

Board of Appeals Meeting (Thursday, March 14, 2024)

Generated by Sherrie Young, Recording Secretary on Friday, March 15, 2024

1. CALL TO ORDER: Meeting called to order at 6:30 PM

A. March 14, 2024 Board of Appeals Meeting

2. ROLL CALL:

A. Attendance of Members, Staff Support, Applicants, Representatives and Speakers

Board of Appeals Members Via: CSMC Meeting Room

George Allan Hayden, Chair
Guy Bradley, Vice Chair
Rich Richardson, Member
Rita Weaver, Member
Ronald Payne, Sr., Member
Steve Scott, Board Attorney

SMCG Supporting Staff to be in Attendance Via: CSMC Meeting Room

John Sterling Houser, Assistant County Attorney
Courtney Jenkins, Deputy Director - LUGM
Stacy Clements, Planner III - LUGM
Jim Gotsch, Director - DPW&T

Via: Media Control Room

Andrew Beckman, Video / Media Producer

Applicants, Representatives & Speakers to be in Attendance Via: CSMC Meeting Room

Michael Thomas (via ZOOM)
Suzanne Thomas (via ZOOM)
Mark N. Fisher, Managing Member- Telecom Capital Group, LLC
Tracy Themak, Esq. - Donohue, Themak & Miller, PLC.
Edward Donohue, Esq. -Donohue, Themak & Miller, PLC.

3. AGENDA:

A. March 14, 2024 Board of Appeals Agenda

4. PUBLIC HEARINGS:

A. THOMAS VAAP 23-1308; The applicant is requesting a variance from Section 71.8.3 to disturb the Expanded 100' Critical Area Buffer to construct a house addition.

“In the matter of VAAP 23-1308, the Thomas Property, having made a finding that the standards for granting a variance and the objectives of Sections 24.4 of the St. Mary’s County Comprehensive Zoning Ordinance (have / have not) been met, I move to (approve / deny) the variance request from Section 71.8.3 to disturb the expanded Critical Area Buffer to construct an addition.”
Condition: 1) Steps to be added to the rear structure.

Motion by Rich Richardson, second by Guy Bradley.

Final Resolution: Motion Carries

Yea: Ronald Payne Sr, Guy Bradley, Rich Richardson, Rita Weaver, George Allan Hayden Sr

B. DRIFT INN TOWER CUAP 24-0001; The Applicant requests conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 91, Communication Tower, Commercial and a variance from Section 51.3.91.b. (10) requiring a setback distance of a 100 percent of the height of the tower.

“In the matter of CUAP 24-0001, Drift Inn Communications Tower, having made a finding that the standards for granting a conditional use and the objectives of Section 51.3.91 of the St. Mary’s County Comprehensive Zoning Ordinance have been met, I move to approve the request to allow the proposed Communication Tower, Commercial (Use 91) within the Rural Preservation District.

Next, having made a finding that the standards for granting a general variance according to Section 24.3 and the objectives of Section 51.3.91.b.(10) of the St. Mary’s County Zoning Ordinance have been met, I move to approve the variance reducing the required 195-foot fall height setback to 19 feet from wooden barn on the property.”

Motion by Rich Richardson, second by Guy Bradley.

Final Resolution: Motion Fails

Yea: Rich Richardson

Nay: Ronald Payne Sr, Guy Bradley, Rita Weaver, George Allan Hayden Sr

C. CANCELED- to be heard on April 11, 2024: MARK S. KNOTT SUBDIVISION VAAP 23-0276; Variance and appeal from the St. Mary’s County Subdivision Ordinance 30.14.5.c to add an additional lot to a private right-of-way.

D. CANCELED- to be heard on April 11, 2024: WOODS AT MYRTLE POINT VAAP 22-0021; Variance and appeal from the St. Mary’s County Subdivision Ordinance 30.14.5.c to add an additional lot to a private right-of-way.

5. REVIEW AND APPROVE MINUTES:

A. Review and Approve the February 8, 2024 BOA Meeting Minutes

"I move to approve the minutes of the February 8, 2024 BOA Meeting Minutes."

Motion by Guy Bradley, second by Rich Richardson.

Final Resolution: Motion Carries

Yea: Ronald Payne Sr, Guy Bradley, Rich Richardson, Rita Weaver, George Allan Hayden Sr

B. Review and Approve the February 22, 2024 BOA Meeting Minutes

"I move to approve the minutes of the February 22, 2024 BOA Meeting Minutes."

Motion by Guy Bradley, second by Rita Weaver.

Final Resolution: Motion Carries

Yea: Ronald Payne Sr, Guy Bradley, Rich Richardson, Rita Weaver, George Allan Hayden Sr

6. REVIEW AND APPROVE ORDERS:

A. JOSEPH ORDER VAAP 23-1082

"I make a motion to approve and for the Chair, George Allan Hayden, Sr. to sign the JOSEPH ORDER VAAP 23-1082."

Motion by Rich Richardson, second by Guy Bradley.

Final Resolution: Motion Carries

Yea: Ronald Payne Sr, Guy Bradley, Rich Richardson, Rita Weaver, George Allan Hayden Sr

B. VILLAS AT LEXWOOD ORDER VAAP 22-0256

"I make a motion to approve and for Chairman, George Allan Hayden, Sr. to sign the VILLAS AT LEXWOOD ORDER VAAP 22-0256."

Motion by Rich Richardson, second by Rita Weaver.

Final Resolution: Motion Carries

Yea: Ronald Payne Sr, Guy Bradley, Rich Richardson, Rita Weaver, George Allan Hayden Sr

C. COMPASS POINT MONTESSORI ORDER VAAP 23-0178

"I make a motion to approve and for the Chair, George Allan Hayden, Sr. to sign the COMPASS POINT MONTESSORI ORDER VAAP 23-0178."

Motion by Rich Richardson, second by Rita Weaver.

Final Resolution: Motion Carries

Yea: Ronald Payne Sr, Guy Bradley, Rich Richardson, Rita Weaver, George Allan Hayden Sr

7. ADJOURNMENT:

A. Adjourn the March 14, 2024 Board of Appeals meeting at 10:10 PM

"I move to adjourn the March 14, 2024 Board of Appeals meeting."

Motion by Guy Bradley, second by Rita Weaver.

Final Resolution: Motion Carries

Yea: Ronald Payne Sr, Guy Bradley, Rich Richardson, Rita Weaver, George Allan Hayden Sr