



St. Mary's County Department of Land Use and Growth Management
 23150 Leonard Hall Drive, Leonardtown, Md. 20650
 Phone (301) 475-4200, ext. 71500 Fax (301) 475-4672
BOARD OF APPEALS / ADMINISTRATIVE VARIANCE
APPLICATION



INSTRUCTIONS TO APPLICANT:

Please complete the information below prior to Board of Appeals submission. This application will be required in order to accept and process your submission. All application materials must be folded or of a size which will fit into a standard legal folder.

CONTROL NUMBER: ZAAP 18-00001405 (To be completed by LUGM personnel)

PROJECT NAME: 7-Point Agro Cultivation Center

PROPERTY OWNER: See Exhibit A for name and addresses of Appellants

ADDRESS: _____

PHONE #: _____ E-MAIL ADDRESS: _____

AGENT (if other than property owner): _____

ADDRESS: _____

PHONE #: _____ E-MAIL ADDRESS _____

PROPERTY LOCATION (Street Address or Tax Identification Number):

21420 Abell Road, Abell, Maryland 20606 (Tax ID 1907019548)

PARCEL IDENTIFICATION: TAX MAP: 47 GRID: 1 PARCEL: 347 LOT: _____ BLOCK: _____

ZONING: RPD C.A. OVERLAY: _____ ELECTION DISTRICT: 7 ACREAGE: 26.387

Administrative Variance

Variance

Area _____

Bulk _____

Density _____

Other _____

Critical Area Administrative Variance

Critical Area Variance

Encroachment in 100' buffer _____

Increase of Impervious Surface of _____

Other _____

Appeal of Administrator's Decision

Conditional Use Approval

Please describe requested action:

~~Appeal of the decision of the St. Mary's County Department of Land Use and Growth Management to issue a permit (18-00001405) for a revised mound septic system and to approve a revised site plan for the Medical Cannabis Project at 21420 Abell Road, Abell, Maryland.~~

APPLICATION SUBMISSION REQUIREMENTS:

Pre-Application Conference Held with _____ on _____ (staff) _____ (date)

Letter of Intent addressing standards

Non-CA Site Plan/Plot Plan

9 Prints – BOA

3 Prints - Administrative

Critical Area Site Plan/Plot Plan

9 Prints – BOA

3 Prints - Administrative

Review Fees:

\$750 - Conditional Use

\$500 - Variance/ Critical Area Variance

\$0 - *Appeal

\$500 - Administrative Variance - All

\$670 - Expansion of Non-Conforming Use

\$25 each Resubmissions

* Please show topography on all Critical Area Site Plans.

Approvals Received:

Health Department (HD)

Soil Conservation District (SCD)

Critical Area (CA)

Critical Area Commission (CAC)

DPWT (if applicable)

All advertising fees to be determined; applicants will be billed. Applicants are responsible for mailing and posting costs.

Other fees may apply. See the St. Mary's County User Fee Schedule, effective July 1, 2018.

***APPEALS:** Pursuant to Section 23.1.2 of the Comprehensive Zoning Ordinance an appeal shall be filed within 30 days of the date of the action being appealed by filing an application for Board of Appeals review with St. Mary's County Government, Office of the County Attorney. An application for appeal **shall identify with specificity all grounds for the appeal.** Please state in detail your grounds for appeal. Please provide a separate written Notice of Appeal, if more space is needed.

~~See Notice of Appeal attached.~~ _____

I hereby swear or affirm that I have the authority from the property owner to make this application and that this application is correct.

I hereby swear or affirm that I am the property owner and that this application is correct.

Staff and Board members are hereby authorized to enter the site to view the particulars of the application.

PROPERTY OWNER/AUTHORIZED AGENT'S

SIGNATURE: 

PRINT NAME: G. MACY NELSON DATE: Nov. 9, 2022

I prefer all correspondence to be sent (circle one) U.S. Mail/ Emailed / Faxed (Fax #) _____

LAW OFFICE OF
G. MACY NELSON, LLC

G. MACY NELSON*
gmacynelson@gmacynelson.com

600 WASHINGTON AVENUE, SUITE 202
TOWSON, MARYLAND 21204-1301
(410) 296-8166
www.gmacynelson.com

GRANT AMADEUS GIEL**
grant@gmacynelson.com
** Also admitted in New York
ALEXANDRA VOTAW
alex@gmacynelson.com

*Also admitted in D.C.

November 9, 2022

Email: amanda.yowell@stmaryscountymd.gov

Amanda Yowell, Zoning Administrator
Department of Land Use & Growth Management
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

Re: Notice of Appeal for LUGM's Approval of Revised Site Plan and Septic Permit #18-00001405, 7-Point Agro Cultivation Center, 21420 Abell Road, Abell, Maryland 20606

Dear Ms. Yowell:

On behalf of Anthony Damron, James Morris, Robert Allen Russell Jr., Kathy Owens, Sergio Torres, Rose Ellen Guyther, Kimberly Gibson, Robert T. Brown Sr., Victoria Brown, Nolan Smith, Rachael Hostetter, Christina Farr, Christopher Farr, Natasha Jones, and Russel Jones (collectively "Citizen-Appellants"), G. Macy Nelson and Alex Votaw, their attorneys, file this Notice of Appeal regarding the October 11, 2022 decision of the St. Mary's County Department of Land Use & Growth Management (LUGM), or its designee, to approve a revision to the building permit site plan and approve a permit for a reconfigured mound septic system for the 7-Point Agro Cultivation Center at 21420 Abell Road, Abell, Maryland 20606 ("Subject Property").

Citizen-Appellants live in close proximity to the Subject Property. *See* Exhibit A. LUGM sent notice of its decision on October 11, 2022. *See* Exhibit B.

Citizen-Appellants are aggrieved by the decision of LUGM, or its designee, to approve a revision to the building permit site plan for the 7-Point Agro Cultivation Center. Appellants assert that the Planning Director erred when it approved the site plan because the site plan does not satisfy the applicable standards under CZO Section 60.8 including but not limited to 60.8(6), (10), and (11). Further, Appellants assert that the Department of

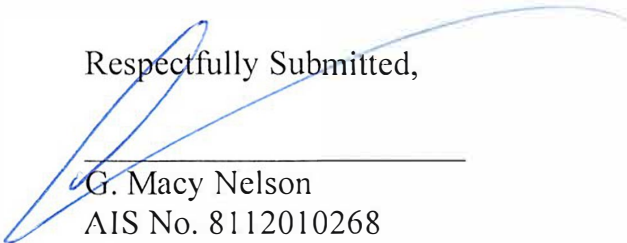
Letter to Amanda Yowell
November 9, 2022
Page 2

Land Use and Growth Management erred when it determined that the modifications to the septic system did not constitute an enlargement or expansion of a nonconforming use.

Citizen-Appellants are aggrieved by the decision of the Department of Land Use and Growth Management to approve a permit for a reconfigured mound septic system at 21420 Abell Road. Appellants assert that the Department erred when it approved the permit because the mound septic system does not satisfy the applicable standards under CZO Section 70.8 or 70.9, including, but not limited to, 70.8(3) and 70.9(3)(b).

Citizen-Appellants request a hearing before the St. Mary's County Board of Appeals.

Respectfully Submitted,



G. Macy Nelson
AIS No. 8112010268
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166
gmacynelson@gmacynelson.com



Alex Votaw
AIS No. 2112150190
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166
alex@gmacynelson.com

Attorneys for Appellants

CC: John Houser, Assistant County Attorney
Charles William Mattingly Jr. (by U.S. Mail)
Blue Griz, LLC (by U.S. Mail)
Seven Points Agro-Therapeutics II, LLC (by U.S. Mail)

Exhibit A

List of Appellants:

Anthony Damron
21405 Canoe Neck Way
Abell, Maryland 20606

James Morris
21517 Gerard's Cove Road
Abell, Maryland 20606

Robert Allen Russell Jr.
21585 Gerard's Cove Road
Abell, Maryland 20606

Kathy Owens
21730 Gerard's Cove Road
Abell, Maryland 20606

Sergio Torres
21730 Gerard's Cove Road
Abell, Maryland 20606

Rose Ellen Guyther
38530 Pleasant Harbor Way
Abell, Maryland 20606

Kimberly Gibson
38600 Pleasant Harbor Way
Abell, Maryland 20606

Robert T. Brown Sr. and Victoria Brown
38232 Palmer Road
Colton's Point, Maryland 20626

Nolan Smith and Rachael Hostetter
20929 Abell Road
Abell, Maryland 20606

Christina and Christopher Farr
39883 Fair Hill Lane
Mechanicsville, Maryland 20659

Natasha and Russel Jones
21430 Redmar Place
Leonardtown, Maryland 20650

Exhibit B



William B. Hunt, AICP, Director
Courtney Jenkins, AICP, Deputy Director

October 17, 2022

Subject: Issuance of a permit for a mound septic system at 21420 Abell Road, Medical Cannabis Project

The developer of the Medical Cannabis Project applied for a permit to construct a sand mound septic system on September 21, 2022. A permit for any septic system must be reviewed and approved by the Environmental Health Division of the St. Mary's County Health Department.

The Health Department sent notice of its approval of the permit to the Department of Land Use and Growth Management on October 11, 2022. After receipt of the Health Department approval the Department of Land Use and Growth Management issued the permit for the new sand mound septic system on October 11.

The permit for the sand mound septic system is only for the sand mound septic system. The issued permit does not authorize the expansion of the approved building nor does it authorize the construction of any additional buildings. Together the new sand mound system and the existing sand mound system will be able to accommodate 76 employees.

William B. Hunt, Director

CC: John Houser, Assistant County Attorney