

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, August 10, 2017 at 6:30 p.m.**

Members present: George Allan Hayden, Chairman; John Brown, Co-Chair; William Greene; Ronald Payne; and Wayne Miedzinski.

Absent: Stuart Egeli, Alternate.

Bill Hunt, Director; Yvonne Chaillet Zoning Administrator; Kathleen Easley, Sr. Planner and Sandie Greene, Recording Secretary were present from the Department of Land Use and Growth Management.

George Sparling was present from the St. Mary's County Attorney's Office.

**CALL TO ORDER**

**AGENDA REVIEW: ADDITIONS-DELETIONS**

**DISCUSSIONS**

**PUBLIC HEARINGS**

**1. Application/case no: 16-132-005, Dollar General  
Property owner: Ronald Edward Wood  
Location: 23848 Mervell Dean Road, Hollywood, Maryland 20636  
Parcel ID: Tax Map: 34 Grid: 02 Parcel: 651  
Election District: 6  
Zoning: Town Center Mixed Use (TMX) District, Airport Environs (AE) Overlay.  
Acreage: 3.218 acres  
Action requested: Variance from Section 63.3.b of the St. Mary's County Comprehensive Zoning Ordinance to reduce the required 65-foot Type B Buffer to a 30-foot Type C Buffer on the south side of the property.**

Staff Report by Yvonne Chaillet, Zoning Administrator

Exhibit 1- Staff Proof of Ad

Exhibit 2- Staff Report

Attachment 1: Standards letter dated June 20, 2017 from Christopher T. Longmore  
(Applicant Exhibit A)

Attachment 2: Planning Commission Motions of June 12, 2017

Attachment 3: Planning Commission Motions of July 10, 2017

Attachment 4: Technical Evaluation Committee (TEC) comments

Attachment 5: Land Use Map

Attachment 6: 2014 Ortho Photo

Attachment 7: Site Plan

**Speakers:**

Sam Wiest of Dugan, McKissick & Longmore, LLC

Wayne Hunt of Little Silences Rest (LSR)

John Camp of Oxford Chase Development, Inc.

Applicant Exhibit A – Powerpoint Presentation

Public testimony presented:

Nancy Ford, 23520 FDR Blvd, California, MD 20619

Wayne Miedzinski made the motion "In the matter of VAAP #16-132-005, Dollar General, having made a finding that the standards for granting a variance and the objectives of Section 63.3.b of the St. Mary's County Comprehensive Zoning Ordinance have, I move to approve the variance request to reduce the required 65-foot Type B Buffer to a 30-foot Type C Buffer on the south side of the Property with the condition the fence be placed on the residential side of the buffer".

John Brown seconded the motion. The motion passed unanimously.

**2. Application/case no: 05-132-019 and 17-132-001, St. Mary's Marketplace**

**Property owner: Investors Acquisition Group, LLC**

**Location: West corner of MD Rte. 235 & MD Rte. 4, California, Maryland 206**

**Parcel ID: Tax Map: 34 Grid: 16 Parcels: 51, 52, 53, 422, 520, and adjusted parcels 52 & 520**

**Election District: 8**

**Zoning: Corridor Mixed Use (CMX) District, Airport Environs (AE) Overlay**

**Acreage: 11.657 acres**

**Action requested: Variances from Schedule 63.3.b of the St. Mary's County Comprehensive Zoning Ordinance to: 1) reduce the required 65-foot Type B Buffer to a 30-foot Type C Buffer along the property's frontage with MD Route 4 (St. Andrews Church Road); 2) reduce the required 65-foot Type B Buffer to a 30-foot Type C Buffer along the property's frontage with FDR Boulevard; 3) reduce the Type C Buffer from the required 30 feet to 20 feet along the property's frontage with FDR Boulevard; and 4) eliminate the requirement of a Type C Buffer for a berm or fence.**

Staff Report by Yvonne Chaillet, Zoning Administrator

Exhibit 1- Proof of Ad

Staff Exhibit 2- Staff Report

Attachment 1: Standards letter dated July 13, 2017 from Christopher T. Longmore

Attachment 2: Planning Commission Meeting Minutes of November 24, 2008

Attachment 3: Board of Appeals Order dated May 14, 2009

Attachment 4: Board of Appeals Order dated July 22, 2010

Attachment 5: Board of Appeals Order dated April 25, 2013

Attachment 6: Planning Commission Motions of June 12, 2017

Attachment 7: Technical Evaluation Committee (TEC) comments

Attachment 8: Land Use Map

Attachment 9: 2014 Ortho Photo

Attachment 10: Site Plan

**Speaker:**

Sam Wiest of Dugan, McKissick & Longmore, LLC

Matthew Allen of Kline Enterprises, Investors Acquisition Group, LLC

Eric McWilliams, Landscape Architect, Bowler Engineering

Exhibits: Powerpoint Presentation

Public testimony presented:

Cecily Strong, 23510, FDR Blvd # 204, California, MD 20619

Chris Coster 23510, FDR Blvd # 402, California, MD 20619

Peter Stephanak, 23520 FDR Blvd, #308, California, MD 20619

Timothy Joyce 23520 FDR Blvd, #404, California, MD 20619

Giles & Amy Howlett, 23510 FDR Blvd, #302, California, MD 20619- letter submitted

William Greene made the motion: "In the matter of VAAP #05-132-019 and 17-132-001, St. Mary's Marketplace, having made a finding that the standards for granting a variance and the objectives of Schedule 63.3.b of the St. Mary's County Comprehensive Zoning Ordinance have been met, I move to approve the following variance requests:

1. Variance to reduce the required 65-foot Type B buffer to a 30-foot Type C buffer along the Property's frontage with MD Route 4 (St. Andrews Church Road);
2. Variance to reduce the required 65-foot Type B buffer to a 30-foot Type C buffer along the Property's frontage with FDR Boulevard;
3. Variance to reduce the Type C buffer from the required 30 feet to 20 feet along the Property's frontage with FDR Boulevard; and
4. Variance to (eliminate the requirement for a six-foot tall berm or fence along the Property's frontage with MD Route 4 and FDR Boulevard;
5. A solid fence is placed on the resident's side of the trees as a buffer.

Wayne Miedzinski seconded the motion. The motion passed unanimously.

### MINUTES AND ORDERS APPROVED

John Brown made a motion approving the minutes for July 13, 2017 with the correction to Wayne Miedzinski's name in the 2<sup>nd</sup> application.

Wayne Miedzinski seconded. The motion passed unanimously.

#### Orders:

1. Wayne Miedzinski made a motion to give Chairman Hayden the authority to sign the order for VAAP #16-1573, Edward and Sharon Perraut property at 21660 Potomac View Drive, Leonardtown MD 20650. John Brown seconded. The motion passed unanimously.
2. William Greene made a motion to give Chairman Hayden the authority to sign order for VAAP 17-0518, Carol Kurtz and Gary Kurts at 45894 Patuxent Lane, California, MD 20619. Wayne Miedzinski seconded. The motion passed unanimously.
3. Wayne Miedzinski made a motion to give Chairman Hayden the authority to sign the order for VAAP 17-0040; John L. and Flora M. Woodward at 24818 Half Pone Point Road, Hollywood MD 20636. John Brown seconded. The motion passed unanimously.

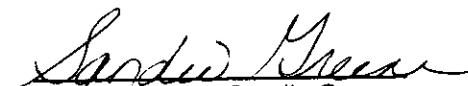
### OTHER BUSINESS

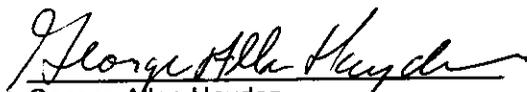
### ADJOURNMENT

Wayne Miedzinski made the motion to adjourn the meeting. John Brown seconded the motion. The motion passed unanimously

The meeting was adjourned at approximately 9:05 p.m.

Approved in open session: September 14, 2017

  
Sandie Greene  
Recording Secretary

  
George Allan Hayden  
Chairman