

**IN THE ST. MARY'S COUNTY BOARD OF APPEALS**

**VAAP NUMBER 23-0834**

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**MELLEN PROPERTY**

**SEVENTH ELECTION DISTRICT**

**VARIANCE REQUEST HEARD: JANUARY 11, 2024**

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**ORDERED BY:**

**Mr. Hayden, Mr. Bradley, Mr. Payne,  
Mr. Richardson, and Ms. Weaver**

**ENVIRONMENTAL PLANNER: STACY CLEMENTS**

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**DATE SIGNED: February 8, 2024**

### **Pleadings**

Richard and Erika Mellen (“Applicants”) seek a variance from the St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) § 71.8.3 disturb the Critical Area Buffer (“the Buffer”) to construct a replacement home.

### **Public Notification**

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on December 22, 2023 and December 29, 2024. A physical posting was made on the property and all property owners within 200’ were notified by certified mail on or before December 27, 2023. The agenda was also posted on the County’s website on January 5, 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 January 11, 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 38035 Beach Road in Colton’s Point, Maryland (“the Property”). The Property is 1.2 acres, more or less, is zoned Residential Neighborhood Conservation (“RNC”), has a Limited Development Area (“LDA”) Critical Area overlay, and is found at Tax Map 53A, Grid 5, Parcel 1.