

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the Appeal of the Planning Director's
decision to deny a building permit to Zack Mattingly

Case No. ZAAP #12-1017

DECISION AND ORDER**I. Introduction**

Zack Mattingly (hereinafter "Appellant"), appealed the decision of the Planning Director to deny a building permit to Appellant for property located at 26740 Queentree Road, Mechanicsville, Maryland (hereinafter the "Property").

After due notice, a public hearing was conducted by a Hearing Examiner on April 25, 2013, at the Governmental Center in Leonardtown, Maryland, and all persons desiring to be heard were heard, documentary evidence received, and the proceedings recorded electronically. The Hearing Examiner filed a Report dated May 1, 2013. After due notice, the evidence and the Report of Hearing Examiner was considered by the Board on August 8, 2013.

II. Legal Standard

The issue on appeal is whether the property is a nonconforming lot with respect to density. An appeal is a de novo proceeding. The legal standard is whether the decision of the Planning Director is supported by the evidence.

II. Summary of Testimony: The testimony is summarized in the Report of the Hearing Examiner.

III. Summary of Documentary Evidence: The documentary evidence is listed in the Report of the Hearing Examiner.

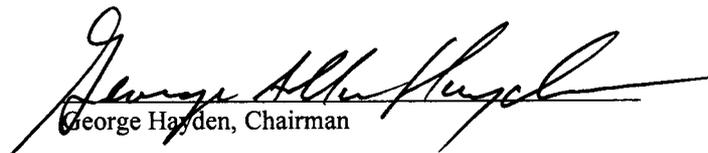
IV. Findings of Fact: The Board adopts the Findings of Fact of the Hearing Examiner.

V. Conclusions of Law: The Board adopts the Conclusions of Law of the Hearing Examiner.

DECISION AND ORDER

NOW, THEREFORE, BE IT ORDERED, that the decision by the Planning Director to deny a building permit to Zack Mattingly for property located at 26740 Queentree Road, Mechanicsville, Maryland is **AFFIRMED**.

This Date: September 12, 2013



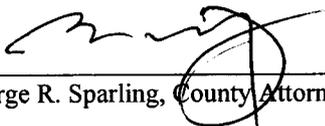
George Hayden, Chairman

Those voting to affirm the Planning Director:

Mr. Hayden, Mr. Guy, Mr. Moreland, Mr. Greene, and Mr. Payne

Those voting to reverse the Planning Director:

Approved as to form and legal sufficiency:



George R. Sparling, County Attorney