

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of Futch LLC, 28265 Three
Notch Road, Mechanicsville, Maryland

Case No. 16-131-006

DECISION AND ORDER**Introduction**

Futch LLC (hereinafter "Applicant"), filed an application for approval of expansion of a non-conforming structure located at 28265 Three Notch Road, Mechanicsville, Maryland (hereinafter the "Structure").

After due notice, a public hearing was conducted at 6:30 p.m. on July 14, 2016, at the St. Mary's County Governmental Center at 41770 Baldrige Street in Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn and documentary evidence was received. The proceedings were recorded electronically.

Legal Standard

Section 52.2.3 of the Ordinance stipulates that a structure lawfully occupying a site on the effective date of the Ordinance that does not conform with the standards for front yards, side yards, rear yards, height, floor area, driveways, screening, buffer yards, landscaping, or open space for the district in which the structure is located shall be deemed a nonconforming structure. Section 52.3 of the Ordinance provides that a nonconforming use or structure may be expanded or enlarged up to 50%. An expansion or enlargement that exceeds 25 percent must be approved by the Board of Appeals.

Findings of Fact

The Structure is a 2,232.5 square-foot, one-story, office building, which was originally constructed in 1962 according to the Maryland Department of Assessments and Taxation. A 1,100 square-foot storage building is located behind the office building. The Applicant plans to remove this building, leaving the office building as the only structure on the property. An office is a permitted use in the TMX District.

The property fronts on Maryland Route 5, which is classified as an arterial road. The required front yard setback from such a road is 50 feet in the TMX District. The existing office building encroaches 20 feet into this setback.

The Applicant proposes to build a 14-foot by 47.3-foot addition on the back of the building for a total of 662.2 square feet of new space to be used for incidental storage. The

Applicant also plans to add a 3-foot by 47.3-foot overhang to the front of the building, which will extend an additional three (3) feet into the front yard setback.

Conclusions of Law

The additional 662.2 square feet of new space will not increase the nonconformity of the Structure. The Structure is, and will remain, consistent in appearance and location with adjacent structures. The proposed additions will not impact or alter roads, ingress and egress, public utilities, or public safety. The Property is located in the Mechanicsville Town Center, which is a growth area in the County. Section 4.1.2 of the Comprehensive Plan promotes and encourages utilization and redevelopment of existing lots and adaptive reuse of existing structures.

ORDER

NOW, THEREFORE, BE IT ORDERED, that the application to approve expansion of a nonconforming structure by construction of a 14-foot by 47.3-foot addition on the back of the building a 3-foot by 47.3-foot fully cantilevered overhang on the front of the building is **approved**.

Date: July 21, 2016


George A. Hayden, Chairman

Those voting to grant the variance: Mr. Hayden, Mr. Brown, Mr. Greene, Mr. Payne and Mr. Miedzinski

Those voting to deny the variance:

Approved as to form and legal sufficiency:


George R. Sparling, County Attorney