

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

**VAAP NUMBER 24-2120**

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**PURCELL PROPERTY**

**SIXTH ELECTION DISTRICT**

**VARIANCE REQUEST HEARD: DECEMBER 12, 2024**

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**ORDERED BY:**

**Mr. Bradley, Mr. Loughran,  
Mr. Payne, and Mr. Richardson**

**ENVIRONMENTAL PLANNER: STACY CLEMENTS**

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**DATE SIGNED: January 9, 202~~4~~<sup>5</sup>**

### **Pleadings**

Matthew and Kimberly Purcell (“Applicants”) seek a variance from the St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) Section 51.3.122.a(2) to reduce the 10-foot setback from the rear property line to construct an inground pool.

### **Public Notification**

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on November 22, 2024 and November 29, 2024. A physical posting was made on the property and all property owners within 200’ were notified by certified mail on or before November 27, 2024. The agenda was also posted on the County’s website on December 6, 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 December 12, 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 Applicant.

### **The Property**

The subject property (hereinafter “the Property”) is located at 24649 Broad Creek Drive Hollywood, MD 20636. It consists of 8,056 square feet, more or less, and can be found at Tax Map 26, Grid 24, Parcel 478. It is Lot 150 of the Broad Creek subdivision. The Property is zoned Residential, Low Density (“RL”).

### **The Variance Requested**

Applicant seeks a variance from Comprehensive Zoning Ordinance (“CZO”) Section

51.3.122.a(2) to reduce the 10-foot setback from the rear property line to construct an inground pool.

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

CZO § 51.3.122.a(2) requires any proposed private, non-commercial swimming pool to be set back at least ten (10) feet from any property line.

**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 a single-family dwelling, which is considered a principal structure, improved by a patio. Per the State Department of Assessments and Taxation the house was constructed in 2012.
- Applicants propose a 16’-by-28’ in-ground pool. The subgrade wall of the pool confines the pool water and defines the “edge of pool water” for the purpose of measuring the zoning setbacks of an in-ground pool.
- Applicants are requesting a reduction of the rear yard setback to 5’8”, a 4’4” reduction in the rear yard setback.
- The site plan is approved by MetCom. It is exempt from Stormwater Management and Soil Conservation standards as it proposes less than 5,000 sf of soil disturbance. Land Use and Growth Management requires the setback variance to approve the permit.
- Attachments to the Staff Report:
  - #1: Standards Letter
  - #2: Site Plan

- #3: Ordinance 2019-32 SMC Comprehensive Zoning
- #4: Location Map
- #5: Land use Map
- #6: Zoning Map

### **Applicant's Testimony and Exhibits**

Applicant Matthew Purcell appeared before the Board. He presented a slideshow that presented substantially similar information as contained in the Applicants' standards letter. The following testimony was among that presented:

- Applicant presented a timeline showing his compliance with all procedural requirements of the variance.
- The local HOA has approved the proposed pool.
- The proposed pool will extend into the 10-foot setback from the rear property line at its narrowest point and 3'6" into the setback at its widest point.
- All other walls of the pool will fully preserve required setbacks.

### **Public Testimony**

The following members of the public appeared to offer testimony related to this request:

- *Adam Beal, 24682 Broad Creek Drive*
  - Mr. Beal lives approximately four houses away from Applicants. He is on the local HOA Board and reiterated that it has been approved by the HOA Board. He does not think it will negatively affect the neighborhood or any stormwater management in the neighborhood. He believes the neighborhood writ large would support the request.