

BEFORE THE ST. MARY'S COUNTY BOARD OF APPEALS

**In re: Thompson's Seafood Request to Add
Tavern Use (Permit # COU21-0967)** *

Appeal No. _____

**Appeal from the June 22, 2021 Decision
of the St. Mary's County Planning
Planning Director Disapproving Proposed
Use** *

NOTICE OF APPEAL

Comes Now, Shuckit's, LLC, by and through their attorneys Christopher T. Longmore and the law firm of Dugan, McKissick & Longmore, LLC, pursuant to Rule 2-102 of the Rules of Practice and Procedure of the St. Mary's County Board of Appeals, and file this notice of appeal of the June 22, 2021 decision of the St. Mary's County Planning Director, and in support thereof states as follows:

1. The Appellants and their address is as follows: Shuckit's, LLC, 20630 Golden Thompson Road, Avenue, MD 20609.
2. Street Address of Property: 20634 Golden Thompson Road, Avenue, Maryland 20609.
3. The map and parcel number of the Properties: Tax Map 0046, Grid 0018, Parcel 0148, 7th Election District, Tax Identification Numbers: 07-028962.
4. Land Use and Growth Management Control/Permit Number: COU21-0967.
5. The administrative action that is the subject of this appeal is the June 22, 2021 decision by the St. Mary's County Planning Director disapproving of the Appellants' proposed Tavern Use on the subject property. A copy of this decision is attached hereto as



**DUGAN, MCKISSICK
& LONGMORE, LLC**
22738 MAPLE ROAD, SUITE 101
LEXINGTON PARK, MARYLAND 20653
PHONE: 301 862-3764
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Exhibit A.

6. The following are specific statements of the bases of the appeal: The Planning Director's decision was in error because the proposed use is allowed in the CM Zoning District and the Planning incorrectly interpreted and/or applied the applicable zoning ordinance provisions when the Director disapproved the Tavern use as an accessory use on the Property.

7. Attached hereto as Exhibit A is a copy of the June 22, 2021 Disapproval issued by Planning Director William B. Hunt.

8. The undersigned reserves the right to supplement the above information pursuant to the Rules of Procedure of the Board of Appeals and at the hearing on this Appeal.

Respectfully Submitted,



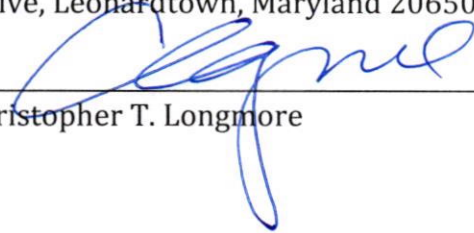
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Certificate of Service

I certify, that on this 22nd day of July, 2021, a copy of this Notice of Appeal was hand-delivered and mailed, first class pre-paid postage, to David Weiskopf, County Attorney, P.O. Box 653, Chesapeake Building, 41770 Baldrige Street, Leonardtown, Maryland 20650 and William B. Hunt, Director, c/o Harry Knight, Deputy Director, Department of Land Use and Growth Management, 23150 Leonard Hall Drive, Leonardtown, Maryland 20650.



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St. Mary's County
Department of Land Use & Growth Management
23150 Leonard Hall Drive
Leonardtown, MD 20650
Phone: 301-475-4200 ext. 1500

Permit Number: COU21-0967

Permit Description: Thompson's Seafood to add Tavern Use

Permit Location: 20634 GOLDEN THOMPSON RD

Permit Notes:

Reviews:

1. DEPT OF PLANNING AND ZONING This property is Zoned CM, Commercial Marine. Proposed Tavern use is not allowed as a principal use in the CM zone.

Tavern use is allowed as an Accessory use in the CM zone. CZO section 51.3.79.b.(1) reads, "Facility must be accessory to a conforming Marina use."

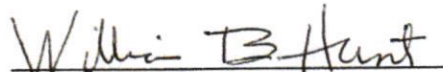
"Marina" is defined, per CZO Chapter 90, as "A facility for the mooring, docking, or storing of 10 or more vessels on tidal navigable waters, including a commercial, noncommercial, or community facility."

The property is not currently occupied by a "conforming Marina use".

Therefore, the proposed Tavern use is disapproved as an Accessory use at this address because the property is not currently occupied by a "conforming Marina use".

Please consider this letter the Department's final decision regarding Permit Application No. 21-0967. If you wish to appeal the Department's decision, you may do so by filing an application for Board of Appeals review in accordance with Section 23.1 of the Comprehensive Zoning Ordinance, "Scope of Appeal." Such appeal must be filed with the Department of Land Use and Growth Management within 30 days of the date of this letter. Your application for appeal must identify with specificity all grounds for the appeal.

Signed this date: June 22, 2021


William B. Hunt, AICP, Director

Conditions:

