

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

In the Matter of Cindi J. Thomas & Steven S. Thomas  
48845 Saint James Church Road  
Lexington Park, Maryland

Case No. CUAP/VAAP 16-132-001

**DECISION AND ORDER****Introduction**

Cindi J. Thomas & Steven S. Thomas (hereinafter "Applicants"), filed an application for a conditional use pursuant to the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "Ordinance") regarding property located at 48845 Saint James Church Road, Lexington Park, Maryland (hereinafter the "Property"). The application seeks conditional use approval for use type 69, Recreational Facility, Minor Indoor and a variance from Schedule 32.1 of the Comprehensive Zoning Ordinance to increase the maximum allowed footprint of a commercial structure in the Rural Preservation District.

After due notice, a public hearing was conducted at 6:30 p.m. on February 9, 2017, 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**

- A. The Board shall not approve a conditional use unless it finds, based on the evidence, that:
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