



# Commissioners of Leonardtown

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DANIEL W. BURRIS  
Mayor

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Town Administrator

Commissioners of Leonardtown  
**LEONARDTOWN BOARD OF ZONING APPEALS**  
November, 29, 2017

Attendees: Dr. Herbert Winnik, Chairperson  
Bobby Wentworth, Member  
Darren Meyer, Member  
Jeff Brown, Member

Also in attendance were: Jada Stuckert, Planning Assistant; Laschelle McKay, Town Administrator; Dan Burris, Mayor; Teri Dimsey, Recording Secretary, P.J. Forrest, Applicant; Jean Moulds, Applicant; and Mike Mummaugh, Resident.

**CALL TO ORDER:** Chairperson Winnik called the meeting to order at 5:00 p.m.

**APPROVAL OF MEETING MINUTES:** Chairperson Winnik entertained a motion to approve the September 23, 2014 meeting minutes. *Member Meyer made a motion to approved the 9-23-14 meeting minutes as presented and Member Brown seconded. The motion passed by a 4-0 vote.*

**NEW BUSINESS:**

**PUBLIC HEARING Case No. 91-01A – Moulds Accessory Apartment**  
22534 Washington Street  
Tax Map 133, Parcel 331  
Request for a special exception for an accessory apartment

Owner: John and Jean Moulds  
Land Area: 27,137 sq. ft.  
Zoning: R-SF with LDA Overlay

Ms. Stuckert introduced the project indicating as required, the case was advertised in the County Times on November 2<sup>nd</sup> and November 22<sup>nd</sup> of 2017. The subject property was posted on November 8, 2017 and certified letters were sent to the contiguous property owners on November 16, 2017. Certified mail receipts have been received and are in the case file.

The property contains a 1,650 sq. ft. two-story home, 80 sq. ft. shed, 800 sq. ft. pool, 36 sq. ft. gazebo, 480 sq. ft. workshop, and 768 sq. ft. garage. The applicant received a favorable recommendation from Planning and Zoning Board on October 16, 2017 to redesign the existing garage into an accessory apartment. The accessory apartment will be occupied by Mr. and Mrs. Moulds while their children occupy the primary residence.

The R-SF zoning allows for Accessory Apartments via special exception in Section 155-12.G of the Code of Leonardtown. Accessory apartments on lots occupied by a single family residential use is subject to the following requirements: Please note, staff comments are indicated in *italics*.

1. The principle or accessory unit must be owner occupied for a period not less than seven months in every calendar year. *The accessory apartment will be occupied.*
2. The accessory apartment shall be clearly subordinate to the single-family dwelling. *The proposed accessory apartment is being located inside an existing garage, will clearly be subordinate to the single-family dwelling.*
3. The accessory unit must occupy no more than 35% of the floor area of the principal residential structure and shall have a minimum floor area of 350 square feet and a maximum floor area of 900 sq. ft. *The 768 sq. ft. accessory apartment is not proposed to be located in the principle dwelling.*
4. At least two off-street parking spaces shall be available for each unit and parking must be screened or placed appropriately to ensure compatibility with the surrounding neighborhood and to reduce visual impact. *The principle dwelling currently has six (6) existing parking spaces, including the two-car garage. The two-car garage will be converted into the accessory apartment therefore leaving four (4) parking spaces which meets the off-street parking requirement.*
5. The accessory apartment shall be constructed so that to the degree reasonably feasible, the appearance of the building remains that of the single-family residence. Any separate entrance shall be located so the appearance of a single-family home is preserved. *The garage is an existing structure.*
6. If the apartment is not a part of the dwelling, it shall be located within 50 feet of the dwelling, shall satisfy the yard requirements or setbacks applicable to residential uses in the R-SF district, and in no case, shall it contain less than 350 square feet or more than 900 square feet in gross floor area of enclosed space, including enclosed porches. *The proposed location of the accessory dwelling is in an existing 1.5 story two-car garage. The garage is existing and will be approximately 768 sq. ft. in size.*
7. Both units shall have adequate water and sewer facilities. *Currently both the principal dwelling and garage have water and sewer service. However, there is only one (1) EDU allocated to the principal structure. The owner would be required to purchase a second EDU for the property.*
8. No more than one accessory apartment may be permitted on one lot. *The property will only contain one accessory apartment. A restriction for additional dwellings will be placed in the Town's files.*

9. No accessory apartment may be used for commercial accommodations or summer rentals. *If and when the property is ever sold or transferred to another property owner, a note will be placed on the deed which restricts the accessory apartment to be used for commercial accommodations or summer rentals.*

Applicant Jean Moulds was sworn for the record. Ms. Moulds explained due to health problems her son would be moving into the main house on the property and a portion of the existing garage would be converted into an accessory apartment for her husband and herself to live in.

***Member Wentworth made a motion to close the regular meeting and open the public hearing and Member Meyer seconded. The motion passed by a 4-0 vote.***

The hearing was opened to public comment, hearing none, the hearing was closed to public comment.

***Member Wentworth made a motion to close the public hearing and re-open the regular meeting and Member Meyer seconded. The motion passed by a 4-0 vote.***

With no other comments, Chairperson Winnik entertained a motion on Case No. 91-01A. ***Member Meyer made a motion in the matter of case #91-01A, Moulds special exception request, having made a finding that the standards for granting a special exception and the objectives of §155-12G and 155-136 have been met, I move to approve the special exception for an accessory apartment and Member Wentworth seconded. The motion passed by a 4-0 vote.***

**PUBLIC HEARING Case No. 70-09A – PJ’s Towing**  
Van Wert Lane  
Tax Map 133, Parcel 362  
Request for a special exception for an automobile storage lot

Owner: Van Wert, LLC  
Applicant: PJ’s Towing C/O Mike Mummaugh  
Land Area: 4,791 sq. ft.  
Zoning: C-B with IDA Overlay

Ms. Stuckert introduced the project indicating as required, the case was advertised in the County Times on November 2<sup>nd</sup> and November 22<sup>nd</sup> of 2017. The subject property was posted on November 8, 2017 and certified letters were sent to the contiguous property owners on November 16, 2017. Certified mail receipts have been received and are in the case file.

The property is located on Van Wert Lane adjacent to the Waste Water Treatment Plant and currently contains no improvements except for the existing fence. The property was previously occupied by Potomac Trailers as a small retail trailer sales lot. Potomac Trailers has since moved. The applicant received a favorable recommendation from the Planning and Zoning Board on October 16, 2017 to use the land to store towed vehicles.

Section 155-26-C of the Code of Leonardtown allows “*automobile-related uses, such as but not limited to new and used car lots, automobile repair shops, automobile storage lots and garages, automobile parts shops, automobile upholstery and paint shops and automobile body shops*” with no additional restrictions.

## **Responsibilities of the Board of Appeals:**

*From §155-136 of the Code of Leonardtown – Limits, guidelines and standards.*

*A. Where in these regulations certain powers are conferred upon the Board or an approval of the Board is required before a permit may be issued or the Board is called upon to decide certain issues, such Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds that the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare or would result in dangerous traffic conditions or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall give consideration, among other things, to the following:*

- (1) The number of people residing or working in the immediate area concerned.*
- (2) The orderly growth of a community.*
- (3) Traffic conditions and facilities.*
- (4) The effect of such use upon the peaceful enjoyment of people in their homes.*
- (5) The conservation of property values.*
- (6) The effects of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.*
- (7) The most appropriate use of land and structure.*
- (8) Decisions of the courts.*
- (9) The purpose of these regulations set forth herein.*
- (10) The types and kinds of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.*

Mr. Forrest was sworn for the record. Mr. Forrest explained that he holds a contract with the State of Maryland Police and the St. Mary's County Sheriff's Department(s) for impounds and accidents. The lot would be used as a temporary storage facility for these vehicles until removed by the owners or other towing facilities.

Member Wentworth asked approximately how long vehicles would remain on the lot. Mr. Forrest indicated the maximum stay would be thirty (30) days.

***Member Meyer made a motion to close the regular meeting and open the public hearing and Member Brown seconded. The motion passed by a 4-0 vote.***

The hearing was opened to public comment, hearing none, the hearing was closed to public comment.

***Member Meyer made a motion to close the public hearing and re-open the regular meeting and Member Brown seconded. The motion passed by a 4-0 vote.***

Member Meyer asked if there would be any environmental impact. Mr. Forrest explained that vehicles in accidents are checked for leaking fluids and if a leak is detected an absorbent or leak pan would be placed at the spot of the leak.

With no other comments, Chairperson Winnik entertained a motion on Case No. 91-01A. *Member Brown made a motion in the matter of case #90-09A, PJ's towing special exception request, having made a finding that the standards for granting a special exception and the objectives of §155-26.C and 155-136 have been met, I move to approve the special exception for an automobile storage lot and Member Wentworth seconded. The motion passed by a 4-0 vote.*

#### ADJOURNMENT

With no other business Chairman Winnik entertained a motion to adjourn. *Member Meyer made a motion to adjourn at 5:20 p.m. and Member Brown seconded. The motion passed by a 4-0 vote.*

Respectfully submitted:

  
Jada Stuckert, Planning Assistant


#### Approved:

  
Bennett Wilson, Member

  
Sean Lawson, Member

  
Bobby Wentworth, Member

  
Charlie Breck, Member

  
Tawny Laquay, Member