

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

**VAAP NUMBER 23-1384**

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**MORRIS PROPERTY**

**SIXTH ELECTION DISTRICT**

**DATE HEARD: November 14, 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: December 17, 2024**

### **Pleadings**

Steven Morris (“Applicant”) seeks a variance (VAAP # 23-1384) from the St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) Section 41.5.3.i(1) to exceed lot coverage limits to construct a pole barn.

### **Public Notification**

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on October 25, 2024 and November 1, 2024. The hearing notice was posted on the property by October 30, 2024. The file contains the certification of mailing to all adjoining landowners, even those located across a street. Each person designated in the application as owning land that is located within two hundred feet of the subject property was notified by mail, sent to the address furnished with the application. The agenda was also posted on the County’s website on November 8, 2024. Therefore, the 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 November 14, 2024 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 Applicants.

### **The Property**

Applicants own real property situate 24669 Greenview Drive, Hollywood, MD (“the Subject Property”). The Subject Property is in the Residential Neighborhood Conservation zoning district (“RNC”), lies within a Limited Development Area (“LDA”) Critical Area overlay, and is

identified at Tax Map 27, Grid 10, Parcel 631. It is Lot 9 of the Peacock Manor subdivision.

**The Variance Requested**

Applicants seek a variance from St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) Section 41.5.3.i.(1) to exceed lot coverage limits to construct a pole barn.

**The St. Mary’s County Comprehensive Zoning Ordinance**

CZO Section 41.5.3.i.(1) limits lot coverage of a lot in the LDA to 15 percent of the lot area for lots and parcels that are larger than a half-acre.

**Staff Testimony**

Stacy Clements, an Environmental Planner for the St. Mary’s County Department of Land Use and Growth Management (“LUGM”), presented the following evidence:

- The subject property (the “Property”) is a grandfathered lot in the Critical Area of St. Mary’s County, since it was recorded in the Land Records of St. Mary’s County at Plat Book 5 Page 107 (Attachment 2), prior to the adoption of the Maryland Critical Area Program on December 1, 1985. The existing single-family dwelling was built in 1976 according to Real Property Data, Maryland Department of Assessments and Taxation.
- According to the site plan, this property is a 1.14-acre lot located on Greenview Drive in Hollywood and is adjacent to the tidal waters of Cuckold Creek.
- The Critical Area Buffer (the “Buffer”) is established a minimum of 100-feet landward from the mean high-water line of tidal waters (CZO 71.8.3). Therefore, the Property is constrained by the Buffer (Attachment 3).
- The Property, as it currently exists, has 8,443 square feet of lot coverage. The site plan (Attachment 4) proposes constructing a 1,200 square foot pole barn, while removing 1,257 square feet of decorative gravel, asphalt driveway, and pavers leading to the water’s edge.