



DH Steffens Company
ESTABLISHED 1923

**ENGINEERS
SURVEYORS
PLANNERS**

February 7, 2019

St. Mary's County Department of
Land Use & Growth Management
Attn: Stacey Clements
P.O. Box 653
Leonardtown, MD 20650

Re: Critical Area Variance Request
Land of Norman O'Foran and
Shelly O'Foran
Property Known As: Land of Norman
& Shelly O'Foran
Tax Map: 039; Grid: 013; Parcel: 216
DHS File #: SM07-3913-216
JOB #: S3913-1801
DLUGM Permit # 18-1713

Dear Mrs. Clements,

The D.H. Steffens Company submits the following response for Critical Area Variance Standards.

Critical Area Variance Standards to be addressed by the Applicant

1. Special conditions or circumstances that exist that are particular to the land or structure involved (particular physical surroundings such as exceptional narrowness, shallowness, size shape, or topographical conditions of the property involved) that strict enforcement of the Critical Area provisions of this Ordinance will result in unwarranted hardship.

The original recorded access for the subject property requesting a variance was recorded on December 29, 1970 (D.B.K. 164-323), said property access easement was further recorded on a boundary survey prepared by George Joy and recorded in deed liber M.R.B. 189 at folio 002 (1984), both recordings reference and reflect a ingress / egress easement from the deeded parcel to the existing gravel road. The original recording of the ingress / egress easement was done prior to any critical area ordinance. Since the original recording of the said access easement, the easement has been re-recorded as shown on Plat 76-94, as a result the easement has moved North, further away from the 100-foot critical area buffer and the impact to the current buffer is less than what was previously recorded. No other recorded access has been granted to the subject property. Any construction for said access would need to have a variance requested and approved based on the current ordinance and the current location of the existing access road.

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Lexington Park, MD 20653
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2. That 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.

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3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by the Critical Area provisions of the Ordinance to other lands or structures within the Critical Area of St. Mary's County.

The requested variance will not grant the owner any special privilege that would be denied by the Critical Area provisions of the Ordinance to other lands or structures within the Critical Area.

4. The variance request is not based upon conditions or circumstances that are the result of actions by the applicant.

The variance request is not based upon conditions or circumstances that are the result of any actions by the applicant.

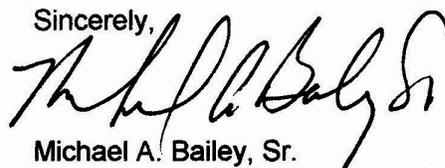
5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of a variance will be in harmony with the general spirit and the intent of the Critical Area program.

Granting of the variance for the proposed driveway will not affect water quality or adversely impact fish, wildlife, or plant habitat within the critical Area. All permanent construction will generally take place within the foot print of the recorded 20' Ingress/Egress easement. Also due to the proposed construction within the buffer, the owner is required to mitigate for the proposed construction at 3 to 1. This will assist in the protection of water quality and habitat for this site.

6. The variance is the minimum necessary to achieve a reasonable use of the land.

The proposed gravel driveway as shown on the Site Development Plan reflects the minimum impact to achieve the access required by the client.

Thank you, If you have any questions or concerns regarding the above request, please feel free to give me a call at 301-862-2226.

Sincerely,

Michael A. Bailey, Sr.
Branch Manager
St. Mary's Division