



Commissioners of Leonardtown

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J. HARRY NORRIS
Mayor

LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown
LEONARDTOWN BOARD OF ZONING APPEALS

41660 Courthouse Drive
November 3, 2008 @ 5:00 p.m.

Attendees: Dr. Herbert Winnik, Chairman
Jerome DuVal, Member
Dr. William Icenhower, Member
Darren Meyer, Member
Joan Ritchie, Member

Also in attendance were: Laschelle Miller, Town Administrator, DeAnn Adler, Plans Reviewer; Teri Dimsey, Recorder. An official list of attendees is on file at the Town Hall.

Chairman Winnik called the meeting to order at 5:00 p.m. and then took up the first item of business.

APPROVAL OF MINUTES – April 22, 2008

Chairman Winnik entertained a motion to approve the June 10, 2008 meeting minutes.

Member Meyer remarked that his last name is spelled incorrectly, the “s” should be deleted.

Chairman Winnik moved to strike the “s” off of Meyer on page 4; Member Meyer seconded.

Chairman Winnik entertained a motion to approve the minutes as amended; Member Meyer seconded, motion passed unanimously.

Chairman Winnik moved on to the election of the Vice Chair for the Board of Appeals and asked Member Icenhower if he would consider serving.

Member Icenhower replied that his work responsibilities would hinder his serving and declined.

Member DuVual stated that he would serve as Vice Chair.

Chairperson Winnik asked if there were any other nominations. There being none, he moved to accept Mr. Jerome DuVal to serve as Vice Chair; all members voted in favor of acceptance, motion passed unanimously.

NEW BUSINESS

Case # 79-08 St. Mary's Hospital 4th Floor Variance:

Location: 25500 Pt. Lookout Road

Zoning: I-O

Ms. Adler reported that this request was advertised in the Enterprise Newspaper on October 8th and 10th, signs were posted on the property, and certified letters sent to adjacent neighbors, as required by Town Code. She noted that all of Singletree was also notified by post card.

Ms. Adler stated that the hospital is requesting a variance to add a fourth floor to their future hospital addition. See enclosed materials for a description of this project. Hospital representatives have brought color renderings of the proposed project and will be making a presentation.

At the P & Z meeting held September 15, 2008, the hospital had asked for a 4th and 5th floor variance. The P & Z Board's vote was for a recommendation for the 4th floor variance, but not for the 5th floor variance. (See excerpt from the minutes provided in your packets). The Mayor spoke with hospital representatives and the hospital agreed to request just the 4th floor variance at this time. If a 5th floor variance is desired that would be left for future boards to decide.

Chairman Winnik remarked that in looking over the zoning code it looks like the hospital has the right, without a variance, to build a 4th floor in the future. Why is it sent to the Board of Appeals when they don't need approval.

Ms. Miller responded that it was discussed with our attorney and it was felt that we did have the right to ask them to go through the process because there was a significant amount of public concern.

Chairman Winnik stated that he understands that, but the zoning code clearly states that hospitals have the right to build up to sixty feet and the 4th floor would not be over sixty feet.

Ms. Miller replied that it was determined by our legal counsel that this request should be thoroughly discussed in a public forum or any future consideration and decisions.

Member DuVal stated that he would be interested in finding out what the community thinks and any issues they may want to state.

Member Meyer agreed.

Ms. Miller remarked that she has not heard of anyone that has major concerns. They did get a lot of comments prior to holding public hearings.

Member Icenhower stated he would like clarification regarding Article 10:15543. It says the maximum height is three stories and 45 feet should be established for any building or structure.

Then another section says it may not exceed 60 feet. There seems to be a conflict between these two sections.

Member Winnik replied that the sections apply to different kinds of structures and the hospital falls under the exception.

Ms. Miller commented that this was part of the issue, as most people have operated on the fact that three stories was the maximum, not necessarily aware of the section for the exceptions in the I-O zone. It is the Board's decision that this project meets the standard under the code and does or does not require a variance.

Chairman Winnik stated that we'll go through the process as suggested by counsel and asked if the case been properly advertised; did we receive any letters or comments?

Ms. Adler replied yes, it was advertised in the Enterprise newspaper on October 8 and 10. Signs were posted on the property and certified letters were sent to the adjacent neighbors; all of Singletree was sent postcards. We did not receive any letters or comments.

Chairman Winnik stated that the zoning code that relates to this particular issue is Article 10 Institutional Office District code and the particular area that we are mostly looking at is Section 155-46. It states that you have to have a maximum of three stories and 45 feet which, if you read that, it would not be allowed to meet the variance, but then you have Article 13 Supplemental Height, Open Area Requirement 155-58 and the height regulation described in this chapter shall not apply to church spires, residential chimneys, agricultural buildings, elevator and stair towers not exceeding twelve feet (inaudible) and temporary amusement structures. Public buildings, hospitals or institutions and churches when permitted in a district may be erected to a height not exceeding sixty feet and that of course was the clear distinction.

Chairman Winnik asked if there is any reason to discuss the 5th floor.

Ms. Adler remarked that the hospital had asked for the 5th floor during the Planning and Zoning meeting. They have withdrawn that request at this time, deciding to wait for future boards to make that decision.

Member Ritchie remarked that there was a recommendation from the Planning & Zoning that the foundation for the 4th floor include footings strong enough for a future fourth and/or fifth floor.

Ms. Adler responded that one of the members had said that the hospital should possibly consider stronger footing in anticipation of getting a fifth floor approved at a future date. The Board did not want to make the recommendation for twenty years into the future but left that decision up to the hospital.

Chairman Winnik remarked that the Planning and Zoning Board recommended the 4th floor but did not want to recommend the fifth floor.

Member Icenhower inquired if there was a question that the building foundation could support a fourth and/or fifth floor.

Chairman Winnik stated that we will now hear from the petitioners.

Christine Wray, President/CEO of St. Mary's Hospital introduced herself and thanked the Board for hearing their request today. She also introduced Andy Salburg, Consultant, John Norris, civil engineer, Mark Lapell, Vice President and Frank Fearn, Director, Special Projects.

Ms. Wray provided the Board with a hard copy of her presentation and briefly spoke on the highlights of the project.

Chairman Winnik asked what would be in the basement.

Ms. Wray responded that if there is a basement, it would house the mechanicals, laundry and storage.

The Members asked a variety of questions concerning the number of floors, how they will be utilized, the roof line, mechanicals and parking concerns.

Mr. Salburg provided the Members with some statistics outlining why the hospital has a need to consider vertical expansion and referred to the printed presentation given to the Members.

Ms. Wray stated that we are not building a fourth floor at this time but we wanted to pursue a variance request to make sure that if we expended the money to put in a stronger foundation to support a fourth and/or fifth floor we would have approval for these additional floors.

Residents in the audience spoke out about the problems of lighting, parking and traffic coming in and out of the hospital.

Chairman Winnik asked if anyone had any additional comments or questions.

Member Meyer stated that the hospital should come back before the Board with a request for a fifth floor variance, as there is no requirement for an approval for a fourth floor variance.

Ms. Miller interjected and explained that the hospital did submit a request for a fourth and fifth floor variance before the Planning and Zoning Commission but the recommendation made by the Planning and Zoning Commission was that they would send a favorable recommendation for a fourth floor forward to the Board of Appeals but they were not recommending a fifth floor at this time. This would be addressed in the future.

Chairman Winnik addressed the Board members and told them that they could make a request on a fifth floor variance if they had a specific reason for doing so, due to a particular reason.

Member DuVal inquired as to whether they envisioned, given the growth pattern and projections of the county, building beyond a fifth floor in the future.

Ms. Wray responded that the addition of a fifth floor would take us to the year 2030 and beyond but could not predict the changes in the mode of healthcare and it would be up to the agents in charge at that time to make that decision. But at this time, we are not imagining anything beyond a fifth floor.

Member DuVal inquired about the projections for the parking requirements. Are they based on a fifth floor addition?

Mr. Norris responded that the parking projection is based on four floors but there is room on the property to add additional parking, but there may come a time in the future where we need to build a parking garage. The property does have the ability to handle the site plan requirements of a fourth and fifth floor.

Ms. Miller noted that they would be required to come back before the Planning and Zoning Commission for approval if they did put a fourth or a fifth floor and would need to show the numbers for parking and how they would address it at that time.

Member Meyer inquired if they were able to handle emergency disaster capacity for the current population?

Ms. Wray responded that yes, we do have surge potential at this time, but a couple years out, that surge ability is reduced, which is why we are working to plan ahead for a longer term picture.

Chairman Winnik entertained a motion on the case at hand.

Member Meyer moved to recommend approval for a fourth and fifth floor expansion for St. Mary's Hospital for a 68 foot high building, plus room for mechanicals, variance request on Article 13 – 155-54 which allows for exceeding the 60 foot high requirement by 8 plus feet. The reason for the approval would be for future expansion of the hospital due to projected population growth in the county and the aging population, seconded by Member Icenhower.

Chairman Winnik asked if there was any further discussion.

Member DuVal commented that he would like to be clear that there is no impact on the surrounding buildings given the existing and future height of the building.

One of the residents in the audience stated that he did not have any objection to the building height.

Chairman Winnik asked for a vote, three members voted in favor of the motion; Member DuVal abstained; the motion passed.

Adjournment:

Member Meyer moved to adjourn the meeting at 6:10 p.m., seconded by Member DuVal, no further discussion, motion passed unanimously.

Respectfully submitted:

Teri P. Dimsey, Recording Secretary

Approved:

Dr. Herbert Winnik, Chairman

Jerome DuVal, Member

Dr. William Icenhower, Member

Darren Meyer, Member

Joan Ritchie, Member