

The Standards for Granting Standard & Critical Area Variances

(1) That special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of this Ordinance would result in unwarranted hardship; and

The property meets this standard. We are requesting this variance due to these two hardships.

- 1. The property contains significant slopes and/or other topographical issues that prevents safe and reliable access to the river, which my neighbors have. The old farm road that pre-dates my occupancy and is my only access to the river is steep, eroding and deteriorating which is making passage to the river difficult, unsafe and deteriorating. Elder members of my family cannot make the passage up and down the old farm road to our only access to the river.*
- 2. The bank that runs between the old farm road and the St. Mary's River is eroding away and the sediment is going directly into the river. As the erosion continues, trees are falling into the river and impacting my privacy.*

Without the granting of this variance, our existing and limited river access will become more dangerous, and we will eventually lose our access to the river due to erosion.

(2) That strict interpretation of the Critical Area provisions of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of St. Mary's County; and

The request is to regrade to prevent erosion and sustain safe access to the river will allow me to maintain rights commonly enjoyed by other properties in similar areas. Specifically, the neighbors on either side of me as far as I can see, have a safe and reliable access without this challenging erosion problem.

(3) The granting of a variance will not confer upon and applicant any special privilege that would be denied by the Critical Area provision of this Ordinance to other lands or structures within the Critical Area of St. Mary's County; and

The granting of this variance will not confer special privileges upon the Applicants as many other properties in my area have safe and reliable access to the river and are not losing their land/trees to erosion.

(4) The variance request is not based upon conditions or circumstances that are the result or actions by the applicant; and

The Applicants did not create the difficulty; this old farm road, the steep terrain and erosion are of no fault to me. The old farm road has been there longer than I've been alive and all improvements made on my land have been permitted and have followed an approved site plan. In addition, the environmental conditions are part of the Property through no fault by the Applicants.

(5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area program; and

The granting of the variance will not adversely affect water quality or impact fish wildlife or plant habitat. Actually, to the contrary this variance will have a positive impact on the water quality as we'll be preventing erosion that is going directly into the St. Mary's River. Bruce Young from Soil Conservation conducted a site visit as part of this permitting process and indicated this change would be favorable to the environment.

(6) The variance is the minimum necessary to achieve a reasonable use of land or structures.

The variance seeks the minimum necessary to achieve the reasonable use of land or structures, in light of the other rights commonly enjoyed by property owners with land with the Critical Area. We believe this is the minimum impact to 1) Stop the erosion into the St. Mary's River and 2) provide safe and reliable access to the river, like my neighbors have. Please do not hesitate to contact us if you have any questions or concerns in this regard.