

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

**VAAP NUMBER 18-2469**

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**SANDRA K. FRANZEN**

**SIXTH ELECTION DISTRICT**

**DATE HEARD: June 13, 2019**

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**ORDERED BY:**

**Mr. Hayden, Mr. Brown, Mr. Ichniowski,  
Mr. Miedzinski and Mr. Richardson**

**ENVIRONMENTAL PLANNER: STACY CLEMENTS**

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**DATE SIGNED: July 11, 2019**

### **PLEADINGS**

Sandra K. Franzen, the applicant, seeks variances (VAAP # 18-2469) to disturb 9,971 Square Feet in the critical area buffer to construct a single family dwelling unit with a garage, porches, a deck, sidewalks, steps, areaway and a driveway for a total of 6,569 square feet of lot coverage and a variance to Section 72.3.1.c(2) for clearing more than 30% of the existing forest cover on property with a street address of 45300 Daniels Road, Hollywood, Maryland 20636.

### **PUBLIC NOTIFICATION**

The hearing notice was advertised in The Enterprise, a newspaper of general circulation in St. Mary's County, on May 29, 2019 and June 5, 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, June 5, 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 June 13, 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 45300 Daniels Road, Hollywood, Maryland 20636. It is known as Grid 17 in Parcel 366 on Tax Map 27. This waterfront lot on Mill Creek is designated in the Chesapeake Bay Critical Area as limited development area (LDA).

### **The Proposed Work**

The proposal calls for the construction of a single-family dwelling with a garage, porches, a deck, sidewalks, steps, areaway and a driveway for a total of 6,569 square feet of lot coverage. The new lot coverage will be comprised of a 3,284 square feet single family dwelling with attached garage, 2,723 square feet of driveway, and 181 square feet of sidewalks, a 102 square foot deck, and 278 square feet of porch, 45 square feet of steps and 58 square feet of areaway, which represents 14.9% percent of the Property. The allowed amount of lot coverage on a property of this size is 15% as shown on the site plan admitted into evidence at the hearing as Attachment 3 of Exhibit 2.

There is approximately 38,650 square feet of trees, shrubs, and other vegetation cover the Property. The Applicant also proposes to clear 9,290 square feet of the existing vegetation outside of the buffer and 9,971 square feet inside the buffer for a total of 19,261 sf of vegetative clearing, which would be 44.2% of forest clearing on the property and exceed the 30% limit found in the Critical Area regulations.

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