. **Application/case no:** VAAP 18-0393, Combs Property
Owner: Stephen M. and Cory R. Combs (the "Applicants")
Agent: Floyd Graham
Location: 45168 Lighthouse Road, Piney Point, MD 20674
Tax Map: 65 **Grid:** 17 **Parcel:** 225 **Election District:** 2
Acres: 20,300 square feet
Zoning: Residential, Low-Density (RL) District, Intensely Developed Area (IDA) Overlay
Action requested: The Applicants request a variance from Schedule 32.1 of the Comprehensive Zoning Ordinance to reduce the required 10-foot side yard setback to 5 feet on the west side of the property to replace part of the existing single-family dwelling.

Presenter: Yvonne Chaillet, Zoning Administrator, Land Use and Growth Management

Exhibit 1: Proof of Ad, USPS Certified Mail Receipts and Certification of Property Posting.

Exhibit 2: Staff Report

Attachment 1: Standards Letter dated May 15, 2018 from Floyd Graham

Attachment 2: Land Use Map

Attachment 3: Site Plan

Attachment 4: 2017 Orthophoto of the Property

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers: Representing the Combs Property:

Floyd Graham, F & C Builders, LLC, 22794 Brown Road, Leonardtown, MD 20650

Exhibit 4: Applicant PowerPoint presentation.

Chairman Hayden opened the hearing to public comment:

Floyd Wilson, 45164 Light House Road, Piney Point, MD 20674

Exhibit 5: Survey, Subdivision Plat Record, dated 3/3/1995

Mr. Miedzinski made a motion "In the matter of VAAP 18-0393, Combs Property, 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 10-foot side yard setback to 5 feet on the west side of the property to replace part of the existing single-family dwelling." With the following condition:

1. *The new structure shall at no point be less than 10 foot from the next structure.*

Mr. Greene seconded the motion. The motion passed unanimously

2. **Application/case no:** VAAP # 17-1935, McAllister Property
Property owner: John James McAllister III (the "Applicant")
Location: 40416 Breton Beach Road, Leonardtown, Maryland 20650
Tax Map: 48 **Grid:** 13 **Parcel:** 108 **Election District:** 3
Acreage: 1.38 acres
Zoning: Rural Preservation (RPD) District, Limited Development Area (LDA) Overlay
Action requested: The Applicant requests a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to disturb the Critical Area Buffer by adding a 644 square-foot deck to the existing single-family dwelling.

Presenter: Ben Cohen, Environmental Planner, Land Use and Growth Management

Exhibit 1: Proof of Ad, USPS Certified Mail Receipts and Certification of Property Posting.

Exhibit 2: Staff Report

Attachment 1: Standards Letter of May 19, 2018 from John McAllister

Attachment 2: Critical Area Commission Comments dated December 1, 2017

Attachment 3: Land Use Map

Attachment 4: Site Plan

Attachment 5: 2014 Ortho Photo

Exhibit 3: Land Use and Growth PowerPoint presentation

Speaker: Representing the McAllister Property:

John James McAllister III, 40416 Breton Beach Road, Leonardtown, Maryland 20650

Exhibit 4: Applicant PowerPoint presentation.

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

Mr. Brown made the motion "In the matter of VAAP #17-1935, McAllister Property, 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 add a 644 square-foot deck to the existing single-family dwelling.

Mrs. Delahay seconded the motion. The motion passed unanimously

3. **Application/case no:** CUAP #17-131-009, Budds Creek Motorcross Sports, Inc.
Property owner: Jonathan Beasley (the "Applicant")
Agent: William L. Mehaffey, P.E., Mehaffey & Associates, PC
Location: 27969 Budds Creek Road, Mechanicsville, Maryland 20659
Tax Map: 11 **Grid:** 16 **Parcel:** 14 **Election District:** 4
Acreage: 142.24 acres
Zoning: Rural Preservation District (RPD)