

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 24-0931

DRURY PROPERTY

FIRST ELECTION DISTRICT

VARIANCE REQUEST HEARD: DECEMBER 12, 2024

ORDERED BY:

**Mr. Bradley, Mr. Loughran,
Mr. Payne, and Mr. Richardson**

ENVIRONMENTAL PLANNER: STACY CLEMENTS

DATE SIGNED: January 9, 2025

Pleadings

Thomas and Sharon Drury (“Applicants”) seek a variance from the St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) § 71.8.3 disturb the Critical Area Buffer and Expanded Critical Area Buffer (“the Buffer”) to construct a replacement house.

Public Notification

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on November 22, 2024 and November 29, 2024. A physical posting was made on the property and all property owners within 200’ were notified by certified mail on or before November 27, 2024. The agenda was also posted on the County’s website on December 6, 2024. Therefore, the Board of Appeals (“Board”) finds and concludes that there has been compliance with the notice requirements.

Public Hearing

A public hearing was conducted at 6:30 p.m. on December 12, 2024 at the St. Mary’s County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were duly sworn, the proceedings were recorded electronically, and the following was presented about the proposed amendment requested by the Applicants.

The Property

The subject property may be found at 16410 Fishermen Way, Ridge, Maryland (“the Property”). The Property is 40,064 square feet, more or less, is zoned Rural Preservation District (“RPD”), has a Limited Development Area (“LDA”) Critical Area overlay, and is found at Tax Map 71, Grid 9, Parcel 49.

The Variance Requested

Applicants seek a variance from CZO § 71.8.3 disturb the Critical Area Buffer and Expanded Critical Area Buffer (“the Buffer”) to construct a replacement house.

St. Mary’s County Comprehensive Zoning Ordinance

CZO § 71.8.3 requires there be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands (“the Buffer”). No new impervious surfaces or development activities are permitted in the 100-foot buffer unless an applicant obtains a variance. CZO § 71.8.3(b)(1)(c). Moreover, the 100-foot buffer may be expanded in the presence of hydric soil types.

Departmental Testimony and Exhibits

Stacy Clements, an Environmental Planner for the St. Mary’s County Department of Land Use & Growth Management (“LUGM”), presented a staff report and PowerPoint presentation that included the following testimony:

- The Property was recorded in the Land Records of St. Mary’s County per deeds DJB 6368 page 0116, JWW 4237 page 0278, EWA 2392 page 0699, EWA 2392 page 0694, and MRB 281 page 329 (Attachment 2), after the adoption of the Maryland Critical Area Program on December 1, 1985. The existing single-family dwelling was built in 1958 according to Real Property Data, Maryland Department of Assessments and Taxation
- According to the site plan, this property is a 40,064 square foot lot located on Fishermen Way in Ridge and is adjacent to the tidal waters of the Northern Prong of St. Jeromes Creek.
- The Buffer is established a minimum of 100-feet landward from the mean high-