

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of JFT Great Mills, LLC
(Engineering & Integration Facility)

Case No. VAAP #13-132-001

ORDER

JFT Great Mills LLC filed an application for a variance from the regulations of the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "Ordinance") regarding J. F. Taylor Engineering & Integration Facility, Great Mills, Maryland (hereinafter the "Property"). The Application requests a variance from Section 63.3.b of the St. Mary's County Comprehensive Zoning Ordinance, as amended, (the "Ordinance"), to eliminate the required buffer yard along the northwest side of the property, adjacent to parcel 122, the site of Cecil's Mill Self Storage.

After due notice, a public hearing was conducted at 6:30 p.m. on April 12, 2018 at the St. Mary's County Governmental Center at 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, documentary evidence was received, and the proceedings were recorded electronically.

Legal Standard

The Board shall not vary the regulations of the Ordinance unless it finds, based on the evidence, that:

1. Because of particular physical surroundings such as exceptional narrowness, shallowness size, shape or topographical conditions of the property involved, strict enforcement of the Ordinance will result in practical difficulty.
2. The conditions creating the difficulty are not applicable, generally, to other properties within the same zoning classification.
3. The purpose of the variance is not based exclusively upon reasons of convenience, profit or caprice; provided, any development necessarily increases property value, and that alone shall not constitute a finding of an exclusive reason.
4. The alleged difficulty has not been created by the property owner or the owner's predecessors in title.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood and the character of the district will not be changed by the variance.

6. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
7. The variance complies, as nearly as possible, with the spirit, intent, and purpose of the Comprehensive Plan.

FINDINGS OF FACT

The subject property Parcel B, herein “the Property,” is a vacant piece of land located at the intersection of Great Mills Road and Pleasant Mill Drive in the Lexington Park Development District. The Property is the site of a proposed 54,000 square-foot flexible fabrication and assembly space, contained within a 30-foot tall area of the future building. Adjoining this area of the building is a proposed two-story section dedicated to 28,736 square feet of general office space.

Pursuant to Schedule 50.4 of the Ordinance: Use Type 85, production industry, limited is a high intensity, industrial use described as:

[The] Manufacturing of finished products or parts, primarily from previously prepared materials, and provision of industrial services; both within an enclosed building. This classification includes commercial bakeries and businesses engaged in processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services.

Use Type 63, office, is a low intensity, commercial use described as:

Offices of firm(s) or organization(s) providing professional, executive, management, or administrative services, such as architectural, data management, engineering, interior design, graphic design, real estate, insurance, investment, law offices, physicians, dentists or chiropractors, including medical/dental laboratories incidental to the medical office use, emergency medical care offices and communications facilities located entirely within buildings. This classification excludes financial institutions.

In accordance with Section 63.3.4.c of the Ordinance, “On any portion of the development site where this section would require two types of buffer yard, the greater buffer yard shall be required.”

The Applicant requests a variance to eliminate the required Type B buffer from parcel 122, which is the site of Cecil’s Mill Self Storage. The Applicant is not offering to substitute any other type buffer.

Cecil’s Mill Self Storage (Use type 66, personal storage) is a low intensity commercial use. Pursuant to Schedule 63.3.b of the Ordinance, a high intensity, industrial use proposed adjacent to a low intensity, commercial use requires a 65-foot Type B buffer. A Type B

buffer is 65 feet in depth and contains 4 canopy trees, 5 understory trees, 22 shrubs, and 11 evergreens / conifers planted every 100 feet along the property line.

The proposed project was reviewed by the Technical Evaluation Committee (TEC) during its May 2016 review cycle. TEC comments are attached. The Planning Commission reviewed and approved the Concept Site Plan on December 11, 2017. Planning Commission Minutes are attached.

CONCLUSIONS OF LAW

The Property fronts one State Road and is requesting to eliminate the buffer requirement between the property and Cecil's Mill Self Storage. The applicant is supposed to install a type B buffer, but a Type A Buffer would be appropriate in this circumstance. The modified buffer will be sufficient to provide screening for the nearby properties.

The Comprehensive Plan encourages growth and development in the development districts and the Property is located in the Lexington Park Development District.

DECISION

NOW, THEREFORE, BE IT ORDERED, that, having made a finding that the standards for variance and the objectives of Section 63.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the following variance is **granted**:

(1) Variance to eliminate the required 65-foot B type Buffer along the Property's northwest side adjacent to parcel 122, the site of Cecil's Mill Self Storage;

The variance is subject to the following condition:

1. The Applicant shall install a Type A buffer on the northwest side of the property adjacent to parcel 122 to replace the type B buffer. .

This Date: May 10, 2018


George Allan Hayden
Chairman

Those voting in favor of the request:

Mr. Hayden, Mr. Brown, Mr. Greene, Mr. Miedzinski and Ms. Delahay

Those voting against the requested variance:

Approved as to form and legal sufficiency:


David A. Weiskopf, Acting County Attorney