

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, February 14, 2019 at 6:30 p.m.**

Members present

George Allen Hayden, Chair
John Brown, Vice-Chair
Wayne Miedzinski
Lynn Delahay
Rich Richardson
Daniel Ichniowski, Alternate

Land Use and Growth Management Staff Present

Bill Hunt, Director
Kathleen Easley, Deputy Director
Sandie Greene, Recording Secretary

County Government Supporting Staff Present

David Weiskopf, County Attorney
James Tanavage, Assistant County Attorney
Jack Upton Attorney at Law, representing St. Mary's County Government Board of Appeals

Meeting called to order at 6:30 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARING

Action: A. Dept: LAND USE AND GROWTH MANAGEMENT /
Application/case no. ZAAP 16-131-007, U-Haul International –

Property owner: U-Haul International

Location: 46075 Signature Lane, Lexington Park, Maryland

Parcel ID: 400 and 401

Election District: 8

Zoning: Downtown Core Mixed Use (DMX)

Lot size: 97,000 square feet or 11.0226 acres

Action requested: Appeal of the Planning Director's May 22, 2017, decision that Personal Storage can be an accessory use to Rental and Leasing at the existing U-Haul site at the above location.

Speaking for Americo/UHaul:

1. Chris Longmore Esq of Dugan, McKissick & Longmore, LLC, 22738 Maple Road, Suite 101, Lexington Park, MD 20653
2. Daniel F. Lynch, Principal of McNamee Hosea, 6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770

Speaking for the Appellants, Storage Mall: Peter Guinto, Regional Manager,
6810 Kinne Street, East Syracuse New York

Samuel D. Cowen of Gallagher Evelius & Jones, LLP, 218 North Charles Street, Suitland MD 21201 representing the appellants.

Mr. Daniel Lynch of McNamee Hosea representing AMERICO/Uhaul requested a continuance of the AMERICO/Uhaul hearing to a later date. The applicants are working on some possible changes to the plans and would like to have Mr. Hunt, Director of Land Use and Growth Management review the updated plans prior to returning to the Board.

After discussion with Samuel Cowen, the representative of Storage Mall, Jack Upton, the Board of Appeals attorney representative and other Board of Appeal members, the continece was scheduled for May, 9, 2019.

Action: B. Application/case no. VAAP 16-132-003, PELBPS, LLC Commercial Office Units - continued from November 8, 2018

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

Attachments:

- 1: Standards Letter from Jason Leavitt dated September 13, 2018
- 2: Planning Commission Minutes of June 11, 2018
- 3: Land Use Map
- 4: Location Map
- 5: Concept Site Plan (6 sheets)
- 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.

Exhibit 5: Letter of Consent of John E Adams and Loretta S Adams

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

Commissioner John Brown made the motion: In the matter of VAAP #16-132-003, PELBPS, LLC Commercial Office Units, 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, with the following exceptions; I move to approve the variance request to reduce the required 65-foot

Type B to a 7 foot buffer to a variable-width buffer along the property's northern boundary with the residential-use property" with the following conditions:

1. *A notarized consent be obtained from the Residential Use Owners.*
 2. *Type a Buffer plantings in the 7 foot buffer extend from the residents to the parking lot.*
- Commissioner Wayne Miedzinski seconded the motion. The motion passed unanimously.*

Motion by John Brown, second by Wayne Miedzinski.

Final Resolution: Motion Carries

Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

4. OLD BUSINESS

Action: A. APPROVAL OF MINUTES

I move to approve the minutes of January 10, 2019.

Motion by Lynn Delahay, second by Rich Richardson

Final Resolution: Motion Carries

Yea: John Brown, Vice Chair; Lynn Delahay and Rich Richardson

Action: B. APPROVAL OF ORDERS

1. I move to authorize Chairman Hayden to sign the order for VAAP #18-1662, Chen Property

Motion by Rich Richardson, second by Lynn Delahay

Final Resolution: Motion Carries

Yea: John Brown, Vice Chair; Lynn Delahay and Rich Richardson

5. NEW BUSINESS

A. Election of Chair for the 2019 Board of Appeals

I move to elect George Allen Hayden to serve as the Board of Appeals Chair for 2019.

Motion by: John Brown

Second by: Wayne Miedzinski

Yea: Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

B. Election of the Vice-Chair for the 2019 Board of Appeals

I move to elect John Brown to serve as the Board of Appeals Vice- Chair for 2019.

Motion by: Rich Richardson

Second by: Lynn Delahay

Yea: Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

C. Annual Report

I move to accept the 2018 Board of Appeals Annual Report as presented.

Motion by Wayne Miedzinski, second by John Brown.

Final Resolution: Motion Carries

Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

6. ADJOURN

Action: A. Adjourn the February 14, 2019.

A motion was made to adjourn the Board of Appeals meeting of February 14, 2019.


Motion by Wayne Miedzinski, second by Lynn Delahay.

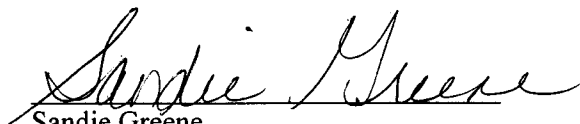
Final Resolution: Motion Carries

Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

The meeting was adjourned at 7:15 p.m.

Approved in open session: March 14, 2019


George Allen Hayden
Chairman


Sandie Greene
Recording Secretary