

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, October 10, 2013**

Members present were George Allan Hayden, Chairman; Randy Guy, Robert Moreland, William Greene, and John Brown. Ronald Payne was excused. Department of Land Use & Growth Management (LUGM) staff present were Bill Hunt, Deputy Director; Yvonne Chaillet, Zoning Administrator; Carrie Ann Heinz, Environmental Planner; 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 #12-132-09 – South Gate Self Storage

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting variances to: 1) Section 63.3 to reduce the required buffer yard from MD Route 235; 2) Section 63.3 to reduce the required buffer yard from the residential properties to the south of the subject property; 3) Schedule 32.1, footnote 4, to reduce the required rear yard setback in the Corridor Mixed Use (CMX) District from an abutting property in the Residential Low-Density District (RL); and 4) Schedule 32.1 to reduce the front yard setback from an arterial road. The property contains 3.25 acres; is zoned Corridor Mixed Use (CMX) District, Accident Potential Zone 2 (APZ-2) Overlay; and is located at 21179 Three Notch Road, Lexington Park, Maryland; Tax Map 52, Grid 8, Parcel 144.

Owner: Beck & Beck, LLC
Present: Dean Beck of Beck & Beck, LLC

The property and variance requests were advertised in The Enterprise on September 25, 2013 and October 2, 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 September 18, 2013 and the general standards for granting variances, development standards and buffer yards. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Chairman Hayden indicated the Navy did not receive the notice in enough time to review the requests. Mr. Beck requested a continuance to allow the Navy time to comment on the requested variances.

Mr. Guy made a motion in the matter of VAAP #12-132-09 – South Gate Self Storage, that the hearing be continued to November 14, 2013 and Mr. Moreland seconded. The motion passed by a 5-0 vote.

VAAP #13-0908 – Felps (Continued from 9/12/13)

Ms. Carrie Ann Heinz was sworn for the record and gave an overview of the requested variances stating the applicants worked with staff to reduce the lot coverage by 414 square feet.

Michael Felps was sworn for the record. Mr. Felps indicated the pavers will provide for a safer area for the hot tub and that he is willing to mitigate with shrubs and trees where necessary.

Mr. Greene made a motion in the matter of VAAP #13-0908, Felps, having made a finding that the standards for granting a variance in the Critical Area and the objectives of Section 41.5.3.i of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to exceed the allowed lot coverage amount by an additional 771 square feet and Mr. Moreland seconded. The motion passed by a 5-0 vote.

VAAP #13-0438 - Rosenbluth

Ms. Yvonne Chaillet, LUGM was sworn for the record. The applicant is requesting a variance to disturb the Critical Area Buffer to construct a replacement single-family dwelling. The property contains 1.6 acres; is zoned Residential Neighborhood Conservation (RNC) District, Limited Development Area (LDA) Overlay; and is located at 45341 Nats Creek Road, Hollywood, Maryland; Tax Map 27, Grid 12, Parcel 420.

Owner: James and Alba Rosenbluth

The property and variance request were advertised in The Enterprise on September 25, 2013 and October 2, 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 September 30, 2013 and the specific standards for granting variances in the Critical Area and the 100 foot Critical Area Buffer. Ms. Chaillet submitted the staff report for the record, *hereby labeled as Exhibit 2 by the Recording Secretary*.

Mr. James Rosenbluth was sworn for the record. Mr. Rosenbluth gave a short PowerPoint Presentation explaining the need for the variance. Mr. Rosenbluth submitted the PowerPoint Presentation for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*.

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

Mr. Greene made a motion in the matter of VAAP #13-0438, Rosenbluth, 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 a replacement single-family dwelling and Mr. Moreland seconded. The motion passed by a 5-0 vote.

MINUTES AND ORDERS APPROVED

The minutes of September 12, 2013 were approved as recorded.

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

VAAP #12-2275 - Rice
CUAP #12-131-020 – Kronlund Pit

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: November 14, 2013

George Allan Hayden
Chairman