

**ST. MARY'S COUNTY GOVERNMENT  
DEPARTMENT OF LAND USE  
AND GROWTH MANAGEMENT**

*William B. Hunt, Director, AICP  
Harry Knight, Deputy Director*



**COUNTY COMMISSIONERS OF ST. MARY'S:**

James R. Guy, President  
Eric Colvin, Commissioner  
Michael L. Hewitt, Commissioner  
Todd B. Morgan, Commissioner  
John E. O'Connor, Commissioner

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March 12, 2020

Commissioners of St. Mary's County  
Chesapeake Building  
41770 Baldrige Street  
Leonardtown, Maryland 20650

Re: Board of Appeals 2019 Annual Report

Dear Commissioners:

On behalf of the Board of Appeals, I am pleased to present our Annual Report for Calendar Year 2019. The report provides an overview of the Board's responsibilities and includes several charts comparing the different types of cases heard over the past four years. A summary noting the cases heard in 2019 and the Board's decisions on these cases are attached.

Sincerely,

George Allan Hayden, Sr., Chair  
St. Mary's County Board of Appeals

2/26/2020-sly

# St. Mary's County Board of Appeals Annual Report



Calendar Year  
2019

Prepared By:  
The Department of Land Use and Growth Management

**ST. MARY'S COUNTY BOARD OF APPEALS 2019 MEMBERSHIP**

George Allan Hayden, Sr., Chair  
John Brown, Vice Chair  
Lynn Delahay, Member  
Rich Richardson, Member  
David (Wayne) Miedzinski, Member  
Daniel Ichniowski, Alternate

***ATTORNEY TO THE BOARD***

David W. Weiskopf, County Attorney  
Anuj J. Patel, Deputy County Attorney  
James Tanavage, Assistant County Attorney  
Steve Scott, Special Counsel to Board of Appeals

***DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT STAFF***

William B. Hunt, AICP, Director  
Harry Knight, Deputy Director  
Kwasi Bosompem, Senior Planner  
Stacy Clements, Planner III  
Laura Kay, Planner III  
Sandie Greene, Recording Secretary  
Shelia Smith, Recording Secretary  
Sherrie Young, Recording Secretary

**Department of Land Use and Growth Management**  
23150 Leonard Hall Drive  
Post Office Box 653  
Leonardtown, Maryland 20650

## I. INTRODUCTION

### A. Formation of the Board of Appeals in St. Mary's County

The Board of Appeals (hereinafter the "Board") was created pursuant to Subtitle 3, §4-301, *Land Use Article, Annotated Code of Maryland*.

The Board consists of five (5) members and one (1) alternate appointed by the Commissioners of St. Mary's County. Board members can serve no more than two consecutive, three-year, staggered terms. To ensure the Board can meet its quorum requirements and hold public hearings, the *Land Use Article* authorizes a local legislative body to designate one alternate member who has been empowered to sit on the Board in the absence of any member.

### B. Functions of the Board of Appeals in St. Mary's County

The Board is a quasi-judicial body responsible for presiding over public hearings on appeals, variances, and conditional uses. By doing so, the Board, as a whole, is responsible for defending the public interests as defined by the St. Mary's County Comprehensive Zoning Ordinance Z-10-02, as amended, (hereinafter the "Ordinance"). The purpose of the Board is to ensure that zoning is fair, correctly interpreted, and does not cause excessive hardship upon landowners in St. Mary's County.

As outlined in the Ordinance and the *Land Use Article*, the Board has four (4) main functions to ensure that the goals and objectives of the Comprehensive Plan are met and that the regulations of the Ordinance are implemented. These powers and duties include:

- 1) To hear and decide appeals when it is alleged there is an error in any order, requirement, decision, or determination made regarding the enforcement of the Ordinance or of any amendments adopted thereto;
- 2) To authorize, upon application in specific cases, a variance from specific regulations of the Ordinance. The modifications in a variance may be only of density, bulk, dimensional, or area requirements of the Ordinance in accordance with Section 4-206 of the *Land Use Article*.
- 3) To adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings; and
- 4) To hear and act upon conditional use applications as provided in Chapter 25 of the Ordinance.

All decisions and findings of the Board on appeals or on applications for a standard variance or conditional use are final administrative decisions and are subject to judicial review. All final decisions must be rendered in writing within 60 days of the close of the public hearing in accordance with Section 20.3.6 of the Ordinance.

All decisions and findings of the Board within the jurisdiction of the Critical Area Commission are final administrative decisions and are subject to judicial review. Pursuant to Section 20.3.6 of the Ordinance, all final decisions must be rendered in writing within 30 days of the close of the public hearing. The Board may extend the 30 days to a maximum of 45 days upon findings that the complexity of the case requires an extended decision period or that changes in the Board's schedule preclude a decision within 30 days.

## **II. 2019 CASELOAD**

### **A. Board of Appeals Variance Cases for 2019**

The Board of Appeals (the "Board") has the authority to vary the density, bulk, dimensional, or area requirements of the Ordinance in accordance with allowed modifications specified in the *Land Use Article* of the *Annotated Code*. A variance may only be allowed where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the Ordinance would result in unnecessary hardship or practical difficulty as specified in the Ordinance. A variance may not be contrary to the public interest.

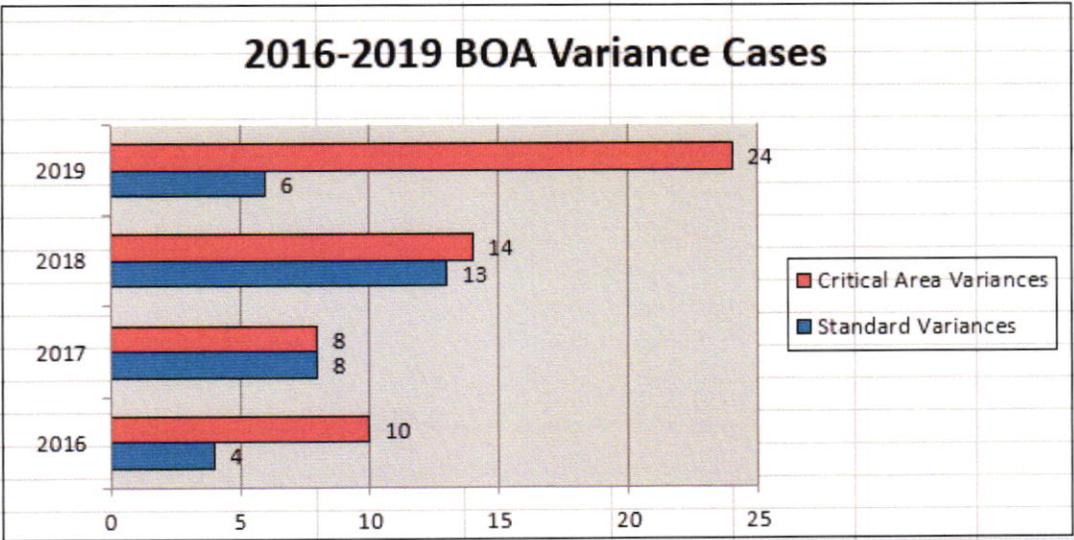
Standard variance requests are often made to the Board to enable a property owner to make modest improvements to an existing single-family dwelling, or to construct a detached accessory structure such as a garage, or shed, where the property is constrained by various setback requirements. The Board also hears requests from developers to reduce setbacks, or buffer yards on proposed commercial projects where a property is so constrained that development would be prohibited without the variances.

The Board heard six (6) standard variance requests in 2019: two (2) to reduce setbacks to construct a detached garage on a residential property; two (2) to reduce a required buffer yard on a proposed commercial site; one (1) to waive the requirement for subdivisions with more than 25 lots to connect to a public water system; and one (1) to waive the method of proposed water supply for a Preliminary Plan application. Four (4) variance requests were approved and two (2) requests were denied. Of the denied requests, one (1) was to waive the requirement for subdivisions with more than 25 lots to connect to a public water system and the other was to waive the method of proposed water supply for a Preliminary Plan application. The denied requests were heard on 07/11/2019.

Variances may be granted from the provisions of the Critical Area Program as implemented in Chapter 41 of the Ordinance, Chesapeake Bay Critical Area Overlay Districts, and Chapter 71, Resource Protection Standards, when it has been found that the literal enforcement of those provisions would result in unwarranted hardship on the landowner. The most common Critical Area variance request is to disturb the Critical Area Buffer, which is a protected area measured a minimum of 100 feet landward from the mean high-water line of tidal waters, tidal wetlands, and tributary streams in the Critical Area.

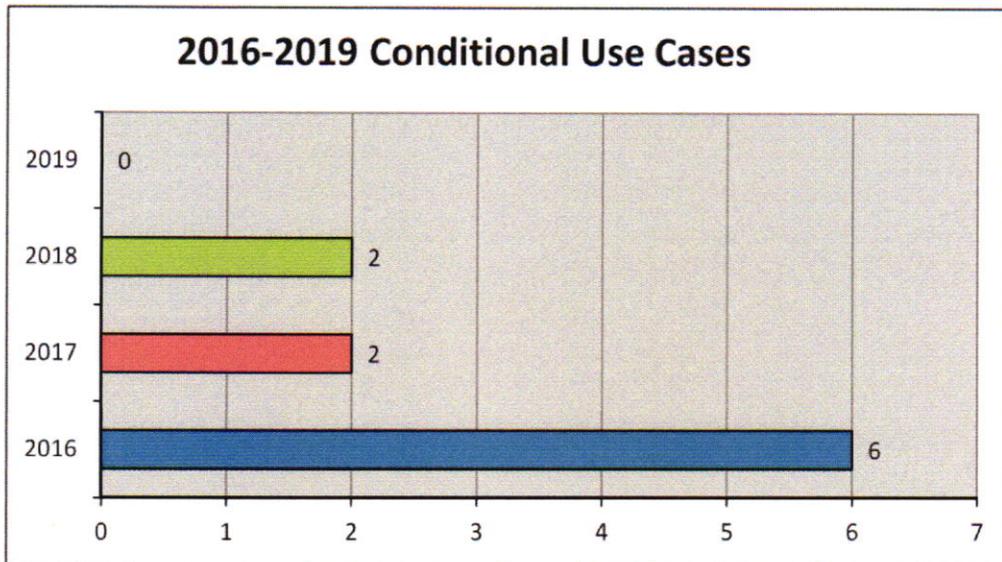
The Board heard twenty-four (24) Critical Area variance requests in 2019 compared to fourteen (14) requests in 2018. Fifteen (15) of the Critical Area variances in 2019 were to disturb the Critical Area Buffer; six (6) were to clear more that 30% of the tree coverage; two (2) were to exceed lot coverage limits; one (1) was to disturb steep slopes; and one (1) was to encroach closer to the water than an adjacent principle structure in the Buffer Management Overlay (BMO). Out of the twenty-four (24) requests, twenty-four (24) were approved.

The chart below provides an itemization of Board of Appeals variance requests heard and decided in calendar years 2016 through 2019. As shown in the chart, the Board heard a total of Fifty-six (56) Critical Area variance requests during this period, an average of about fourteen (14) cases per year. During this same time the Board heard thirty-one (31) standard variance requests, an average of eight (8) cases per year.



**B. Board of Appeals Conditional Use Cases for 2019**

The Board did not hear a conditional use request in 2019. The following chart provides an itemization of Board of Appeals conditional use cases heard and decided in calendar years 2016 through 2019.



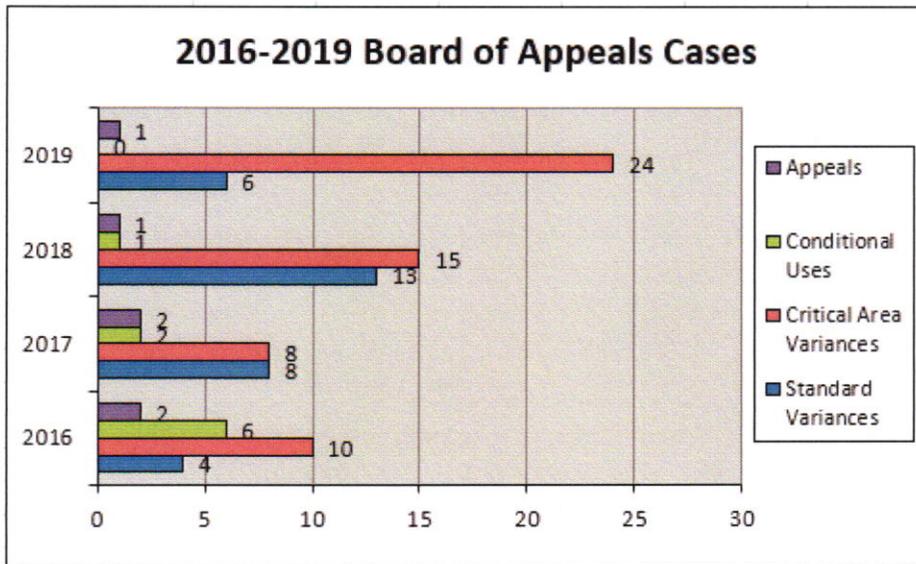
#### C. Board of Appeals Appeal Cases for 2019

The Board decided one (1) appeal case in 2019. The case was for an appeal of the Department of Land Use and Growth Management Director’s decision to deny the applicant’s request for a Water Connection Waiver at 25853 Morganza Turner Road, Mechanicsville, MD 20659.

The July 11, 2019 Board of Appeals Boards Final Resolution (4-1) was to uphold the Planning Director’s decision denying the Applicant’s Water Connection Waiver Request. The director’s decision was based on County Attorney, David Weiskopf’s interpretation of the Comprehensive Water and Sewerage Plan and the St. Mary's County Comprehensive Zoning Ordinance.

The waiver was being sought under The St. Mary's County Comprehensive Zoning Ordinance, Article 7, Site Development and Resource Protection Standards, Chapter 70, Adequate Public Facilities, 70.9.b. Water. Section 70.9.b. has two criteria, neither of which was met in this request for a water connection waiver. These criteria are 1) the property must be in a development district, town center, or village center; and 2) the property must be within a W-1, W-3D, or W-6D service area. The County GIS map showed that the subject property was not in a development district, town center, or village center and the water service category is No Planned Service (NPS). For these two reasons, the requested water connection waiver was denied.

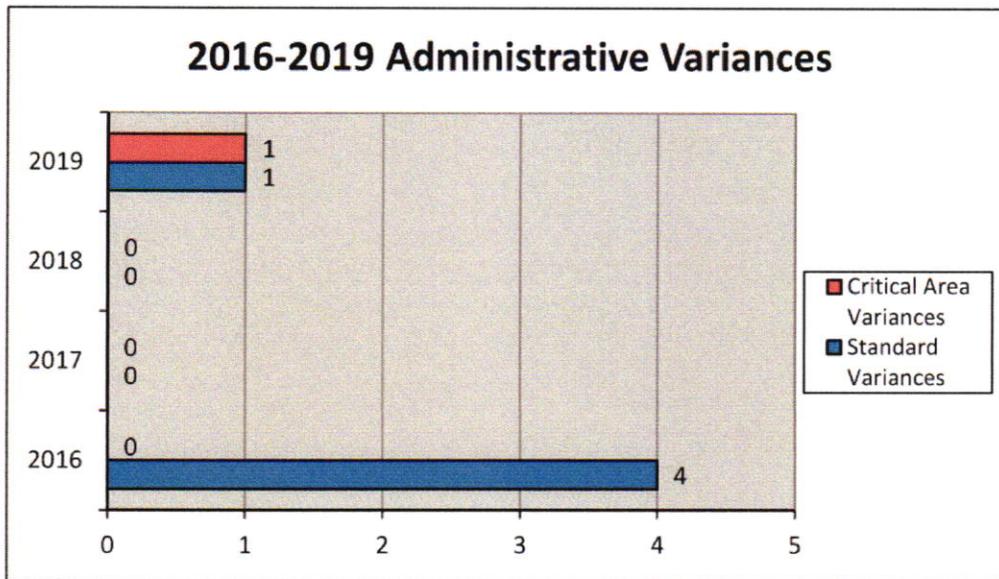
The following chart is a summary of all Board of Appeals cases, variances, conditional uses, and appeals, beginning with calendar year 2016 through calendar year 2019. The Board heard an average of 26 cases per year over the past four years.



### III. Administrative Variance Cases for 2019

Section 4-205 of the *Land Use Article* states that a legislative body, the Commissioners of St. Mary’s County may authorize the Planning Director to grant an administrative adjustment from the following requirements of a zoning ordinance 1) height; 2) setback; 3) bulk; 4) parking; 5) loading; 6) dimensional; 7) area; or similar requirements. In addition, the Planning Director may also grant a variance from Forest Conservation Priority Retention Areas in accordance with Section 24.10 of the Zoning Ordinance. The procedures for obtaining an administrative variance are similar to those applicable to obtaining a variance from the Board of Appeals.

Out of the six (6) administrative variances granted over the past four (4) years; one (1) was to disturb the Critical Area Buffer and five (5) other variances were to reduce required front and side yard setbacks as identified in Schedule 32.1 of the Ordinance pertaining to development standards.



#### IV. Administrative Hearing Examiner

The Commissioners of St. Mary’s County appointed a part-time Administrative Hearing Examiner in June 2011 with the adoption of Resolution No. 2011-08. A Hearing Examiner is a quasi-judicial officer and is not subject to the direction or supervision of any board or agent of the St. Mary’s County government, or the personnel or procurement policies of County government.

A Hearing Examiner is appointed by the County Administrator upon request by the Director of Land Use and Growth Management, or the Chair of the Board of Appeals, or the County Attorney. Once a case has been referred to the Hearing Examiner, the public hearing for a variance or conditional use request or for an appeal of an administrative decision is conducted by the Hearing Examiner. The Hearing Examiner hears and receives evidence, makes findings of fact, states conclusions of law, and recommends an action by the Board of Appeals. All testimony and documentary evidence received is transmitted to the Board of Appeals. All findings of fact and conclusions of law are reported to the Board in the Hearing Examiner’s written decision. The Board, in an open hearing, may adopt the findings, conclusions and recommendations of the Hearing Examiner; or adopt different findings or conclusions based on the record of proceedings before the Hearing Examiner; or, for good cause, hear the matter *de novo* (anew).

The Administrative Hearing Examiner did not hear any cases in 2019.

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

### FIRST QUARTER

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
01/10/2019	<b>VAAP 18-1662, Chen Property</b>	27228 Holly Lane Mechanicsville  RNC/LDA	Variance from § 71.7.3.d of the Comprehensive Zoning Ordinance to disturb slopes in excess of 15% and 72.3.1.c.(2) to clear more than 30% of existing forest in the LDA overlay of the Critical Area to construct a single-family dwelling with detached garage.	Approved 3-0	Y
02/14/2019	<b>ZAAP 16-131-007, U-Haul International</b>	46075 Signature Lane, Lexington Park  DMX	Appeal of the Planning Director's May 22, 2017, zoning decision that Personal Storage can be an accessory use to Rental and Leasing at the existing U-Haul site at the above location.  (Continued from 8/24/2018)	Withdrawn 02/14/2019	N
02/14/2019	<b>VAAP 16-132-003, PELBPS, LLC</b>	23458 Three Notch RD, California  RMX/AE	Variance from § 63.3.b of the Comprehensive Zoning Ordinance (CZO) to reduce the required 65-foot Type B buffer to a variable width buffer along the property's northern boundary with the residential-use property.  (Continued from 11/8/2018)	Approved With Conditions 5-0	N

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
03/14/2019	<b>VAAP 17-110-005, Grandview Haven -</b> Resubdivision of Lot 12 Farmstead	25853 Morganza Turner RD, Mechanicsville  RPD	Variance from §70.9.1.a to waive the requirement for a subdivision of 25 lots or more in any zoning district to connect to a public water system, in order to create the 25 <sup>th</sup> and 26 <sup>th</sup> lot in the subdivision. Variance from §30.6.4.f(5) of the Subdivision Ordinance to waive the requirement that all subdivisions of 25 lots or more connect to a public water system. (Continued from 12/13/18 Hearing)	Rescheduled to 7/11/2019	N
03/14/2019	<b>ZAAP 19-0001, Anthony and Candist Greenwell Appeal</b>	25853 Morganza Turner Rd, Mechanicsville  RPD	Appeal of the denial of a water connection waiver by the Director of Land Use and Growth Management.	Rescheduled to 07/11/2019	N

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

### SECOND QUARTER

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
04/11/2019	<b>VAAP 18-1713, O'Foran Property</b>	21963 Gyrfalcon Lane, Avenue  RPD	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb approximately 358 square feet in the Critical Area Buffer to construct a driveway.	Approved 5-0	Y
05/16/2019	<b>VAAP 18-1924 Harmon Property</b>	39015 Van Ward Road, Abell  RPD/LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb 2,334 SF in the Critical Area Buffer to construct a single-family dwelling unit with a driveway.	Approved With Condition 5-0	Y
05/16/2019	<b>VAAP 17-0057 Nelka Property</b>	20171 Windy Lane, Coltons Point, MD  RNC/LDA/BMO	Variance from the Comprehensive Zoning Ordinance Section 41.5.3 to exceed the lot coverage limit and Section 41.7.4 to encroach closer to the water than the principal structures on an adjacent property for the construction of a single-family dwelling unit with a driveway.	Withdrawn	Y
05/16/2019	<b>VAAP 19-0165 Schultz Property</b>	20650 Waterside Dr., Leonardtown, MD  RPD/RCA/BMO	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb the Critical Area Buffer to construct a garage and Schedule 32.1 to reduce the required twenty-five (25)-foot front yard setback and fifteen (15)-foot side yard setback.	Approved 5-0	Y
06/13/2019	<b>VAAP 18-2469 Franzen Property</b>	45300 Daniels Road, Hollywood  RNC/LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb the Critical Area Buffer to construct a house and Section 72.3.1.c(2) for clearing more than 30% of the existing forest cover.	Approved With Conditions 5-0	Y
06/13/2019	<b>VAAP 19-0222 Metcalf Property</b>	44717 Smiths Nursery Rd, Hollywood  RPD/LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb the Critical Area Buffer to reconstruct a house.	Approved With Condition 5-0	Y

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

### THIRD QUARTER

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
07/11/2019	<b>ZAAP 19-0001, Anthony and Candist Greenwell Appeal</b>	25853 Morganza Turner Rd, Mechanicsville  RPD	Appeal of the denial of a water connection waiver by the Director of Land Use and Growth Management.	Continued from 03/14/2019, Directors decision upheld	N
07/11/2019	<b>VAAP 17-110-005, Grandview Haven - Resubdivision of Lot 12 Farmstead</b>	25853 Morganza Turner RD, Mechanicsville  RPD	Variance from §70.9.1.a to waive the requirement for a subdivision of 25 lots or more in any zoning district to connect to a public water system, in order to create the 25 <sup>th</sup> and 26 <sup>th</sup> lot in the subdivision. Variance from §30.6.4.f(5) of the Subdivision Ordinance to waive the requirement that all subdivisions of 25 lots or more connect to a public water system.	Continued from 03/14/2019, Denied	N
08/08/2019	<b>VAAP 19-0861, Harwood Property</b>	17161 Jutland Drive, St. Inigoes  RPD/RCA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb the Critical Area Buffer to reconstruct a garage.	Approved 5-0	Y
08/08/2019	<b>VAAP 19-0062, Johnson Property</b>	19026 Russell Road Valley Lee  RPD/RCA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb the Critical Area Buffer to construct a deck with stairs and concrete pad.	Approved 5-0	Y
08/08/2019	<b>VAAP 19-1125, LeFave Property</b>	26406 Fielding Road Hollywood  RNC/LDA	Variance from the Comprehensive Zoning Ordinance Section 72.3.1.c(2) for clearing more than 30% of the existing forest cover.	Approved 5-0	Y

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
08/29/2019	<b>VAAP 19-0350 Boyles Property</b>	22445 Archer Street, Leonardtown  RNC/LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 to disturb the Critical Area Buffer and 72.3.1.c(2), for clearing more than 30% of the existing forest cover.	Approved 5-0	Y
08/29/2019	<b>VAAP 19-0200, Feyen Property</b>	22435 Archer Street, Leonardtown  RNC/LDA	Variance from the Comprehensive Zoning Ordinance Section 72.3.1.c(2), for clearing more than 30% of the existing forest cover.	Approved 5-0	Y
08/29/2019	<b>VAAP 19-132-004, Hollywood Square</b>	23871 Mervel Dean Rd, Hollywood  TMX/ AE	Variance from Schedule 32.1 of the Comprehensive Zoning Ordinance to reduce the required 50-foot setback from Three Notch Rd (MD Rte. 235) and to reduce the required 35-foot setback from Mervel Dean Rd (MD Rte. 944). The Applicant also requests a variance from Schedule 63.3.b of the Comprehensive Zoning Ordinance to waive the required 65-foot Type B Buffer Yard where adjacent to Three Notch Rd (MD Rte. 235), Mervel Dean Rd (MD Rte. 944), and Clarkes Landing Rd (MD Rte. 944C).	Continued to November 14, 2019	N
08/29/2019	<b>VAAP 19-0904, Moore Property</b>	35335 Golf Course Drive, Mechanicsville  RNC/LDA	Variance from the Comprehensive Zoning Ordinance Section 72.3.1.c(2) to clear more than 30% of the existing forest cover.	Approved 5-0	Y

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
09/12/2019	<b>VAAP 19-0925, Beavan Property</b>	39700 Cecil Avenue, Leonardtown  RNC/LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 of the Comprehensive Zoning Ordinance (CZO) for disturbance in the 100' Critical Area Buffer to construct a deck and Section 41.5.3 to exceed the lot coverage limit	Approved 5-0	Y
09/12/2019	<b>VAAP 19-1305, McClay Property</b>	43762 Kirksted Road, Hollywood  RPD/LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 for disturbance in the Expanded 100' Critical Area Buffer to replace two decks.	Approved 5-0	Y
09/12/2019	<b>VAAP # 18-1109, Nowotny Property</b>	26442 Peninsular Drive, Hollywood  RNC/LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3 of the Comprehensive Zoning Ordinance (CZO) for disturbance in the 100' Critical Area Buffer to construct two decks and an after the fact areaway.	Approved 5-0	Y

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

### FOURTH QUARTER

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
10/10/2019	<b>VAAP 17-0817, Staiger Property</b>	49643 Potomac River Drive, Scotland  RPD/ LDA/ RCA	Variance from Section 52.3 of the St. Mary's County Comprehensive Zoning Ordinance (CZO) for expansion of a non-conforming structure.	Withdrawn	N
10/10/2019	<b>VAAP 19-0770, Fleury Property</b>	21650 Ferny Hills Lane Leonardtown  RPD/ RNC/ RCA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3.a.(1) for land disturbance in the Expanded 100' Critical Area Buffer to construct a house.	Approved With Condition 5-0	Y
10/10/2019	<b>VAAP 19-1180, Rosado Property</b>	37211 Gibson Road, Bushwood  RPD/ LDA	Variance from the Comprehensive Zoning Ordinance Section 41.5.3.i. Site development standards for all development activities in the Limited Development Area Critical Area Overlay District, to exceed lot coverage limits to construct a porch addition.	Approved 5-0	Y
10/10/2019	<b>VAAP # 19-1258, Blinn Property</b>	45910 Harbor Lane, Lexington Park  RNC/ LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3.a.(1), for land disturbance in the Expanded 100' Critical Area Buffer to construct a deck.	Approved 5-0	Y

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
11/14/2019	<b>VAAP 18-2520, Turner Property</b>	45258 Saint Cuthbert Farm Road, Hollywood  RPD/ RCA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3.a.(1), for development activities in the 100' Critical Area Buffer to construct an addition and a deck.	Approved 5-0	Y
11/14/2019	<b>VAAP 19-0566, Haskin Property</b>	49931 Airedele Road, Ridge  RPD/ LDA	Variance from the Comprehensive Zoning Ordinance Section 41.5.3.i. Site development standards for all development activities in the Limited Development Area Critical Area Overlay District, to exceed lot coverage limits to construct a garage and driveway.	Withdrawn	Y
11/14/2019	<b>VAAP 19-132-004, Hollywood Square</b>	23871 Mervel Dean Rd, Hollywood  TMX/ AE	Variance from Schedule 32.1 of the Comprehensive Zoning Ordinance to reduce the required 50-foot setback from Three Notch Rd (MD Rte. 235) and to reduce the required 35-foot setback from Mervel Dean Rd (MD Rte. 944). The Applicant also requests a variance from Schedule 63.3.b of the Comprehensive Zoning Ordinance to waive the required 65-foot Type B Buffer Yard where adjacent to Three Notch Rd (MD Rte. 235), Mervel Dean Rd (MD Rte. 944), and Clarkes Landing Rd (MD Rte. 944C).	Approved with Conditions 3-2	N
11/14/2019	<b>VAAP 17-1095, Klerk Property</b>	18795 McKays Beach Road, Leonardtown  RPD/ LDA	Variance from setbacks and to exceed lot coverage.	On hold Critical Area Violation	Y
12/12/2019	Board of Appeals Critical Area Training – Cancelled & Rescheduled to May 14, 2020				

## SUMMARY OF 2019 BOARD OF APPEALS HEARINGS

January 10, 2019 – December 19, 2019

Pursuant to the Regulations of the St. Mary's County Comprehensive Zoning Ordinance (Z 10-02)

Hearing Date	Case No.	Address & Zoning	Request	Decision	Critical Area Y / N
12/19/2019	<b>VAAP 18-1958, Chesser Property</b>	46006 OConnors Lane, Piney Point  RPD/ LDA	Variance from the Comprehensive Zoning Ordinance Section 71.8.3.a.(1), for land disturbance in the Expanded Critical Area Buffer to construct a porch with stairs and add stairs to an existing porch.	Approved 5-0	Y
12/19/2019	<b>VAAP 15-132-015, Penrod Automotive Repair</b>	45190 Happyland Road, Valley Lee  RCL/ RPD	Variance from Schedule 63.3.b of the Comprehensive Zoning Ordinance to waive the required 65-foot Type B front and rear buffer yard and to reduce the planting requirements for the 30-foot Type C side buffer yards.	Continued to February 13, 2020	N

**Abbreviations:**

<p><b>Overlays:</b>                      AE Airport Environs                      AICUZ Air Installations Compatible Use Zone                      IDA Intensely Developed Area                      LDA Limited Development Area                      RCA Resource Conservation Area</p>	<p><b>Zoning Districts:</b>                      CC Community Commercial                      CM Commercial Marine                      CMX Corridor Mixed Use                      DMX Downtown Core Mixed Use                      I Industrial District                      MXM Medium Mixed Use                      OBP Office and Business Park                      RCL Rural Commercial Limited                      RH Residential, High-Density</p>	<p>RL Residential, Low-Density                      RL-T Residential, Low-Density, Transitional Area                      RMX Residential Mixed Use                      RNC Residential Neighborhood Conservation District                      RPD Rural Preservation District                      RSC Rural Service Center                      VMX Village Center Mixed Use                      TMX Town Center Mixed Use  <b>Miscellaneous:</b>                      SFD Single-family dwelling</p>
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3/4/2020- SLY