

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, November 8, 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; Kathleen Easley, Deputy Director; Stacey Clements, III; Laura Kay, Planner III, Brandy Glenn, Planner II; Shelia Smith, Office Manager and were present from the Department Land Use and Growth Management.

David Weiskopf, Acting County Attorney, James Tanavage, Assistant County Attorney, Jack Upton, Attorney, Outside Representation

CALL TO ORDER

DISCUSSION

1. **Application/case no:** A-17-02 & 17-03 – AMERCO Real Estate Company/U-Haul
Property Owner: U-Haul International
Location: 46075 Signature Lane, Lexington Park, Maryland
Parcel ID: Tax Map 51 Grid: 8 Parcel: 401 Election **District:** 8
Zoning: Commercial Acreage: 97,000 sf
Action requested: Appeal the decision by the Director of Land Use and Growth Management on May 22, 2017 to approve zoning authorization to U-Haul of Lexington Park for a Showroom, D&R Bayand Self-Storage Warehouse.

Presenter: Jack Upton, Attorney representing the Board of Appeals.

Mr. Upton detailed the reason that the Circuit Court has returned the case: A-17-02 & 17-03 AMERCO Real Estate Company/U-Haul Property Owner: U-Haul International stating the case was returned to the Board of Appeals due to insufficient evidence or "Finding of Fact" to support the conclusion.

Three options are before the Board:

1. Elaborate or clarify the previous decision given.
2. Elect to receive additional evidence to supplement documentation previously heard.
3. Open the case as a new hearing De Nova, the evidence previously heard will be presented to the 2019 Board of Appeals, this new hearing will allow both the returning and new membership to hear the case in its entirety.

Exhibit 1: St. Mary's County Circuit Court Documentation Case Number C-18-CV-17-000216

Exhibit 2: Land Use and Growth Order Cases 1702 and 1703 dated October 12, 2017

Exhibit 3: Board of Appeals August 24, 2017 minutes

Chairman Hayden opened discussion with the Board of Appeals to discuss the options presented by Mr. Upton. The Board decided on a De Nova hearing on February 14, 2019.

Mr. Brown made the motion to hear the case A-17-02 & 17-03 – AMERCO Real Estate Company/U-Haul Property Owner: U-Haul International case, De Nova, on February 14, 2019.

Mr. Miedzinski seconded the motion. The motion passed unanimously

PUBLIC HEARINGS**1. Application/case no. VAAP# 18-0539, Pleisse Property****Property owner:** John Pleisse**Location:** 42195 White Point Beach Road, Leonardtown, MD**Parcel ID:** tax map: 56 grid: 01 parcel: 48**Election District:** 3**Zoning:** Rural Preservation District (RPD), Limited Development Area (LDA) Overlay, Buffer Management Overlay (BMO)**Acreage:** 20,000 square feet**Action requested:** Variance from Schedule 32.1 of the Comprehensive Zoning Ordinance (CZO) to reduce the required front yard setback from 25 feet to five feet and variance from Section 51.2.4.c of the CZO to reduce the required setback between structures from 10 feet to five feet to construct a detached garage.

Presenter: Kathleen Easley, Deputy Director, 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: Land Use Map

Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Floodplain Map

Attachment 5: Standards Letter from Applicant

Applicant Exhibits:

The Standards letter received 10/3/18 from John E. Pleisse, with the following attachments:

Attachment 1: Site plan of William O'Brien's Subdivision #1

Attachment 2: Real Property Data

Attachment 3: Photo of Lot 10

Attachment 4: Photo of Lot 9

Attachment 5: Photo of Lot 8

Attachment 6: Photo of Lot 6/5

Attachment 7: Photo of Lot 4

Attachment 8: Photo of Lot 3

Attachment 9: Photo of Lot 2/1

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers representing The Pleisse Property: John Pleisse, 42195 White Point Beach Road, Leonardtown, MD 20650

Exhibit 4: Applicant PowerPoint presentation.

*Chairman Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment.**Mr. Miedzinski made the motion "In the matter of VAAP #18-0539, Pleisse 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 (CZO) have been met, I move to approve the variance request to reduce the required twenty-five (25)-foot front yard setback to five (5) feet; and having made a finding that the standards for granting a variance and the objectives of Section 51.2.4.c of the CZO have not been met, I move to deny the*

variance request to reduce the required setback between structures from ten (10) feet to five (5) feet to construct a detached garage.”

Mr. Brown seconded the motion. The motion passed unanimously

2. **Application/case no.** VAAP 16-132-003, PELBPS, LLC Commercial Office Units
Property owner: PELBPS, LLC
Location: 23458 Three Notch RD, California, MD
Parcel ID: tax map: 34 grid: 09 parcel: 157
Election District: 8
Zoning: Residential, Mixed Use (RMX) District, Airport Environs (AE) Overlay
Acreage: 42,253 square feet or 0.97 acres
Action requested: Variance from Schedule 63.3.b of the Comprehensive Zoning Ordinance (CZO) to reduce the required 65-foot Type B buffer to a variable-width buffer along the property’s northern boundary with the residential-use property.

Presenter: Kathleen Easley, Deputy Director, 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 from Jason Leavitt dated September 13, 2018
 Attachment 2: Planning Commission Minutes of June 11, 2018
 Attachment 3: Land Use Map
 Attachment 4: Location Map
 Attachment 5: Concept Site Plan (6 sheets)
 Attachment 6: TEC comments

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers Representing the PELBPS, LLC, 23458 Three Notch Road, California, MD 20619
 Surveyor/Engineer: Jason Leavitt, R.A. Barrett & Associates, 100 Jibsail Drive, Suite 103
 Prince Frederick, MD 20678

Exhibit 4: Applicant PowerPoint presentation.

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

Bill Hunt, Director, Land Use and Growth Management stated that the Planning Commission was aware of the need to submit to the Board of Appeals so they did not discuss the reduction of buffer. The change in a buffer plan will not require a return to the Planning Commission.

The Board has given direction to consider a different design and the amount of buffer reduction being requested.

Mr. Brown made a motion “In the matter of VAAP #16-132-003, PELBPS, LLC Commercial Office Units, to continue the case to February 14, 2019 Board of Appeals meeting.

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

3. **Application/case no.:** VAAP 18-132-003, Toyota Annex North
Property owner: Lexington Properties, LLC
Location: 350' southwest of the intersection of Rue Purchase RD and MD Rte. 235
Parcel ID: tax map 43 grid 03 parcels 211
Election District: 8
Zoning: Corridor Mixed Use (CMX) District
Acreage: 6.8980 acres
Action requested: Variance from Schedule 63.3.b of the Comprehensive Zoning Ordinance (CZO) to reduce the required 65-foot Type B buffer to a variable width Type A Buffer along the property's frontage with MD Route 235; Variance from Schedule 32.1 of the CZO to reduce the required amount of undeveloped open space in the CMX District from 20 percent to six (6) percent and to use the 30-foot Type C buffer on the north side of the property as the undeveloped open space, to construct a building for auto sales and service.

Presenter: Bill Hunt, Director, 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 from Jim Gotsch, P.E., dated March 2018
- Attachment 2: Planning Commission Minutes of June 11, 2018
- Attachment 3: TEC comments
- Attachment 4: Land Use Map
- Attachment 5: Location Map
- Attachment 6: Updated Open Space received 10/16/18
- Attachment 7: Updated Concept Site Plan received 10/16/18

Exhibit 3 Buffer Variance Exhibit

Speakers representing the: Toyota Annex North, 22500 Three Notch Rd, Lexington Park, MD 20653
 JD Blackwell, LP Real Estate, INC, 22500 Three Notch Road, Lexington Park, MD 20653

Exhibit 4: Applicant PowerPoint presentation.

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

Mr. Miedzinski made the motion In the matter of "Variance request from Schedule 63.3.b: "In the matter of VAAP #18-132-003, Toyota Annex North, having made a finding that the standards for granting a variance and the objectives of Schedule 63.3.b of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce the required type B buffer to a type C 30 foot buffer along the property's frontage with MD Route 235."

Mr. Greene seconded the motion. The motion passed unanimously.

Mr. Miedzinski made the motion, In the matter of Variance request from Schedule 32.1: "In the matter of VAAP #18-132-003, Toyota Annex North, 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 amount of undeveloped open space in the Corridor Mixed Use (CMX) District from 20 percent to six (6) percent and to use the Type C buffer on the north side of the property as the undeveloped open space."

Mr. Brown seconded the motion. The motion passed unanimously.

MINUTES AND ORDERS APPROVED

1. *Mr. Miedzinski made a motion approving the minutes for October 25, 2018.*

Ms. Delahay seconded the motion. The motion passed unanimously.

2. *Mr. Greene made a motion authorizing Chairman Hayden to sign the order for case no. Case #16-132004, Dean Partnership, LLP/Winegardner Motor Company, property.*

Mr. Brown seconded the motion. The motion passed unanimously.

OTHER BUSINESS

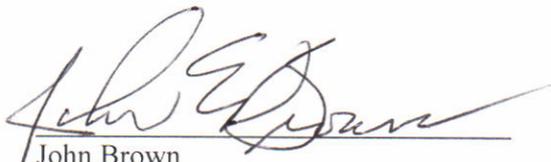
ADJOURNMENT

Mr. Miedzinski made the motion to adjourn the meeting.

Mr. Brown seconded the motion. The motion passed unanimously.

The meeting was adjourned at approximately 8:45 p.m.

Approved in open session: December 13, 2018


John Brown
Vice Chairman


Sandie Greene
Recording Secretary