

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Thursday, August 24, 2017 at 6:30 p.m.**

Members present: George Allan Hayden, Chairman; John Brown, Co-Chair; William Greene; Ronald Payne; Wayne Miedzinski and 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, Attorney for St. Mary's County Government recused himself from the proceedings with Jack Upton Attorney at Law, representing St. Mary's County Government.

CALL TO ORDER

AGENDA REVIEW: ADDITIONS-DELETIONS

DISCUSSIONS

PUBLIC HEARINGS

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 Bay and Self-Storage Warehouse.

Speakers:

David Kinkopf of Gallagher Evelius & Jones, LLP, 218 North Charles Street, Suitland MD representing the appellants. Appellants: Peter Guinto, 6810 Kinne Street, East Syracuse New York and Andrew Colevas, 14408 Old Mill Road, Upper Marlboro MD and William Hunt, Director of the Department of St. Mary's County Land Use and Growth Management.

Dave Kinkopf of Gallagher Evelius & Jones, LLP, representing the Appellants presented the following **Exhibits:**

1. U-Haul International Permit Application (no date provided)
2. U-Haul International Site Plans 819073 T1.2, A1.2, T2.2, E1.02 with a date stamp of 5/18/17.
3. H.T.E. Narrative
4. U-Haul International Aerial Map and Legends with a date stamp of 7/14/17.
5. Structure Detail; Parcel ID 0051-08-0400----8-070016
6. Email from Jeff Jackman of St. Mary's County Land Use and Growth Management to Daniela A. Warren of Amerco Real Estate Company dated 10/5/15 with a personal handwritten note from Phil Shire dated 8/4/16.
7. Staff Review, April 20, 2016
8. St. Mary's County Comprehensive Zoning Ordinance Article 5. Regulation of Uses page 50-18

Speakers:

Daniel F. Lynch of McNamee Hosea Principal of McNamee Hosea 6411 Ivy Lane, Suite 200 Greenbelt, Maryland, representing U-Haul International, Pat Goodwin of U-Haul International, 5503 Ridge Road, Mount Airy, MD

Dan Lynch of McNamee Hosea, representing U-Haul International presented the following

Exhibits:

1. Email from Jeff Jackman of St. Mary's County Land Use and Growth Management to Daniela A. Warren of Amerco Real Estate Company dated 10/5/15.
2. Electronic Mail from St. Mary's County Attorney George Sparling to Wesley T. Chadwick, Assistant General Counsel for U-Haul International dated May 8, 2017.
3. Electronic Mail from St. Mary's County Attorney George Sparling to Wesley T. Chadwick, Assistant General Counsel for U-Haul International dated May 15, 2017.
4. U-Haul International Site Plans 819073 SP1, dated 6/23/16.
5. Exhibit 5 the "YTD Truck Rental VS Storage" document as per instructed by George Hayden, Chairman of the St. Mary's Board of Appeals, was to be removed as the Commission felt it was an incomplete description.
6. Google Maps of fifteen U-Haul Storage Facilities found in Maryland.

Public Testimony: None

Motion:

John Brown made the motion that the zoning approval in cases 17-02 and 17-03 be overturned based upon a finding of fact that the proposed Self Storage is not incidental nor subordinate to the rental of trucks and thus is not in compliance with the St. Mary's County Zoning Ordinance.

Ronald Payne seconded the motion.

Ayes – George Hayden, Ronald Payne, and John Brown

Nayes- Wayne Miedzinski and William Greene

Abstain- None

2. CONCEPT SITE PLAN # A-17-04, WOODS AT MYRTLE POINT, Sections 2, 4, 5, 6

Property Owner: Myrtle Point Holdings, LLC/Curtis Development Corp.

Location: Patuxent Boulevard, California, MD 20619

Parcel ID: Tax Map-34 Grid-06 Parcel-587,726,752 & 753,

Election District -8

ZONING: RL/RL/T/AE

Acreage: 50.5

Action requested: Appeal the decision of the June 26, 2017 decision on the St. Mary's County Planning Commission's decision to deny the Appellants' request for Concept Site Plan Approval to include 164 dwelling units and a 4,855 square foot recreation facility.

Speaker:

Christopher Longmore of Dugan, McKissic & Longmore, LLC representing the Property Owners of Myrtle Point Holdings, LLC/Curtis Development Corp. requested a postponement of the Concept Site Plan # A-17-04, Woods at Myrtle Point, Sections 2, 4, 5, 6 due to the lateness of the hour.

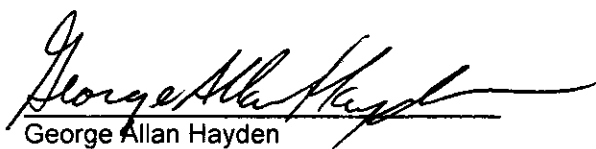
William Greene made the motion to move the Concept Site Plan # A-17-04, Woods at Myrtle Point, Sections 2, 4, 5, 6 until the September 14, 2017 Board of Appeals meeting. Wayne Miedzinski seconded. The motion passed unanimously

ADJOURNMENT

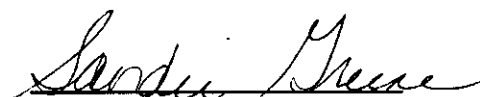
*Wayne Miedzinski made the motion to adjourn the meeting. John Brown seconded the motion.
The motion passed unanimously*

The meeting was adjourned at approximately 9:40 p.m.

Approved in open session: September 14, 2017



George Allan Hayden
Chairman



Sandie Greene
Recording Secretary