

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

CUAP NUMBER # 24-0207

STAUFFER'S BUTCHER BARN

SIXTH ELECTION DISTRICT

DATE HEARD: SEPTEMBER 19, 2024

ORDERED BY:

**Mr. Hayden, Mr. Bradley, Mr. Payne,
Mr. Richardson, Ms. Weaver**

ENVIRONMENTAL PLANNER: STACY CLEMENTS

DATE SIGNED: October 10, 2024

Pleadings

Jennifer Lee Dixon & Steven Matthew Stauffer (the “Applicants”) seek conditional use approval (CUAP # 22-0056) to expand an existing 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 August 30, 2024 and September 6, 2024. The hearing notice was physically 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 addresses furnished by the Department of Land Use and Growth Management. The agenda was also posted on the County’s website September 13, 2024. Therefore, the Board finds and concludes that there has been compliance with all notice requirements.

Public Hearing

A public hearing was conducted at 6:30 p.m. on September 19, 2024 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 zoned entirely as Rural Preservation District (“RPD”) and is identified on Tax Map 20, Grid 2, Parcel 1 (“the Property”). The Property has an existing butcher shop on it

that was granted conditional use approval by the Board of Appeals previously.

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 expanding an existing conditionally approved 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 and an existing meat processing facility.
- The Applicant requests an expansion of an approved conditional use.
- The Minor Site Plan has been reviewed by all approving agencies, and their comments are attached to the staff report. The Health Department, Soil Conservation District, Addressing, Environmental, Recreation & Parks, Department of Economic Development, Fire Board and Washington Gas have approved or commented upon the site plan. As the

Applicant proposes less than 5,000 s.f. of cumulative site disturbance it is exempt from stormwater management review. Approval is pending for SMECO and LUGM.

- The following Attachments to the Staff Report were introduced:

#1: Standards Letter

#2: Plat Book 64, Page 64

#3: Conditional Use Order CUAP 22-0056

#4: Staff Review

#5: Location Map

#6: Land Use Map

#7: Zoning Map

#8: Minor Site Plan

#9: Floor Plans

Applicants Testimony and Exhibits

The Applicants and were represented by Jennifer Lee Dixon, one of the individual applicants. Ms. Dixon presented a slideshow containing maps, pictures, and development plans related to the Property and answered questions posed by the Board. The following evidence was including among that presented:

- The expansion in question is for a proposed new storage area on an existing concrete pad footprint;
- The proposed storage will be approximately 16' x 12' in dimension and provide freezer box storage to the facility;
- Current operations are processing of beef and pork. Slaughtering does not occur on site but Ms. Dixon elaborated on how customers may bring a slaughtered cow or pig to

the site and the butcher shop will be responsible for cutting and wrapping;

- In addition to beef and pork, the shop also processes venison.

Public Testimony

No members of the public provided testimony at the public hearing.

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. Staff testimony was that the project appeared to meet all applicable general standards associated with a development of this nature. CZO § 51.3.1 contains no additional standards specific to this Use Type that apply to this project. In short, the project appears to the Board to meet all specific standards prescribed by the CZO, leaving only the following factors to be reviewed by the Board itself.

Second, the project will not jeopardize or endanger public health and welfare. It is well-established in Maryland that conditional uses, provided they satisfy all specific and general standards prescribed by a zoning ordinance, are presumed to further the general welfare. *People's Counsel for Baltimore County v. Loyola College*, 406 Md. 54, 88 (2008). Absent express language in the controlling ordinance that presumption can only be rebutted if unique circumstances or location of a particular property would lend a particular proposed conditional a heightened impact upon neighboring properties. In this case, we find no suggestion any neighboring properties would

be unduly affected, and the presumption holds.

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 we have no history of any complaints or inconveniences the neighborhood has suffered as a result of the existing use. The Board also notes that Applicants, with their expansion, continue to take care to preserve the exterior appearance of the facility, minimizing any visual impact this facility will have on neighboring properties.

Fourth – as discussed previously - the Project does not appear to have adverse impacts above and beyond those typically associated with this type of use. Applicants have received all necessary approvals from outside agencies and no evidence has been placed before the Board that suggests this use will be unduly burdensome upon neighboring properties.

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 expansion and continued operation of a meat processing facility will diversify the County's economy and provide, in the words of Mr. Raley – whose testimony at the prior is incorporated by virtue of the prior conditional use approval's inclusion in this expansion's staff report - a service critically needed by the County's farmers.

Finally, the proposed conditional use is consistent with RPD development standards. As noted above, Use Type #1 has no particular standards attached to a development such as this, other than

requiring conditional use approval. The expansion appears to satisfy all generally applicable criteria.

Accordingly, we find the Applicants entitled to the expansion of their existing conditional use and grant the requested approval.

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

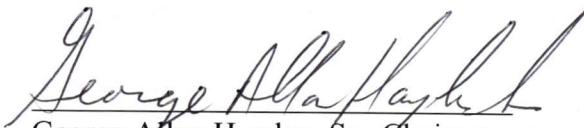
PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is

ORDERED, by the St. Mary's County Board of Appeals, that the Applicants are granted a conditional use to expand an existing 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: October 10, 2024

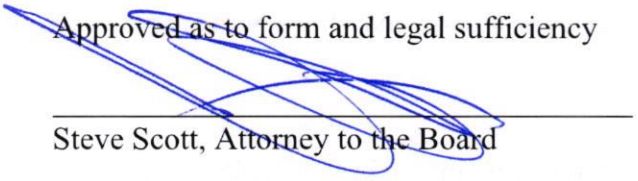

George Allan Hayden, Sr., Chairperson

Those voting to grant the conditional use:

Mr. Hayden, Mr. Bradley, Mr. Payne, Mr. Richardson, and Ms. Weaver

Those voting to deny the conditional use:

Approved as to form and legal sufficiency



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.