

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 19-1305

THOMAS AND REBECCA MCCLAY

SIXTH ELECTION DISTRICT

DATE HEARD: September 12, 2019

ORDERED BY:

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

ENVIRONMENTAL PLANNER: STACY CLEMENTS

DATE SIGNED: October 10, 2019

Pleadings

Thomas and Rebecca McClay, the applicants, seek a variance (VAAP # 19-1305) to disturb the critical area buffer to replace two decks on subject property.

Public Notification

The hearing notice was advertised in The Enterprise, a newspaper of general circulation in St. Mary's County, on August 28, 2019 and September 4, 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 Monday, September 9, 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 September 12, 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 applicants own the subject property located at 43762 Kirksted Road, Hollywood, Maryland 20636. It is in the Rural Preservation District (RPD) and is known