

ST. MARY'S COUNTY BOARD OF APPEALS

Morelli Auto Group
Lots 1 and 2 of the Wingate Subdivision

Case No. VAAP #14-132-009

DECISION AND ORDER**Introduction**

Morelli Auto Group (hereinafter "Applicant"), filed an application for a variance from the regulations of the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "Ordinance") regarding Lots 1 and 2 of the Wingate Subdivision (hereinafter the "Property"). The application seeks a variance from Schedule 63.3.b of the Comprehensive Zoning Ordinance to reduce the required 65-foot Type B buffer to a variable-width buffer along Maryland Route 235.

After due notice, a public hearing was conducted at 6:30 p.m. on September 8, 2016, 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.