

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

**VAAP NUMBER 19-0165**

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**JOHN & LAURA SCHULTZ**

**THIRD ELECTION DISTRICT**

**DATE HEARD: May 16, 2019**

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**ORDERED BY:**

**Mr. Hayden, Mr. Brown, Mr. Ichniowski,  
Mr. Miedzinski and Ms. Delahay**

**ENVIRONMENTAL PLANNER: STACY CLEMENTS**

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**DATE SIGNED: June 13, 2019**

### **PLEADINGS**

John and Laura Schultz, the applicants, seek variances (VAAP # 19-0165) to: 1) disturb the critical area buffer; and 2) to reduce the front and side yard setbacks to construct a garage on property with a street address of 20650 Waterside Drive, Leonardtown, Maryland 20650.

### **PUBLIC NOTIFICATION**

The hearing notice was advertised in The Enterprise, a newspaper of general circulation in St. Mary's County, on May 1, 2019 and May 8, 2019. The hearing notice was also posted on the property. The file contains the certification of mailing to all adjoining landowners, even those located across a street. Each person designated in the application as owning land that is located within Two Hundred (200) feet of the subject property was notified by mail, sent to the address furnished with the application. The agenda was also posted on the County's website on Wednesday, May 8, 2019. Therefore, the Board finds and concludes that there has been compliance with the notice requirements.

### **FINDINGS**

A public hearing was conducted at 6:30 p.m. on May 16, 2019, at the St. Mary's County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, the proceedings were recorded electronically and the following was presented with regard to the proposed variance requested by the applicants.

#### **The Property**

That the applicants own the subject property located at 20650 Waterside Drive, Leonardtown, Maryland 20650. It is located in the Rural Preservation District (RPD) and is known as Lots 26 & 27, Grid 13 in Parcel 46 on Tax Map 48. This waterfront lot on Breton Bay

is designated in the Chesapeake Bay Critical Area as Resource Conservation Area (RCA) and Buffer Management Overlay (BMO).

### **The Proposed Work**

The applicants propose to construct a garage for a total of 4,002 square feet of lot coverage as shown on the site plan admitted into evidence at the hearing as Exhibit 4. The new lot coverage will be comprised of a 750 sf garage and 340 sf of driveway for a total of 1,090 sf of proposed lot coverage. The applicants will be removing 1,063 sf of lot coverage which consists of an existing garage, carport, walkways, and parking. The total increase in lot coverage will be 27 square feet. The total lot coverage will be 26.63% percent of the Property. The allowed amount of lot coverage on a property of this size is 31.25%.

### **The St. Mary's County Comprehensive Zoning Ordinance**

§ 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands; and § 71.8.3.a stipulates that the 100-foot buffer shall be expanded beyond 100 feet to include hydric soil types associated with the non-tidal wetlands present on the property and tidal wetlands present on the adjacent property. Title 27 of the Code of Maryland Regulations (COMAR) Section 27.01.01 (B) (8) (ii) states a buffer exists "to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance." § 71.8.3.b.1.c of the St. Mary's County Comprehensive Zoning Ordinance authorizes disturbance to the buffer for new impervious surfaces and development activities by variance. The applicants are proposing to construct a garage which will create approximately 27 square feet of new lot coverage in the critical area after the removal of the existing carport and shed.