

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, July 11, 2013**

Members present were Randy Guy, Vice-Chairman; Robert Moreland, William Greene, and Ronald Payne. Alternate John Brown was also present. George Allan Hayden was excused. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director; Bill Hunt, Deputy Director; 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.

DECISION

ZAAP #12-1017 – Mattingly

All members reviewed the findings from the Administrative Hearing Examiner. Mr. Greene stated he did not receive the DVD from the hearing therefore would not be voting tonight. Mr. Mattingly asked that all members review the DVD prior to voting. ***Mr. Moreland made a motion to continue the case to a later date and Mr. Brown seconded. The motion passed by a 5-0 vote.*** Mr. Moreland provided Mr. Greene with a copy of the DVD.

PUBLIC HEARINGS

VAAP #13-132-006 – Medical Office Building at East Run

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to reduce the required front yard setback and a variance to reduce the required buffer yard along Great Mills Road. The property contains 4.31 acres; is zoned Residential Mixed Use (RMX) District, Residential, High Density (RH) District, and the Corridor Mixed Use (CMX) District; and is located on the West side of Great Mills Road at its intersection with Chancellors Run Road; Tax Map 51, Grid 7, Parcel 0619 and 0017.

Owner: 21165 Medical Development, LLC
Present: Chris Longmore, Amy DiPietro, Brian Norris

The property and variance requests were advertised in The Enterprise on June 26, 2013 and July 3, 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 July 3, 2013 and the applicable regulations relevant to the case. Ms. Chaillet submitted the staff report and attachments for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Chris Longmore submitted copies of the PowerPoint presentation and a streetscape drawing for the record, *hereby labeled as Exhibit 3 and Exhibit 4 respectively*. Ms. Amy DePietro and Mr. Brian Norris were sworn for the record.

Ms. DePietro gave an overview of the PowerPoint presentation describing the proposed development and the need for the requested variances. Mr. Longmore noted the variance is only being requested for this specific building on this specific parcel. Mr. Norris indicated the medical center would have to be moved back 65 feet if the variances are not granted and this would take away from the walking areas. Mr. Longmore reviewed the standards for granting a variance.

Vice-Chairman Guy opened the hearing to public comment, hearing none, closed the hearing to public comment.

Mr. Moreland made a motion in the matter of VAAP #13-132-006, Medical Office Building at East Run, 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 front yard setback from 50 feet to 15 feet along Great Mills Road; I further move in the matter of VAAP #13-132-006, Medical Office Building at East Run, having made a finding that the standards for granting a variance and the objectives of 63.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to reduce the required 65-foot Type B Buffer to a 15-foot Type A Buffer along Great Mills Road and Mr. Greene seconded. The motion passed by a 5-0 vote.

VAAP #12-1829 - Farrell

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to clear approximately 1,600 square feet of existing vegetation. The property contains 0.519 acres; is zoned Residential Low-Density (RL) District, Intensely Developed Area (IDA) Overlay; and is located at 44978 Lighthouse Road, Piney Point, Maryland; Tax Map 65, Grid 16, Parcel 225.

Owner: James & Julia Farrell
Present: James Farrell and Floyd Graham

The property and variance request were advertised in The Enterprise on June 26, 2013 and July 3, 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 July 9, 2013 and the applicable regulations relevant to the case. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Farrell addressed the standards for granting a variance indicating the expanded buffer places an undue hardship on the property. Mr. Moreland questioned attachments four (4) and five (5) to the staff report. Mr. Graham marked the location of the house on staff report attachment 5 and submitted it for the record, *hereby labeled as Exhibit 3 by the recording Secretary*.

Vice-Chairman Guy opened the hearing to public comment.

Mr. John Shields was sworn for the record. Mr. Shields testified he is in full support of the requested variances.

Vice-Chairman Guy closed the hearing to public comment.

Mr. Greene made a motion in the matter of VAAP #12-1829, Farrell, 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 clear 1,600 square feet of existing vegetation in the Critical Area Buffer and Mr. Brown seconded. The motion passed by a 5-0 vote.

VAAP #13-0001 - Swedish

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to exceed the maximum width of an allowed walkway through the Critical Area Buffer to the water's edge. The property contains 15.1 acres; is zoned Rural Preservation district (RPD), Resource Conservation Area (RCA) Overlay; and is located at 43699 Sunny Ridge Lane, Hollywood, Maryland; Tax Map 20, Grid 12, Parcel 324.

Owner: William Swedish & Linda Griggs
Present: William Swedish and

The property and variance request were advertised in The Enterprise on June 26, 2013 and July 3, 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 July 9, 2013 and the applicable regulations relevant to the case. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. Kevin Stephens and Mr. William Swedish were sworn for the record. Mr. Stephens gave an overview of the variance request addressing the standards. Mr. Swedish provided background information on the requests.

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

Mr. Payne made a motion in the matter of VAAP #13-0001, Swedish, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 71.9.8.j 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 a four feet wide walkway and Mr. Brown seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of May 23, 2013 were approved as recorded.

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

None

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: August 8, 2013

George Allan Hayden
Chairman