

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Thursday, February 14, 2019 at 6:30 p.m.**

**Members present**

George Allen Hayden, Chair  
John Brown, Vice-Chair  
Wayne Miedzinski  
Lynn Delahay  
Rich Richardson  
Daniel Ichniowski, Alternate

**Land Use and Growth Management Staff Present**

Bill Hunt, Director  
Kathleen Easley, Deputy Director  
Sandie Greene, Recording Secretary

**County Government Supporting Staff Present**

David Weiskopf, County Attorney  
James Tanavage, Assistant County Attorney  
Jack Upton Attorney at Law, representing St. Mary's County Government Board of Appeals

**Meeting called to order at 6:30 p.m.**

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARING

Action: A. Dept: LAND USE AND GROWTH MANAGEMENT /  
**Application/case no. ZAAP 16-131-007, U-Haul International –**

Property owner: U-Haul International

Location: 46075 Signature Lane, Lexington Park, Maryland

Parcel ID: 400 and 401

Election District: 8

Zoning: Downtown Core Mixed Use (DMX)

Lot size: 97,000 square feet or 11.0226 acres

Action requested: Appeal of the Planning Director's May 22, 2017, decision that Personal Storage can be an accessory use to Rental and Leasing at the existing U-Haul site at the above location.

Speaking for Americo/UHaul:

1. Chris Longmore Esq of Dugan, McKissick & Longmore, LLC, 22738 Maple Road, Suite 101, Lexington Park, MD 20653
2. Daniel F. Lynch, Principal of McNamee Hosea, 6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770

Speaking for the Appellants, Storage Mall: Peter Guinto, Regional Manager,  
6810 Kinne Street, East Syracuse New York

Samuel D. Cowen of Gallagher Evelius & Jones, LLP, 218 North Charles Street, Suitland MD 21201 representing the appellants.

Mr. Daniel Lynch of McNamee Hosea representing AMERICO/Uhaul requested a continuance of the AMERICO/Uhaul hearing to a later date. The applicants are working on some possible changes to the plans and would like to have Mr. Hunt, Director of Land Use and Growth Management review the updated plans prior to returning to the Board.

After discussion with Samuel Cowen, the representative of Storage Mall, Jack Upton, the Board of Appeals attorney representative and other Board of Appeal members, the continece was scheduled for May, 9, 2019.

Action: B. Application/case no. VAAP 16-132-003, PELBPS, LLC Commercial Office Units - continued from November 8, 2018

**Property owner:** PELBPS, LLC

**Location:** 23458 Three Notch RD, California, MD

**Parcel ID:** tax map: 34 grid: 09 parcel: 157

**Election District:** 8

**Zoning:** Residential, Mixed Use (RMX) District, Airport Environs (AE) Overlay

**Acreage:** 42,253 square feet or 0.97 acres

**Action requested:** Variance from Schedule 63.3.b of the Comprehensive Zoning Ordinance (CZO) to reduce the required 65-foot Type B buffer to a variable-width buffer along the property's northern boundary with the residential-use property.

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

**Attachments:**

- 1: Standards Letter from Jason Leavitt dated September 13, 2018
- 2: Planning Commission Minutes of June 11, 2018
- 3: Land Use Map
- 4: Location Map
- 5: Concept Site Plan (6 sheets)
- 6: TEC comments

Exhibit 3: Land Use and Growth PowerPoint presentation

Speakers Representing the PELBPS, LLC, 23458 Three Notch Road, California, MD 20619

Surveyor/Engineer: Jason Leavitt, R.A. Barrett & Associates, 100 Jibsail Drive, Suite 103  
Prince Frederick, MD 20678

Exhibit 4: Applicant PowerPoint presentation.

Exhibit 5: Letter of Consent of John E Adams and Loretta S Adams

*Chairman Hayden opened the hearing to public comment, hearing none, the hearing was closed to public comment.*

*Commissioner John Brown made the motion: In the matter of VAAP #16-132-003, PELBPS, LLC Commercial Office Units, 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, with the following exceptions; I move to approve the variance request to reduce the required 65-foot*

Type B to a 7 foot buffer to a variable-width buffer along the property's northern boundary with the residential-use property" with the following conditions:

1. A notarized consent be obtained from the Residential Use Owners.
  2. Type a Buffer plantings in the 7 foot buffer extend from the residents to the parking lot.
- Commissioner Wayne Miedzinski seconded the motion. The motion passed unanimously.

Motion by John Brown, second by Wayne Miedzinski.

Final Resolution: Motion Carries

Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

#### 4. OLD BUSINESS

##### Action: A. APPROVAL OF MINUTES

I move to approve the minutes of January 10, 2019.

Motion by Lynn Delahay, second by Rich Richardson

Final Resolution: Motion Carries

Yea: John Brown, Vice Chair; Lynn Delahay and Rich Richardson

##### Action: B. APPROVAL OF ORDERS

1. I move to authorize Chairman Hayden to sign the order for VAAP #18-1662, Chen Property

Motion by Rich Richardson, second by Lynn Delahay

Final Resolution: Motion Carries

Yea: John Brown, Vice Chair; Lynn Delahay and Rich Richardson

#### 5. NEW BUSINESS

##### A. Election of Chair for the 2019 Board of Appeals

I move to elect George Allen Hayden to serve as the Board of Appeals Chair for 2019.

Motion by: John Brown

Second by: Wayne Miedzinski

Yea: Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

##### B. Election of the Vice-Chair for the 2019 Board of Appeals

I move to elect John Brown to serve as the Board of Appeals Vice- Chair for 2019.

Motion by: Rich Richardson

Second by: Lynn Delahay

Yea: Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

##### C. Annual Report

I move to accept the 2018 Board of Appeals Annual Report as presented.

Motion by Wayne Miedzinski, second by John Brown.

Final Resolution: Motion Carries

Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

6. ADJOURN

Action: A. Adjourn the February 14, 2019.

A motion was made to adjourn the Board of Appeals meeting of February 14, 2019.


Motion by Wayne Miedzinski, second by Lynn Delahay.

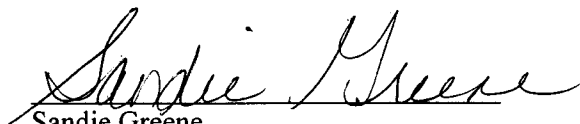
Final Resolution: Motion Carries

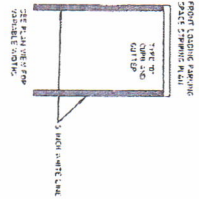
Yea: George Allen Hayden, Chair; John Brown, Vice Chair; Wayne Miedzinski, Lynn Delahay and Rich Richardson

**The meeting was adjourned at 7:15 p.m.**

Approved in open session: March 14, 2019

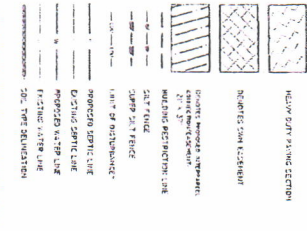
  
George Allen Hayden  
Chairman

  
Sandie Greene  
Recording Secretary

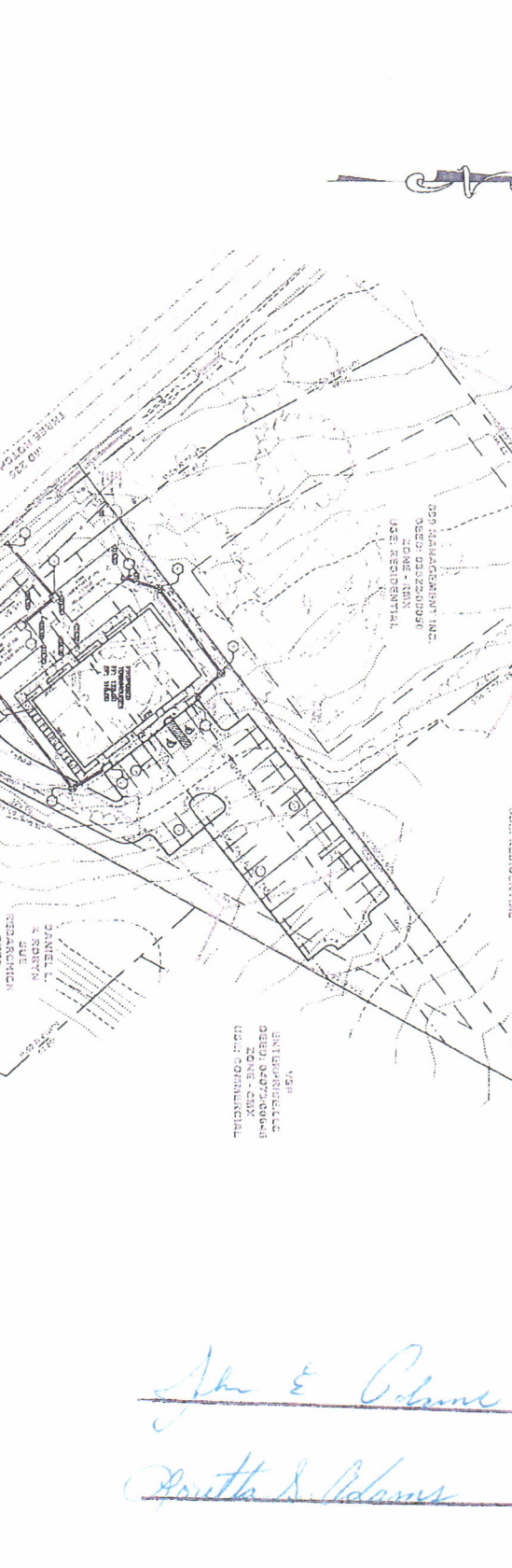


	MAINTENANCE	ACCOMMODATION	PROVIDED
TOTAL SITE AREA	42,253 SF		4,400 SF
BASE FLOOR AREA (LAND/PAV)	0.00/0.00	3,450.0 SF/14,700.0 SF	8,400 SF
LANDSCAPE LANDSCAPING	0.00	8,400.0 SF	
USABLE OPEN SPACE (DECKWAYS, POOL TABLES, ETC)	0.00	21,120.0 SF	1,400 SF 2/1"
UNDEVELOPED OPEN SPACE (BUSHES INCLUDED)	6.3	21,120.0 SF	22,077 SF

PAGE FLOOR AREA RATIO CALCULATIONS:  
 TOTAL LOT AREA: 42,253 SF  
 BUILDING FLOOR AREA: 4,400 SF  
 $4,400 / 42,253 = 0.104$



DATE	BY	DESCRIPTION
04/10/19	J.P. & C.	CONCEPT SITE PLAN



*Kathryn L Connors*

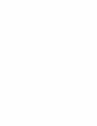
JOHN E. A. LORETTA  
 2100 W. 10TH AVE  
 DEER CREEK SOUTH  
 ZONE - COMM  
 COMM RESIDENTIAL

**KATHRYN L CONNORS**  
**NOTARY PUBLIC**  
**ST. MARY'S COUNTY, MARYLAND**  
**MY COMMISSION EXPIRES**  
**OCTOBER 19, 2022**

*John E. Adams 4-10-19*  
 Date

*Kathryn L Connors 4-10-19*  
 Date

DATE	04/10/19
SCALE	AS SHOWN
DRAWN BY	J.P. & C.
CHECKED BY	J.P. & C.
FILE #	
JOB #	



**R.A. BARRETT & ASSOCIATES, INC.**  
 ENGINEERS & SURVEYORS

160 JESSAL CRT. SUITE 100  
 P.O. BOX 100000  
 410 271 2295 301 455 1564 FAX 410 557 3742

SITE PLAN - 16132-00

**PELBPS, LLC COMMERCIAL TOWNHOUSE UNITS**

SITUATED ON THREE NORTH ROAD IN CALIFORNIA 8th DISTRICT, ST. MARY'S COUNTY, MARYLAND

CONSENT TO REDUCTION OF BUFFER

We, the adjacent property owners, John E. Adams and Loretta S. Adams at 44611 Reeder Saunders Lane, Hollywood Maryland 20636 do hereby consent to the reduction of the buffer line between our property and that of the applicant, PELBPS, LLC property from 65' to 7' in reference to case VAAP # 116-132-003, PELBPS, LLC Commercial Office Units.

DATE: 4-10-19

John E. Adams (SEAL)  
John E. Adams

DATE: 4-10-19

Loretta S. Adams (SEAL)  
Loretta S. Adams

Kathryn L. Connors

KATHRYN L. CONNORS  
NOTARY PUBLIC  
ST. MARY'S COUNTY, MARYLAND  
MY COMMISSION EXPIRES  
OCTOBER 19, 2022