



# Commissioners of Leonardtown

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DANIEL W. BURRIS  
Mayor

LASCHELLE E. MCKAY  
Town Administrator

## Commissioners of Leonardtown LEONARDTOWN BOARD OF ZONING APPEALS

41660 Courthouse Drive  
October 10, 2013 @ 5:00 p.m.

Attendees: Dr. Herbert Winnik, Chairman  
Jerome DuVal, Member  
Darren Meyer, Member  
Joan Ritchie, Member  
Marcus Popetz, Member

Also in attendance were: Laschelle McKay, Town Administrator, DeAnn Adler, Plans Reviewer; Teri Dimsey, Recording Secretary, Helen Hasel, Resident and Wayne Davis, applicant. An official list of attendees is on file at the Town Hall.

Chairman Winnik called the meeting to order at 5:00 p.m.

Chairman Winnik entertained a motion to approve the December 14, 2011 meeting minutes.

**Member Meyer moved to approve the December 14, 2011 minutes; seconded by Member Ritchie; no further discussion, motion passed unanimously.**

Chairman Winnik moved on to the next order of business.

**Case #17-13 (A) – The Davis Office Park Addition – 23511 Hollywood Road – Tax Map 032, Block 12, Parcel 342 – Variance request to construct an office building which is 1,520 square feet larger than what is automatically allowed under C-O zoning.**

Owner: Davis Office Park, LLC  
Engineer: Mehaffey & Assoc., P.C.  
Site Area: ±4.39 acres  
Zoning: Commercial Office (C-O)

Ms. Adler introduced the project, stating that a public hearing will be held today for this project. Two public hearing notices were published in the County Times newspaper, one on September 12<sup>th</sup> and again on September 19<sup>th</sup>, 2013. An orange public hearing sign was posted on the property at least three weeks ago and notices of the hearing were sent by certified mail to the adjacent property owners, all as required by the Town Zoning Code. The applicant, Mr. Wayne Davis, is here today requesting permission to build a third office building on his property. This property was approved for annexation into the town at

the August 2013 Town Council meeting and the annexation took effect on September 26, 2013. The new building he would like to construct will be one story, 35 feet in height and 11,520 square feet in size, that will match the other two existing buildings on the site. The sizes of the other two buildings are 9,796 and 9,300 square feet.

In Commercial-Office zoning, the maximum allowable building size without a variance is 10,000 s.f., so this building is slightly larger than that by 1,520 s.f. Because of that, Mr. Davis is here today to request this variance. Mr. Davis stated that the reason the building needs to be this particular size is that he has a medical services group already committed to leasing this space that requires exactly this size building and won't accept anything smaller.

It is believed that the restriction on building size in the Town's zoning code is meant to protect the scale of development, particularly in the downtown square area. This parcel has plenty of area to construct a building of the size requested and can accommodate the parking needed. The Davis Office Park already has two buildings of similar size and lies outside of the downtown core.

The building's required setbacks have been met. The parking requirement has been met at 1 space per 300 square feet of building which equals 39 spaces, and the required 3 handicap spaces have been provided. Mr. Davis is actually providing 68 new spaces. Mr. Davis feels the additional spaces are needed because for a medical office project the need for parking is greater than for other office uses. All of the new parking spaces on this plan are to be built with pervious paving material to help meet the stormwater management requirements on the site.

This project was on the agenda at the August 19, 2013 Planning and Zoning Commission meeting. The BOA received a copy of those minutes in their information packets last week. A motion was made at that time to forward a recommendation from the P & Z Board to approve this variance request. The motion was seconded and passed unanimously.

Chairman Winnik entertained a motion to close the regular meeting and open the public hearing. Motion was made by Member Meyer, seconded by Member Duval. Motion passed unanimously.

Chairman Winnik asked for comments from the public. There were none.

Chairman Winnik entertained a motion to close the public hearing and open the regular meeting. Motion was made by Member Meyer, seconded by Member Duval. Motion passed unanimously.

Chairman Winnik then invited Mr. Davis to make his presentation to the board after being sworn in.

Mr. Davis stated that he had always had plans for a third building on this site. He asked for annexation into the town in order to get public sewer allocations for this building, since Metcom had no more allocations to give out. He has been approached by the Medstar Company that is interested in putting medical offices in this building.

Member Ritchie asked about the elevation of the land and the grading behind this third building. Mr. Davis answered her question.

Member Popetz asked about the permeable paving, what it would look like, how it is used. Mr. Davis explained the different types.

Member Ritchie asked Mr. Davis to explain how the stormwater and drainage would work on this site. Mr. Davis explained how the existing pond and new permeable paving would work.

Member Popetz asked if there was ever any intention to connect this property up to the Hayden Farm behind it. Mr. Davis said not at this time.

Member Duval asked if any other variances for a larger office building have ever been granted in that area. Ms. McKay answered no; this is the first commercial office building in that area. The town did a land planning study this year and this particular area of town was slated in that study to be a mix of medical office type uses. The surrounding properties in this area, if they want to be built, will also have to ask to be annexed into the town, since the town is the only one with sewer capacity right now. The zoning of those future annexations would be Commercial-Office also, as we don't want to see retail out there, which would take away from our downtown retail core. So this is the type of zoning we want to see out there. She believes that the 10,000 square foot size limit in our zoning code was put there to protect the scale of development in our downtown core, that's where most of our Commercial-Office zoning is. Out in this area, a larger building is not a problem, he has adequate parking, there will be a huge school building nearby, so this building, at this size, will not look out of scale. It is still a one-story building and will match the existing buildings.

Dr. Winnik asked if this project will be a cost benefit to the town. Ms. McKay stated that there was no additional cost to the town for this annexation. He will be paying for his connection fees and he will be benefitting the town by paying town taxes now.

Member Duval asked what will happen if Medstar backs out. Ms. McKay stated that the zoning for this project is already set. There are certain uses that are allowed and he would be able to put in anything that is allowed under Commercial-Office zoning. Mr. Davis stated that, for the record, he will not be coming back to ask for a larger building if the deal with Medstar falls through. The engineering for this site and size building was almost \$40,000, and he won't be re-doing those engineering plans.

Member Ritchie asked about the number of parking spaces. Has there been any consideration to add to the number of handicap spaces, because in a medical office, there is never enough handicap parking.

Member Meyer asked if this is the last building planned for this site. Mr. Davis said, for this site, yes.

**A motion was made by Member Popetz to approve the variance request as submitted, seconded by Member DuVal; no further discussion, motion passed unanimously.**

**Adjournment:** Member Meyer moved to adjourn the meeting at 5:30 p.m., seconded by Member Ritchie, no further discussion, motion passed unanimously.

Respectfully submitted:

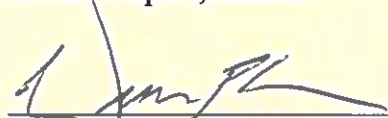
  
DeAnn Adler, Plans Reviewer

**Approved:**

  
Dr. Herbert Winnik, Chairman

  
Jerome DuVal, Member

*Absent*  
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Marcus Popetz, Member

  
Darren Meyer, Member

  
Joan Ritchie, Member