

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, November 8, 2018 at 6:30 p.m.**

Members present: George Allan Hayden, Chairman; John Brown, Vice-Chair; William Greene, Wayne Miedzinski, Lynn Delahay and Rich Richardson, Alternate

Bill Hunt, Director; Kathleen Easley, Deputy Director; Stacey Clements, III; Laura Kay, Planner III, Brandy Glenn, Planner II; Shelia Smith, Office Manager and were present from the Department Land Use and Growth Management.

David Weiskopf, Acting County Attorney, James Tanavage, Assistant County Attorney, Jack Upton, Attorney, Outside Representation

CALL TO ORDER

DISCUSSION

1. **Application/case no:** A-17-02 & 17-03 – AMERCO Real Estate Company/U-Haul
Property Owner: U-Haul International
Location: 46075 Signature Lane, Lexington Park, Maryland
Parcel ID: Tax Map 51 Grid: 8 Parcel: 401 Election **District:** 8
Zoning: Commercial Acreage: 97,000 sf
Action requested: Appeal the decision by the Director of Land Use and Growth Management on May 22, 2017 to approve zoning authorization to U-Haul of Lexington Park for a Showroom, D&R Bayand Self-Storage Warehouse.

Presenter: Jack Upton, Attorney representing the Board of Appeals.

Mr. Upton detailed the reason that the Circuit Court has returned the case: A-17-02 & 17-03 AMERCO Real Estate Company/U-Haul Property Owner: U-Haul International stating the case was returned to the Board of Appeals due to insufficient evidence or "Finding of Fact" to support the conclusion.

Three options are before the Board:

1. Elaborate or clarify the previous decision given.
2. Elect to receive additional evidence to supplement documentation previously heard.
3. Open the case as a new hearing De Nova, the evidence previously heard will be presented to the 2019 Board of Appeals, this new hearing will allow both the returning and new membership to hear the case in its entirety.

Exhibit 1: St. Mary's County Circuit Court Documentation Case Number C-18-CV-17-000216

Exhibit 2: Land Use and Growth Order Cases 1702 and 1703 dated October 12, 2017

Exhibit 3: Board of Appeals August 24, 2017 minutes

Chairman Hayden opened discussion with the Board of Appeals to discuss the options presented by Mr. Upton. The Board decided on a De Nova hearing on February 14, 2019.

Mr. Brown made the motion to hear the case A-17-02 & 17-03 – AMERCO Real Estate Company/U-Haul Property Owner: U-Haul International case, De Nova, on February 14, 2019.

Mr. Miedzinski seconded the motion. The motion passed unanimously

PUBLIC HEARINGS**1. Application/case no. VAAP# 18-0539, Pleisse Property****Property owner:** John Pleisse**Location:** 42195 White Point Beach Road, Leonardtown, MD**Parcel ID:** tax map: 56 grid: 01 parcel: 48**Election District:** 3**Zoning:** Rural Preservation District (RPD), Limited Development Area (LDA) Overlay, Buffer Management Overlay (BMO)**Acreage:** 20,000 square feet**Action requested:** Variance from Schedule 32.1 of the Comprehensive Zoning Ordinance (CZO) to reduce the required front yard setback from 25 feet to five feet and variance from Section 51.2.4.c of the CZO to reduce the required setback between structures from 10 feet to five feet to construct a detached garage.

Presenter: Kathleen Easley, Deputy Director, Land Use and Growth Management

Exhibit 1: Proof of Ad, USPS Certified Mail Receipts and Certification of Property Posting.

Exhibit 2: Staff Report

Attachment 1: Land Use Map

Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Floodplain Map

Attachment 5: Standards Letter from Applicant

Applicant Exhibits:

The Standards letter received 10/3/18 from John E. Pleisse, with the following attachments:

Attachment 1: Site plan of William O'Brien's Subdivision #1

Attachment 2: Real Property Data

Attachment 3: Photo of Lot 10

Attachment 4: Photo of Lot 9

Attachment 5: Photo of Lot 8

Attachment 6: Photo of Lot 6/5

Attachment 7: Photo of Lot 4

Attachment 8: Photo of Lot 3

Attachment 9: Photo of Lot 2/1

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers representing The Pleisse Property: John Pleisse, 42195 White Point Beach Road, Leonardtown, MD 20650

Exhibit 4: Applicant PowerPoint presentation.

*Chairman Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment.**Mr. Miedzinski made the motion "In the matter of VAAP #18-0539, Pleisse Property, 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 (CZO) have been met, I move to approve the variance request to reduce the required twenty-five (25)-foot front yard setback to five (5) feet; and having made a finding that the standards for granting a variance and the objectives of Section 51.2.4.c of the CZO have not been met, I move to deny the*