

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 19-0200

GUY & CATHERINE FEYEN

THIRD ELECTION DISTRICT

DATE HEARD: August 29, 2019

ORDERED BY:

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

ENVIRONMENTAL PLANNER: STACY CLEMENTS

DATE SIGNED: September 12, 2019

Pleadings

Guy and Catherine Feyen, the applicant, seek a variance (VAAP # 19-0200) to: clear more than 30% of existing forest or developed woodland to build a single-family dwelling.

Public Notification

The hearing notice was advertised in The Enterprise, a newspaper of general circulation in St. Mary's County, on August 14, 2019 and August 21, 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 Thursday, August 22, 2019. Therefore, the Board finds and concludes that there has been compliance with the notice requirements.

Public Hearing

A public hearing was conducted at 6:30 p.m. on August 29, 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 about the proposed variance requested by the applicants.

The Property

The applicant owns the subject property located at 22435 Archer Street, Leonardtown, Maryland 20650. It is in the Residential Neighborhood Conservation District (RNC) and is known as Parcel 100, Grid 11, Lot 4 on Tax Map 39. This lot is designated in the Chesapeake Bay Critical Area as Limited Development Area (LDA).

The Variance Requested

The applicants request a critical area variance from the prohibitions of § 72.3.1.c(2) of the St. Mary's Zoning Ordinance against clearing in excess of 30% of any forest or developed woodland in the Critical Area to construct a single-family dwelling with a garage, patios, sidewalks and a driveway, as shown on the site plan admitted into evidence at the hearing as Exhibit 2 of Attachment 3.

The St. Mary's County Comprehensive Zoning Ordinance

The St. Mary's County "Critical Area" includes all water of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article; and all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetland and the heads of tide designated under Title 9 of the Environment Article (41.1.1 of the St. Mary's Comprehensive Zoning Ordinance; "SMCZO"). No person shall develop, alter, or use any land for residential, commercial, industrial or institutional uses, nor conduct agricultural, fishery, or forestry activities in the St. Mary's County Critical Area except in compliance with the applicable provisions of this Ordinance. (41.1.3 of SMCZO).