

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, March 28, 2013**

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, William Greene, and Ronald Payne. Alternate John Brown was also present. Department of Land Use & Growth Management (LUGM) staff present were Yvonne Chaillet, Zoning Administrator; and Jada Stuckert, Recording Secretary. Attorney George Sparling was also present.

A sign-in sheet is on file at LUGM. All participants in all cases were sworn in. The Chair called the meeting to order at 6:30 p.m.

**PUBLIC HEARINGS**

**VAAP #05-132-019 – St. Mary's Marketplace**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to reduce the required buffer yards. The property contains 14 acres; is zoned Corridor Mixed Use (CMX) District, Airport Environs (AE) Overlay; and on the West corner of Maryland Route 235 and Route 4, California, Maryland; Tax Map 34, Parcels 51, 52, 53, 422 and 520.

Owner: Investors Acquisition Group, LLC  
Present: Christopher Longmore of Dugan, McKissick & Longmore; Reinie Freedman of Bohler Engineering

The property and variance request were advertised in The Enterprise on March 13, 2013 and March 20, 2013. Ms. Chaillet submitted the certification of property posting and mailing receipts for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*. Ms. Chaillet gave an overview of the staff report dated March 18, 2013 and the general standards for granting variances and buffer yards. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Longmore gave an overview of the project request and asked if the variance was granted if a two year approval could be given rather than a one year. Mr. Freedman was sworn for the record and gave an overview of the property and project.

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

***Mr. Guy made a motion in the matter of VAAP #05-132-019, St. Mary's Marketplace, having made a finding that the standards for granting a variance and the objectives of Section 63.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the following requests:***

***Variance to reduce the required 65-foot B type buffer to a 30-foot C type buffer along the Property's frontage with Maryland Route 4; and to further reduce the C type buffer from 30 feet to 25 feet along MD Route 4 from the east corner of the shopping center along the proposed pharmacy's frontage to the point of ingress and egress.***

***Variance to reduce the required 30-foot C type buffer to a 20-foot buffer along the Property's frontage with proposed FDR Boulevard and along the north to northwest side of the Property, adjacent to parcels 471, 52 and 520.***

***Variance approvals are subject to the following conditions:***

1. *The Applicant shall erect a six-foot tall, decorative, wrought iron/child retaining style fence along the reduced buffers; and*
2. *The Applicant shall work with staff to determine a suitable substitution for the proposed vegetation on the east corner of the Property, which will enhance the appearance of this corner; and*
3. *The Applicant shall retain ownership of a 15-foot wide strip of land along the east side of the hiker-biker trail, next to MD Route 235, for planting the required "A" buffer; and*
4. *The Applicant shall maintain all required buffer yards and, if necessary, replace any dying trees or shrubs.*
5. *The approval shall be valid for a period of two (2) years.*
6. *The project shall receive final site plan approval and be constructed in accordance with the approved site plan*

*Mr. Payne seconded and the motion passed by a 5-0 vote.*

#### **MINUTES AND ORDERS APPROVED**

The minutes of March 14, 2013 were approved as recorded.

**The Board authorized the Chair to review and sign the following orders:**  
VAAP #11-1597 - Ballard

#### **ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

---

Jada Stuckert, Recording Secretary

Approved in open session: April 25, 2013

---

George Allan Hayden  
Chairman