

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, October 13, 2016**

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

Bill Hunt, Yvonne Chaillet, 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

Application/case: VAAP #14-132-009, Morelli Auto Group (Continued from 9/8/16)

Property owner: Patuxent Hotel Land, LLC

Contract Purchaser: Morelli Auto Group

Location: Southbound MD Route 235, approximately ¼ mile NW of the intersection of MD Route 235 and Chancellors Run Road, California, MD

Parcel ID: tax map: 43 grid: 01 parcels: 127 and 479 Lots: 1&2, Wingate Subdivision

Election District: 8

Zoning: Corridor Mixed Use (CMX) District and the Community Commercial (CC) District.

Acreage: 6.89 acres

Action requested: Variance from Schedule 63.3.b of the Comprehensive Zoning Ordinance to reduce the required 65-foot Type B buffer to a variable-width buffer along the property's frontage with MD Route 235, to construct an automobile dealership.

*Mr. Brown made a motion in the matter of VAAP #14-132-009 having made a finding that the standards for granting a variance and the objectives of Section 63.3.b of the St. Mary's County Comprehensive Zoning Ordinance **have** been met based on Drawing C.02, I move to **approve** the variance request to reduce the required 65-foot Type 'B' buffer to a variable width buffer ranging from eight (8) feet to 27 feet along the Property's frontage with MD Route 235 based on Drawing c.02. Mr. Miedzinski seconded. The motion passed unanimously.*

Application/case: VAAP #15-0690, Hammett Property

Property owner: Donald and Jeanne Hammett

Location: 48721 Whitaker Road, St. Inigoes, MD

Parcel ID: tax map: 67 grid: 17 parcel: 316 lot: 10

Election District: 1

Zoning: Rural Preservation District (RPD), Resource Conservation Area (RCA) Overlay

Acreage: 6.12 acres

Action requested: Variance from Section 71.8.3 to disturb the Critical Area Buffer to construct an addition.

*Mr. Miedzinski made a motion in the matter of VAAP #15-0690, Hammett 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 an addition to the existing single-family dwelling. Mr. Greene seconded. The motion passed with a vote of 4-1.*

Application/case: CUAP #13-135-002, Besche Oil Company, Inc. Property, Commercial Communication Tower (Continued from July 28, 2016)

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. Miedzinski made a motion in the matter of CUAP #13-135-002, Besche Oil Company, Inc. Property, Commercial Communication 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 not** been met, I move to **deny** the request to build a monopole style commercial communication tower at a height of 175 feet above ground level. Mr. Brown seconded. The motion passed with a vote of 4-1.

Application/case: CUAP #15-135-008, Browne/Williams Property, Commercial Communication Tower

Location: 21790 Point Lookout Road, Leonardtown, MD

Tax Map: 50 **Grid:** 13 **Parcel:** 300 **Lot:** 500-5 **Election District:** 2

Acreage: 5.00 acres

Zoning: Rural Preservation District (RPD)

Owner: Justin Daniel Browne and Bonnie Jean Williams

Applicant: Telecom Capital Group, LLC

Agent: Patrick Mudd, P.E., Mudd Engineering, LLC

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

Mr. Brown made a motion in the matter of CUAP #15-135-008, Browne/Williams Property, Commercial Communication 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 build a monopole style commercial communication tower at a height of 195 feet above ground level, subject to the following conditions:

1. The tower shall be constructed so as to provide adequate capacity for future co-location of other commercial and, or, government operated antennae. The system design plan shall delineate areas near the base of the tower to be used for the placement of additional equipment buildings for other users.
2. No signals, lights, or illumination shall be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
3. No commercial advertising or other language shall be permitted on the tower.
4. All obsolete or unused facilities, including buildings, towers, and all other improvements associated with the tower, shall automatically be deemed abandoned upon 24 months of continuous cessation of operations and shall be removed at such time without cost to the County. The Applicant shall provide a bond, letter of credit, or other appropriate surety at time of approval as approved by the County to cover the cost for demolition of the facility and site restoration.
5. Contact information shall be prominently displayed on the fence enclosing each facility. This information shall be current and shall identify the company name, responsible individual, and phone number for the contact person.
6. Final site plan approval is required.

Mr. Miedzinski seconded. The motion passed unanimously.

MINUTES AND ORDERS APPROVED

Mr. Greene made a motion to approve the minutes of September 8, 2016. Mr. Miedzinski seconded. The motion passed unanimously.

Mr. Miedzinski made a motion authorizing the Chairman to sign an order for VAAP #15-0790 Burch Property. Mr. Greene seconded. The motion passed unanimously.

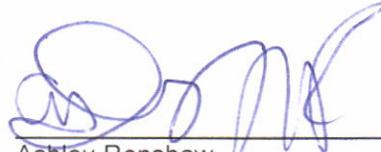
Mr. Miedzinski made a motion authorizing the Chairman to sign an order for VAAP #14-132-009, Morelli Auto Group. Mr. Greene seconded. The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned at approximately 9:20 p.m.

Approved in open session: November 10, 2016


George Allah Hayden
Chairman


Ashley Renshaw
Recording Secretary