

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, June 11, 2009**

Members present were Howard Thompson, Chairman; Wayne Miedzinski, Ronald Delahay, Veronica Neale, and George T. Edmonds. Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, 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.

**PUBLIC HEARINGS**

**VAAP #09-0498 – Superior**

Ms. Chaillet stated this case was continued from May 28, 2009 in order to review a revised staff report based on comments made at the public hearing and make a final decision.

***Mr. Miedzinski made a motion in the matter of VAAP #09-0498 Superior, having made a finding that the standards for granting a variance and the objectives of Section 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 10-foot side yard setback to 8 feet to complete partial construction of an after-the-fact deck surrounding a pool and Ms. Neale seconded. The motion passed by a 5-0 vote.***

**VAAP #06-132-039 – Park Place**

The applicant is requesting variance to increase the maximum footprint of a commercial structure in the Residential Mixed Use (RMX) District. The property contains 30.17 acres; is zoned Residential Mixed Use (RMX) District, Airport Environs (AE) Overlay; and is located at the northwest corner of Shady Mile Drive and MD Route 235, California, Maryland; Tax Map 34, Block 23, Parcel 122.

Owner: Park Place California, LLC  
Present: John Parlett, Jr.

The property and variance were advertised in The Enterprise on May 27, 2009 and June 3, 2009.

Ms. Chaillet read the staff report which recommended approval of the request to increase the maximum footprint of a commercial structure in the RMX District with the purchase of TDR's, from 25,000 to 30,000 square feet. Ms. Neale stated if the overall footprint will be less why would TDRs be required. Ms. Chaillet stated because the footprint will exceed the maximum allowed by the Zoning Ordinance.

Mr. Edmonds asked if the trees in the rear of the property would be cut down. Mr. Parlett stated we do not own the pond or what's behind the pond therefore we will not be cutting down the trees in the rear of the property. Mr. Parlett referenced the site plan which is labeled as Attachment 2 by the Recording Secretary and the approved final site plan hereby labeled as Exhibit 2 by the Recording Secretary. Mr. Parlett gave an overview of the project stating we will be required to purchase five (5) Transferable Development Rights (TDRs). Mr. Parlett stated there will be a decrease in overall density on the overall project. Mr. Parlett stated if a favorable decision is given could the approval for a period of two (2) years rather than one (1) year.

Chairman Thompson asked if the certified mailing receipts were received. Mr. Parlett submitted the certified mailing receipts hereby labeled Exhibit 1 by the Recording Secretary.

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

**Mr. Miedzinski made a motion to accept #7 of the staff report as findings of fact in this matter and Mr. Edmonds seconded. The motion passed by a 5-0 vote.**

**Ms. Neale made a motion in the matter of VAAP #06-132-039, Park Place, having made a finding that the standards for granting a variance and the objectives of Section 32.1 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to increase the maximum footprint of a commercial structure in the Residential Mixed Use District, with the purchase of TDR's, from 25,000 to 30,000 square feet and recommend approval of a two (2) year variance and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.**

#### **VAAP #09-0633 – RSG&F, LLC**

The applicant is requesting variance to increase the height of a freestanding sign in the RCL District from 16 feet to 20 feet and a variance to increase the square footage of a freestanding sign in the RCL District. The property contains 6,969 square feet; is zoned Rural Commercial Limited (RCL) District; and is located at 22725 Radio Station Way, Leonardtown, Maryland; Tax Map 32, Block 14, Parcel 409.

Owner: RSG&F, LLC  
Present: Gerald Gardiner, Jr.

The property and variances were advertised in The Enterprise on May 27, 2009 and June 3, 2009.

Ms. Chaillet read the staff report which recommended approval of the requests to increase the height of a freestanding sign from 16 feet to 20 feet and to increase the square footage of a freestanding sign.

Chairman Thompson asked if the certified mailing receipts were received. Mr. Gardiner submitted the certified mailing receipts hereby labeled Exhibit 1 by the Recording Secretary.

Mr. Gardiner clarified the sign will be 60 feet from the travel portion of Route 5 northbound utilizing Exhibit 2 as labeled by the Recording Secretary. Mr. Gardiner pointed out the location of the sign on Exhibit 2 and marked it with an "X". Mr. Miedzinski asked if the sign would be double-sided. Mr. Gardiner stated yes, double sided and illuminated. Mr. Gardiner submitted an example photo of the sign hereby labeled as Exhibit 3 by the Recording Secretary.

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

**Mr. Miedzinski made a motion to accept #4 of the staff report as findings of fact in this matter and Ms. Neale seconded. The motion passed by a 5-0 vote.**

**Mr. Edmonds made a motion in the matter of VAAP #09-0633, RSG&F, LLC, having made a finding that the standards for granting a variance and the objectives of Section 65.3 and Section 65.3.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the variance request to increase the size and height of a freestanding sign in the RCL District and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.**

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

The minutes of May 28, 2009 were approved as recorded.

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

VAAP #05-132-046 River Creek Lodge  
CUAP #09-131-016 – Dynard Elementary School  
CUAP #09-131-017 – Lettie Dent Elementary School  
CUAP #09-131-019 – Spring Ridge Middle School  
VAAP #09-0498 - Superior

**ADJOURNMENT**

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

---

Jada Stuckert, Recording Secretary

Approved in open session: July 9, 2009

---

Howard Thompson  
Chairman