

ST. MARY'S COUNTY BOARD OF APPEALS

Budds Creek Motorcross Sports, Inc.
27969 Budds Creek Road, Mechanicsville, Maryland

Case No. CUAP #17-131-009

DECISION AND ORDER

Introduction

Jonathan Beasley, owner of Budds Creek Motorcross Sports, Inc. (hereinafter "Applicant"), filed an application for a modification of a Conditional Use Permit pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "Ordinance") regarding property located on 27969 Budds Creek Road, Mechanicsville, Maryland (hereinafter the "Property"). The application seeks to provide additional onsite parking.

After due notice, a public hearing was conducted at 6:30 p.m. on July 12, 2018, at the St. Mary's County Governmental Center at 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, documentary evidence was received, and the proceedings were recorded electronically.

Legal Standard

The Board shall not vary the regulations of the Ordinance unless it finds, based on the evidence, that:

- a. The conditional use complies with the standards of the district in which it is to be located and standards applicable to that use.
- b. The establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, morals, order, or general welfare.
- c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
- d. The proposed use at the proposed location will not have adverse effects above and beyond those inherently associated with the proposed use irrespective of its location within the zoning district.
- e. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.

- f. Adequate measures have been or will be taken to provide ingress and egress following a design that minimizes traffic congestion in the public streets.
- g. The proposed conditional use is not contrary to the goals, objectives, and policies of the Comprehensive Plan.
- h. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific conditional use in Chapter 51.

Findings of Fact

The subject property (the "Property") is the site of the Budds Creek Raceway, a natural-terrain, seasonal motorcross park. Both motorbike and automobile racing events are held here, although the two different types of events are not held simultaneously.

Budds Creek started operating in 1972, prior to the adoption in 1974 of the County's first comprehensive zoning ordinance. Following the adoption of this ordinance and subsequent amendments thereto, the facility was considered a preexisting nonconforming use. In March 1993 the use of the Property as a conforming conditional use was approved by the Board of Appeals. According to Comprehensive Zoning Ordinance 90-11, in effect at that time, a nonconforming use could be changed to a conditional use enumerated in the zoning district in which it was located after application to and approval by the Board of Appeals.

In October 1993, the Board of Appeals approved the conversion of a portion of a 3,100 square-foot building into an accessory apartment / caretaker's quarters and approved camping activities during race events. Conditions of approval were established at this time. Condition #4 required Board of Appeals approval for any additions or changes to the approved use.

The Board of Appeals approved an after-the-fact request in May 1998 to expand the existing conditional use, imposing 25 conditions in its approval. Condition #1 stated that this approval superseded all prior approvals.

The Applicant requests approval to provide additional onsite parking, which is shown as two, distinct grass areas on the site plan (attachment 5).

Conclusions of Law

The Property is located in the Rural Preservation District (RPD), and a motor sports facility is permitted with conditional use approval. The Board has determined upon the evidence and testimony presented that the Applicant has met the conditional standards for the additional onsite parking.

Use type 68, motor sports facility, is an established use. The Board has decided, based on the documents that have been submitted and the testimony presented at the public hearing, that the additional onsite parking will not be detrimental to or endanger the public health, safety, convenience, morals, order, or general welfare.

Based on the evidence submitted and testimony provided at the public hearing, the Board has determined that the additional onsite parking will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and that will not substantially diminish or impair property values within the neighborhood.

The Board has determined that the additional onsite, grass parking will not have any adverse effects, which would be unique and different in type or degree from those inherently associated with the current use of the Property.

The Board concludes that the additional onsite parking will not create an environment that would be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.

All utilities, access roads, drainage, and all other necessary facilities have previously been provided. The onsite parking will utilize two existing grass areas as shown on the site plan submitted with the conditional use application. No additional utilities, access roads, facilities, or stormwater management measures are required.

Adequate ingress and egress have previously been provided for this use. No additional ingress and egress locations are required.

Section 5.12.1 of the Comprehensive Plan stipulates the following goal: Preserve the natural, recreational, historical and cultural heritage in conjunction with economic and social well-being to maintain and enhance the quality of life. The Board has determined that the additional onsite parking minimizes and avoids adverse impacts to the environment and adjacent uses; thus preserving the natural, recreational, historical and cultural heritage of the County.

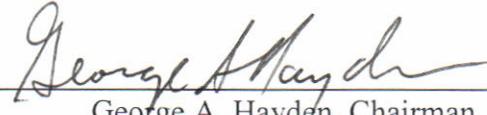
The Board determines that its reviews of the site plan and TEC comments have shown that the additional onsite parking is substantially in compliance with the conditional standards of Section 51.3.68 of the Ordinance pertaining to a motor sports facility.

ORDER

NOW, THEREFORE, BE IT ORDERED, that, having made a finding that the standards for granting a conditional use pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance have been met and the objectives of Section 51.3.68 of the St.

Mary's County Comprehensive Zoning Ordinance have been met, the request to modify the approved conditional use to provide two, grass parking areas for RV parking is hereby, **granted**.

Date: July 26, 2018


George A. Hayden, Chairman

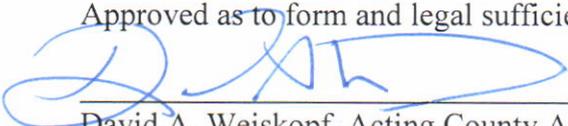
Those voting to approve the conditional use:

Mr. Hayden, Mr. Greene, Mr. Miedzinski,
Mr. Brown and Ms. Delahay

Those voting to deny the conditional use:

NONE

Approved as to form and legal sufficiency:


David A. Weiskopf, Acting County Attorney