

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

In the Matter of the application of Charles and Romell Pyles for a variance from Schedule 32.1 of the St. Mary’s County Comprehensive Zoning Ordinance to reduce the required 25-foot front yard setback to 17 feet in order to construct a one-story addition to the existing, two-story detached garage.

Case No. VAAP #13-1580  
Pyles Property

**ORDER**

**WHEREAS**, Application VAAP #13-1580 – Pyles Property was duly filed with the St. Mary’s County Board of Appeals (the “Board”) by Charles and Romell Pyles (the “Applicants”), on or about December 3, 2013; and

**WHEREAS**, the Applicants seek a variance from Schedule 32.1 of the St. Mary’s County Comprehensive Zoning Ordinance, as amended, (the “Ordinance”), to reduce the required 25-foot front yard setback to 17 feet in order to construct a one-story addition to the existing, two-story detached garage. The property contains 1.432 acres; is zoned Rural Preservation District (RPD); and is located at 38529 Dorothy Mae Court, Clements, Maryland; Tax Map 24, Grid 19, Parcel 218 (the “Property”); and

**WHEREAS**, after due notice, a public hearing was conducted by the Board on Thursday, March 13, 2014 in Main Meeting Room, Chesapeake Building, 41770 Baldrige Street, of the Governmental Center in Leonardtown, Maryland, at 6:30 p.m., and all persons desiring to be heard were heard, documentary evidence received, and the proceedings electronically recorded.

**NOW, THEREFORE**, having reviewed the testimony and evidence presented at the hearing, the following facts, findings, and decision of the Board are noted:

**SUMMARY OF TESTIMONY**

Yvonne Chaillet, Zoning Administrator, summarized the Staff Report. Anita Sullivan, Agent for the Applicant, testified to the need for the variance and the restrictions on the lot.

**SUMMARY OF DOCUMENTARY EVIDENCE**

The Board accepted into evidence the following exhibits:

- Exhibit No. 1 – Affidavit of Property Posting and Mailing Receipts
- Exhibit No. 2 – Staff Report
- Exhibit No. 3 – Five Photos of Property Driveway

**FINDINGS OF FACT**

The subject property (the “Property”) was recorded as Lot 3 of Breezy Acres Subdivision on April 22, 2005 at Liber 59 Folio 3. Building Permit No. 05-1565 was issued July 6, 2005 to construct the 5,650 square-foot house with basement and the attached, two-bay garage, which measures 22 feet by 25.5 feet (561 square feet). The Certificate of Occupancy for the house was issued January 19, 2006. The Applicants purchased the Property, along with adjoining Parcel 3A, on April 3, 2006, for a total of 3.28 acres. Shortly thereafter the Applicants applied for a permit (Permit No. 06-1256) to build a two-story, detached, three-bay garage and a shed.

The detached garage totals 1,976 square feet and the attached shed measures 160 square feet. An exterior stairway on the back side of the garage leads to the second level which was approved for storage only. A patio is also located in back of the garage. A large, concrete driveway and parking area serve the house and detached

garage. The detached garage was constructed on an angle to the street and, at its closest point, is 27 feet from the front property line.

The Applicants propose to build a one-story addition to the detached garage, which will measure 12 feet by 36 feet or 432 square feet. The northwest corner of the addition would encroach eight (8) feet into the 25-foot setback. The addition is sought for a sixth bay where the Applicants can park a personal vehicle.

**CONCLUSIONS OF LAW**

The Board addresses the Special Standards for Granting Variances, which are set forth in Section 24.3 of the Ordinance, finding as follows:

- a. *Because of particular physical surroundings, such as exceptional narrowness, shallowness in size, shape or topographical conditions of the property involved, strict enforcement of this Ordinance will result in practical difficulty;*

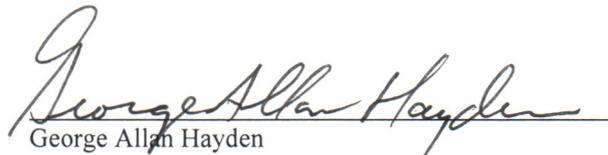
The Applicants failed to present any evidence to support such a finding.

For these reasons, the Board finds that, strict enforcement of this Ordinance will not result in practical difficulty because of particular surroundings such as exceptional narrowness, shallowness, size, shape or topographical conditions of the property involved.

**DECISION**

**NOW, THEREFORE, BE IT ORDERED**, that, having made a finding that the standards for a variance have not been met, a variance to reduce the required 25-foot front yard setback to 17 feet is **denied**.

This Date: April 10, 2014

  
 George Allan Hayden  
 Chairman

Those voting in favor of the request:

Those voting against the requested variance:

Mr. Hayden, Mr. Guy, Mr. Brown, Mr. Payne and Ms. Moreland

Approved as to form and legal sufficiency:

  
 George R. Sparling  
 Attorney