

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, July 28, 2016**

Members present were: George Allan Hayden, Chairman; John Brown, Co-Chair; William Greene; Wayne Miedzinski; and Ronald Payne.

Yvonne Chaillet, Bill Hunt, and Ashley Renshaw were present from the Department of Land Use and Growth Management, as well as George Sparling from the County Attorney's Office.

**PUBLIC HEARINGS**

**1. Application/Case No:** VAAP #16-0685, Proctor Property Deck

**Property owner:** Jeffery P. and Elizabeth D. Proctor

**Location:** 21685 Joe Hazel Road, Leonardtown, MD

**Parcel ID:** tax map: 47 grid: 06 parcel: 310 Lot: 2

**Election District:** 3

**Zoning:** Rural Preservation District (RPD), Limited Development Area (LDA) Overlay

**Acreage:** 1 acre

**Action requested:** Variance from Section 71.8.3. of the Comprehensive Zoning Ordinance to disturb the Critical Area Buffer to construct a deck

*Mr. Miedzinski made a motion in the matter of VAAP #16-0685, Proctor 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 construct a 312 square-foot deck with the condition of 3-1 mitigation for the disturbed area. Mr. Brown seconded. The motion passed unanimously.*

**2. Application/Case No.** CUAP #15-131-040, Mattingly Property Surface Mine

**Property owner:** Victoria P. Mattingly

**Location:** 23135 Cedar Lane Road, Leonardtown, MD

**Parcel ID:** tax map: 33 grid: 19 parcels: 22 & 97

**Election District:** 5

**Zoning:** Residential Low-Density District (RL)

**Acreage:** 210 acres

**Action Requested:** Conditional Use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for an extractive industry to mine more than five acres

*Mr. Greene made a motion in the matter of CUAP# 15-131-040, Mattingly Surface Mine, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.82 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the request with conditions to operate an extractive industry involving more than five acres. The conditions are as follows:*

1. *No burning on site.*
2. *The reduction of the hours of operation from Monday to Friday, 7AM – 5PM and Saturday, half days for site maintenance only.*

*Mr. Miedzinski seconded. The motion passed unanimously.*

**3. Application/Case No:** CUAP #13-135-002, Besche Oil Company, Inc. Property, Commercial Communication Tower

**Property owner:** Besche Oil Company, Inc.

**Location:** 22348 Three Notch Road, Lexington Park, MD

**Parcel ID:** tax map: 43 grid: 10 parcel: 264

**Election District:** 8

**Zoning:** Corridor Mixed Use District (CMX)

**Acreage:** 2 acres

**Action requested:** Conditional Use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance to construct a commercial communication tower

Mr. Payne made a motion to continue the case until August 11, 2016, so that the applicant can bring back the following:

1. Representation from Besche Oil and Washington Gas.
2. Fall radius easement.
3. Fall radius on existing towers.
3. D-sized documentation.
4. Exact location of the monopole on the plan.
5. Why that location was chosen.
6. Why are they using co-locators.
7. FAA Letter
8. FCC Letter
9. Any assessments completed on other sites for the placement of this tower.
10. Evidence that it has satisfied all federal and state legal requirements to construct this tower and place equipment on the tower.

Mr. Greene seconded. The motion passed unanimously.

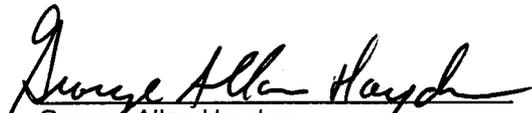
**MINUTES AND ORDERS APPROVED**

Mr. Miedzinski made a motion to approve the minutes of July 21, 2016. Mr. Greene seconded. The motion passed unanimously.

**ADJOURNMENT**

The meeting was adjourned at approximately 8:27 p.m.

Approved in open session: August 11, 2016

  
George Allan Hayden  
Chairman

  
Ashley Renshaw  
Recording Secretary