

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of Hollywood Partnership
Three Notch LLC
24813 Hollywood Road
Hollywood, Maryland 20636

Case VAAP #15-183-006

DECISION AND ORDER**Introduction**

Hollywood Partnership Three Notch LLC (Applicant) filed an application for a variance from Section 75.8.2.b(6) of the Comprehensive Zoning Ordinance to remove 38 specimen trees with a diameter of 30 inches or more measured at 4.5 feet above ground.

After due notice, a public hearing commenced at 6:30 p.m. on March 9, 2017, at the St. Mary's County Governmental Center at 41770 Baldrige Street in Leonardtown, Maryland. Having been continued on the record, the public hearing took place on March 23, 2017. All persons desiring to be heard were heard after being duly sworn and documentary evidence was received. The proceedings were recorded electronically.

Legal Standard

Chapter 75 of the Ordinance regulates the cutting and clearing of certain forests and requires forest stand delineations and forest conservation plans pursuant to §§5-1601 through 5-1612 of the *Natural Resources Article* of the *Annotated Code of Maryland*. A variance from Forest Conservation Priority Retention Area requirements shall be granted only upon findings that:

1. reasonable efforts have been made to protect trees;
2. the area cannot practically be left in an undisturbed condition;
3. owing to special features of a site or other circumstances, implementation of the provisions of Chapter 75 would result in unwarranted hardship to the applicant; and
4. the granting of a variance will not adversely affect water quality.

Findings of Fact

The Property is located on the Northeast corner of Three Notch Road (Maryland Route 235) and Sotterley Road (Maryland Route 245), within the Hollywood Town Center. The parcel is zoned Town Center Mixed Use District (TMX). The proposed uses within the Commercial Center, are permitted uses within the zone, and will be built on a vacant piece of property. The site contains 14.22 acres.

The Property is the site of the proposed Hollywood Commercial Center, which received concept site plan approval from the Board of Appeals on August 11, 2016. The proposed structures will be 50,200 square feet. The proposed Concept Site Plan proposes new entrances