

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 26-0509

SCHMIDT & RENT PROPERTY

SECOND ELECTION DISTRICT

VARIANCE AND CONDITIONAL USE REQUESTS

HEARD: AUGUST 13, 2026

ORDERED BY:

**Mr. Hayden, Mr. Brown, Mr. LaRocco,
Mr. Payne, and Dr. Valcke**

ENVIRONMENTAL PLANNER: ANDREW CHENEY

DATE SIGNED: September 24, 2026

Pleadings

William Schmidt and Trisha Rent (“Applicants”) petition the St. Mary’s County Board of Appeals (“the Board”) for a variance from § 71.8.3 of the St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) to disturb the Critical Area Buffer for a screened porch, deck, pool, and stairs. Applicants also seek approval under CZO § 52.3.3.e, applying conditional use standards, to expand an existing nonconforming structure by more than 25 percent through construction of a second story above an existing legally nonconforming garage.

Public Notification

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on July 24 and July 31, 2026. Certified mailings were sent to adjacent property owners within 200 feet of the subject property and a public hearing sign was posted on or before July 29, 2026. The agenda was posted on the County’s website on or before August 5, 2026. Accordingly, the Board finds compliance with the applicable notice requirements.

Hearing

The Board heard this matter on August 13, 2026, during a regularly scheduled meeting beginning at 6:30 p.m. in the Commissioners’ Meeting Room, Chesapeake Building, 41770 Baldrige Street, Leonardtown, Maryland. All persons offering testimony were duly sworn, and the proceedings were recorded electronically. Mr. Hayden, Mr. Brown, Mr. LaRocco, Mr. Payne, and Dr. Valcke participated.

The Property

The subject property (“the Property”) is situate 45106 Lighthouse Road, Piney Point, Maryland, in the Second Election District. It contains approximately 37,026 square feet and is identified on Tax Map 65, Grid 17, Parcel 225, as Lot 500-35 of Tolson’s Subdivision, recorded

at Plat Liber 32, Folio 41. The Property is approximately 75 feet wide and is improved with a single-family dwelling, driveway, and detached garage. It is zoned Residential Low-Density District (“RL”) and lies within Intensely Developed Area (“IDA”) and Resource Conservation Area (“RCA”) Critical Area overlays. All new development is proposed within the IDA portion.

St. Mary’s County Comprehensive Zoning Ordinance

CZO § 71.8.3 establishes a minimum 100-foot Buffer landward of tidal waters and tidal wetlands. The Buffer is expanded when required by applicable site conditions, such as the presence of hydric soils. The variance standards provided at CZO § 24.4 are inapplicable, having been superseded by the more restrictive variance standards found in COMAR 27.01.12.

Lawfully existing structures which do not conform to current standards for front yards, side yards, rear yards, height, floor area, driveways, screening, buffer yards, landscaping, or open space are legally nonconforming. CZO § 52.2. CZO § 52.3.3 permits the enlargement of a nonconforming structure, subject to the conditions in that section. An enlargement exceeding 25 percent requires Board approval using the same standards for a conditional use request found in CZO § 25.6.

Departmental Testimony and Exhibits

Andrew Cheney, Environmental Planner II, presented the staff report and accompanying presentation for the Department of Land Use and Growth Management (“LUGM”). Stacy Clements, Environmental Planner IV, provided additional testimony and explanations. Material testimony and evidence included the following:

- The original subdivision lots predate the Critical Area Program. A boundary line adjustment recorded in 1990 consolidated Lot 35 and part of Lot 36 into Lot 500-35. The existing dwelling was built in 2019, according to the State Department of Assessments and Taxation.

Aerial imagery shows the garage existed before 1993, and staff confirmed its lawful nonconforming status.

- The Property sits adjacent to the tidal waters of both Piney Point Creek and the Potomac River. Therefore, the Property is constrained by the Critical Area and the Buffer.
- The site plan identifies 4,162 square feet of existing lot coverage and 951 square feet of additional coverage, for a proposed total of 5,113 square feet. Notes on the site plan attached to the report show additional lot coverage will come from each improvement as follows: 225 square feet to the pool, 412 square feet to the pool deck and associated stairs, 246 square feet to the screened porch, and 68 square feet to the garage stairs and landing.
- A second story is proposed on top of an existing 22-foot by 24-foot garage. The second story will not alter the footprint of the existing structure
- Staff determined the nonconforming garage would be increased by 49.3%, within the limits by which the Board may approve an expansion of a legally nonconforming garage. Staff arrived at this calculation by considering the garage as one structure with the existing home, as both would be interconnected if this development proposal is granted.
- The Critical Area Commission's July 1, 2026 letter opposed the pool and associated decking. The Critical Area Commission's letter is attached and alleged, *inter alia*, that the Applicants failed to demonstrate denial would amount to an unwarranted hardship, conferment of a special privilege, and deleterious effects on water quality and habitat. The letter was entered into the record and reviewed by each member of the Board.
- The proposal requires 2,853 square feet of mitigation at a 3:1 ratio. At the hearing, staff presented a mitigation plan providing 1,200 square feet of on-site plantings in four clusters near the wetlands and a fee in lieu for the remaining 1,653 square feet. At \$1.50 per square

foot, the fee is \$2,479.50. LUGM must approve the Buffer management plan and agreement before a building permit is issued.

- The staff report reported that all required agency approvals had been approved, but for the Health Department's, which the staff report indicated was on hold.

Attachments to the Staff Report included:

- #1: Plat Liber 8, Folio 39
- #2: Plat Liber 32, Folio 41
- #3: Critical Area Map
- #4: Site Plan
- #5: Critical Area Commission Responses
- #6: Critical Area Standards Letter
- #7: Location Map
- #8: Existing Conditions Map
- #9: Land Use Map
- #10: Zoning Map

Applicants' Testimony and Exhibits

William Schmidt, Applicant, and Floyd Graham of F&C Builders appeared, were sworn, and presented the request. Mr. Graham offered verbal testimony and responded to questions posed by the Board. In total, Mr. Schmidt and Mr. Graham presented to the Board for approximately 35 minutes. Their material testimony was as follows:

- The garage addition will provide space for exercise equipment and storage, with a bathroom. Applicants intend to use the space for their own exercise and physical therapy. The exterior stairs will connect that space to the other proposed improvements.

- The pool will be a small, modular, above-ground pool. Its dimensions will be approximately 12 feet by 18 feet, as shown on the site plan. Its primary purpose will be exercise and physical therapy. The deck will provide access to the raised pool, and the screened porch, deck, and top of the pool will be at the same level.
- Mr. Schmidt testified that both he and his wife are retired Marines with 100% VA disability ratings, and that their physicians recommended aquatic exercise in a pool for their health benefits. Mr. Schmidt provided documentation evincing his and his wife's disability ratings.¹ No separate physician's letter was submitted, but Mr. Schmidt said he would be able to provide written recommendations "in a week" if required.
- Mr. Graham explained that the lot's narrow width, the existing dwelling and garage, the front building restriction line, and the required separation from the well leave no reasonably suitable location outside the Buffer for the proposed improvements. He estimated that approximately 5,600 square feet of the entire lot lies outside the mapped Buffer, but explained why that area does not provide an alternative development location. Mr. Graham stated the proposal is placed as far from the sensitive area as the site constraints permit.
- Construction will require limited ground disturbance, principally for supports, rather than excavation for an in-ground pool. No existing trees or shrubs will be removed. The compact deck and stairs serve access functions, and the screened porch will permit outdoor use with protection from insects.
- Mr. Graham identified nearby properties with pools, decks, garages, or other improvements within the Buffer, but were not able to state what, if any, had been constructed pursuant to a

¹ At Board counsel's suggestion, the VA documentation was reviewed but not placed on the record, to keep medical information private.

variance versus which were grandfathered. Applicants also explained that access to the Potomac River does not provide a suitable substitute for the proposed therapeutic pool.

Public Testimony

No member of the public appeared to testify, and no additional written public comments were identified.

The Critical Area Commission's Letter

The Critical Area Commission submitted a three-page letter detailing its opposition to the requested Critical Area variance. The letter was expressly considered and made part of the record. Material components of it included:

- The property is already improved with a dwelling, driveway, detached garage, and riparian access to the Potomac River. The Critical Area Commission stated the pool “is a recreational amenity that reflects a preferred use of the property, not a necessary use of the property.”
- The Critical Area Commission stated that the Applicants incorrectly compare their proposed improvements to improvements on parcels that were developed before the advent of the Critical Area program, and not parcels that were developed under the Critical Area program.
- Placement of “new nonwater-dependent lot coverage within the Buffer and within hydric soils increases concentrated stormwater runoff and associated impacts to downstream resources”

Findings & Discussion

Standards for Critical Area Variances

COMAR 27.01.12.04 requires an Applicant to meet each of the following standards before a Critical Area variance may be granted:

- (1) Due to special features of the site or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the local Critical Area program would result in an unwarranted hardship to the applicant;
- (2) A literal interpretation of the local Critical Area program would deprive the applicant of a use of land or a structure permitted to others in accordance with the provisions of the local Critical Area program;
- (3) The granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures in accordance with the provisions of the local Critical Area program;
- (4) The variance request is not based upon conditions or circumstances that are the result of actions by the applicant;
- (5) The variance request does not arise from any conforming or nonconforming condition on any neighboring property;
- (6) The granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area; and
- (7) The granting of the variance would be in harmony with the general spirit and intent of the Critical Area law, the regulations in this subtitle, and the local Critical Area program.

Additionally, the Maryland Code Annotated, Natural Resources Article, § 8-1808(d)(3)(ii) requires the Applicant to overcome the presumption that the variance request should be denied.

Findings - Critical Area Variance

Upon review of the facts and circumstances, the Board finds and concludes the Applicants have satisfied the seven required factors and may be granted the requested relief. Our discussion on each standard follows.

Unwarranted Hardship

The Board finds that denying the Applicants' request would constitute an unwarranted hardship. In *Assateague Coastal Trust, Inc. v. Roy T. Schwalbach*, 448 Md. 112 (2016), the Court of Appeals established the statutory definition for "unwarranted hardship" as it pertains to prospective development in the Critical Area:

[I]n order to establish an unwarranted hardship, the applicant has the burden of demonstrating that, without a variance, the applicant would be denied a use of the property that is both significant and reasonable. In addition, the applicant has the burden of showing that such a use cannot be accomplished elsewhere on the property without a variance.

Id. at 139.

Schwalbach, reciting a lengthy discussion of the legislative history of the statutory definition of "unwarranted hardship," clearly states the appropriate inquiry is whether the Applicants would be denied *a use* of the Property, not *all use* of the Property. As the Court wrote, "A reading of the statute that would require the applicant to demonstrate that, without a variance, the applicant would be foreclosed from *any* reasonable and significant use of the entire property under the Critical Area requirements would appear to require the applicant to meet the standards for a "taking" of the property... The common understanding is that a showing of "unwarranted

hardship” is not whether, without the variance, the applicant is denied “all reasonable and significant use” of the property; but whether, without the variance, the applicant is denied “a reasonable and significant use” that cannot be accomplished somewhere else on the property.” *Id.* at 128, 139.

It follows, then, that the first question is not whether reasonable and significant uses already exist on the Property, but whether the proposed improvements are reasonable and significant uses in their own rights. We conclude they are. The Critical Area Commission, in its letter, characterizes the swimming pool as a recreational amenity and not a “necessary” use. We are aware of no authority that says swimming pools are inherently unreasonable, insignificant uses.²

Rather, each proposal should be weighed on its own merits, rather than painted with a broad brush. *Chesley v. City of Annapolis*, 176 Md. App. 413, 432 (quoting *White v. North*, 356 Md. 31, 49 (1999)). Mr. Schmidt testified that both he and his wife are disabled veterans whose doctors believe that use of the pool will improve their health outcomes, and Mr. Schmidt offered specific details on his wife’s medical history. Mr. Schmidt’s testimony was that they would derive significant, meaningful benefit from the improvements. We find his testimony and the other reasons put forth in the Applicants’ presentation to be substantial evidence that the proposed pool is a significant and reasonable use.

The second prong of *Schwalbach* – whether the use can be achieved without resort to a variance – appears to be more straightforward, in this case. The Critical Area Map included in the staff report makes evident how constrained by the Buffer the property is: the only part of the Property unencumbered by the Buffer is the small strip of land between the existing house and

² There was, until fairly recently, such a statutory prohibition in the County’s Comprehensive Zoning Ordinance. Ordinance 2022-024, adopted by the Commissioners of St. Mary’s County on June 7, 2022, repealed a provision in CZO § 51.3.122.a that stated “swimming pools and associated decks and enclosures shall be prohibited in the Critical Area Buffer. Variances for these structures cannot be granted.” That refinement to the local Critical Area Program was approved by the Critical Area Commission in September, 2022, and the ordinance became effective thereafter.

Lighthouse Road. The only available room to building any improvements of any kind is in the yard behind the existing house. Accordingly, we find both elements of *Schwalbach*'s test satisfied, and conclude the Applicants have demonstrated the existence of an unwarranted hardship.

Deprivation of a Commonly Enjoyed Right and Conferment of Special Privilege

Similarly, the Board finds literal interpretation of the local Critical Area program would deprive Applicants of a substantial use of land or a structure permitted to others and would not confer on the Applicants a special privilege relative to others. Maryland's courts appear to treat these standards as though they are coextensive, and frequently consider them in tandem. *Id.* at 650, citing *Chesapeake Bay Foundation v. DCW Dutschship*, 439 Md. 588, 633 (2014); *In re Gendell*, 262 Md. App. 557, 582 (2024). The right to request a variance, and to grant one if standards are met, is a mandatory element of an local Critical Area program. Natural Resources Article § 8-1808(c)(1)(iii)(4)(13).

To the third factor, the granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures. Applicants avail themselves of their right to seek a variance and are hewing as close to the Critical Area program's strictures as may be reasonably expected, given their desired use and the physical constraints of the Property. Procedures for requesting and granting a variance are mandatory elements of any local Critical Area program. Natural Resources Article § 8-1808(c)(1)(iii)4.13. Applicants have exercised their right to petition for a variance and, given the chance to justify the request to the Board of Appeals, met their burden. We cannot deem their compliance with the procedural and substantive requirements of the variance process, and ultimate success before the Board, a "special privilege." Nor do we rely on the existence of nearby improvements constructed prior to the advent of the Critical Area program to make this finding;

other applicants have appeared before the Board of Appeals and received variances for residential swimming pools, whether for buffer encroachment or lot coverage.³

Self-Created Hardship

The variance request is not based upon conditions or circumstances that are the result of actions by the Applicants. Rather, Applicants are constrained by the physical characteristics of their lot and its existing configuration, as related above. The Property is severely constrained by the Buffer, and Applicants have not contributed to their difficulties by limiting their ability to develop outside the Buffer.

Nonconforming Conditions on Neighboring Properties

The variance request does not arise from any conforming or nonconforming condition on any neighboring property.

Adverse Effects Upon the Environment

The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area. When development is permitted in the Critical Area Buffer it must be heavily mitigated, per statute. Applicants propose improvements that are generally no closer to the water's edge than what is already existing on the Property. Mitigation will be required if the development goes forward. These plantings will mitigate the adverse effects of development and will improve floral and fauna habitat in the Critical Area Buffer. As allowed by statute, some of the mitigation will be satisfied by payment of a fee-

³ Prior Critical Area variances related to swimming pools granted by this Board include, but are not limited to, VAAP 25-1740 – Reese, heard February 26, 2026; VAAP 25-1134 – Burks, heard August 28, 2025; VAAP 23-1756 – Brabham & Porterfield, heard February 22 and March 28, 2025; VAAP 19-1713 – Kelly, heard November 10, 2022. Reese and Kelly, similar to the matter at hand, involved Applicants' claims that aquatic exercise would be beneficial to the Applicants' health.

in-lieu, for want of available suitable space on the Property for further plantings. Those fees will go towards mitigation elsewhere in Maryland.

Spirit and Intent of the Critical Area Program

By satisfying the above criteria the Board finds that granting of the variance will be in harmony with the general spirit and intent of state Critical Area law and the local Critical Area program. In total, the Applicants have demonstrated that a variance is necessary to achieve their proposed use, which the Board finds to be significant and reasonable in nature. There is no viable alternative before the Board, based on the evidence in the record, which might obviate the need for a variance to achieve that use. Impacts to the Chesapeake Bay, the Buffer, and the Expanded Buffer improvements will be offset by the substantial mitigation to be performed. While acknowledging the stated intent of the Critical Area program and the potential adverse impacts of cumulative small-scale development stated by the Critical Area Commission in its letter – and appreciating the seriousness and care with which the Critical Area Commission stated its position in this matter – the evidence before the Board leads us to conclude the Applicants have satisfied the applicable standards in this matter, and may receive the requested variance.

Statutory Presumption

Finally, by satisfying each of the necessary criteria the Applicants have overcome the statutory presumption at Natural Resources Article § 8-1808(d)(3)(ii) against granting a variance.

Accordingly, we conclude the Applicants should be granted the requested relief.

Enlargement of a Nonconforming Structure - Standards

The Board accepts staff's determination the garage is a lawful nonconforming structure and that the connected proposal requires approval under CZO § 52.3.3.e.⁴ Staff reported a 49.3%

⁴ For future reference, we hold open the possibility there may be alternate paths for similarly-situated structures. Applicants did not contest, and no party briefed, whether petitioning for a variance to encroach into the

percent enlargement, calculating the percentage based on the square footage of both the existing house and garage. Accepting that, the project is eligible for approval of the expansion and enlargement of a nonconforming structure. To attain that approval, the project must satisfy the same criteria applicable to conditional use approvals, found at CZO § 25.6:

- (1) The conditional use complies with the standards of the district in which it is to be located and standards applicable to that use; and,
- (2) The establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, morals, order, or general welfare; and,
- (3) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood; and,
- (4) The proposed use at the proposed location will not have adverse effects above and beyond those inherently associated with the proposed use irrespective of its location within the zoning district; and,
- (5) Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided; and,
- (6) Adequate measures have been or will be taken to provide ingress and egress following a design that minimizes traffic congestion in the public streets; and,
- (7) The proposed conditional use is not contrary to the goals, objectives, and policies of the Comprehensive Plan; and,

side-yard setback or entering into a Zoning Yard Reduction Agreement with the adjacent property owner would suffice to render the garage legally conforming under current development standards. Either mechanism would allow new development to be in the same location as the garage in this matter.

(8) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific conditional use in Chapter 51.

We will also presume that applying the standards of a conditional use means we should apply the burden of proof of a conditional use as well: that a presumption of compatibility with surrounding uses should attach to the proposal, but that the unique circumstances of the use or the Property may render it incompatible in this particular case. *People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54, 71 (2008).

Enlargement of a Nonconforming Structure - Findings

Applying each standard in CZO § 25.6, the Board makes the following findings.

District and Use Standards

The second story, and its intended uses, are permitted in the RL district as accessories to a single-family dwelling. As indicated by the agency approvals logged in the staff report, it appears all normally applicable criteria are satisfied. The only nonconformity – its close proximity to the neighboring lot line, in violation of modern setback requirements – is the only matter addressed through § 52.3.3. The footprint will not change, and the nonconformity will not increase as a result of the approval. The enlargement meets current standards insofar as possible.

Public Health, Safety, Convenience, and Welfare

All conforming aspects of the project enjoy a presumption that their satisfaction advances the general welfare. CZO §§ 10.3, 10.7. There is nothing about the second story that disrupts that presumption. The addition will provide exercise and storage space accessory to the existing

residence. Its construction remains subject to building, structural, fire-safety, and other applicable requirements. The Board finds no detriment to the interests protected by this standard.

Effect on Neighboring Properties

Adjoining uses are residential, and the addition is residential in character. Its placement over the existing garage limits new ground occupation and retains the existing separation from the side property line. Neighbors, who were provided notice of the hearing, did not offer any testimony related to the project. The Board finds it will not injure neighboring use and enjoyment or substantially diminish or impair neighborhood property values.

Adverse Effects Beyond Those Inherently Associated with Use

The proposed exercise and storage space is compatible with the surrounding residential setting. The Board finds no adverse effects at this location beyond those ordinarily associated with a residential accessory addition. The Buffer impacts of the associated access improvements have been separately evaluated under the variance standards.

Adequate Utilities, Access, Drainage, and Facilities

The Property already has road access and utilities necessary to support residential use. The proposed improvements will not impose any greater toll on public facilities and public infrastructure than the current use of the Property.

Ingress, Egress, and Traffic

The existing driveway and access to Lighthouse Road remain available. No additional daily trips or traffic will be generated by the proposed second-story addition.

Conformity with Comprehensive Plan

The proposal improves an existing residential property. As identified in the staff report, Chapter 3, Vision 4 of the Comprehensive Plan encourages revitalization of existing communities through maintenance and retrofitting of buildings and grounds. The proposal does not introduce a use that is out-of-character or alien to the surrounding neighborhood, and it allows the Applicants to make a fuller use of the Property. The Board finds the addition is not contrary to the Plan's goals, objectives, and policies.

Any Other Applicable Regulations

Except for the existing setback nonconformity addressed in this proceeding and the Buffer relief separately granted, the proposal must conform to applicable district and development requirements. It appears to do so, and there appear to be no standards or regulations which are not in the process of being satisfied by this proposal.

Conclusion

The Board therefore grants the requested variance and requested approval for the enlargement shown and described in the application.

ORDER

PURSUANT to the application of William Schmidt and Trisha Rent in VAAP 26-0509, the notice and posting of the Property, the public hearing held August 13, 2026, and the findings stated above, it is:

ORDERED, by the St. Mary's County Board of Appeals, that Applicants are **GRANTED** a variance from CZO § 71.8.3 to disturb the Critical Area Buffer for the screened porch, deck, above-ground pool, and stairs shown on the site plan submitted in this matter; and it is further

ORDERED, that Applicants are **GRANTED** approval under CZO § 52.3.3.e to enlarge the existing nonconforming structure by more than 25 percent through construction of a second story over the existing 22-foot by 24-foot garage.

The approvals are subject to compliance with the applicable permitting requirements. A Buffer management plan and agreement must be approved by LUGM before issuance of a building permit. Applicants shall comply with the applicable instructions and requirements of LUGM, the Health Department, and other reviewing agencies.

This Order does not constitute a building permit. Applicants must obtain the necessary building permits and other approvals before performing the work authorized herein.

Date: September 24, 2026

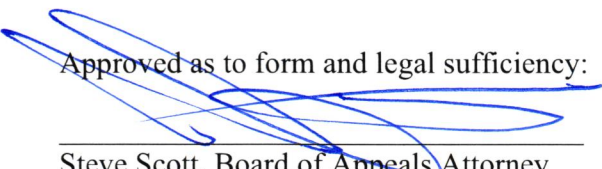

George Allan Hayden, Chair

Those voting to grant both requests:

Mr. Hayden, Mr. Brown, Mr. LaRocco,
Mr. Payne, and Dr. Valcke.

Those voting to deny either request:

Approved as to form and legal sufficiency:


Steve Scott, Board of Appeals Attorney

NOTICE TO APPLICANTS

Any person entitled to judicial review and aggrieved by this Order may file a Petition for Judicial Review in the Circuit Court for St. Mary's County within the applicable 30-day period, in accordance with Maryland Rule 7-203. The County may not issue a permit for the activity subject to the Critical Area variance until the applicable 30-day appeal period has elapsed. Natural Resources Article § 8-1808(d)(6)(ii).

A copy of the written decision shall be provided to the Critical Area Commission within 10 working days after issuance, as required by Natural Resources Article § 8-1808(d)(6)(i).

CZO § 24.8 provides that the variance lapses one year from the date it was granted unless a zoning or building permit is in effect, the land is being used as contemplated in the variance, or regular progress toward completion has occurred in accordance with the approved plans; a longer validity period is established by the Board; or the variance concerns future installation or replacement of utilities when necessary.

Separately, CZO § 52.3.3.c requires implementation of the enlargement within one year by obtaining a building permit. CZO § 25.9 also governs the duration of conditional use approval, including its requirements for an approved site plan, issuance of a building permit, commencement and diligent completion of construction, or issuance of a certificate of occupancy and commencement of use, subject to an extension granted by the Board for cause.

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