



**CALVERT COUNTY BOARD OF APPEALS
PUBLIC HEARING
JANUARY 6, 2022**

MINUTES

The Calvert County Board of Appeals heard the following cases at a public hearing held via Zoom videoconference on **Thursday, January 6, 2022.**

For additional information, please contact Board of Appeals staff at 410-535-2348 or 410-535-1600, ext. 2559 or ext. 8552. Entire case files are available for review by contacting Board of Appeals staff in the Department of Planning & Zoning.

Note: Part of the meeting may be closed to the public in accordance with Open Meetings Act procedures.

*Board of Appeals hearings are held on the first Thursday of each month but in the event of an emergency announcement, such as inclement weather, may be rescheduled for the second Thursday without further publication.

Cases Scheduled beginning at 9:00 a.m. with a tentative lunch break from 12:00-1:00:

The Chair opened the hearing, and then called for a brief Executive Session to discuss legal matters with the Board's Counsel which could not have been discussed prior to the hearing due to the recent inclement weather. At the conclusion of the Executive Session, the Public Hearing resumed as advertised.

Reconsideration Request of the Board's decision, which was rendered on the following case at the April 1, 2021 hearing, that the Zoning Officer erred when approving Permit #RES2019-3690.

**Justification for Reconsideration only to be determined at this time.*

Case No. 20-4021: Timothy & Amy Dent, Patrick McGlohn, and Vankirk & Cynthia Fehr have applied for a Decision on Alleged Error made by the Zoning Officer, the Zoning Officer's designee and other administrative officials charged with the administration and enforcement of the Zoning Ordinance when issuing Permit #RES2019-3690 on the basis that the permit to construct a private pier should not have been issued and its issuance is contrary to applicable law and the requirements of the Calvert County Zoning Ordinance in general and the requirements of Article 9 in particular. The subject property is located at 2745 Spout Lane, Lusby (Tax Map 42, Parcel 1, Lot 4), and zoned Farm and Forest District/Wetlands District/Critical Area Limited Development Area 3 (FFD/WL/LDA-3).

RECONSIDERATION OF THE BOARD'S DECISION WAS DENIED -- 4-1

Case 21-4092: Anthony M. Olekson, P.E. of Barrett & Associates has applied on behalf of Armory Square LLC, c/o Rick Bailey, for Variances associated with the redevelopment of the previous Calvert Middle School site into a multi-use commercial project referred to as Armory Square (SPR-138176). The subject property is located at 170 Armory Road, Prince Frederick (Tax Map 24, Parcels 477 & 715), and zoned Prince Frederick Town Center (PFTC)-New Town.

The requested Variances are:

- Reduction of the 50' Non-Tidal Wetland Buffer to a 25' Non-Tidal Wetland Buffer for the construction of a commercial use;
- Disturbance within the 25' Non-Tidal Wetland Buffer for required upgrades to (SHA) MD Route 402 in the area of the existing stream crossing;
- Waiver of the 10' building setback from the edge of the 50' Non-Tidal Wetland Buffer;
- Disturbance to the 50' Stream Buffer for the installation of sediment & erosion control devices and for construction other than road crossing or stormwater management;
- Waiver of the 10' building setback from the edge of the 50' Stream Buffer;
- A Forest Conservation Variance for the removal of two Specimen Trees located outside of natural vegetative buffers; and
- A Monument Tree Variance for the removal of three Monument Trees located within the Environmental Buffer, one of which is located within the 50' Non-Tidal Wetland Buffer.

APPROVED WITH CONDITIONS -- 5-0

Cases Heard following lunch break:

Case 21-4081: David & Diane Skulski have applied for Decision on Alleged Error made by the Zoning Officer when approving Building Permits R-2410152 & R-2410154 for construction of a total of 204lf fence and an 18' gate within a private right-of-way along Waterside Lane. The subject properties are located at 184 & 186 Waterside Lane, Solomons (Tax Map 44, Parcel 537, Lots 4RR & 5RR), and zoned Town Center/Critical Area (TC/CA).

ZONING OFFICER DID NOT ERR WHEN APPROVING BUILDING PERMITS R-2410152 & R-2410154 -- 5-0

Case 21-4091: Kerry P. Dull, Director, Department of Public Works (DPW), and John Cosgrove, Jr., deputy Director of Capital Projects, DPW, as Applicants on behalf of the Calvert County Board of County Commissioners (BOCC), the property owner, have applied for three variances for grading and construction of the required parking area for the County Administrative Building (CAB). The variances are: 1) A variance for disturbance in the 50' stream buffer and extended stream buffer (slopes 25% or greater or on SrE and ErE soils within 100' of the stream); 2) A variance for disturbance to the stream buffer and the 10' setback for construction activity other than for a stream crossing or stormwater management; and 3) A variance for disturbance of steep slopes within Natural Vegetative Areas. The subject property is located at 150 Main Street, Prince Frederick (Tax Map 24, Parcel 332), and zoned Prince Frederick Town Center (PFTC), Old Town District (OTD), and Old Town Transition District (OTTD).

A CONTINUANCE REQUEST WAS GRANTED BY THE BOARD. THE CASE WILL BE HEARD JANUARY 13, 2022 AT 9:00 A.M.

Administrative Items: No Administrative Items were scheduled.

PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")

A. Recorded vote to close the meeting: Date: 1/6/2022, Time: 9:03 am, Location: Prince Frederick, MD; Motion to close meeting made by: Bob Carpenter; Seconded by: Chris Moore; Members in favor: 5; Opposed: 0; Abstaining: —; Absent: —.

B. Statutory authority to close session *General Provisions Art. § 3-305(b)*:

- (1) ___ To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals;
- (2) ___ To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) ___ To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) ___ To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) ___ To consider the investment of public funds;
- (6) ___ To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice;
- (8) ___ To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) ___ To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) ___ To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) ___ To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) ___ To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) ___ To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) ___ Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; and
- (15) ___ To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

C. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

| Citation | Topic | Reason for closed-session discussion of topic |
|---------------|--|---|
| §3-305(b) () | Procedural Advice Legal advice | Procedural question |
| §3-305(b) () | Legal advice | Procedural Advice Presentation of motions |
| §3-305(b) () | | |

D. This statement is made by:

Aleson Hance-Well
Presiding Officer