

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

CUAP NUMBER # 22-0056

STAUFFER BUTCHER SHOP

SIXTH ELECTION DISTRICT

DATE HEARD: AUGUST 11, 2022

ORDERED BY:

**Mr. Ichniowski, Mr. Bradley, Ms. Delahay,
Mr. Miedzinski, Mr. Richardson**

ENVIRONMENTAL PLANNER: STACY CLEMENTS

DATE SIGNED: September 8, 2022

Pleadings

Jennifer Lee Dixon & Steven Matthew Stauffer (the “Applicants”) seek conditional use approval (CUAP # 22-0056) for Use Type 1, Agricultural Industry, Major within the Rural Preservation District.

Public Notification

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on July 22, 2022 and July 29, 2022. The hearing notice was also posted on the Property. The file contains the certification of mailing to all adjoining landowners, including those located across a street. Each person designated in the application as owning land that is located within two hundred feet of the subject property was notified by mail, sent to the address furnished by the Department of Land Use and Growth Management. The agenda was also posted on the County’s website on August 3, 2022. Therefore, the Board finds and concludes that there has been compliance with the notice requirements.

Public Hearing

A public hearing was conducted at 6:30 p.m. on August 11, 2022 at the St. Mary’s County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, the proceedings were recorded electronically, and the following was presented about the proposed conditional use requested by the Applicant.

The Property

Applicants own real property situate 26525 South Sandgates Road, Mechanicsville, MD 20659. The Property is located in the Rural Preservation District (“RPD”) and is identified on Tax Map 20, Grid 2, Parcel 1 (“the Property”).

The Conditional Use Requested

The Applicant seeks a conditional use pursuant to Chapter 25 of the St. Mary's Comprehensive Zoning Ordinance ("CZO") for the purpose of constructing, operating, and maintaining a meat butchering facility, a use within Use Type 1, Agricultural Industry, Major.

The St. Mary's County Comprehensive Zoning Ordinance

Pursuant to Schedule 50.4 of the CZO, Use Type 1, an Agricultural Industry, Major facility is a facility that engages in "extensive processing of crop and animals products produced off site," and includes meat processing facilities. It is a conditional use within the Rural Preservation District, and is subject to the following general standards: (1) site plan approval shall be required, and (2) uses generating more than 50 vehicles trips per day shall only be approved by the Board of Appeals as a conditional use. CZO § 51.3.1

The Evidence Submitted at the Hearing by LUGM

Stacy Clements, Environmental Planner at the St. Mary's County Department of Land Use and Growth Management ("LUGM"), presented the following evidence:

- The Property is 20.35 acres in size, according to the Maryland Department of Assessments and Taxation. It contains an existing residential use with agricultural outbuildings. The proposed meat processing facility will be located in an existing outbuilding which has been converted to be suitable for its intended use.
- This project was considered as part of the April, 2022 Technical Evaluation Committee ("TEC") cycle. It has received approvals from the Metropolitan Commission, Health Department, State Highway Administration, Department of Public Works & Transportation, and the Soil Conservation District.
- Approval from LUGM is pending the conditional use determination by the Board of

Appeals.

- The following Attachments to the Staff Report were introduced:

#1: Standards Letter

#2: Plat Book 64, Page 64

#3: TEC Comments

#4: Location Map

#5: Land Use Map

#6: Zoning Map

#7: Minor Site Plan

Applicants Testimony and Exhibits

The Applicants and were represented by attorney Christopher Longmore. The following evidence was presented:

- The Property is located on a residential parcel and is zoned RPD.
- The intended use will be in a converted barn, and the exterior appearance of the barn has been maintained in its current form. The barn will contain an office, cutting room, a freezer, and a storage/freezer prep room.
- Conversion of the barn has taken place and is ready for use pending the conditional use determination.
- The County's master economic development plan specifically called for the creation of a meat processing facility to bolster local agriculture. Applicant's proposed butcher shop would support this goal and offer a boon to local producers.
- Most meat products, from entry to exit of the facility, will be processed within two weeks.

- Applicants expect this facility will predominantly serve a local clientele.

Public Testimony

The following members of the public appeared and offered testimony:

- Jamie Raley is a resident of Avenue, and a local farmer. Mr. Raley owns a small beef operation in Oakvale. He has had a tremendous demand for his product, but does not wish to enter into direct retail sales. Allowing Applicants' conditional use would allow Mr. Raley to continue present operations. He believes Applicants will provide a service critically needed by the local farming community.

Additionally, two letters from neighboring landowners, both in support of the project, were received and entered into the record.

Decision

County Requirements for Granting Conditional Uses

The St. Mary's County Comprehensive Zoning Ordinance § 25.6 sets forth eight separate requirements that must be met for a conditional use to be granted:

1. The conditional use complies with the standards of the district in which it is to be located and standards applicable to that use;
2. 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;
3. 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;
4. 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;
5. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
 6. Adequate measures have been or will be taken to provide ingress and egress following a design that minimizes traffic congestion in the public streets;
 7. The proposed conditional use is not contrary to the goals, objectives, and policies of the St. Mary's County, Maryland Comprehensive Plan ("Comprehensive Plan"); and
 8. The conditional use, in all other respects, conforms to the applicable regulations of the district in which it is located or to the special requirements established for the specific conditional use in the Ordinance.

Id.

Conclusions

Upon review of the facts and circumstances, the Board concludes that the Applicant has met the standards for granting a conditional use and the objectives of St. Mary's County Comprehensive Zoning Ordinance § 51.3.1. Several factors support this decision.

First, the proposed conditional use, Agricultural Industry, Major, complies with the standards of the RPD because the proposed conditional use is permitted in this zoning district pursuant to CZO Schedule 50.4, Use Type 1.

Second, this project will not jeopardize or endanger public health and welfare. Applicants' facility has received Health Department approval and will be subject to monitoring and inspections. Applicant testified, and this Board believes, that the project will offer a substantial economic benefit to St. Mary's County.

Third, this project will not be injurious to the property values of adjoining properties or curtail the use and enjoyment of these neighboring parcels. No neighbor spoke against this project, and comments were received in favor of the project by adjoining landowners. The Board also notes that Applicants have taken care to preserve the exterior appearance of the barn that will house this facility, minimizing any visual impact this facility will have on neighboring properties.

Fourth, the Project will not have adverse impacts above and beyond those typically associated with this type of use. Applicants have received all necessary approvals and testified as to how they will manage any waste or refuse that will result from the butcher facility's operation.

Fifth, utilities on the site either pre-existed the facility or were built to accommodate it. Notably, a holding tank was required by the Health Department and built by Applicants. There is no suggestion in the record that any of the utilities or facilities this project will depend on are insufficient to the task.

Sixth, concerning ingress and egress, all applicable agencies have reviewed existing access and found them to be adequate for Applicants' intended use. Access will be maintained under the proposed use.

Seventh, the creation of a meat processing facility will diversify the County's economy and provide, in the words of Mr. Raley, a service critically needed by the County's farmers.

Finally, the proposed conditional use is consistent with RPD development standards, as the proposed use is not high-density development, and the Tower Site will not inhibit the activities are promoted within the RPD.

ORDER

PURSUANT to the application of Jennifer Lee Dixon and Steven Matthew Stauffer, requesting conditional use approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance for Use Type 1, Agricultural Industry, Major; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is

ORDERED, by the St. Mary's County Board of Appeals, that the Applicants are granted a conditional use to allow a meat processing facility, Agricultural Industry, Major, Use Type 1, at the Property.

Additionally, the foregoing conditional use is also subject to the following condition that the Applicants shall comply with any instructions and necessary approvals from the Department of Land Use and Growth Management.

This Order does not constitute a building permit. In order for the Applicants to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Date: Sep 13, 2022, 2022

Daniel F. Ichniowski
Daniel F. Ichniowski (Sep 13, 2022 14:49 EDT)

Daniel F. Ichniowski, Chairperson

Those voting to grant the conditional use:

Mr. Ichniowski, Mr. Bradley, Ms. Delahay,
Mr. Miedzinski, and Mr. Richardson

Those voting to deny the conditional use:

Approved as to form and legal sufficiency

Stephen H. Scott
Stephen H. Scott (Sep 12, 2022 11:01 EDT)

Steve Scott, Attorney to the Board

NOTICE TO APPLICANTS

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the St. Mary's County Circuit Court.

Further, St. Mary's County Comprehensive Zoning Ordinance § 25.9 provides, "Subject to an extension of time granted by the Board of Appeals for cause, no conditional use permit shall be valid for a period longer than one year unless a site plan is approved, a building permit is issued, construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is issued and use commenced within that period."

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order; otherwise, they will be discarded.

STAUFFER BUTCHER SHOP ORDER CUAP 22-0056

Final Audit Report

2022-09-13

Created:	2022-09-12
By:	Amanda Yowell (amanda.yowell@stmarysmd.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2pu8MnJRJL8k1nlaRu2PIILAE_8hZbFS

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-  Signer sscott@scottlawllc.com entered name at signing as Stephen H. Scott
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-  Signer djichniowski@yahoo.com entered name at signing as Daniel F. Ichniowski
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