

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 25-0341

NORRIS MINOR SUBDIVISION

THIRD ELECTION DISTRICT

VARIANCE REQUEST HEARD: MARCH 12, 2026

ORDERED BY:

**George Allan Hayden, Sr., Chair
John Brown, Vice Chair
Donald LaRocco, Member
Ronald Payne, Sr., Member
Rita Weaver, Member**

ENVIRONMENTAL PLANNER: STACY CLEMENTS

DATE SIGNED: April 23, 2026

Pleadings

Sasha Jean Norris (hereinafter “Applicant”) seeks a variance from the St. Mary’s County Subdivision Ordinance, specifically Section 30.14.5(c), to add two additional lots to a private right-of-way.

Public Notification

The Hearing Notice was advertised in the *Southern Maryland News*, a newspaper of general circulation, in St. Mary’s County, Maryland, on February 20, 2026 and February 27, 2026. A physical posting was made on the property. Notifications were sent to all neighbors with access from Robert Norris Lane and Cryer Farm Lane, as well as all neighbors within 200’ of the subject property, by certified mail, on or before February 25, 2026. The agenda for the public hearing was posted on the County’s website on or before Wednesday, March 4, 2026. Therefore, the St. Mary’s County 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 March 12, 2026, at the St. Mary’s County Governmental Center, located 41770 Baldrige Street, Leonardtown, Maryland 20650. All persons desiring to be heard were duly sworn, the proceedings were electronically recorded, and the following was presented about the proposed amendment requested by the Applicant.

The Property

The subject property is located at 23698 Robert Norris Lane, Hollywood, MD 20636 (hereinafter the “Property”). The Property, which is 8.79 acres, more or less, is zoned Rural Preservation District (“RPD”). It can be found among the Tax Maps of St. Mary’s County at Map 33, Grid 10, Parcel 140.

St. Mary's County Subdivision Ordinance

Under Subdivision Ordinance §30.14.5(c), “Subdivisions consisting of seven (7) or more residential lots or less, or farmstead subdivisions, may be served by a private road. All subdivisions, except farmsteads and lots approved through the family conveyance provisions of the Ordinance, proposed with eight (8) lots, or more, shall be served by public roads in accordance with the provisions contained herein.”

Departmental Testimony and Exhibits

Nick Colvin, a Planner for the St. Mary's County Government's Department of Land Use & Growth Management (“LUGM”), presented the following evidence:

- Cryer Farm Lane and Robert Norris Lane are existing private rights-of-way located off Saint John's Road as shown on the recorded plats. Cryer Farm Lane currently serves six (6) residential lots/parcels, while Robert Norris Lane currently serves three (3) residential lots/parcels for a total of nine (9) residential lots/parcels currently being served between the two private rights-of-way;
- The Property consists of 8.79 acres and is currently used for residential purposes, according to the records of the State Department of Assessments and Taxation;
- Attachments to the Staff Report:
 - #1: Standards Letter;
 - #2: Plat Liber 52, Folio 37;
 - #3: Cryer Farm Lane and Robert Norris Lane Map;
 - #4: Parcel 140 SDAT Record;
 - #5: Proposed Minor Subdivision Plat;
 - #6: LUGM Review Comments dated December 22, 2025;

- #7: Location Map;
- #8: Land Use Map;
- #9: Zoning Map

Applicant's Testimony and Exhibits

Applicant was represented before the Board by Steven M. Vaughan (hereinafter "Mr. Vaughan"), a Professional Land Surveyor employed at Little Silences Rest, Inc. Mr. Vaughan presented a slideshow presentation that included the proposed subdivision plat and images of existing neighborhood conditions. Mr. Vaughn also answered questions posed by the Board. Toward the end of his presentation, Mr. Vaughn was joined by Applicant. The Board calls to attention the following testimony included in the Applicant's presentation:

- For the proposed subdivision, Mr. Vaughn stated the Applicant intends to "bypass" Robert Norris Lane and come in from Cryer Farm Lane by using an existing 20' access easement.
- In response to a question posed by Ms. Weaver, Mr. Vaughn confirmed that a large parcel east of the Property was owned by the Metropolitan Commission and part of the Forest Farms subdivision.
 - Mr. Vaughn confirmed, further, that two agricultural parcels to the north are accessed via St. Johns Road.
- Mr. Vaughn said the width of the wide could vary, from 24' wide at the entrance to widths between 10' and 14' through the rest of the road. Mr. Vaughn stated there is adequate space for drivers to pull over and get around each other when headed in opposite directions.
- Applicant, Sasha Norris, appeared to answer questions posed by the Board related to

road maintenance. She confirmed fellow family members still live in the neighborhood and that the road is kept maintained.

Public Testimony

No members of the public presented written or in-person testimony related to this request.

Decision

County Requirements for Granting Variances

In accordance with Section 20.3.b of the St. Mary's County Subdivision Ordinance, the Board shall not grant a variance from the regulations of the Ordinance unless it makes findings based upon evidence presented to it that:

- a. It will not be contrary to the public interest;
- b. Owing to special conditions, the enforcement of the provisions of this Ordinance will result in practical difficulty or unwarranted hardship;
- c. It is in accordance with the purpose and intent of the St. Mary's County Subdivision Ordinance; and,
- d. It is consistent with the Comprehensive Plan.

Findings – Standard Variance Requirements

Upon review of the facts and circumstances, the Board finds and concludes that the Applicant is entitled to relief from the St. Mary's County Subdivision Ordinance. Several factors support this decision.

Firstly, the Board finds that that granting of this requested variance is not contrary to public interest. Presently, the two private roads in question serve a total a of nine residential lots; two more are proposed. The Applicant presented testimony showing the roads to be in good repair and adequate to meet present demands. There is no testimony indicating that approval of the proposed

subdivision, and the creation of two additional residential lots, would upset this balance. The Applicant averred that there is no intention to further subdivide the lot, beyond what is currently being sought; however, if Applicant or another property owner sought to further subdivide in the future, it would require Applicant to return before the Board and seek variance approval.

Secondly, owing to special conditions, the enforcement of the provisions of this Ordinance will result in a practical difficulty for the Applicant. In *McLean v. Soley*, 270 Md. 208 (1973), the Maryland Supreme Court (formerly Maryland Court of Appeals) established the standard by which a zoning board is to review “practical difficulty” when determining whether to grant a variance:

1. Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Id at 214-15. Here, absent a variance, the Applicant would be required to undertake cost-prohibitive measures to build a county road to access the proposed lots, despite there being existing roads adequate to serve the existing and proposed uses. No other property owner implicated by this request has voiced any objection or concern to the request, and denial would effectively prohibit Applicant from making use of the Property. Accordingly, we find the three factors articulated in *Soley* to be satisfied.

Thirdly, the proposed variance adheres to the purpose and intent of the Subdivision Ordinance. Specifically, Section 30.14, which pertains to Private Roads, provides,

“The purpose of shared driveway and private road standards is to provide options to retain rural character, reduce costs, and allow more control, security, and sense of identity when public roads are not needed for circulation. These standards are intended to provide for the safety of the property owners by requiring adequate access for fire, emergency, medical and law enforcement vehicles. It provides for the continued uninterrupted use of the access for all of the owners by establishing a durable roadway and easement, and assigns responsibility for continued maintenance of the access.”

Here, as similarly stated above, 9 lots/parcels use these private rights-of-way. The proposed subdivision is consistent with the St. Mary’s County Comprehensive Plan, as other similarly situated subdivisions are permitted in the area and zoning district where the Property is located.

Finally, the proposed variance complies with the Comprehensive Plan. Section 4.4 of the Comprehensive Plan lists its objectives, which include “limit[ing] non-farm residential development outside of growth areas to be in scale and consistent with the rural character of the surrounding area. Within this objective, the following policy is noted: [e]stablish standards for major and minor residential subdivision development outside of growth areas to ensure compatibility with surrounding rural and community character.” Here, the subdivision proposed by Applicant is within the degree of growth contemplated by the Comprehensive Plan.

ORDER

PURSUANT to the application of Sasha Norris, petitioning for a variance pursuant to Section 20.3.b of the St. Mary's County Subdivision Ordinance to add two additional lots to a private right-of-way; and

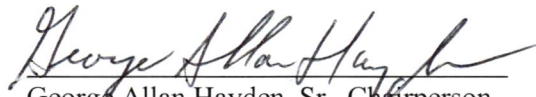
PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is

ORDERED, by the St. Mary's County Board of Appeals, pursuant to the St. Mary's County Comprehensive Code §24.8, the Applicant is granted a variance from Subdivision Ordinance §30.14.5(c);

UPON CONDITION THAT, Applicant shall comply with any instructions and necessary approvals from the Office of Land Use and Growth Management, the Health Department, and the Critical Area Commission.

This Order does not constitute a building permit. In order for the Applicant to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Date: April 23, 2026

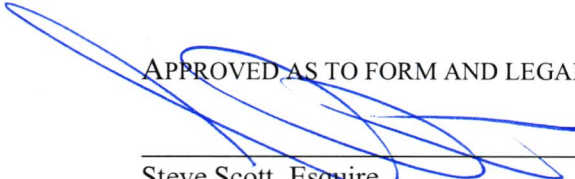

George Allan Hayden, Sr., Chairperson

Those voting to grant the variance:

Mr. Hayden, Mr. Brown, Mr. LaRocco,
Mr. Payne, and Mrs. Weaver

Those voting to deny the variance:

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Steve Scott, Esquire,
Board of Appeals Attorney

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may petition for judicial review of this decision by filing required notice at the Circuit Court for St. Mary's County.

St. Mary's County Comprehensive Zoning Ordinance §24.8 provides that a variance shall lapse one year from the date the Board of Appeals granted the variance unless: (1) a zoning or building permit is in effect, the land is being used as contemplated in the variance, or regular progress toward completion of the use or structure contemplated in the variance has taken place in accordance with plans for which the variance was granted; (2) a longer period for validity is established by the Board of Appeals; or (3) the variance is for future installation or replacement of utilities at the time such installation becomes necessary.

If this case is not appealed, exhibits must be claimed within sixty (60) days of the date of this Order; otherwise, they will be discarded.