

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 21-1516

LONG PROPERTY

NINTH ELECTION DISTRICT

VARIANCE REQUEST HEARD: APRIL 14, 2022

ORDERED BY:

Mr. Ichniowski, Mr. Bradley, Mr. Miedzinski, Mr. Payne, and Mr. Richardson

ENVIRONMENTAL PLANNER: LEAH LANGFORD

DATE SIGNED: APRIL 21, 2022

Pleadings

Maurice Long (“Applicant”) seek a variance from the St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) Section 71.5.2 to disturb the non-tidal wetland buffer for demolition of the existing single-family dwelling, and construction of a replacement home with a porch, deck, steps, and additional driveway.

Public Notification

The hearing notice was advertised in The Southern Maryland News, a newspaper of general circulation in St. Mary’s County, on March 18, 2022 and March 25, 2022. A physical posting was made on the property and all property owners within 200’ were notified by certified mail on or before March 30, 2022. The agenda was also posted on the County’s website on April 6, 2022. 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 April 14, 2022 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 Applicant.

The Property

The subject property located at 16712 Piney Point Road, Piney Point, MD 20674 (“the Property”). The Property is 64,469 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 69, Grid 1, Parcel 179.

The Variance Requested

Applicant seeks a variance from CZO Section 71.5.2 to disturb the non-tidal wetland buffer for development activity including demolition of an existing single-family dwelling and construction of a replacement home with a porch, deck, steps, and additional driveway.

St. Mary's County Comprehensive Zoning Ordinance

CZO § 71.5.2 requires there be a minimum 25-foot buffer preserved from the edge of non-tidal wetlands and shall be expanded up to 100 feet to include areas of adjoining hydric soils.

Departmental Testimony and Exhibits

Stacy Clements, an Environmental Planner for the St. Mary's County Department of Land Use & Growth Management ("LUGM"), presented the following evidence:

- The Property contains an existing single-family dwelling. This structure was built in approximately 1865, well prior to the adoption of current zoning regulations of St. Mary's County.
- Applicant proposes the demolition of the existing home, and its replacement with a new home. Development will include a porch, deck, steps and additional driveway.
- An MDE field delineation has determined that all wetlands present are non-tidal wetlands that approach within 10 feet of the proposed limit of disturbance for the site plan. MDE assents to disturbance of the 25-foot non-tidal wetland buffer in this case.
- Per CZO Section 71.5.2.b, the non-tidal wetland buffer is expanded 100' for hydric soil inclusion.
- LUGM reviewed the site plan for stormwater management and zoning, both of

which were approved by October, 2021. The Maryland Critical Area Commission (“CAC”) approved this site plan in January, 2022. Reviews by the St. Mary’s County Soil Conservation District and Metropolitan Commission are pending.

- Attachments to the Staff Report:
 - #1: Standards Letter
 - #2: Site Plan
 - #3: MDE Approval Letter
 - #4: Non-tidal Wetlands Map
 - #5: Critical Area Commission Email
 - #6: Zoning Map

Applicant’s Testimony and Exhibits

Applicant was represented before the Board by Stephen Vaughn of Little Silence’s Rest, Applicant’s wetland consultant. Applicant presented a slideshow which contained site plans, building plans, photographs of the site, and offered oral testimony. The following evidence and testimony was included in Applicant’s presentation:

- Applicant’s property fronts on St. George’s Creek. The parcel, at present, consists of an existing shed, existing home, and a driveway which loops around the home. All existing constructions will be removed to make way for the new construction.
- The new home will meet the CZO’s floodplain requirements, while the present construction does not. The existing elevation on the property is roughly 3’; under the new construction, that elevation will be increased to elevation 9’.
- The new house will be built over the block garage, and will remove nearly all of the