



ST. MARY'S COUNTY BOARD OF APPEALS

**PUBLIC HEARING OF
February 13, 2025**

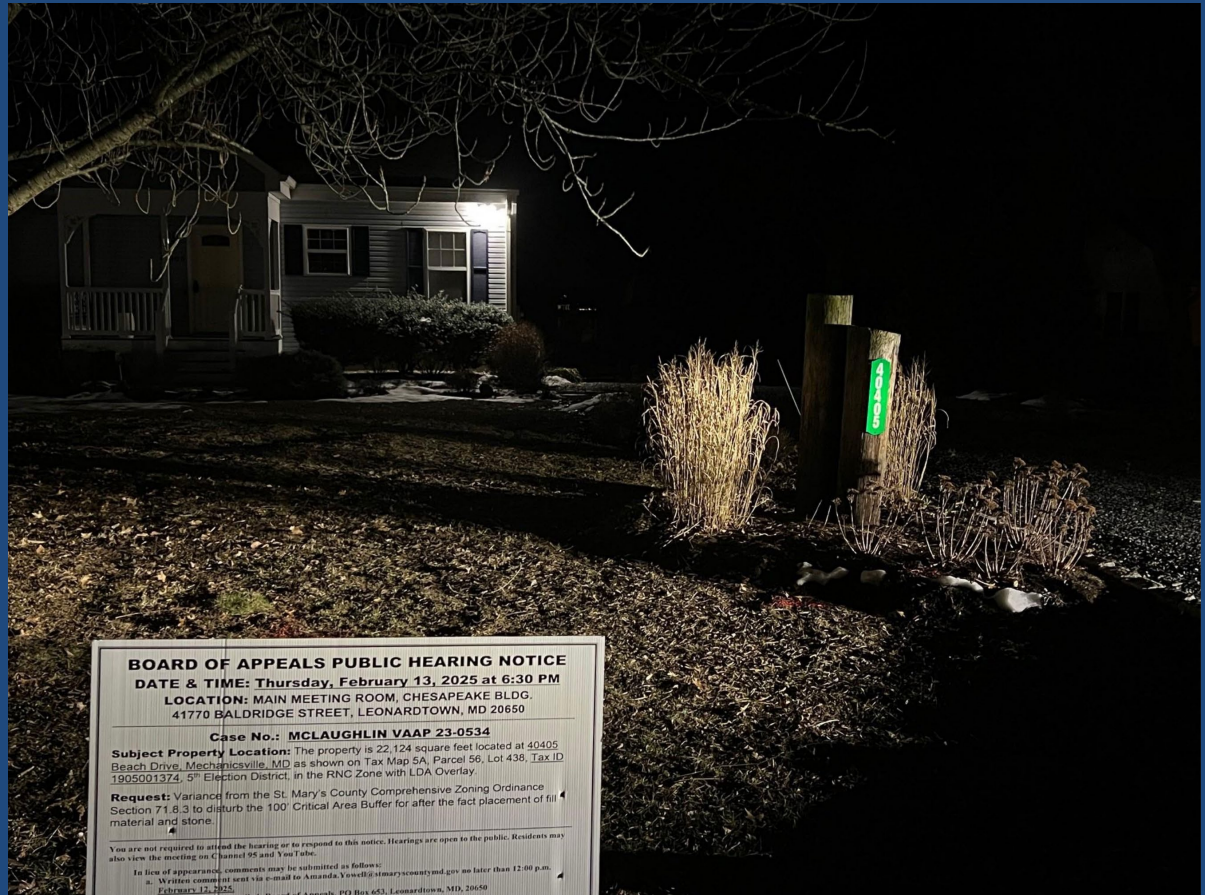
VAAP 23-0534, McLaughlin Property

In accordance with the Comprehensive
Zoning Ordinance:

Variance from Section 71.8.3 to disturb the 100'
Critical Area Buffer for after the fact placement of fill
material and stone.

Legal Ad and Property Posting

- Legal ad was printed in the local newspaper, *Southern Maryland News*, on January 24 & 31, 2025.
- The property was posted, and notifications were sent to all neighbors and within 200' of the subject property prior to January 29, 2025.



Property Information

- **Owner:** Margaret J. McLaughlin
- **Location:** 40405 Beach Drive, Mechanicsville
- **Tax Map:** 5A **Grid:** 2 **Parcel:** 56
- **Lot:** 438 **Subdivision:** Golden Beach
- **Land Use:** Rural Residential
- **Zoning:** Residential Neighborhood Conservation District
- **Critical Area:** Limited Development Area
- **Acreage:** 22,124 square feet
- **Existing Conditions:** house with a porch, deck and driveway

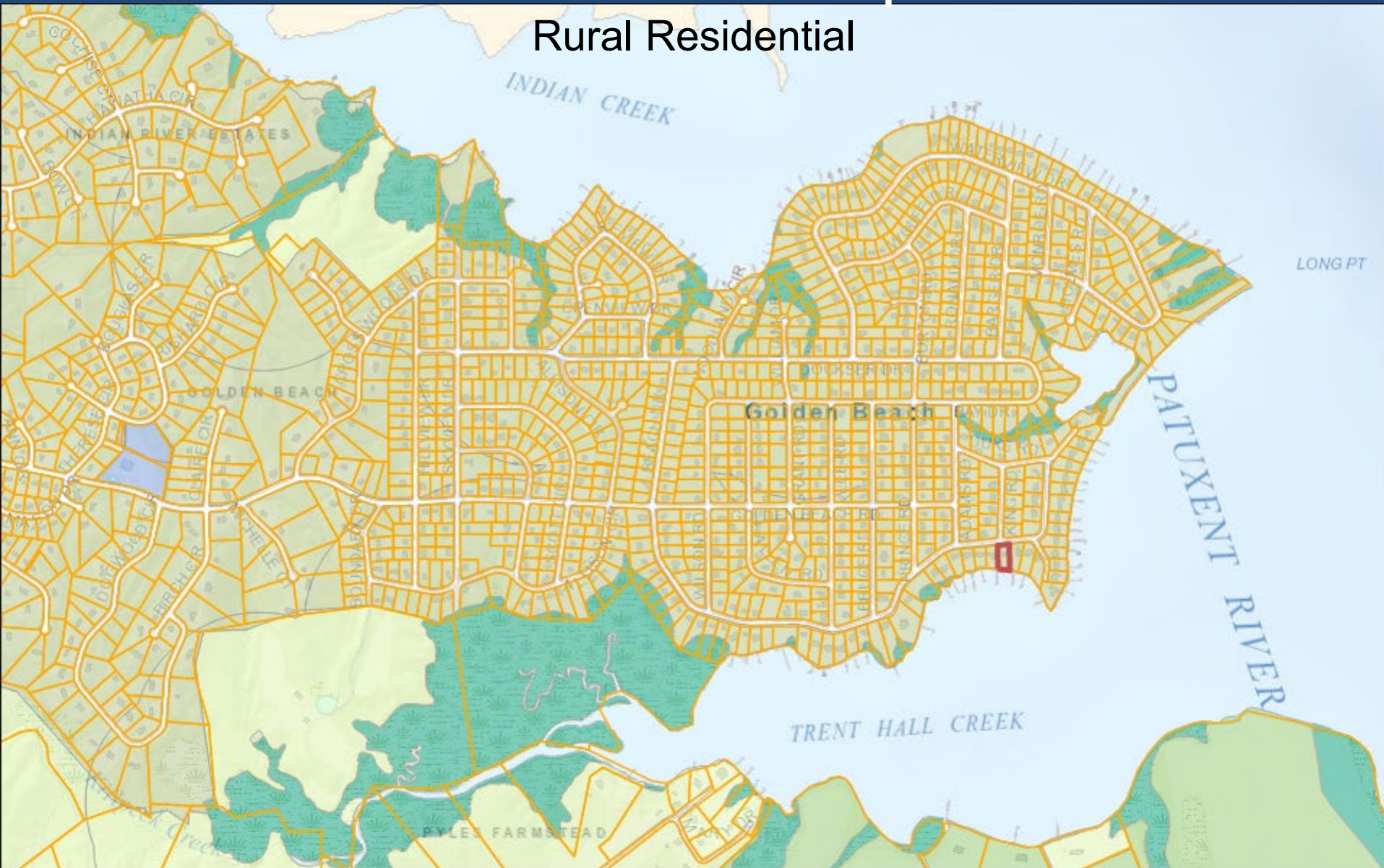
Location Map

40405 Beach Drive, Mechanicsville



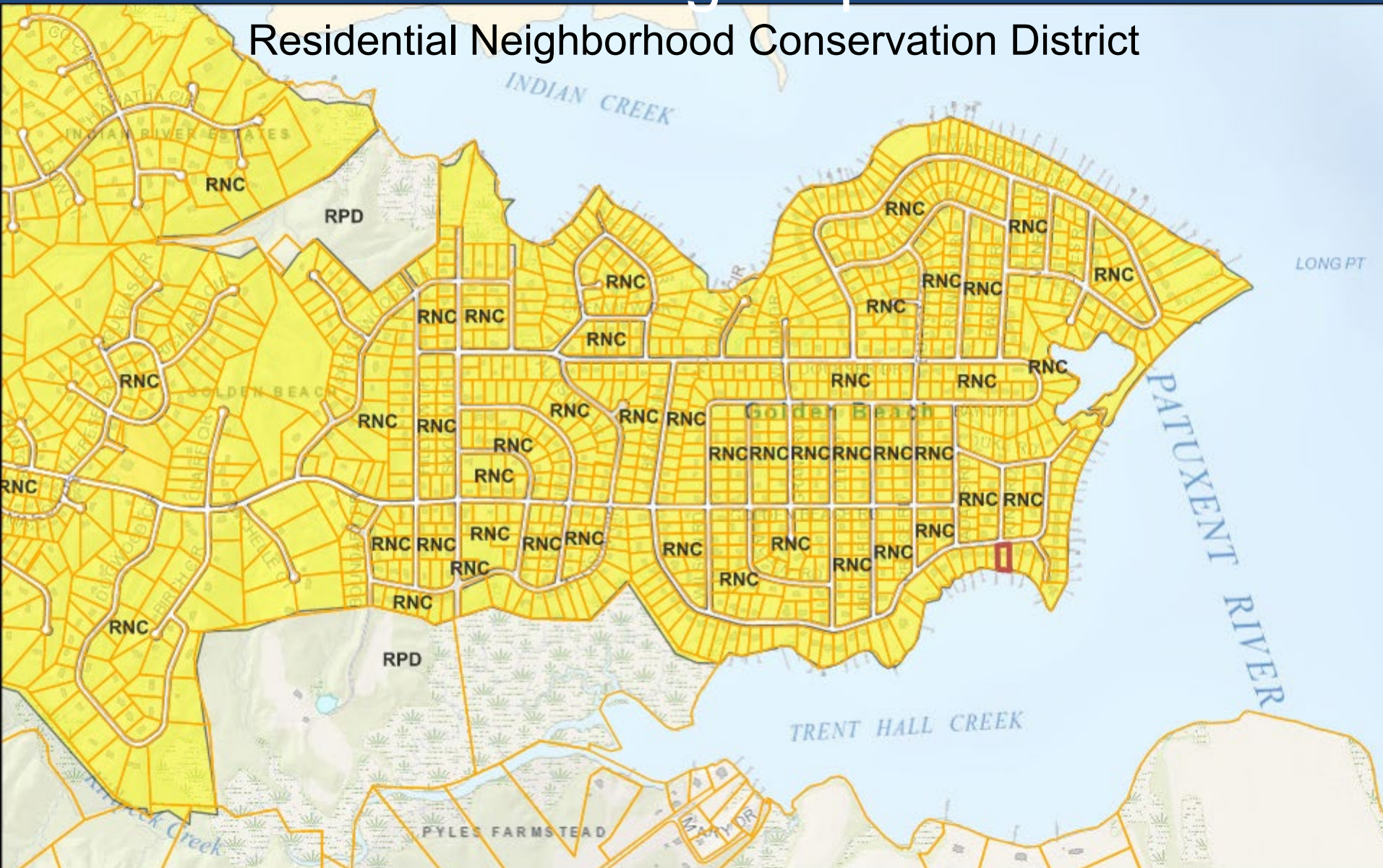
Land Use Map

Rural Residential



Zoning Map

Residential Neighborhood Conservation District



Critical Area Map

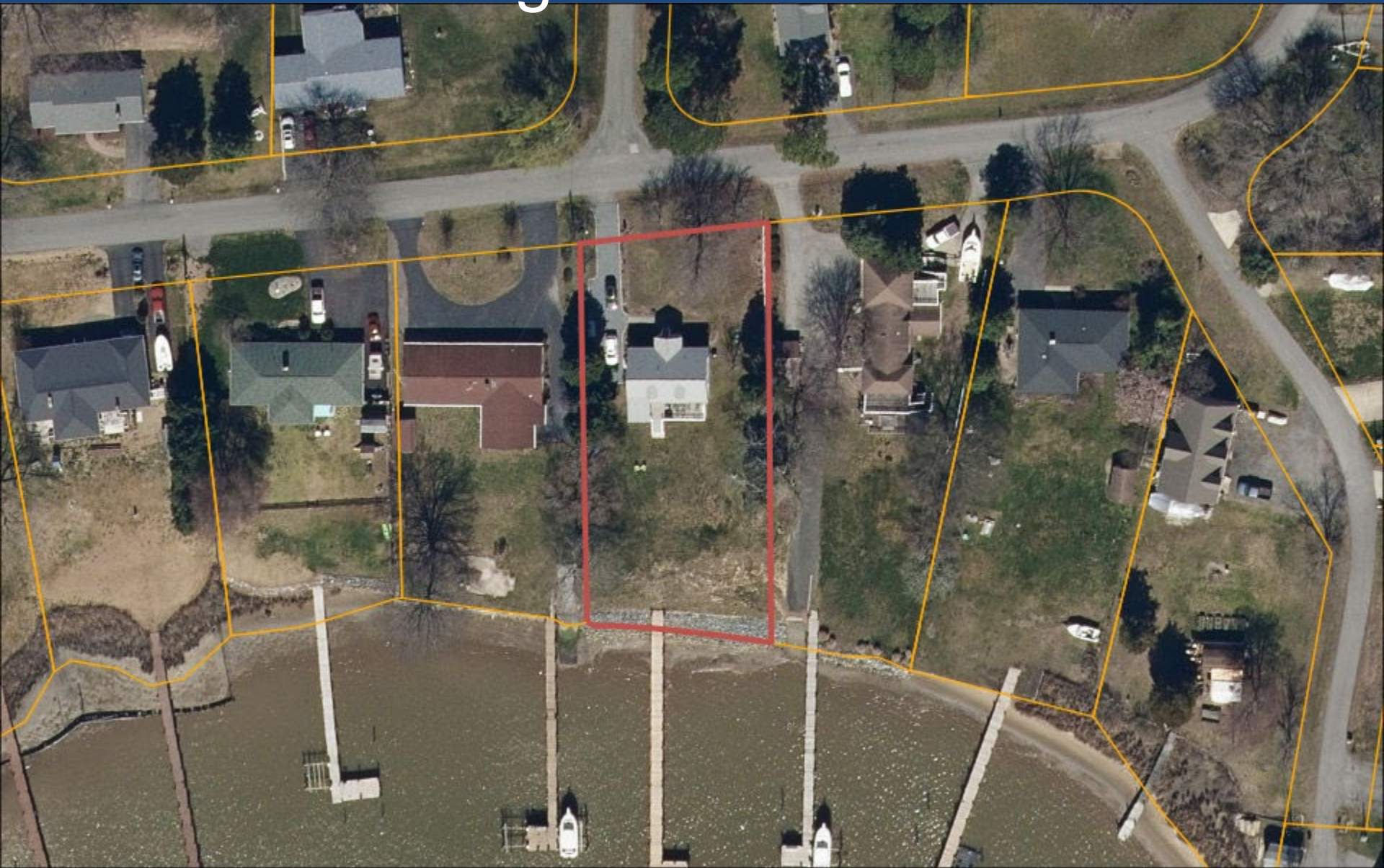
Limited Development Area



Existing Conditions 2020



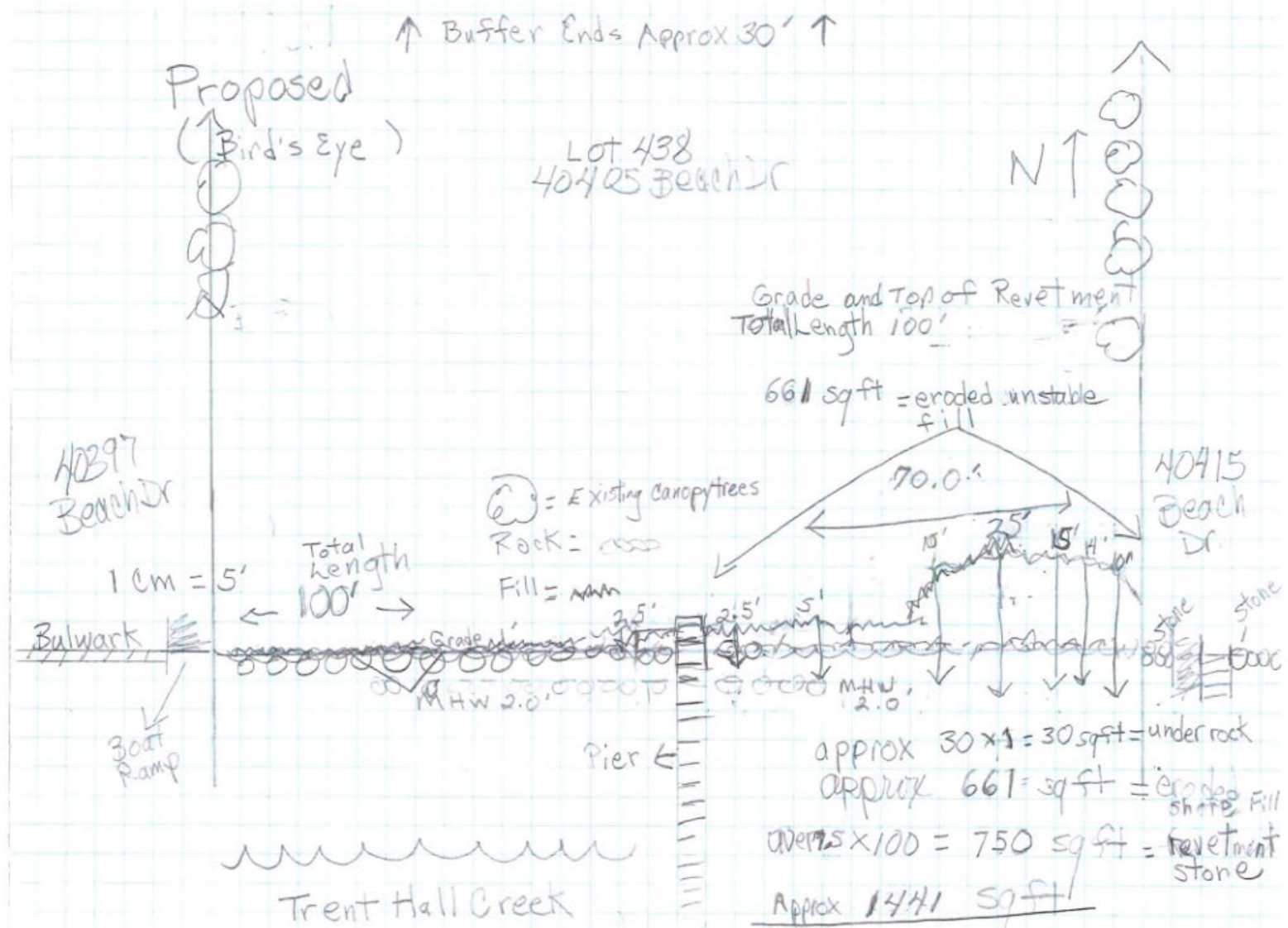
Existing Conditions 2023

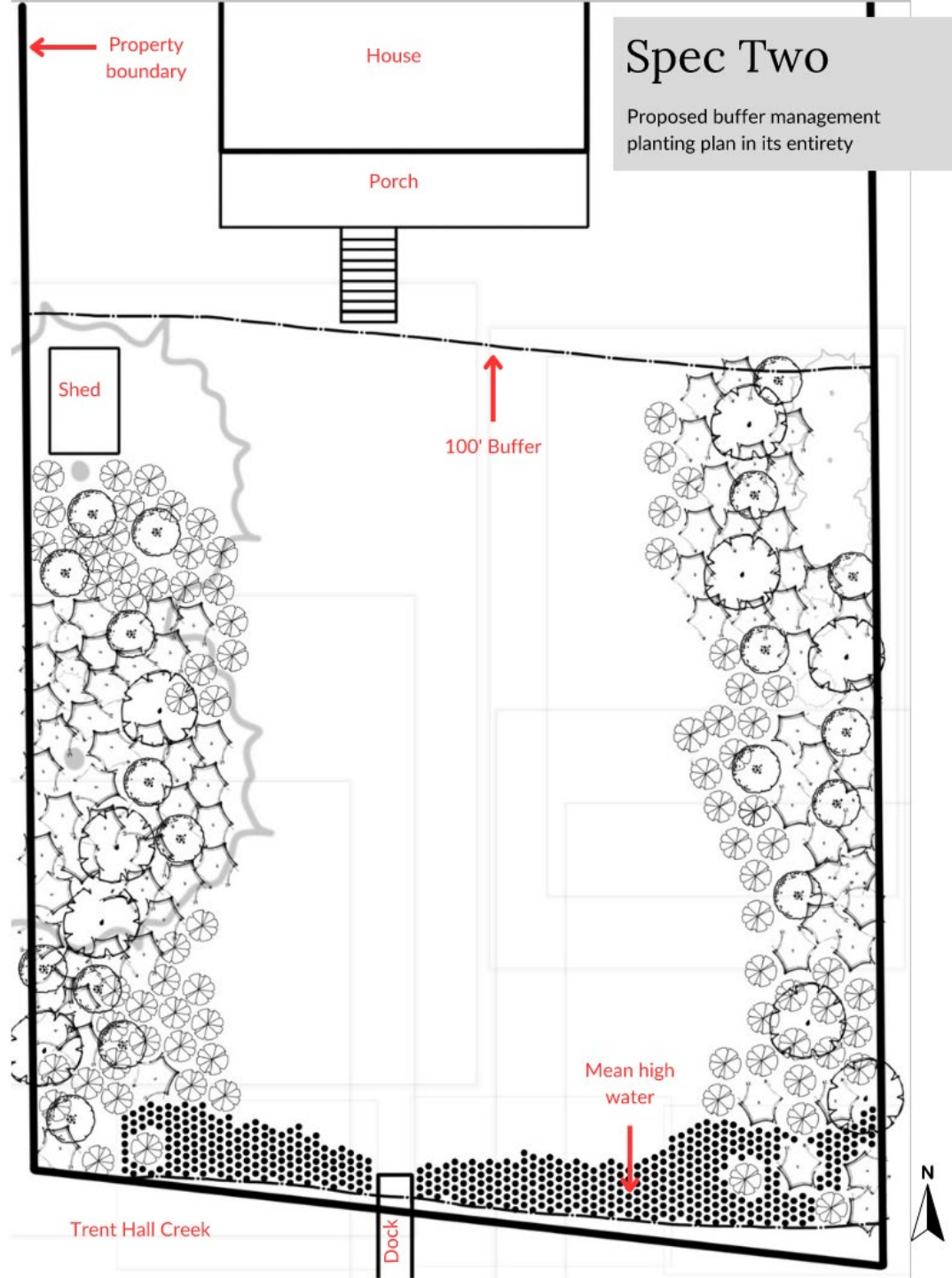


Agency Reviews and Approvals

- Critical Area Commission Responded 01/07/2025
- LUGM, Health Department, and Floodplain
Approved
- Soil Conservation District Exempt

Site Plan





Buffer Management Plan

Mitigation Requirements

- Mitigation @ 3:1 for the variance
- 4:1 Mitigation for the violation
- A Buffer Management Plan must be approved by LUGM staff prior to the issuance of a building permit.

Standards for Granting Variances

Per COMAR 27.01.12.04, a local jurisdiction may not grant a variance unless the local jurisdiction makes written findings based on competent and substantial evidence that:

- a. Due to special features of the site or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the local Critical Area program would result in an unwarranted hardship to the applicant;

- b. A literal interpretation of the local Critical Area program would deprive the applicant of a use of land or a structure permitted to others in accordance with the provisions of the local Critical Area program;
- c. The granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures in accordance with the provisions of the local Critical Area program;
- d. The variance request is not based upon conditions or circumstances that are the result of actions by the applicant;

e. The variance request does not arise from any conforming or nonconforming condition on any neighboring property;

f. The granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area; and

f. The granting of the variance would be in harmony with the general spirit and intent of the Critical Area law, the regulations in this subtitle, and the local Critical Area program.