



ST. MARY'S COUNTY BOARD OF APPEALS

PUBLIC HEARING OF

January 11, 2024

VAAP 23-0732, Delano & Hannold Property

In accordance with the Comprehensive
Zoning Ordinance:

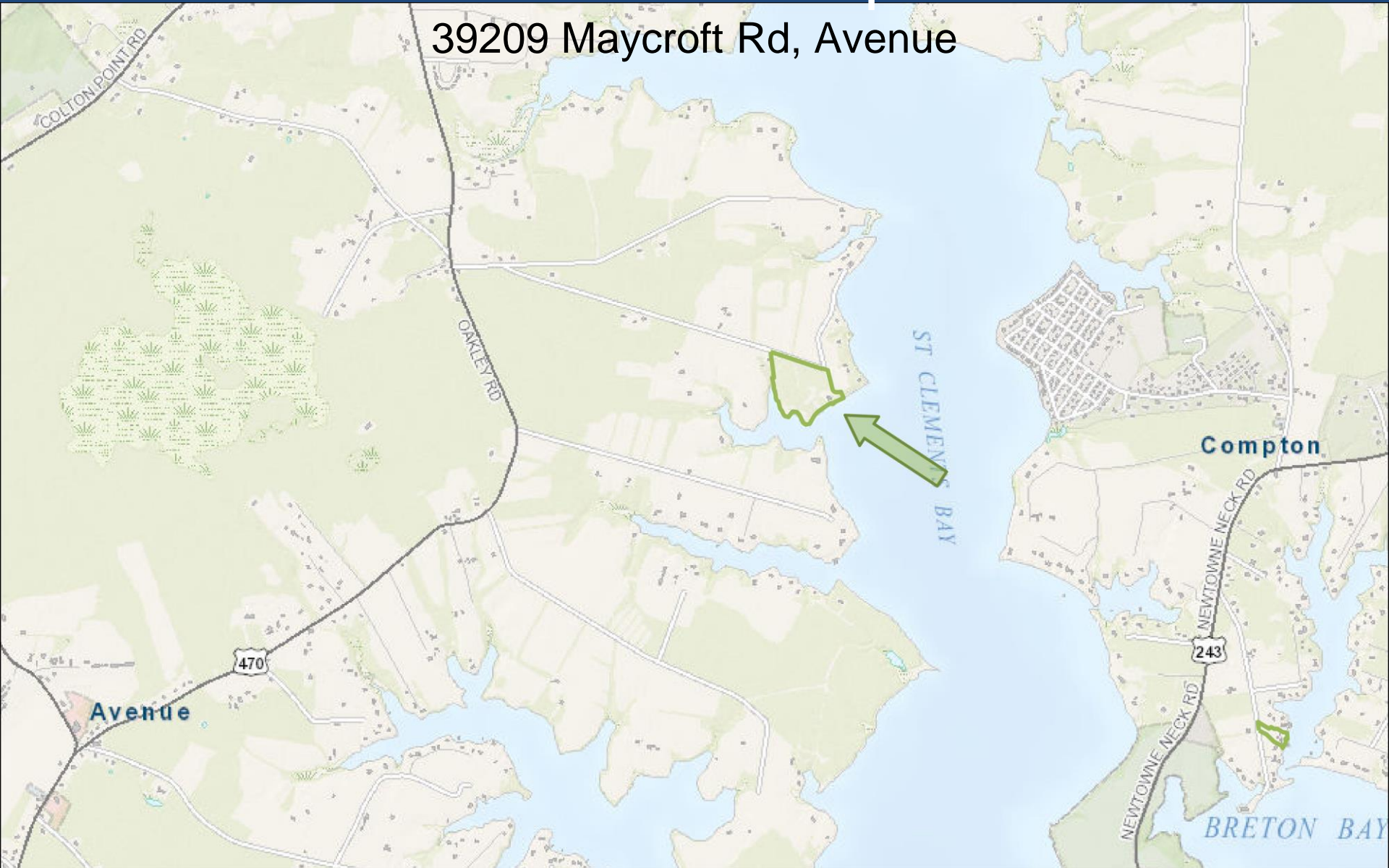
The applicants are requesting a variance from the St. Mary's County Comprehensive Zoning Ordinance Section 71.8.3 to disturb the 100' Critical Area Buffer to construct a replacement barn and shed.

Property Information

- **Owners:** Douglass T Delano & Elizabeth A Hannold
- **Location:** 39209 Maycroft Rd, Avenue
- **Tax Map:** 39 **Grid:** 9 **Parcel:** 64
- **Land Use:** Rural Preservation
- **Zoning:** Rural Preservation District
- **Acreage:** 22.00 AC
- **Existing Conditions:** existing home, sheds, and barns

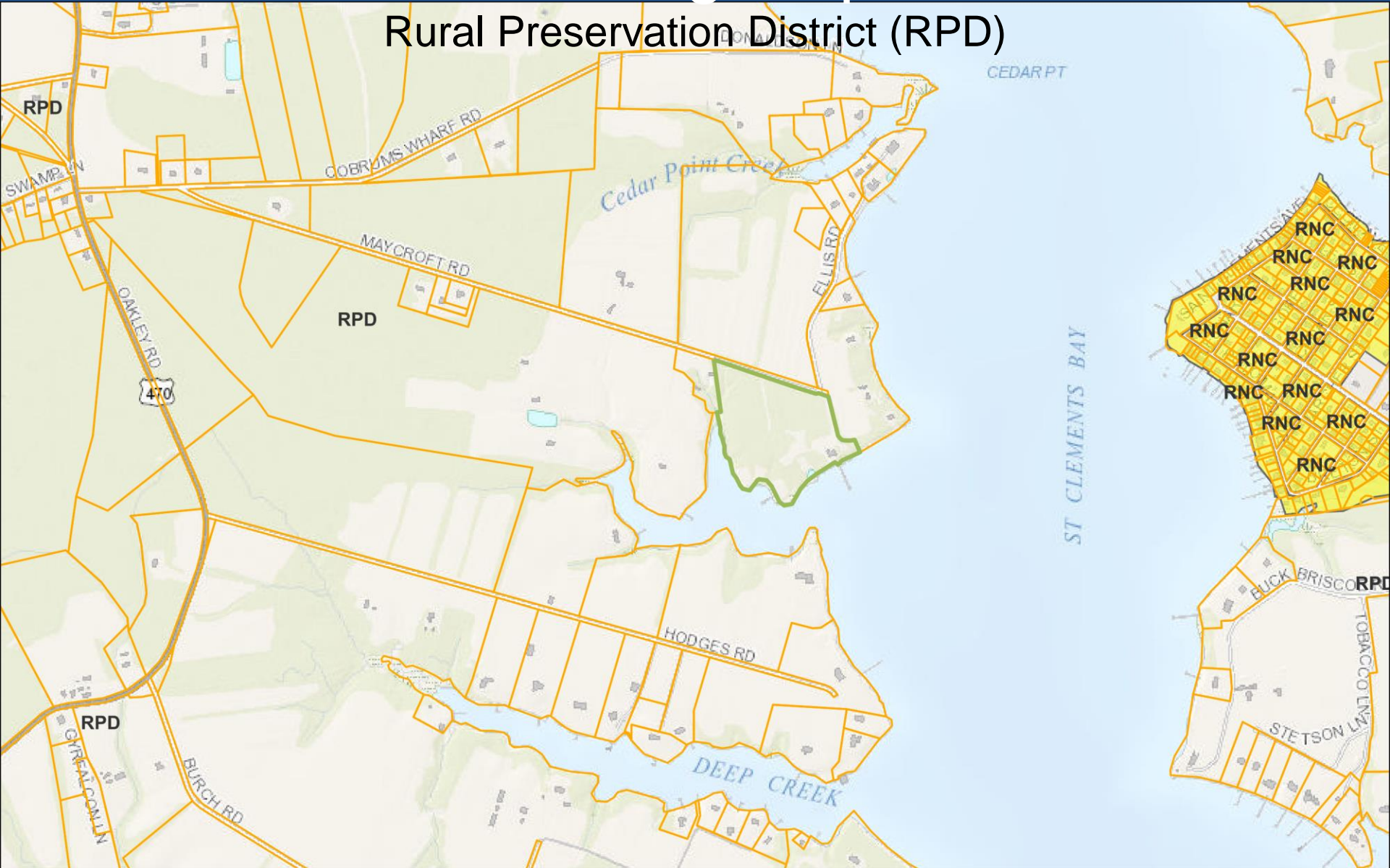
Location Map

39209 Maycroft Rd, Avenue



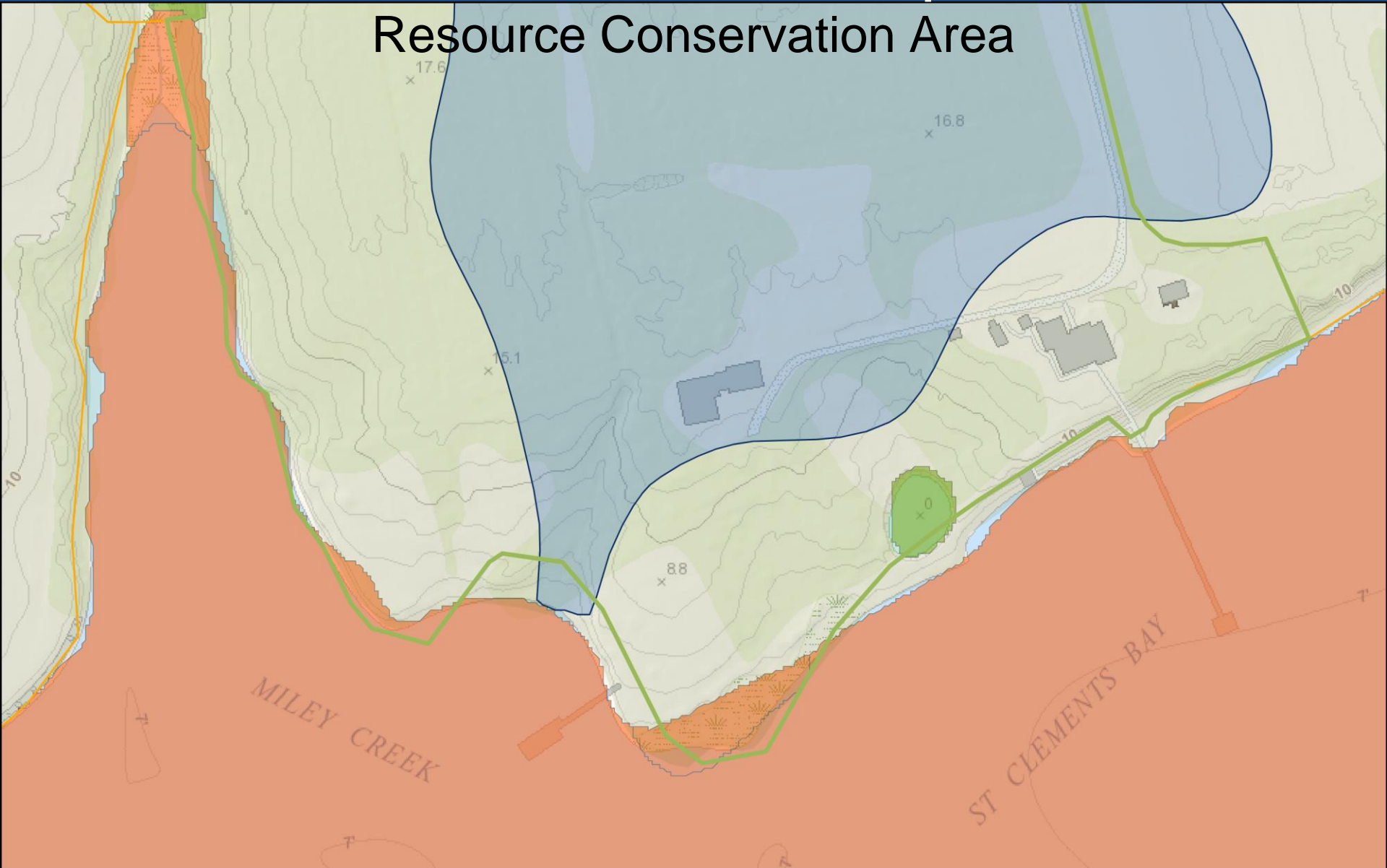
Zoning Map

Rural Preservation District (RPD)



Critical Area Map

Resource Conservation Area



Existing Conditions



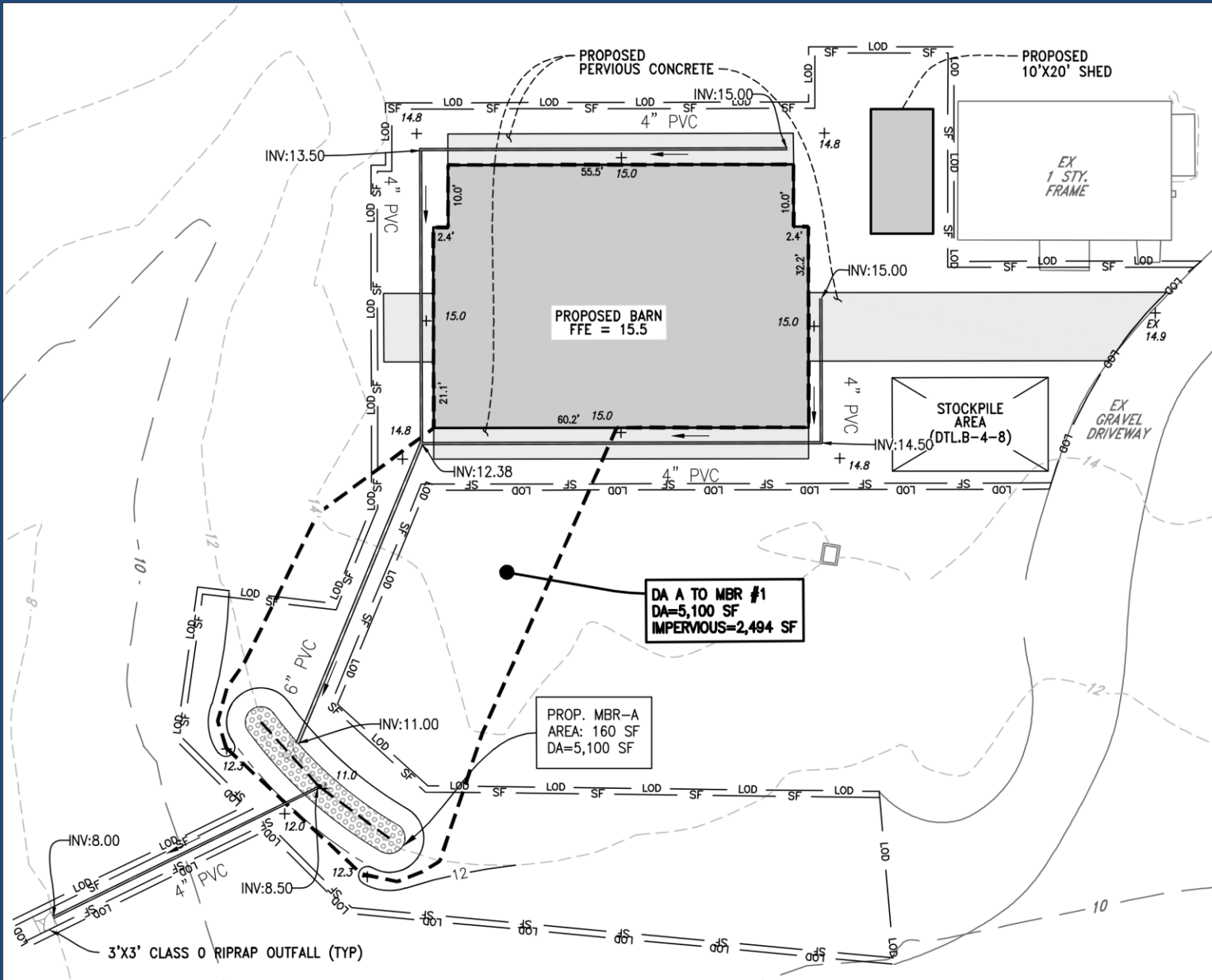
Proposed Development

- Variance to replace a barn and shed

Agency Reviews and Approvals

- Critical Area Commission Responded 01/02/2024
- Pending Department of Public Works & Transportation and Soil Conservation Approval
- Health Department and Floodplain approved

Site Plan



Mitigation Requirements

- Permanent Disturbance @ 3:1 mitigation for development in the Buffer
- 1:1 for new lot coverage located outside of the Buffer
- 1:1 for canopy removal
- 1:1 credit for lot coverage removed

- A Buffer Management Plan must be approved by LUGM staff prior to the issuance of a building permit.

Standards for Granting Variances

Per COMAR 27.01.12.04, a local jurisdiction may not grant a variance unless the local jurisdiction makes written findings based on competent and substantial evidence that:

- a. Due to special features of the site or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the local Critical Area program would result in an unwarranted hardship to the applicant;

b. A literal interpretation of the local Critical Area program would deprive the applicant of a use of land or a structure permitted to others in accordance with the provisions of the local Critical Area program;

c. The granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures in accordance with the provisions of the local Critical Area program;

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

e. The variance request does not arise from any conforming or nonconforming condition on any neighboring property;

f. The granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area; and

f. The granting of the variance would be in harmony with the general spirit and intent of the Critical Area law, the regulations in this subtitle, and the local Critical Area program.