

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, June 23, 2011**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Veronica Neale, George Edmonds and Ronald Payne. Randy Guy was excused. 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.

**Findings of Fact and Motion for CUAP #11-135-001 – Morganza Cell Tower**

The Board reviewed the findings of fact as set forth in the Order.

***Mr. Edmonds made a motion to approve and sign the Morganza Cell Tower order and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.***

**PUBLIC HEARINGS**

**VAAP #08-1963 – Yerby Pier – Continued from 5/12/11**

Mr. Thompson stated staff has not had a chance to review the site plan and asked if Ms. Yerby would like to continue the case to a later date to revise the site plan. Ms. Yerby stated she would like to ask for a continuance in order to revise the site plan again.

***Mr. Miedzinski made a motion in the matter of VAAP #08-1963 Yerby Pier, to continue the hearing to August 11, 2011 and Mr. Edmonds seconded. The motion passed by a 5-0 vote.***

**VAAP #08-2359 – Drift Inn Sign**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to increase the size of an off-site advertising sign and to increase the number of off-site advertising signs allowed under the Comprehensive Zoning Ordinance. The property contains 1.55 acres; is zoned Rural Commercial Limited (RCL) District; and is located at 27215 Three Notch Road, Mechanicsville, Maryland; Tax Map 13, Grid 12, Parcel 42.

Owner: Leonard E., Sr. and Josephine A. Copsey  
Present: Gerald A. Bowles

The property and variance request were advertised in The Enterprise on June 8, 2011 and June 15, 2011. 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 June 14, 2011 and the general standards for granting variances, regulations for off-site advertising signs. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Gerald A. Bowles was sworn for the record. Mr. Bowles stated the sign was in place in 1976, it was just moved and indicated the business is not on a main road therefore this sign is the only sign on the south side of 235. Mr. Bowles asked that the 64 square foot sign be approved. Mr. Payne asked if a closed sign would be placed on the sign during the off-season. Mr. Bowles stated yes. Mr. Thompson asked if Mr. Bowles had an issue staff's recommendation to remove one of the smaller signs in place of the Board allowing this 64 square foot sign. Mr. Bowles stated no.

Mr. Edmonds clarified that the sign the applicant has now is a new sign, not a replacement sign. Mr. Edmonds stated you got a permit to rebuild the sign you had and instead you built a new sign and placed it in a different location. Mr. Bowles stated he told LUGM he was replacing the sign

and moving it and LUGM approved it. Mr. Bowles stated years later LUGM comes back and says the approval was a mistake and the permit should not have been issued. Mr. Miedzinski stated as far as he understands staff was against this in the beginning and have bent a little and are willing to allow the sign if you remove one of the smaller signs. Mr. Bowles stated he would need time to think about the removal of a smaller sign. Mr. Thompson stated the applicant can request a continuance of the case at any time. Mr. Bowles stated he should be able to keep the sign as it was in fact a permitted sign. Mr. Sparling stated the issue of the non-conforming sign was already decided at the last hearing therefore, this is a variance for a brand new sign. Ms. Chaillet stated the staff report was mailed to the applicant on June 8, 2011 along with the adjoining property owners.

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

Mr. Bowles stated they have a sign that is double sided and asked if they removed one side of the sign would it satisfy staff. Mr. Chaillet stated no because it is a single sign. Mr. Bowles stated he would need time to make a decision regarding the removal of one of the signs.

***Ms. Neale made a motion in the matter of VAAP #08-1963, Drift Inn Sign, to continue the case to July 28, 2011 and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.***

**VAAP #11-132-001 – Fair Office Park**

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to reduce the required 65-foot B buffer yard to 30 feet on the north side of the property. The property contains 1.52 acres; is zoned Residential Mixed Use District (RMX), Airport Environs (AE) Overlay; and is located at 44816 St. Andrew's Church Road, California, Maryland; Tax Map 34, Grid 22, Parcel 170.

Owner: TGCJ, LLC  
Present: Russell Miller

The property and variance request were advertised in The Enterprise on June 8, 2011 and June 15, 2011. 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 April 4, 2011 and the general standards for granting variances, regulations for on-premise signs, and freestanding signs. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Russell Miller was sworn for the record. Mr. Miller stated he agrees with staff's analysis of the request and stated the idea is to minimize the visual impact on the neighboring properties. Mr. Miller stated we reduced the size of the building and are asking to reduce the buffer area to 30 feet on the north side of the property. Mr. Russell illustrated the reduction of buffer area on an oversized rendering of staff report attachment 1.

Chairman Thompson opened the hearing to public testimony.

Mr. Robert Edens was sworn for the record. Mr. Edens explained the location of his house on the site plan attachments 1 and 3. Mr. Edens stated his concern is that they will be clearing all the trees on the north side of the property therefore he will be visually impacted. Mr. Edens stated he is also worried about the water flow however it seems they will be taking care of the stormwater management. Mr. Thompson stated the building will be 154 feet away from the Edens property and whatever trees they remove they will be replanting. Mr. Thompson stated the applicant is going to plant 65 feet worth of plantings in 30 feet therefore the plantings will be very intense. Mr. Miller stated this is correct. Mr. Russell stated he can understand a neighbor not wanting to look at a large ugly office building which is why we made the effort to buffer this property and make the building as small as possible.

Chairman Thompson closed the hearing to public comment.

***Mr. Edmonds made a motion in the matter of VAAP #11-132-001, Fair Office Park, 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 variance to reduce the required 65-foot B buffer yard to 30 feet on the north side of the property and to accept and include the proposed findings of fact in the order and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.***

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

The minutes of May 26, 2011 were approved as recorded.

#### **The Board authorized the Chair to review and sign the following orders:**

CUAP #11-135-001 – Morganza Cell Tower

VAAP #11-0437 – Converse

VAAP #09-110-009 – Brown Subdivision

ZAAP #07-0118 – Kuzmick

#### **ANNOUNCEMENTS**

Mr. Berlage indicated this would be his last meeting and thanked the Board and Staff for their hard work and dedication.

#### **ADJOURNMENT**

The meeting was adjourned at 8:00 p.m.

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Jada Stuckert, Recording Secretary

Approved in open session: July 14, 2011

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Howard Thompson  
Chairman