

**IN THE ST. MARY'S COUNTY BOARD OF APPEALS**

**CUAP # 20-131-0001**

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**SLOAN GRAVEL MINE, WASH PLANT**

**THIRD ELECTION DISTRICT**

**DATE HEARD: APRIL 8, 2021**

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**ORDERED BY:**

**Mr. Ichniowski, Mr. Brown, Mr. Ichniowski  
Mr. Miedzinski, and Mr. Richardson**

**ENVIRONMENTAL PLANNER: STACY CLEMENTS**

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**DATE SIGNED: May 13, 2021**

### **Pleadings**

Barry Vukmer, Chesapeake Trails Surveying, LLC (the “Applicant”) seeks the modification of conditional use approval, CUAP # 15-131-050, to install a wash plant at the existing Sloan Gravel Mine, pursuant to Comprehensive Zoning Ordinance (“CZO”), Extractive Industry, Use Type # 82, within the Rural Preservation District (“RPD”).

### **Public Notification**

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County (“County”), on March 19, 2021 and March 26, 2021. The hearing notice was also 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 address furnished by the St. Mary’s County Department of Land Use and Growth Management (“LUGM”). The agenda was also posted on the County’s website on March 31, 2021. Therefore, the St. Mary’s County Board of Appeals (“Board”) finds and concludes that the Applicant has complied with the notice requirements.

### **Public Hearing**

A public hearing was conducted at 6:30 p.m. on April 8, 2021 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 and the Site**

Multiflora, LLC owns a property of approximately 62.985 acres (the “Subject Property”) at 28625 Abell’s Way, Loveville, Maryland. The Subject Property is located in the RPD and is

identified on Tax Map 19, Grid 19, Parcel 133. On the Subject Property, the Applicant proposes to install a wash plant at the existing Sloan Gravel Mine.

### **The Conditional Use Requested**

The Applicant seeks a conditional use pursuant to CZO, Chapter 25, Schedule 50.4 Use # 82, Section 51.3.82 to install the wash plant.

### **The St. Mary's County Comprehensive Zoning Ordinance**

Pursuant to Schedule 50.4 of the CZO, Use Type 82, "Extractive Industry" is defined as:

Removal of natural materials from the surface or subsurface of the earth for sale or further processing. This classification includes sand and gravel mining and mineral extraction.

### **The Evidence Submitted at the Hearing by LUGM**

Stacy Clements, an Environmental Planner for the St. Mary's County Department of Land Use and Growth Management ("LUGM"), presented the following evidence:

- The subject property (hereinafter the "Property") is an existing gravel mine, approved under Conditional Use Application (CUAP) 15-131-050. It consists of 62.985 acres according to the Maryland Department of Assessments and Taxation. The Property contains a single-family dwelling and several agricultural outbuildings according to the site plan submitted in support of this conditional use request.
- The Applicant is requesting a modification to this previously approved Conditional Use, Ex. 2, Att. 2., surface gravel mine, use type 82, Extractive Industry. The Applicant is proposing to add a wash plant. Extractive Industry is defined by the Comprehensive Zoning Ordinance (CZO) as the "Removal of natural materials from the surface or subsurface of the earth for sale or further processing. This