

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 25-0395

NEXT DOOR POUR PROPERTY

EIGHTH ELECTION DISTRICT

DATE HEARD: MARCH 12, 2026

ORDERED BY:

**Mr. Hayden, Mr. Brown
Mr. LaRocco, Mr. Payne and Ms. Weaver**

PLANNER: NICK COLVIN

DATE SIGNED: March 26, 2026

Pleadings

18080 Point Lookout Road, LLC (“Applicant”) seeks a variance (VAAP # 25-0395) from St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) Schedule 32.1 to reduce required front and side yard setbacks for Use Type 85, Alcoholic Beverage Production in the Rural Service Center (“RSC”) Zone.

Public Notification

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on February 20, 2026 and February 27, 2026. Required mailings to neighbors and physical posting of the property was completed by February 25, 2026. The agenda was also posted on the County’s website by Friday, March 6, 2026. Therefore, the Board finds and concludes there has been compliance with the notice requirements.

Public Hearing

A public hearing was conducted at 6:30 p.m. on March 12, 2026 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 variance requested by the Applicant.

The Property

Applicant owns real property situate 18080 Point Lookout Road, Park Hall, Maryland (“the Property”). The Property consists of 10,367 square feet, more or less, is within the Rural Service Center (“RSC”) zoning district, and can be found among the Tax Maps of St. Mary’s County at Tax Map 59, Grid 7, Parcel 362.

The St. Mary’s County Comprehensive Zoning Ordinance

Schedule 32.1 mandates a 50-foot front setback from any arterial road in the RSC zoning

district, and 15-foot side yard setbacks from the property lines of adjacent lots. A front lot line is any boundary of a lot that is along a public street or public way.¹

Staff Testimony

Nick Colvin, a Planner for the St. Mary’s County Department of Land Use and Growth Management (“LUGM”), presented a slide show that contained a summary of the Applicant’s request, pictures of the property, and other facts relevant to the application. A staff report, inclusive of attachments, was also entered into the record. The following summarizes the testimony produced by staff:

- The Property contains a commercial structure that, according to the State Department of Assessments and Taxation (“SDAT”), was constructed in 1945.
- The Applicant proposes converting the existing building into Use Type 85, Alcoholic Beverage Production.
- A 50-foot front setback and 15-foot side setback are required for structures in the RSC zoning district under current regulations.
- The existing structure is 5 feet from the side property line and 18 feet from the front property line.
- Technical Evaluation Committee members have either approved or have no comments concerning the minor site plan application. LUGM approval is pending the outcome of the variance application.
- The following Attachments to the Staff Report were introduced:
 - Attachment 1: Standards Letter

¹ Several Board of Appeals questioned whether the existing improvement, as a legally nonconforming structure, could, or should, be released from meeting current setback standards. That question was not formally brought to the Board, and this opinion will not answer it.

- Attachment 2: Site Plan
- Attachment 3: Ordinance 2022-01
- Attachment 4: 2019-32 SMC Comprehensive Zoning Schedule 32.1
- Attachment 5: Location Map
- Attachment 6: Land Use Map
- Attachment 7: Zoning Map

Applicants' Testimony and Exhibits

Applicant was represented before the Board by Alex Reynolds and Eric Chung, business partners in Next Door Pour. Together, they presented a slideshow that included branding, pictures of the site, and other information pertinent to their application and their business. A letter addressing each standard was also produced by the Applicant and attached to the staff report. The testimony Mr. Reynolds and Mr. Chung included, but was not limited to, the following points:

- Mr. Reynolds and Mr. Chung attended school in St. Mary's and are familiar with the area. Mr. Chung elaborated on the members' relevant business experience.
- Applicant proposes no external changes to the Property.
- The Property was previously used as a farm shop, and operations will be located no closer to the road.
- Mr. Chung stated the new use of the property will not cause congestion or traffic and will not create fumes or any noxious odors that may affect adjacent properties.
- In response to a question posed by Ms. Weaver, Mr. Chung said delivery trucks will not cause any parking or traffic flow issues, because delivery loads will be small.
- In response to a question posed by Mr. Payne, Mr. Reynolds said that they would need to expand before considering a large operating space, and that they would explore a different

site if they reach that point.

- Describing the size and footprint of the proposed use, Mr. Chung repeatedly used the descriptor “nano-brewery.”

Public Testimony

No members of the public appeared to offer in-person testimony for or against the project.

Decision

County Requirements for Standard Variances

The St. Mary’s County Comprehensive Zoning Ordinance § 24.3 sets forth seven separate requirements that must be met for a variance to be issued:

- (1) Because of particular physical surroundings such as exceptional narrowness, shallowness, size, shape, or topographical conditions of the property involved, strict enforcement of this Ordinance will result in practical difficulty;
- (2) The conditions creating the difficulty are not applicable, generally, to other properties within the same zoning classification;
- (3) The purpose of the variance is not based exclusively upon reasons of convenience, profit, or caprice. It is understood that any development necessarily increases property value, and that alone shall not constitute an exclusive finding;
- (4) The alleged difficulty has not been created by the property owner or the owner’s predecessors in title;
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood and the character of the district will not be changed by the variance;

- (6) The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- (7) The variance complies, as nearly as possible, with the spirit, intent, and purpose of the Comprehensive Plan.

Id.

Findings – Standard Variance Requirements

Upon review of the facts and circumstances, the Board finds and concludes that the Applicant is entitled to relief from the St. Mary’s County Comprehensive Zoning Ordinance’s front yard setback provision. Several factors support this decision.

First, the Board finds that strictly interpreting the CZO would result in a practical difficulty to the Applicant. § 24.3(1). In *McLean v. Soley*, 270 Md. 208 (1973), the Maryland Court of Appeals established the standard by which a zoning board is to review “practical difficulty” when determining whether to grant a variance:

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Id. at 214–15.

Denial of this variance would impose a practical difficulty upon Applicant. Applicant proposes repurposing of an existing, 80-year old building. It cannot be relocated, and the site cannot be reconfigured, without incurring extreme hardship and prohibitive costs on Applicant. It appears no injustice or injury will occur to neighboring properties or the public at large if the existing building is allowed to remain in its present form. Accordingly, we find the standards laid down by *Sorley* satisfied and conclude Applicant has carried its burden to show a practical difficulty.

To the second standard, the conditions creating the difficulty are not generally applicable to other similarly situated properties. Atypical existing site conditions, as elaborated above, drive the variance request, as does the location of the existing building so close to front and side property lines.

To the third standard, the purpose of seeking the variance is not “based exclusively upon reasons of convenience, profit or caprice.” Applicants have demonstrated a practical difficulty meeting this requirement of the Comprehensive Zoning Ordinance. There is no realizable way to avoid the variance that was presented to the Board, nor is there one apparent to it. Applicant’s request for the variance is borne by necessity rather than a desire to achieve the intended use with marginally less expense or marginally more convenience.

Fourth, the need for the variance does not arise from actions of the Applicant. As noted previously, Applicants’ need for a variance stem from the location of the existing building, constructed approximately 35 years before St. Mary’s County first adopted a zoning ordinance, let

alone imposed the setback standards applicable today to new projects today.

Fifth, the variance will neither detrimentally affect the public welfare, substantially injure other properties or improvements, nor change the character of the district. The neighboring property owners were notified of the variance request and given an opportunity to speak on the matter. None voiced an objection.

Sixth, the proposed development will not increase the residential use of the property. The existing structure will not be changed or modified as a result of the variance request.

Finally, the Board finds that granting the variance will be in harmony with the general spirit, intent, and purpose of the Comprehensive Plan. The Comprehensive Plan encourages the redevelopment of existing buildings, and of encouraging economic development in the South County. This project carries forth these goals, and others, without encouraging reckless disregard of current zoning standards or creating development potentially injurious to the public at large.

ORDER

PURSUANT to Applicants' request for a variance from Comprehensive Zoning Ordinance Schedule 32.1 to reduce required front and side yard setbacks; and,

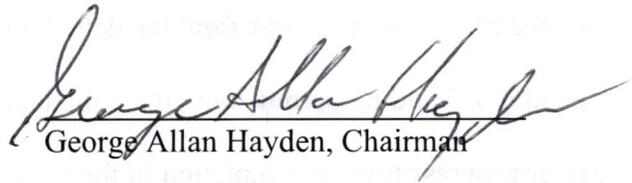
PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is,

ORDERED, by the St. Mary's County Board of Appeals, pursuant to Comprehensive Zoning Ordinance § 24.3, that the Applicant's variance request is **GRANTED**, and that Schedule 32.1's front and side yard setbacks shall not bar Applicant from making use of the existing structure in its current location (to wit, 5 feet from the side property line and 18 feet from the front property line).

The foregoing variances are subject to the condition that the Applicant shall comply with any instructions and necessary approvals from the Office of Land Use and Growth Management, the Health Department, Critical Area Commission, or other relevant regulatory body.

This Order does not constitute a building permit. In order for the Applicant 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: March 26, 2026



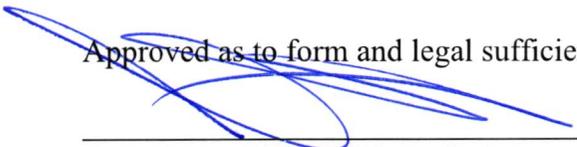
George Allan Hayden, Chairman

Those voting to grant the variance:

Mr. Hayden, Mr. Brown, Mr. LaRocco
Mr. Payne, and Ms. Weaver

Those voting to deny the variance:

Approved as to form and legal sufficiency



Steve Scott, Board of Appeals Attorney

NOTICE TO APPLICANT

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 Petition for Judicial Review with the Circuit Court for St. Mary's County within thirty (30) days of the date this order is signed.

Further, St. Mary's County Comprehensive Zoning Ordinance § 24.8 provides that a variance shall lapse one year from the date the Board of Appeals granted the variance unless: (1) A zoning or building permit is in effect, the land is being used as contemplated in the variance, or regular progress toward completion of the use or structure contemplated in the variance has taken place in accordance with plans for which the variance was granted; (2) a longer period for validity is established by the Board of Appeals; or (3) the variance is for future installation or replacement of utilities at the time such installation becomes necessary.

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