

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

*William B. Hunt, Director, AICP
Harry Knight, Deputy Director*



COUNTY COMMISSIONERS OF ST. MARY'S:

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

February 11, 2021

Commissioners of St. Mary's County
Chesapeake Building
41770 Baldrige Street
Leonardtown, Maryland 20650

Re: Board of Appeals **2020** Annual Report

Dear Commissioners:

On behalf of the Board of Appeals I am pleased to present our Annual Report for Calendar Year 2020. The report provides an overview of the Board's responsibilities and includes several charts comparing the different types of cases heard over the past four years. A summary noting the cases heard in 2020 and the Board's decisions on these cases is attached.

Sincerely,

Daniel F. Ichniowski, Chair
St. Mary's County Board of Appeals

2/11/2021 - sly

St. Mary's County Board of Appeals Annual Report



Calendar Year
2020

Prepared By:
The Department of Land Use and Growth Management

ST. MARY'S COUNTY BOARD OF APPEALS 2020 MEMBERSHIP

George Allan Hayden, Sr., Chair
John Brown, Co-Chair
Lynn Delahay, Member
Rich Richardson, Member
David (Wayne) Miedzinski, Member
Daniel Ichniowski, Alternate

ATTORNEY TO THE BOARD

David W. Weiskopf, County Attorney
Neil Murphy, Deputy County Attorney
Steve Scott, Special Counsel to Board of Appeals

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT SUPPORT STAFF

William B. Hunt, AICP, Director
Harry Knight, Deputy Director
Stacy Clements, Zoning Administration - Planner III
Sherrie Young, BOA Recording Secretary
Shelia Smith, Alternate - Recording Secretary
Sandie Greene, Alternate -Recording Secretary
Sherry Barber, Alternate – Recording Secretary

Department of Land Use and Growth Management

23150 Leonard Hall Drive
Post Office Box 653
Leonardtown, Maryland 20650

I. INTRODUCTION

A. Formation of the Board of Appeals in St. Mary's County

The Board of Appeals (hereinafter the "Board") was created pursuant to Subtitle 3, §4-301, *Land Use Article, Annotated Code of Maryland*.

The Board consists of five (5) members and one (1) alternate appointed by the Commissioners of St. Mary's County. Board members can serve no more than two consecutive, three-year, staggered terms. To ensure the Board can meet its quorum requirements and hold public hearings, the *Land Use Article* authorizes a local legislative body to designate one alternate member who has been empowered to sit on the Board in the absence of any member.

B. Functions of the Board of Appeals in St. Mary's County

The Board is a quasi-judicial body responsible for presiding over public hearings on appeals, variances, and conditional uses. By doing so, the Board, as a whole, is responsible for defending the public interests as defined by the St. Mary's County Comprehensive Zoning Ordinance Z-10-02, as amended, (hereinafter the "Ordinance"). The purpose of the Board is to ensure that zoning is fair, correctly interpreted, and does not cause excessive hardship upon landowners in St. Mary's County.

As outlined in the Ordinance and the *Land Use Article*, the Board has four (4) main functions to ensure that the goals and objectives of the Comprehensive Plan are met and that the regulations of the Ordinance are implemented. These powers and duties include:

- 1) To hear and decide appeals when it is alleged there is an error in any order, requirement, decision, or determination made regarding the enforcement of the Ordinance or of any amendments adopted thereto.
- 2) To authorize, upon application in specific cases, a variance from specific regulations of the Ordinance. The modifications in a variance may be only of density, bulk, dimensional, or area requirements of the Ordinance in accordance with Section 4-206 of the *Land Use Article*.
- 3) To adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings; and
- 4) To hear and act upon conditional use applications as provided in Chapter 25 of the Ordinance.

All decisions and findings of the Board on appeals or on applications for a standard variance or conditional use are final administrative decisions and are subject to judicial review. All final decisions must be rendered in writing within 60 days of the close of the public hearing in accordance with Section 20.3.6 of the Ordinance.

All decisions and findings of the Board within the jurisdiction of the Critical Area Commission are final administrative decisions and are subject to judicial review. Pursuant to Section 20.3.6 of the Ordinance, all final decisions must be rendered in writing within 30 days of the close of the public hearing. The Board may extend the 30 days to a maximum of 45 days upon findings that the complexity of the case requires an extended decision period or that changes in the Board's schedule preclude a decision within 30 days.

II. 2020 CASELOAD

A. Board of Appeals Variance Cases for 2020

The Board of Appeals (the "Board") has the authority to vary the density, bulk, dimensional, or area requirements of the Ordinance in accordance with allowed modifications specified in the *Land Use Article* of the *Annotated Code*. A variance may only be allowed where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the Ordinance would result in unnecessary hardship or practical difficulty as specified in the Ordinance. A variance may not be contrary to the public interest.

Standard variance requests are often made to the Board to enable a property owner to make modest improvements to an existing single-family dwelling, or to construct a detached accessory structure such as a garage, or shed, where the property is constrained by various setback requirements. The Board also hears requests from developers to reduce setbacks, or buffer yards on proposed commercial projects where a property is so constrained that development would be prohibited without the variances.

The Board heard **four(4) standard variance requests in 2020: One (1)** on October 8, 2020 Board of Appeals Boards Final Resolution was Approved (5-0), to disturb the expanded 100' Non-Tidal Wetland Buffer. **One (1)** on August 27, 2020 The Board of Appeals Boards Final Resolution was Approved (5-0), to modify the required 65-foot Type B front buffer yard, 35-foot Type C side buffer yard and to disturb the required stream buffer to replace a storage and repair building. **One (1)** on February 13, 2020 The Board of Appeals Boards Final Resolution was (5-0) to Approved, to reduce the 10-foot setback from the inground pool (measured from edge of water) to a proposed new deck and a replacement/ expansion of existing deck. **One (1)** on February 13, 2020 The Board of Appeals Boards Final Resolution was Approved (5-0), to waive the required 65-foot Type B front and rear buffer yard and to reduce the planting requirements for the 30-foot Type C side buffer yards.

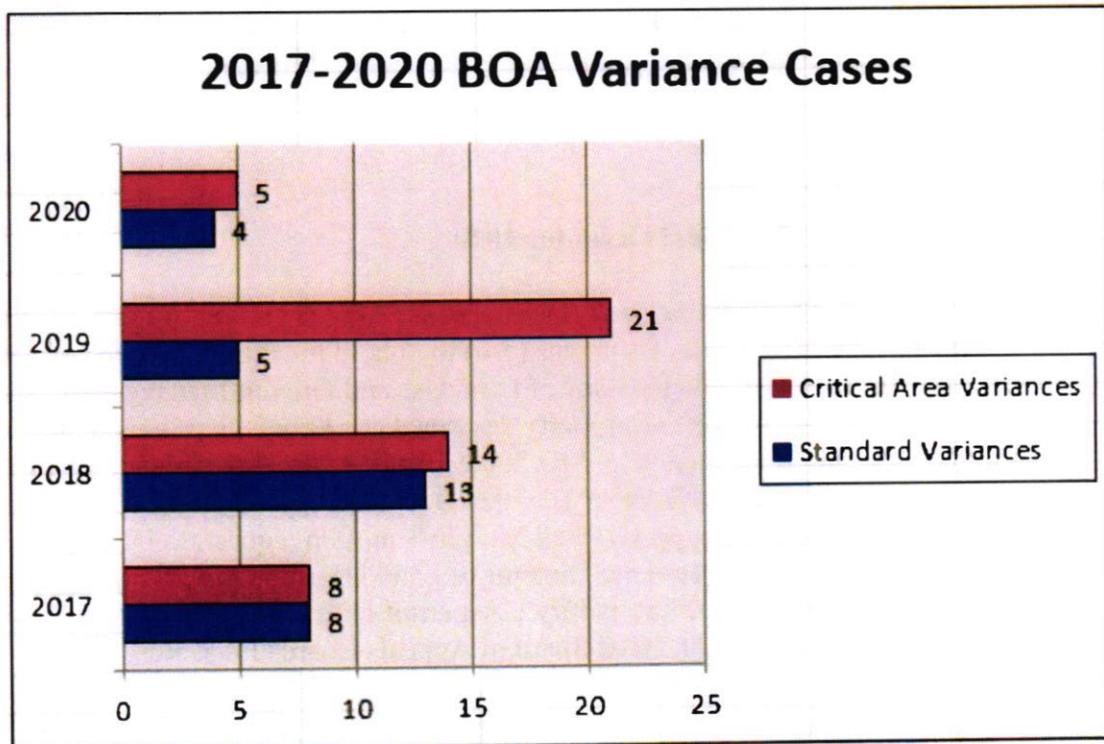
Variances may be granted from the provisions of the Critical Area Program as implemented in Chapter 41 of the Ordinance, Chesapeake Bay Critical Area Overlay Districts, and Chapter 71, Resource Protection Standards, when it has been found that the literal enforcement of those provisions would result in unwarranted hardship on the landowner. The most common Critical Area variance request is to disturb the Critical Area Buffer,

which is a protected area measured a minimum of 100 feet landward from the mean high-water line of tidal waters, tidal wetlands, and tributary streams in the Critical Area.

The Board heard **five (5) Critical Area variance requests in 2020** compared to twenty-one (21) requests in 2019. **Three (3)** of the Critical Area variances in 2020 were to disturb the Critical Area Buffer with two (2) also encroaching into the 25' front setback; **Two (2)** were to clear more that 30% of the tree coverage.

Out of the five (5) requests, five (5) were approved.

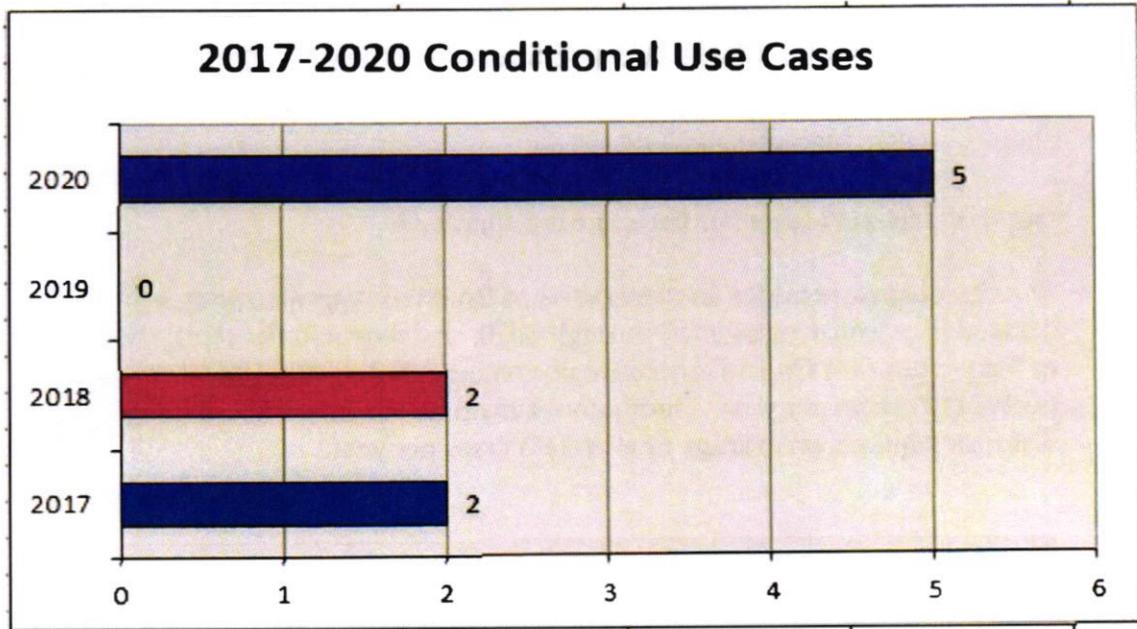
The chart below provides an itemization of Board of Appeals variance requests heard and decided in calendar years 2017 through 2020. As shown in the chart, the Board heard a total of forty-eight (48) Critical Area variance requests during this period, an average of about twelve (12) cases per year. During this same time the Board heard thirty (30) standard variance requests, an average of seven (7) cases per year.



B. Board of Appeals Conditional Use Cases for 2020

The Board heard **Five (5) conditional use requests in 2020** for a Queen Tree Communication Tower, Zimmerman Gravel Mine, Fisher Chicken Processing Plant, Beethoven Gravel Mine, and the Hall Property's Private Landing Strip.

The following chart provides an itemization of Board of Appeals conditional use cases heard and decided in calendar years 2017 through 2020.

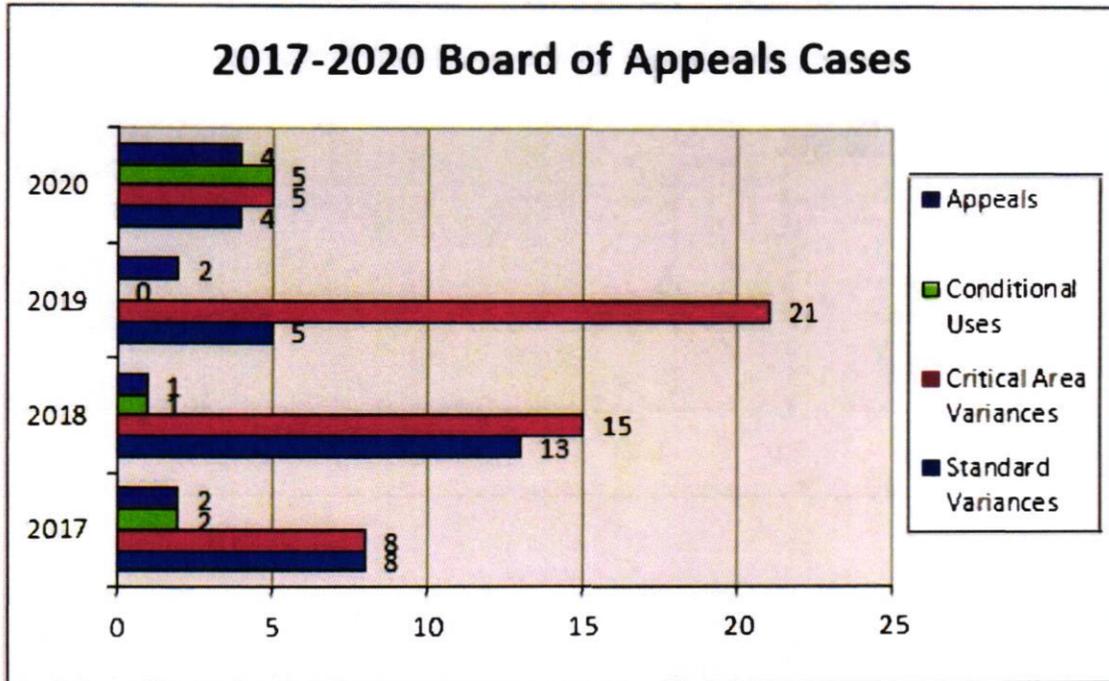


C. Board of Appeals Appeal Cases for 2020

The Board decided **four (4) Appeal cases** in 2020. **One (1)** on the August 27, 2020, the Board upheld (5-0), the Planning Director's decision made on January 8, 2020 determining the property described as (Abbey Place abandoned) at 27890 Three Notch Road, Mechanicsville, MD 20659 is part of the Persimmon Hills Subdivision, Section I. **One (1)** on the September 10, 2020, the Board dismissed (5-0), an Appeal of the decision the Director of Land Use and Growth Management made on June 19, 2020 to approve the Temporary Use permit for a multi-day, private religious event. **One (1)** on the September 10, 2020, the Board reversed (4-0), the decision the Director of Land Use and Growth Management to allow the Chapman's Rest Minor Subdivision to be recorded in St. Mary's County Land Records. **One (1)** on December 17, 2020, the Board upheld (4-1) the Planning Commission decision made on February 10, 2020 to deny the Concept Plan for the proposed 7-Eleven store located in Leonardtown based on the failure to meet the following standards of the St. Mary's Comprehensive Plan:

- 1) Doesn't meet the intent and spirit of the Comprehensive Plan itself.
- 2) Doesn't meet the safety and general welfare of the public.

The following chart is a summary of all Board of Appeals cases, variances, conditional uses, and appeals, beginning with calendar year 2017 through calendar year 2020. The Board heard an average of twenty-four (24) cases per year over the past four years.

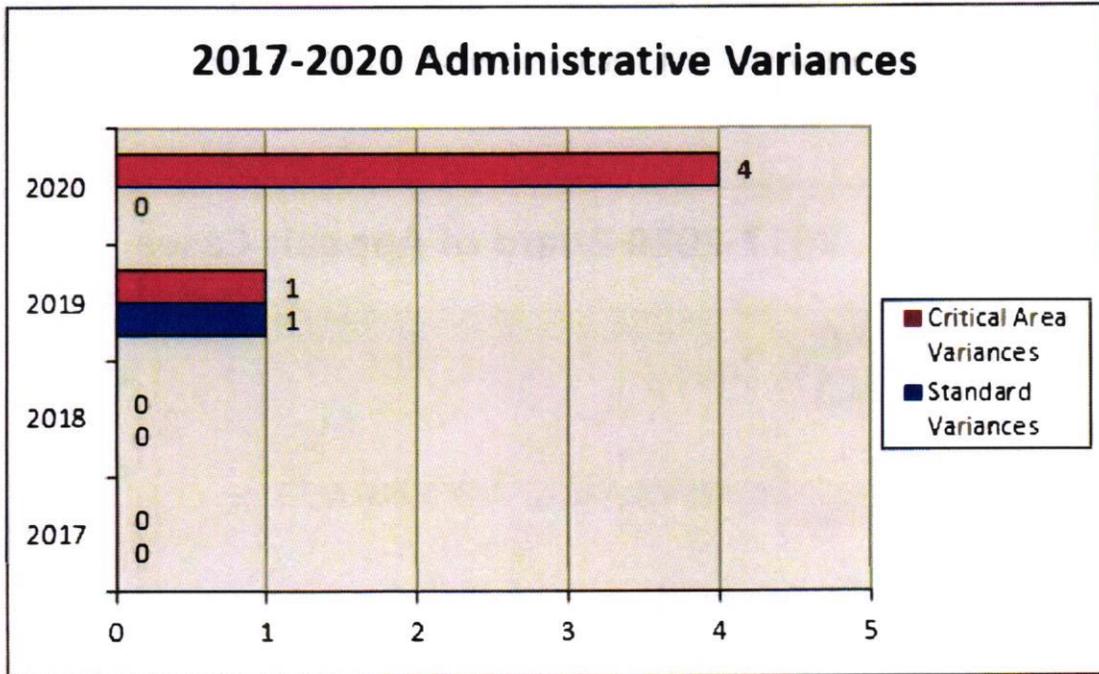


III. Administrative Variance Cases for 2020

Section 4-205 of the *Land Use Article* states that a legislative body, the Commissioners of St. Mary’s County may authorize the Planning Director to grant an administrative adjustment from the following requirements of a zoning ordinance 1) height; 2) setback; 3) bulk; 4) dimensional; 5) area; and some Critical Area requirements. The procedures for obtaining an administrative variance are like those applicable to obtaining a variance from the Board of Appeals.

Out of the **six (6) administrative variances granted** over the past four (4) years; **four (4)** were to disturb the Critical Area Buffer, and **two (2)** other variances were to reduce required front and side yard setbacks as identified in Schedule 32.1 of the Ordinance pertaining to development standards.

The Land Use & Growth Management Director heard a total of six(6) Administrative Variance cases; Five (5) Approved and One (1) Denied.



IV. Administrative Hearing Examiner

The Commissioners of St. Mary’s County appointed a part-time Administrative Hearing Examiner in June 2011 with the adoption of Resolution No. 2011-08. A Hearing Examiner is a quasi-judicial officer and is not subject to the direction or supervision of any board or agent of the St. Mary’s County government, or the personnel or procurement policies of County government.

A Hearing Examiner is appointed by the County Administrator upon request by the Director of Land Use and Growth Management, or the Chair of the Board of Appeals, or the County Attorney. Once a case has been referred to the Hearing Examiner, the public hearing for a variance or conditional use request or for an appeal of an administrative decision is conducted by the Hearing Examiner. The Hearing Examiner hears and receives evidence, makes findings of fact, states conclusions of law, and recommends an action by the Board of Appeals. All testimony and documentary evidence received is transmitted to the Board of Appeals. All findings of fact and conclusions of law are reported to the Board in the Hearing Examiner’s written decision. The Board, in an open hearing, may adopt the findings, conclusions and recommendations of the Hearing Examiner; or adopt different findings or conclusions based on the record of proceedings before the Hearing Examiner; or, for good cause, hear the matter *de novo* (anew).

The Administrative Hearing Examiner did not hear any cases in 2020.

SUMMARY OF 2020 BOARD OF APPEALS HEARINGS

January 09, 2020 – December 17, 2020

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

FIRST QUARTER

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
01/09/2020	CUAP 19-132-016 WHITETAIL VI SOLAR PROJECT	20881 Three Notch Rd, Lexington Park, MD RPD	The Applicant requests approval for a conditional use pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 97, a Utility, Major.	Continued to 02/27/2020 Applicant Withdrawn 02/13/2020	N
02/13/2020	VAAP 19-1873 TREMPER PROPERTY	48184 Mulberry Lane, St. Inigoes, MD RPD/ LDA	Variance from Section 51.2.4.c. of the St. Mary's County Comprehensive Zoning Ordinance (CZO) to reduce the 10-foot setback from the inground pool (measured from edge of water) to a proposed new deck and a replacement/ expansion of existing deck.	Approved 5-0	Y
02/13/2020	VAAP 19-2560 ALLEN PROPERTY	22343 Saint Clements Avenue, Leonardtown, MD RNC/ LDA	Variance from Section 71.9.6.h (1) of the Comprehensive Zoning Ordinance to construct a pier within 25 feet of the extended property line on each side of the Applicant's property.	County Withdrawn 02/13/2020	N
02/13/2020	VAAP 15-132-015 PENROD AUTOMOTIVE	45190 Happyland Road, Valley Lee RCL/ RPD	Variance request from Schedule 63.3.b of the Comprehensive Zoning Ordinance to waive the required 65-foot Type B front and rear buffer yard and to reduce the planting requirements for the 30-foot Type C side buffer yards.	Approved 5-0	N

SUMMARY OF 2020 BOARD OF APPEALS HEARINGS

January 09, 2020 – December 17, 2020

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
03/12/2020	VAAP 19-1660, MERTZ	44948 Lighthouse Road, Piney Point, MD RL/ IDA	Request for a variance from the Comprehensive Zoning Ordinance § Section 71.8.3.a.(1), for development activity in the Critical Area Buffer to construct a deck, landing, and stairs and a variance from § Section 51.2.4.c to reduce the setback between structures to 8 feet.	Canceled due to COVID-19 Moved to Administrative Variance Hearing	Y
03/12/2020	CUAP 19-131-008 FISHER CHICKEN PROCESSING PLANT	36723 Dixie Lyon Road, Mechanicsville, MD RPD	Request for a conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 1, Agricultural Industry, Major.	Canceled due to COVID-19 Moved to Board of Appeals 06/11/2020	N
03/12/2020	ZAAP 18-110-031 CHAPMAN'S REST SUBDIVISION APPEAL	Upton Lane, Hollywood, MD RPD	Appeal of an administrative decision pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to allow the Chapman's Rest Minor Subdivision to be recorded in St. Mary's County Land Records.	Canceled due to COVID-19 Moved to Board of Appeals 07/23/2020	N

SUMMARY OF 2020 BOARD OF APPEALS HEARINGS

January 09, 2020 – December 17, 2020

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

SECOND QUARTER

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
05/07/2020	CUAP 19-135-002, QUEEN TREE COMMUNICATION TOWER	41220 Oakville Road, Mechanicsville, MD RPD	Conditional Use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 91, Communication Tower, Commercial.	Approved With 6 Conditions 5-0	N
05/14/2020	VAAP 19-0408, WHITE PROPERTY	45298 Nats Creek Road, Hollywood, MD RNC/LDA	Variance from Section 32.3.2 of the St. Mary's County Comprehensive Zoning Ordinance (CZO) for a reduction of the mandatory setbacks from buffers for an existing structure and a variance from Section 32.3.2 for a reduction of the mandatory setbacks from buffers to construct a house addition.	Continued to 09/10/2020 Then Withdrawn by Applicant	N
06/11/2020	CUAP 19-131-008, FISHER CHICKEN PROCESSING PLANT	36723 Dixie Lyon Road, Mechanicsville, MD RPD	Request for a conditional use approval pursuant to Chapter 25 Conditional Uses of the Comprehensive Zoning Ordinance for use type 1, Agricultural Industry, Major.	Continued to 08/13/2020	N
06/17/2020	CUAP 17-1296, HALL PROPERTY	45300 Daniels Road, Hollywood RPD/ RCA	Requests conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 88, Airport, Landing Strip and Heliport.	Approved With 3 Conditions 4-1	Y
06/17/2020	ZAAP 19-110-023 TIEDE SUBDIVISION APPEAL	27890 Three Notch Rd, Mechanicsville (Abbey Place abandoned) RPD	Appeal of an administrative decision pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to appeal the decision of the Director of Land Use & Growth Management made on January 8, 2020 determining the property described below is a part of Persimmon Hills Subdivision, Section 1.	Continued to 08/27/2020	N

SUMMARY OF 2020 BOARD OF APPEALS HEARINGS

January 09, 2020 – December 17, 2020

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

THIRD QUARTER

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
07/09/2020	CUAP 19-131-0007 ZIMMERMAN GRAVEL MINE	25283 Friendship School Road, Mechanicsville, MD RPD	Request for conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 82, Extractive Industry within the Rural Preservation District (RPD).	Approved With 5 Conditions 5-0	N
07/23/2020	ZAAP 18-110-031 CHAPMAN'S REST APPEAL	Upton Lane, Hollywood, MD RPD	Appeal of an administrative decision pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to allow the Chapman's Rest Minor Subdivision to be recorded in St. Mary's County Land Records.	Continued to 10/22/2020	N
07/30/2020	ZAAP 18-132-00021 LEONARDTOWN 7-ELEVEN APPEAL	24175 Point Lookout Road, Leonardtown, MD 20650 CMX	Pursuant to Chapter 23 of the St. Mary's County comprehensive Zoning Ordinance to appeal the decision the Planning Commission made on February 10, 2020 to deny the Concept Plan for a proposed 7-Eleven convenience store.	Continued to 11/12/2020	Y
08/13/2020	CUAP 19-131-008 FISHER CHICKEN PROCESSING PLANT	36723 Dixie Lyon Road, Mechanicsville, MD RPD	Request for a conditional use approval pursuant to Chapter 25 conditional Uses of the Comprehensive Zoning Ordinance for use type 1, Agricultural Industry, Major.	Approved With 8 Conditions 5-0	N
08/27/2020	ZAAP 19-110-023 TIEDE SUBDIVISION APPEAL	27890 Three Notch Rd, Mechanicsville (Abbey Place abandoned) RPD	Pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to appeal the decision of the Director of Land Use & Growth Management made on January 8, 2020 determining the property described is a part of Persimmon Hills Subdivision, Section 1.	Upheld Director's Decision 5-0	N

SUMMARY OF 2020 BOARD OF APPEALS HEARINGS

January 09, 2020 – December 17, 2020

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
08/27/2020	VAAP 18-132-00015 Guy Property	23490 Budds Creek Road, Clements, MD VMX/ RPD/ RCA	Applicant requests a variance from Schedule 63.3.b and 71.4.2.a (2) of the Comprehensive Zoning Ordinance to modify the required 65-foot Type B front buffer yard, 35-foot Type C side buffer yard and to disturb the required stream buffer to replace a storage and repair building.	Approved 5-0	N
09/10/2020	ZAAP 20-1432 Peterson & Gwynn Appeal of Klug Property Events	19889 North Snow Hill Manor Road, Lexington Park, MD RPD	Appeal of an Administrative decision pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to appeal the decision the Director of Land Use and Growth Management made on June 19, 2020 to approve the Temporary Use permit for a multi-day, private religious event.	Dismissed 5-0	N
09/10/2020	VAAP 19-131-019 Smith Creek Marine	Wynne Road, Ridge, MD RPD/ RCA	Applicant is requesting a variance from the Comprehensive Zoning Ordinance Section 71.5.2.b. for development activity in non-tidal wetlands and the required wetland buffer and § Section 72.3.1.c.(2) to clear more than 30% of the existing forest to construct a sand mound septic system on a vacant lot.	Approved 5-0	Y
09/24/2020	VAAP 20-0678 Elrod & Buckler Property	29776 Wilson Road, Mechanicsville RNC/LDA	Applicant is requesting a variance from the comprehensive Zoning Ordinance Section 72.3.1.c (2) for clearing more than 30% of the developed woodland on a lot.	Approved 5-0	Y
09/24/2020	CUAP 19-131-00030 Darcey Property/ Beethoven Gravel Mine	37170 New Market Road, Charlotte Hall, MD RPD	Applicant requests conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 82, Extractive Industry within the Rural Preservation District (RPD).	Approved With 3 Conditions 5-0	N

SUMMARY OF 2020 BOARD OF APPEALS HEARINGS

January 09, 2020 – December 17, 2020

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

FOURTH QUARTER

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
10/08/2019	VAAP 19-2160 LUMPKINS PROPERTY	17896 Piney Point Road, Piney Point, MD RL/IDA	Applicant requested a variance from the Comprehensive Zoning Ordinance Section 71.5.2.b, to disturb the expanded 100' Non-Tidal Wetland Buffer.	Approved 5-0	N
10/08/2020	VAAP 20-0810 HEINSEN PROPERTY	22128 Breton Street, Leonardtown, MD RNC/ LDA	Applicant requested a variance from the Comprehensive Zoning Ordinance Section 71.8.3, to disturb the Critical Area Buffer and from Schedule 32.1, to encroach upon the 25' front setback to replace an existing house.	Approved 5-0	Y
10/22/2020	ZAAP 18-110-031 CHAPMAN'S REST APPEAL	Upton Lane, Hollywood, MD RPD	CONTINUANCE from July 23, 2020; Appeal of an administrative decision pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to allow the Chapman's Rest Minor Subdivision to be recorded in St. Mary's County Land Records.	Continued to 10/29/2020	N
10/29/2019	VAAP 19-2437 PARRY PROPERTY	14025 Cornfield Harbor Dr, Scotland, MD RPD/ LDA	Applicant requested a variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb the expanded Critical Area Buffer to construct 2 decks and from Schedule 32.1 to encroach 18' into the 25' front setback to construct a deck.	Approved 5-0	Y

SUMMARY OF 2020 BOARD OF APPEALS HEARINGS

January 09, 2020 – December 17, 2020

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
10/29/2020	ZAAP 18-110-031 CHAPMAN'S REST APPEAL	Upton Lane, Hollywood, MD RPD	CONTINUANCE from July 23, 2020; Appeal of an administrative decision pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to allow the Chapman's Rest Minor Subdivision to be recorded in St. Mary's County Land Records	Reversed Director's Decision 4-0	N
11/12/2020	ZAAP 18-132-00021 LEONARDTOWN 7-ELEVEN APPEAL	24175 Point Lookout Road, Leonardtown, MD 20650 CMX	Continuance from July 30, 2020 Board of Appeals Hearing; Pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to appeal the decision the Planning Commission made on February 10, 2020 to deny the Concept Plan for a proposed 7-Eleven convenience store.	Continued to 12/10/2020	N
12/10/2020	ZAAP 18-132-00021 LEONARDTOWN 7-ELEVEN APPEAL	24175 Point Lookout Road, Leonardtown, MD 20650 CMX	Continuance from July 30, 2020 Board of Appeals Hearing; Pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to appeal the decision the Planning Commission made on February 10, 2020 to deny the Concept Plan for a proposed 7-Eleven convenience store. Applicant requested a variance from the	Continued to 12/17/2020	N
12/17/2020	VAAP 20-1420, Hartzer Property	44940 Shore Drive, Tall Timbers, MD	Comprehensive Zoning Ordinance Section 71.8.3, to disturb the expanded Critical Area Buffer to construct an attached garage.	Approved 5-0	Y

SUMMARY OF 2020 BOARD OF APPEALS HEARINGS

January 09, 2020 – December 17, 2020

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
12/17/2020	ZAAP 18-132-00021 LEONARDTOWN 7-ELEVEN APPEAL	24175 Point Lookout Road, Leonardtown, MD 20650 CMX	Continuance from July 30, 2020 Board of Appeals Hearing; Pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance to appeal the decision the Planning Commission made on February 10, 2020 to deny the Concept Plan for a proposed 7-Eleven convenience store.	Upheld Planning Commissions Decision 4-1	N

Abbreviations:

<p>Overlays:</p> <p>AE Airport Environs</p> <p>AICUZ Air Installations Compatible Use Zone</p> <p>IDA Intensely Developed Area</p> <p>LDA Limited Development Area</p> <p>RCA Resource Conservation Area</p>	<p>Zoning Districts:</p> <p>CC Community Commercial</p> <p>CM Commercial Marine</p> <p>CMX Corridor Mixed Use</p> <p>DMX Downtown Core Mixed Use</p> <p>I Industrial District</p> <p>MXM Medium Mixed Use</p> <p>OBP Office and Business Park</p> <p>RCL Rural Commercial Limited</p> <p>RH Residential, High-Density</p>	<p>RL Residential, Low-Density</p> <p>RL-T Residential, Low-Density, Transitional Area</p> <p>RMX Residential Mixed Use</p> <p>RNC Residential Neighborhood Conservation District</p> <p>RPD Rural Preservation District</p> <p>RSC Rural Service Center</p> <p>VMX Village Center Mixed Use</p> <p>TMX Town Center Mixed Use</p> <p>Miscellaneous:</p> <p>SFD Single-family dwelling</p>
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Last Update 2/3/2021- SLY