

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

VAAP NUMBER 22-1882

WHITTLES PROPERTY

FIRST ELECTION DISTRICT

VARIANCE REQUEST HEARD: FEBRUARY 9, 2023

ORDERED BY:

**Mr. Ichniowski, Mr. Bradley, Ms. Delahay,
Mr. Miedzinski, and Mr. Richardson**

ENVIRONMENTAL PLANNER: STACY CLEMENTS

DATE SIGNED: MARCH 01, 2023

Pleadings

Sherry and Vincent Whittles (“Applicants”) seek a variance from the St. Mary’s County Comprehensive Zoning Ordinance (“CZO”) Section 71.8.3 to disturb the Critical Area Buffer to build a replacement pool, pool house, and patio.

Public Notification

The hearing notice was advertised in the *Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on January 20, 2023 and January 27, 2023. A physical posting was made on the property and all property owners within 200’ were notified by certified mail on or before January 25, 2023. The agenda was also posted on the County’s website on February 2, 2023. Therefore, the Board of Appeals (“Board”) finds and concludes the variance request’s notice requirements have been met.

Public Hearing

A public hearing was conducted at 6:30 p.m. on February 9, 2023 at the St. Mary’s County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were duly sworn, the proceedings were recorded electronically, and the following was presented about the variance requested by the Applicants.

The Property

The property is situate 49940 Elizabeth Drive, Dameron, MD 20628 and consists of 331.03 acres, more or less, is zoned Rural Preservation District (“RPD”) and is found at Tax Map 68, Grid 8, Parcel 76 (“the Subject Property”). The portions of the Subject Property proposed for redevelopment lie within a Resource Conservation Area (“RCA”) Critical Area overlay.

The Variance Requested

Applicants seek a variance from CZO Section 71.8.3 to disturb the Critical Area for a