

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

In the Matter of PELBPS, LLC

Case No. VAAP #16-132-003

**ORDER**

PELBPS, LLC filed an application for a variance from the regulations of the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "Ordinance") regarding the property located at 23458 Three Notch Road, California, Maryland 20619 (hereinafter the "Property"). The Application requests a variance from Section 63.3.b of the St. Mary's County Comprehensive Zoning Ordinance, as amended, (the "Ordinance"), to reduce the required 65-foot Type B buffer to a variable-width buffer along the property's northern boundary with the residential-use property.

After due notice, a public hearing was conducted at 6:30 p.m. on February 14, 2019, at the St. Mary's County Governmental Center at 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, documentary evidence was received, and the proceedings were recorded electronically.

**Legal Standard**

The Board shall not vary the regulations of the Ordinance unless it finds, based on the evidence, that:

1. Because of particular physical surroundings such as exceptional narrowness, shallowness size, shape or topographical conditions of the property involved, strict enforcement of the Ordinance will result in practical difficulty.
2. The conditions creating the difficulty are not applicable, generally, to other properties within the same zoning classification.
3. The purpose of the variance is not based exclusively upon reasons of convenience, profit or caprice; provided, any development necessarily increases property value, and that alone shall not constitute a finding of an exclusive reason.
4. The alleged difficulty has not been created by the property owner or the owner's predecessors in title.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood and the character of the district will not be changed by the variance.