

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 25-2594

BLACKERBY PROPERTY

EIGHTH ELECTION DISTRICT

DATE HEARD: FEBRUARY 12, 2026

ORDERED BY:

**Mr. Hayden, Mr. Brown
Mr. LaRocco, Dr. Valcke and Ms. Weaver**

PLANNER: NICK COLVIN

DATE SIGNED: February 26, 2026

Pleadings

Vanna Blackerby and Ralph Blackerby (“Applicants”) seek a variance (VAAP # 25-2594) from St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) Schedule 32.1 to reduce the front setback from 25’ to 3’ for a new carport.

Public Notification

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on January 23, 2026 and January 30, 2026. Required mailings to neighbors and physical posting of the property was completed by January 28, 2026. The agenda was also posted on the County’s website by Wednesday, February 4, 2026. Therefore, the Board finds and concludes there has been compliance with the notice requirements.

Public Hearing

A public hearing was conducted at 6:30 p.m. on February 12, 2026 at the St. Mary’s County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, the proceedings were recorded electronically, and the following was presented about the proposed variance requested by the Applicant.

The Property

Applicants own real property situate 23245 Overcup Drive, Lexington Park, Maryland (“the Property”). The Property consists of 41,202 square feet, more or less, is within the Residential Neighborhood Conservation (“RNC”) zoning district and can be found among the Tax Maps of St. Mary’s County at Tax Map 35A, Grid 12, Parcel 15.

The St. Mary’s County Comprehensive Zoning Ordinance

Schedule 32.1 mandates a 25’ building restriction line from any front property line within the RNC. A front lot line is a boundary of a lot that is along a public street or public way.

Staff Testimony

Nick Colvin, a Planner for the St. Mary's County Department of Land Use and Growth Management ("LUGM"), presented a slideshow that contained a summary of the Applicants' request, pictures of the property, and other facts relevant to the application. A staff report, inclusive of attachments, was also entered into the record. The following summarizes the testimony produced by staff:

- The Property contains a single-family dwelling with a patio on the rear side of the dwelling. Per SDAT, the house was constructed in 1970.
- The Applicants propose a 26-foot by 34-foot carport addition. The addition will have a 1-foot overhang on the front and both sides of the carport.
- The addition will come to within 3-feet of the front property line.
- The proposal is exempt from stormwater management and soil conservation standards as it proposes less than 5,000 s.f. of soil disturbance. Land Use and Growth Management approval of the project is pending the outcome of the setback variance.
- The following Attachments to the Staff Report were introduced:
 - Attachment 1: Standards Letter
 - Attachment 2: Site Plan
 - Attachment 3: Ordinance 2019-32 SMC Comprehensive Zoning Schedule 32.1
 - Attachment 4: Location Map
 - Attachment 5: Land Use Map
 - Attachment 6: Zoning Map

Applicants' Testimony and Exhibits

Applicants were represented before the Board by Jody Latimer, an agent of Simple

Solutions Contracting, the contractor on this project. She presented a slideshow that included maps, pictures of the property, and other information pertinent to the application. A letter addressing each standard was also produced by the Applicants and attached to the staff report. The testimony Ms. Latimer offered included, but was not limited to, the following points:

- A stream behind the house and the steep slope of the topography makes it “impossible to build anywhere except where the main driveway is.”
- The house on the Property was stated to be the only one in the area set so close to the street.
- An existing garage on the property is very steep, and the homeowners are elderly. They no longer wish to walk up the steps. The homeowners believe building a carport and breezeway will be easier to access than using the existing garage.
- Pictures show the garage is already utilized by a vehicle and storage.
- Applicant stated the proposed structure would encroach “on 17 feet of the 25-foot setback.”¹
- Ms. Latimer said the Applicants are on good terms with their neighbors and have talked to them about this variance request.

Public Testimony

No members of the public appeared to offer in-person testimony for or against the project.

Decision

County Requirements for Standard Variances

The St. Mary’s County Comprehensive Zoning Ordinance § 24.3 sets forth seven separate requirements that must be met for a variance to be issued:

¹ Additional testimony appeared to clarify that the carport will be located 3’ from *the property line*, and that there will be 8’ between the carport and Overcup Drive.

- (1) Because of particular physical surroundings such as exceptional narrowness, shallowness, size, shape, or topographical conditions of the property involved, strict enforcement of this Ordinance will result in practical difficulty;
- (2) The conditions creating the difficulty are not applicable, generally, to other properties within the same zoning classification;
- (3) The purpose of the variance is not based exclusively upon reasons of convenience, profit, or caprice. It is understood that any development necessarily increases property value, and that alone shall not constitute an exclusive finding;
- (4) The alleged difficulty has not been created by the property owner or the owner's predecessors in title;
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood and the character of the district will not be changed by the variance;
- (6) The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- (7) The variance complies, as nearly as possible, with the spirit, intent, and purpose of the Comprehensive Plan.

Id.

Findings – Standard Variance Requirements

Upon review of the facts and circumstances, the Board finds and concludes that the Applicants are entitled to relief from the St. Mary's County Comprehensive Zoning Ordinance's front yard setback provision. Several factors support this decision.

First, the Board finds that strictly interpreting the CZO would result in a practical difficulty to the Applicants. § 24.3(1). In *McLean v. Soley*, 270 Md. 208 (1973), the Maryland Court of Appeals established the standard by which a zoning board is to review “practical difficulty” when determining whether to grant a variance:

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Id. at 214–15.

Denial of this variance would impose a practical difficulty upon Applicant. Applicant demonstrated the Property is relatively small and that the buildable envelope for relocation of the shed is limited. The carport is a useful, utilitarian structure that would otherwise be permitted at the Property. The Board perceives no practical alternatives to relocate the shed further from the front lot line.

To the second standard, the conditions creating the difficulty are not generally applicable to other similarly situated properties. Atypical site constraints, as elaborated above, drive the variance request, as does the location of the existing building so close to Overcup Drive.

To the third standard, the purpose of seeking the variance is not “based exclusively upon reasons of convenience, profit or caprice.” Applicants have demonstrated a practical difficulty meeting this requirement of the Comprehensive Zoning Ordinance. Given the constrained buildable area of the lot, the siting of the carport is a decision born from necessity, and not a product of whim or caprice on the part of Applicants.

Fourth, the need for the variance does not arise from actions of the Applicant. As noted previously, Applicants’ need for a variance stem from the particular physical characteristics of the Property. The Applicants have taken no affirmative action to create the hardship. A build date of 1970 would predate the advent of any zoning regulations in St. Mary’s County. As such, Applicants’ predecessors in title cannot be faulted for locating the existing home so close to the road, assuming topography would have allowed them to build further back at all.

Fifth, the variance will neither detrimentally affect the public welfare, substantially injure other properties or improvements, nor change the character of the district. The neighboring property owners were notified of the variance request and given an opportunity to speak on the matter. None voiced an objection.

Sixth, the proposed development will not increase the residential use of the property. The proposed carport will be to the benefit of the existing home only.

Finally, the Board finds that granting the variance will be in harmony with the general spirit, intent, and purpose of the Comprehensive Plan. The Applicants ask for a modest improvement that would be permitted-as-of-right on most other parcels and would be permitted-as-of-right on his parcel if it had only a few additional feet in its front yard. The neighborhood is not in objection to the request, and the Board identifies no apparent reason they would be. Allowing this encroachment into the front-yard setback does not unduly alter or disrupt the general

spirit, intent, and purpose of the Comprehensive Plan.

ORDER

PURSUANT to Applicants' request for a variance from Comprehensive Zoning Ordinance Schedule 32.1 to reduce the front setback from 25' to 3' for a carport; and,

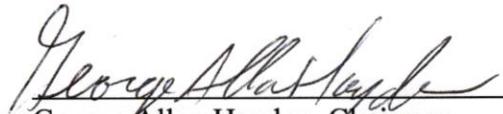
PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is,

ORDERED, by the St. Mary's County Board of Appeals, pursuant to Comprehensive Zoning Ordinance § 24.3, that the Applicant is granted the requested variance.

The foregoing variances are subject to the condition that the Applicant shall comply with any instructions and necessary approvals from the Office of Land Use and Growth Management, the Health Department, and the Critical Area Commission.

This Order does not constitute a building permit. In order for the Applicant to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Date: February 26, 2026

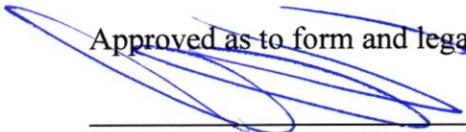

George Allan Hayden, Chairman

Those voting to grant the variance:

Mr. Hayden, Mr. Brown, Mr. LaRocco
Dr. Valcke, and Ms. Weaver

Those voting to deny the variance:

Approved as to form and legal sufficiency



Steve Scott, Board of Appeals Attorney

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Petition for Judicial Review with the Circuit Court for St. Mary's County within thirty (30) days of the date this order is signed.

Further, St. Mary's County Comprehensive Zoning Ordinance § 24.8 provides that a variance shall lapse one year from the date the Board of Appeals granted the variance unless: (1) A zoning or building permit is in effect, the land is being used as contemplated in the variance, or regular progress toward completion of the use or structure contemplated in the variance has taken place in accordance with plans for which the variance was granted; (2) a longer period for validity is established by the Board of Appeals; or (3) the variance is for future installation or replacement of utilities at the time such installation becomes necessary.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order; otherwise, they will be discarded.