

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of Alex C. and Patricia A. Pulliam
17766 Lawrence Street, St. Inigoes, Maryland

Case No. VAAP #18-0532

DECISION AND ORDER

Introduction

Alex C. and Patricia A. Pulliam (hereinafter "Applicants"), filed an application for a variance from the regulations of the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "Ordinance") regarding property located at 17766 Lawrence Street, St. Inigoes, Maryland (hereinafter the "Property"). The application seeks a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance to disturb the Critical Area Buffer to construct a replacement single-family dwelling.

After due notice, a public hearing was conducted at 6:30 p.m. on September 13, 2018 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:

- a. 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.
- b. 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.
- c. The granting of a variance will not confer upon an applicant any special privilege that would be denied by the Critical Area provisions of this Ordinance to other lands or structures within the Critical Area of St. Mary's County.
- d. The variance request is not based upon conditions or circumstances that are the result of actions by the applicant.
- e. 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 a variance will be in harmony with the general spirit and intent of the Critical Area program.

- f. The variance is the minimum necessary to achieve a reasonable use of the land or structures.

Findings of Fact

The subject property (the “Property”) is a grandfathered lot in the Critical Area of St. Mary’s County because it was recorded in the Land Records of St. Mary’s County prior to the adoption of the Maryland Critical Area Program on December 1, 1985. The existing single-family dwelling was built in 1963 according to Real Property Data, Maryland Department of Assessments and Taxation.

The Property fronts on Molls Cove and is constrained by the Critical Area Buffer (the “Buffer”), which has been measured 100 feet landward from the mean high water line of Molls Cove, pursuant to *COMAR 27.01.09.01.E(3)*.

The existing soil type on the Property is Sassafras Sandy Loam (SaB2) according to the Natural Resources Conservation Service, U.S. Department of Agriculture, Web Soil Survey. This soil type is considered moderately erosive and is found on 2-5 percent slopes. The hazard of further erosion is moderate.

According to the site plan provided by the Applicants, and as shown in the table below, the Property contains a single-family dwelling with a waterfront deck, two sheds, and a gravel driveway, for a total of 6,524 square feet of lot coverage. The Applicant plans to remove 2,224 square feet of this amount and add 1,508 square feet of new lot coverage for a sum of 5,808 square feet. The new lot coverage will be comprised of a 600 square foot garage, 180 square-foot addition, 440 square feet of driveway, and 288 square feet of walks and stairs, which represents 5.92% percent of the Property. The allowed amount of lot coverage on a property of this size is 5,445 square feet.

Property lot coverage in square footage (square footage: 25,469)					
Existing	To be removed	Remaining	Proposed	Following construction	Allowed 5,445 square feet
6,524	2,224	4,300	1,508	5,808	
Buffer lot coverage in square footage					
Existing	To be removed	Remaining	Proposed	Total	Net decrease in Buffer
1,736	1,096	640	945	1,585	(151)

The Property is within Special Flood Hazard Area Zone X (Unshaded) according to Flood Insurance Rate Map (FIRM) panel 343F. Zone X (Unshaded) is defined in the County’s