

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 19-132-004

**FOUNTAIN GROUP, LLC
t/a HOLLYWOOD SQUARE**

SIXTH ELECTION DISTRICT

DATE HEARD: September 12 and November 14, 2019

ORDERED BY:

Mr. Brown, Mr. Ichniowski, and Mr. Miedzinski

PLANNERS: LAURA KAY and STACY CLEMENTS

DATE SIGNED: December 12, 2019

PLEADINGS

Fountain Group, LLC, the applicant, seeks a variance (VAAP # 19-132-004) to reduce the required 50-foot setback along Three Notch Road (MD Rte. 235) and reduce the required 35-foot setback along Mervell Dean Road (MD Rte. 944). The applicant also seeks a variance to waive the required 65-foot Type B Buffer Yard along Three Notch Road (MD Rte. 235), Clarkes Landing Road (MD Rte. 944B), and Mervell Dean Road (MD Rte. 944).

PUBLIC NOTIFICATION

The hearing notice was advertised in The Enterprise, a newspaper of general circulation in St. Mary's County, on August 14, 2019 and August 21, 2019. The hearing notice was also posted on the property. The file contains the certification of mailing to all adjoining landowners, even those located across a street. Each person designated in the application as owning land that is located within Two Hundred (200) feet of the subject property was notified by mail, sent to the address furnished with the application. The agenda was posted on the County's website on Thursday, August 21, 2019. Therefore, the Board finds and concludes that there has been compliance with the notice requirements.

FINDINGS

A public hearing was conducted at 6:30 p.m. on September 12, 2019, at the St. Mary's County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. After testimony was taken the matter was continued until November 14, 2019 for the Applicant to present new plans to increase the plantings and lessen the reduction to the

Buffer Yard. Additional testimony was taken and all persons desiring to be heard were heard after being duly sworn, the proceedings were recorded electronically, and the following was presented with regard to the proposed variance requested by the applicants.

The Property

The subject property is located at 23871 Mervell Dean Road, Hollywood, MD 20626. It is zoned Town Center Mixed Use (TMX) and Airport Environs Overlay (AE). It is identified on Tax Map 34, Grid 02, Parcel 317. The land use for the lot is Mixed-Use Moderate-Intensity.

The Variance Requested

The applicants wish to develop the Property with three (3) businesses: a restaurant, a carry-out business and a coffee shop. The applicant requests three (3) variances: 1/ reduce the requirement of a 50-foot setback along Three Notch Road required under Schedule 32.1 of the St. Mary's County Comprehensive Zoning Ordinance; 2/ reduce the requirement of a 35-foot setback along Mervell Dean Road required by the Schedule 32.1 of the Zoning Ordinance; and 3/ a waiver of the 65-foot Type B Buffer Yard required under Schedule 63.3.b of the Zoning Ordinance.

The St. Mary's County Comprehensive Zoning Ordinance

Schedule 32.1 of the St. Mary's County Comprehensive Zoning Ordinance details the Development Standards for the different zoning districts. In the TMX, a 50-foot