

**ST. MARY'S COUNTY GOVERNMENT  
DEPARTMENT OF LAND USE  
AND GROWTH MANAGEMENT**  
*Jessica S. B. Andritz, Director*



**COMMISSIONERS OF ST. MARY'S COUNTY:**  
James R. Guy, President  
Michael R. Alderson, Jr., Commissioner  
Eric S. Colvin, Commissioner  
Michael L. Hewitt, Commissioner  
Scott R. Ostrow, Commissioner

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January 9, 2025

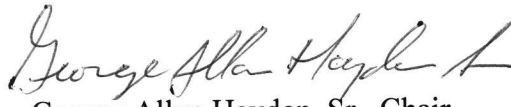
Commissioners of St. Mary's County  
Chesapeake Building  
41770 Baldrige Street  
Leonardtown, Maryland 20650

Re: Board of Appeals 2024 Annual Report

Dear Commissioners:

On behalf of the Board of Appeals I am pleased to present our Annual Report for Calendar Year 2024. The report provides an overview of the Board's responsibilities and includes several charts comparing the different types of cases heard over the past four years. A summary noting the cases heard in 2024 and the Board's decisions on these cases is attached.

Sincerely,

  
George Allan Hayden, Sr., Chair  
St. Mary's County Board of Appeals

# St. Mary's County Board of Appeals Annual Report



Calendar Year  
2024

Prepared By:  
The Department of Land Use and Growth Management

**ST. MARY'S COUNTY BOARD OF APPEALS 2024 MEMBERSHIP**

George Allan Hayden, Sr., Chair  
Guy V. Bradley, III, Vice-Chair  
Rich Richardson, Member  
Ronald Payne, Sr., Member  
Rita Weaver, Member  
Conor Loughran, Alternate

***BOARD COUNSEL***

Stephen C. Scott, Esq.

**Department of Land Use and Growth Management**  
23150 Leonard Hall Drive  
Post Office Box 653  
Leonardtown, Maryland 20650

## **I. INTRODUCTION**

### **A. Formation of the Board of Appeals in St. Mary's County**

The Board of Appeals (hereinafter the "Board") was created pursuant to Subtitle 3, §4-301, *Land Use Article, Annotated Code of Maryland*.

The Board consists of five (5) members and one (1) alternate appointed by the Commissioners of St. Mary's County. Board members can serve no more than two consecutive, three-year, staggered terms. To ensure the Board can meet its quorum requirements and hold public hearings, the *Land Use Article* authorizes a local legislative body to designate one alternate member who has been empowered to sit on the Board in the absence of any member.

### **B. Functions of the Board of Appeals in St. Mary's County**

The Board is a quasi-judicial body responsible for presiding over public hearings on appeals, variances, and conditional uses. By doing so, the Board, as a whole, is responsible for defending the public interests as defined by the St. Mary's County Comprehensive Zoning Ordinance Z-10-02, as amended, (hereinafter the "Ordinance"). The purpose of the Board is to ensure that zoning is fair, correctly interpreted, and does not cause excessive hardship upon landowners in St. Mary's County.

As outlined in the Ordinance and the *Land Use Article*, the Board has four (4) main functions to ensure that the goals and objectives of the Comprehensive Plan are met and that the regulations of the Ordinance are implemented. These powers and duties include:

- 1) To hear and decide appeals when it is alleged there is an error in any order, requirement, decision, or determination made regarding the enforcement of the Ordinance or of any amendments adopted thereto.
- 2) To authorize, upon application in specific cases, a variance from specific regulations of the Ordinance. The modifications in a variance may be only of density, bulk, dimensional, or area requirements of the Ordinance in accordance with Section 4-206 of the *Land Use Article*.
- 3) To adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings; and
- 4) To hear and act upon conditional use applications as provided in Chapter 25 of the Ordinance.

All decisions and findings of the Board are subject to judicial review.

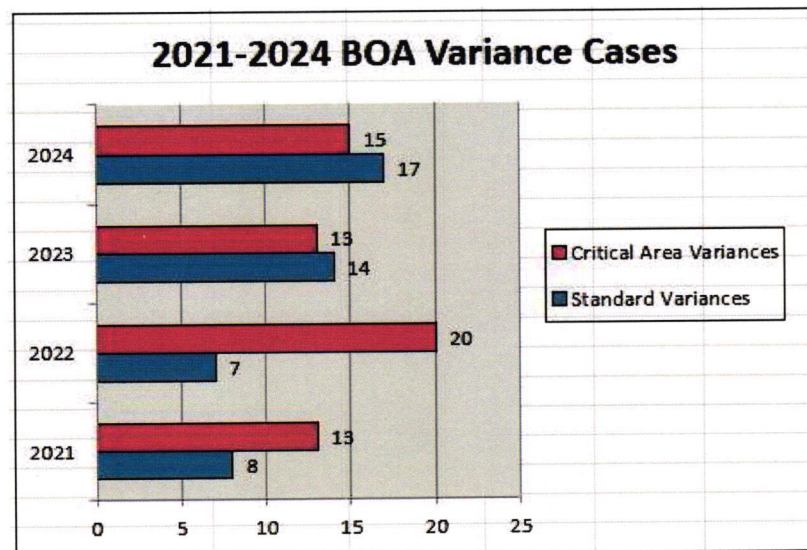
## II. 2024 CASELOAD

### A. Board of Appeals Variance Cases for 2024

The Board of Appeals (the “Board”) has the authority to vary the density, bulk, dimensional, or area requirements of the Ordinance in accordance with allowed modifications specified in the *Land Use Article* of the *Annotated Code*. A variance may only be allowed where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the Ordinance would result in practical difficulty as specified in the Ordinance. A variance may not be contrary to the public interest.

Variations may be granted from the provisions of the Critical Area Program as implemented in Chapter 41 of the Ordinance, Chesapeake Bay Critical Area Overlay Districts, and Chapter 71, Resource Protection Standards, when it has been found that the literal enforcement of those provisions would result in unwarranted hardship on the landowner. The most common Critical Area variance request is to disturb the Critical Area Buffer, which is a protected area measured a minimum of 100 feet landward from the mean high-water line of tidal waters, tidal wetlands, and tributary streams in the Critical Area.

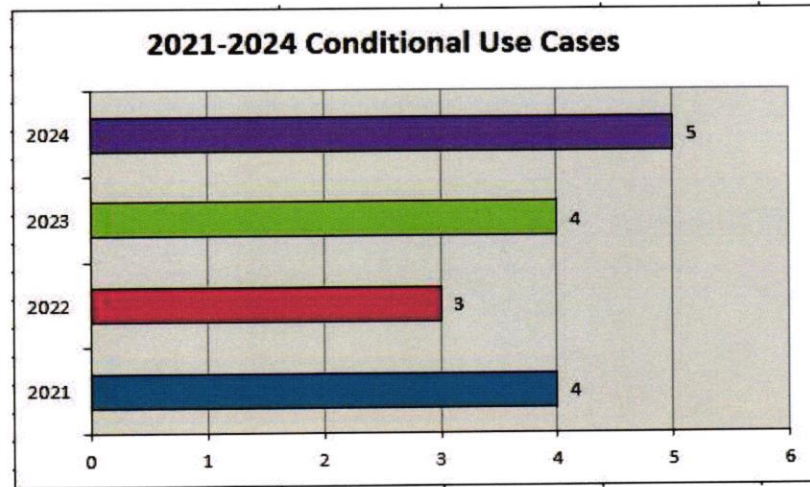
The chart below provides an itemization of Board of Appeals variance requests heard and decided in calendar years 2021 through 2024. As shown in the chart, the Board heard a total of sixty-one (61) Critical Area variance requests during this period, an average of about fifteen (15) cases per year. During this same time the Board heard forty-six (46) standard variance requests, an average of about twelve (12) cases per year.





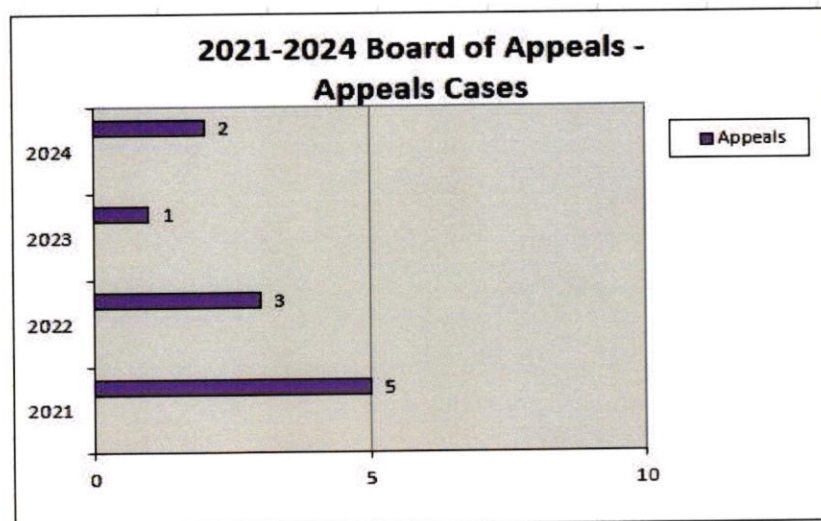
**B. Board of Appeals Conditional Use Cases for 2024**

The following chart provides an itemization of the Board of Appeals conditional use cases heard and decided in calendar years 2021 through 2024. The Board heard a total of sixteen (16) conditional use cases during this period, an average of four (4) cases per year over the past four years.



**C. Total Board of Appeals Appeal Cases for 2024**

The following chart provides an itemization of all appeals beginning with the calendar year 2021 through calendar year 2024. The Board heard a total of eleven (11) appeals during this period, an average of about (3) cases per year over the past four years.



### III. LIST OF CASES

#### January 2024: 2 cases

##### January 11, 2024:

1. VAAP 23-0834 - MELLEN - **Approved**  
Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a replacement home.  
7<sup>th</sup> Election District: 38035 Beach Road, Coltons Point, MD
2. VAAP 23-0317 - WALKER & KELLY - **Approved**  
Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a replacement home.  
3<sup>rd</sup> Election District: 21658 Joe Hazel Rd, Leonardtown, MD 20650

#### February 2024: 4 cases

##### February 8, 2024:

1. VAAP 23-1082 - JOSEPH - **Approved**  
Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a home.  
6<sup>th</sup> Election District: 24502 Half Pone Point Rd, Hollywood, MD 20636
2. VAAP 23-0178 - COMPASS POINT MONTESSORI - **Approved**  
Variance from Section 63.3.a to modify the buffer yard and buffer yard planting requirements.  
3<sup>rd</sup> Election District: 22615 Point Lookout Road, Leonardtown, MD 20650
3. VAAP 22-0256 - VILLAS AT LEXWOOD - **Approved**  
Variance from Section 32.3.4 & Schedule 32.1 to reduce the required open space from 50% to 0%, from Section 51.14.a.(4) to reduce the minimum 20' width of a townhouse to 16', and from Section 71.5.2.b to disturb the non-tidal wetland buffer.  
8<sup>th</sup> Election District: Lexwood Drive, Lexington Park, MD 20653

##### February 22, 2024:

1. ZAAP 23-2707 - KATZENBERGER APPEAL – **LUGM Decision Upheld**  
Appeal of a decision by the St. Mary's Department of Land Use and Growth Management to issue a permit for a retaining wall.  
8<sup>th</sup> Election District: 22986 Shady Mile Drive, California. MD 20619

2. VAAP 23-1756 - BRABHAM & PORTERFIELD - **Continued to March 28, 2024**  
Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer, Section 41.7.4(5) for development closer to the water than the principal structure on the adjacent property, Section 41.7.4(7)(c) for an area of impervious coverage for all accessory structures exceeding 1,000 square feet in the entire buffer on the property, and Section 51.3.122 to reduce the required pool setback from 10 feet to 7 feet to install a replacement pool with a patio and deck.  
3<sup>rd</sup> Election District: 42115 White Point Beach Rd, Leonardtown, MD 20650

### **March 2024: 3 Cases**

#### **March 14, 2024:**

1. VAAP 23-1308 - THOMAS - **Approved**  
Variance from Section 71.8.3 to disturb the Expanded 100' Critical Area Buffer to construct a house addition.  
2<sup>nd</sup> Election District: 18273 Herring Creek Road, Tall Timbers, MD 20690
2. CUAP 24-0001 - DRIFT INN TOWER- **Denied**  
Conditional use approval pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for use type 91, Communication Tower, Commercial and a variance from Section 51.3.91.b.(10) requiring a setback distance of a 100 percent of the height of the tower.  
5<sup>th</sup> Election District: Rustin Family Way, Mechanicsville MD 20659

#### **March 28, 2024:**

1. VAAP 23-1756 – BRABHAM & PORTERFIELD - **Approved**  
Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer, Section 41.7.4(5) for development closer to the water than the principal structure on the adjacent property, Section 41.7.4(7)(c) for an area of impervious coverage for all accessory structures exceeding 1,000 square feet in the entire buffer on the property, and Section 51.3.122 to reduce the required pool setback from 10 feet to 7 feet to install a replacement pool with a patio and deck.  
3<sup>rd</sup> Election District: 42115 White Point Beach Rd, Leonardtown, MD 20650

### **April 2024: 3 Cases**

#### **April 11, 2024:**

1. VAAP 23-0276 - MARK S. KNOTT SUBDIVISION - **Approved**  
Variance and appeal from the Section 30.14.5.c to add an additional lot to a private right-of-way.  
2<sup>nd</sup> Election District: 45295 Take It Easy Ranch Road, Callaway, MD 20620



2. VAAP 22-0021 - WOODS AT MYRTLE POINT - **Approved**  
 Variance and appeal from the Section 30.14.5.c to add an additional lot to a private right-of-way.  
 8<sup>th</sup> Election District: 45493 Deer Crossing Lane, California, MD 20619
  
3. VAAP 23-2566 - DENT - **Approved**  
 Variance from Section 71.5.1.b (1) to disturb the expanded non-tidal wetland buffer to replace an existing structure with a carport.  
 9<sup>th</sup> Election District: 45967 Shanty Point Lane, Piney Point, MD 20674

**May 2024: 1 Case**

May 9, 2024:

1. VAAP 23-0453 - NOTTINGHAM - **Approved**  
 Variance from Schedule 71.8.3 to disturb the 100' Critical Area Buffer, to construct a patio and deck with stairs and pavers.  
 7<sup>th</sup> Election District: 20495 Waterloo Lane, Coltons Point, MD 20626

**June 2024: 3 Cases**

June 13, 2024:

1. VAAP 23-2702 - ATKINSON & LAYMAN - **Postponed for no quorum to June 27, 2024**  
 Variance from Section 41.5.3.i.(1) to exceed lot coverage limits to construct a pool  
 1<sup>st</sup> Election District: 47157 South Snow Hill Manor Road, Lexington Park, MD 20653

June 27, 2024:

1. VAAP 23-2702 - ATKINSON & LAYMAN - **Approved**  
 Variance from Section 41.5.3.i.(1) to exceed lot coverage limits to construct a pool.  
 1<sup>st</sup> Election District: 47157 South Snow Hill Manor Road, Lexington Park, MD 20653
  
2. ZAAP 23-0266 - PARK PLACE APPEAL - **Continued to July 25, 2024 for more time**  
 Appeal of a decision by the St. Mary's County Planning Commission on March 18, 2024 denying Concept Plan approval.  
 8<sup>th</sup> Election District: 23160 & 23165 Park Place Way, California, MD 20619

## **July 2024: 5 Cases**

### July 11, 2024:

1. VAAP 24-0709 - GASS - **Approved**  
Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a deck with steps.  
7<sup>th</sup> Election District: 20485 Waterloo Lane, Coltons Point, MD 20626
  
2. VAAP 24-0974 - WOOD RENTAL PROPERTIES, LLC - **Continued to July 25, 2024**  
Variance from Schedule 32.1 for a reduction of the mandatory rear yard setback from 20' to 10'.  
6<sup>th</sup> Election District: 25826 South Sandgates Road, Mechanicsville, MD 20659
  
3. VAAP 24-1004 - MAGRUDER & BEAUCHAMP - **Approved**  
Variance from Schedule 32.1 for a reduction of the mandatory front yard setback from 25' to 0' and the side yard setback from 5' to 0' in the RPD and a variance from Section 51.2.4.c to reduce the minimum setback for detached accessory structures from the principal structure from 10' to 6' to replace a shed.  
2<sup>nd</sup> Election District: 43844 Avon Way, Leonardtown, MD 20650
  
4. VAAP 23-0225 - VILLAGES AT CLARKS MILL- **Approved**  
Variance from Schedule 32.1 for a reduction of the Open Space requirements from 50% to 20% and a variance from Section 63.3 and Schedule 50.4 for a reduction of the "B" Buffer Yard along the south property line from 65' to 32.5'.  
8<sup>th</sup> Election District: 44405, 44410, 44415, 44420, 44425 K & R Way, Three Notch Road, Hollywood, MD 20636

### July 25, 2024:

1. VAAP 24-0974 - WOOD RENTAL PROPERTIES, LLC - **Approved**  
Variance from Schedule 32.1 for a reduction of the mandatory rear yard setback from 20' to 10'.  
6<sup>th</sup> Election District: 25826 South Sandgates Road, Mechanicsville, MD 20659
  
2. ZAAP 23-0266 - PARK PLACE APPEAL- **Approved**  
Appeal of a decision by the St. Mary's County Planning Commission on March 18, 2024 denying Concept Plan approval.  
8<sup>th</sup> Election District: 23160 & 23165 Park Place Way, California, MD 20619

## **August 2024: 0 cases**

**September 2024: 5 cases**

**September 12, 2024:**

1. VAAP 24-0191 - VANDEVANDER - **Approved**

Variance from Section 30.14.5.c to add an additional lot to a private right-of-way.  
8<sup>th</sup> Election District: 46465 Josie Way, Leonardtown, MD 20650

2. CUAP 24-0374 - ROYAL FARMS CHARLOTTE HALL

Motion One - **Denied**

Variance from Section 65.4.01.c.i(2)(a) to allow a sign less than 200 feet between a permanent, freestanding, on-premises sign and a billboard on nonresidential property.  
5<sup>th</sup> Election District: 30315 Three Notch Road and 37590 Oaks Road, Charlotte Hall, MD 20622

Motion Two - **Approved**

Conditional Use approval per Section 65.4.01.b.i(2) to exceed the allowable height of 20 feet for a permanent, freestanding, on-premises signs on nonresidential property by 10 feet (total height 30 feet).

5<sup>th</sup> Election District: 30315 Three Notch Road and 37590 Oaks Road, Charlotte Hall, MD 20622

3. CUAP 24-0375 - ROYAL FARMS LEXINGTON PARK - **Approved**

Conditional use approval per Section 65.4.01.b.i(2) to exceed the allowable height of 20 feet for a permanent, freestanding, on-premises signs on nonresidential property by 7 feet (total height of 27 feet) and a variance from Section 65.4.01.e.i(1) to increase the sign face area from 32 square feet to 50 square feet.

8<sup>th</sup> Election District: 21725 and 21779 Tulagi Place, 21764 and 21768 South Coral Drive, and 21780 Great Mills Road, Lexington Park, MD 20653

**September 19, 2024:**

1. VAAP 22-2084 - FERBER

Motion One - **Approved**

Variances from Schedule 32.1 for a reduction of the mandatory front yard setback from 25 feet to 22 feet, the right-side yard setback from 15 feet to 5 feet, and the left side yard setback from 15 feet to 10 feet in the RPD for a principal structure. Variances from Schedule 32.1 for a reduction of the mandatory front yard setback from 25 feet to 1 foot and the right-side yard setback, per Footnote 11, from 5 feet to 3 feet in the RPD.

Motion Two - **Denied**

Variance from Section 51.2.4.c to reduce the minimum setback for detached accessory structures from the principal structure from 10 feet to 5 feet to replace a shed.

2<sup>nd</sup> Election District: 43850 Avon Way, Leonardtown, MD 20650

2. CUAP 24-0207 - STAUFFER'S BUTCHER BARN - **Approved**

Applicant requests a modification of a Conditional Use pursuant to Chapter 25 of the Comprehensive Zoning Ordinance for the expansion of an existing use type 1, Agricultural Industry, Major within the Rural Preservation District (RPD).

6<sup>th</sup> Election District: 26525 South Sandgates Rd., Mechanicsville, MD 20659

October 2024: 3 cases

October 10, 2024:

1. VAAP 23-0265 - HONDA-KIA DEALERSHIP - **Postponed to November 14, 2024**

Variance from Schedule 63.3.a to reduce the 30' "C" type buffer yard required along the northwestern and southeastern boundaries.

8<sup>th</sup> Election District: 23112, 23116, 23134, and 23140 Three Notch Road, California, MD 20619

2. VAAP 24-1444 - FAIRGRIEVE - **Approved**

Variance from Schedule 32.1 for a reduction of the mandatory front yard setback from 25 feet to 17 feet in the RNC for a front porch addition onto a principal structure.

3<sup>rd</sup> Election District: 20986 Woodmere Drive, Leonardtown, MD 20650

3. VAAP 23-2460 - BAUMGARTNER - **Approved**

Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a deck with steps.

6<sup>th</sup> Election District: 24575 Little Creek Lane, Hollywood, MD 20636

4. CUAP 24-1484 - ROYAL FARMS OAK CREST - CALIFORNIA - **Approved**

Conditional Use approval per Section 65.4.01.b.i(2) to exceed the allowable height of 20 feet for a permanent, freestanding, on-premises sign on nonresidential property by up to 10 feet (maximum height of 30 feet).

8<sup>th</sup> Election District: 23344 Three Notch Road, Hollywood, MD 20636

November 2024: 4 cases

November 14, 2024:

1. VAAP 23-1384 - MORRIS - **Approved**  
Variance from Section 41.5.3.i.(1) to exceed lot coverage limits to construct a pole barn.  
6<sup>th</sup> Election District: 24669 Greenview Drive, Hollywood, MD 20636
  
2. VAAP 24-0666 - HALLGREN - **Approved**  
Variances from Section 41.5.3.i.(1) to exceed lot coverage limits and 71.8.3 to disturb the 100' Critical Area Buffer for a replacement house.  
2<sup>nd</sup> Election District: 17581 Whitestone Drive, Tall Timbers, MD 20690
  
3. VAAP 23-0265 - HONDA-KIA DEALERSHIP  
Motion One - **Approved**  
Variance from Schedule 63.3.a to reduce the 30' "C" type buffer yard required along the southeastern boundaries.  
8<sup>th</sup> Election District: 23112, 23116, 23134, and 23140 Three Notch Road, California, MD 20619  
  
Motion Two – **Denied**  
Variance from Schedule 63.3.a to remove 399 feet of the required 30' "C" type buffer yard required along the northwestern project boundary.  
8<sup>th</sup> Election District: 23112, 23116, 23134, and 23140 Three Notch Road, California, MD 20619
  
4. VAAP 24-2147 - HESS - **Approved**  
Variance from Section 71.9.6.h to reduce the southern extended property lateral line setback from 25 feet to 10 feet to construct a pier.  
3<sup>rd</sup> Election District: 20768 Waterside Drive, Leonardtown, MD 20650

December 2024: 3 cases

December 12, 2024:

1. VAAP 24-2120 - PURCELL - **Approved**  
Variance from Section 51.3.122.a (2) to reduce the 10-foot setback from the rear property line to construct an inground pool.  
6<sup>th</sup> Election District: 24649 Broad Creek Drive, Hollywood, MD 20636



2. VAAP 24-1718 - GARDNER - **Approved**  
Variance from Section 71.8.3 to disturb the 100' Critical Area Buffer for a front porch.  
8<sup>th</sup> Election District: 23704 Kingston Creek Road, California, MD 20619
  
3. VAAP 24-0931 - DRURY - **Approved**  
Variance from Section 71.8.3 to disturb the Critical Area Buffer and Expanded Critical Area Buffer for a replacement house.  
1<sup>st</sup> Election District: 16410 Fishermen Way, Ridge, MD 20680
  
4. VAAP 24-0338 - CULLISON - **Postponed to date to be determined in 2025.**  
Variance from Section 30.14.5(c) to add an additional lot to a private right-of-way.  
2<sup>nd</sup> Election District: Montana Way, Leonardtown, MD 20650