

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Thursday, February 14, 2008**

Members present were George Hayden, Chairman; Wayne Miedzinski, Ronald Delahay, George T. Edmonds and Veronica Neale. 2nd Alternate Ronald Payne was also present. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Yvonne Chaillet, Zoning Administrator; and Amber Guy, Office Manager acting as Recording Secretary. Christy Holt Chesser, County Attorney was also present.

A sign-in sheet is on file at LUGM. All participants in all cases were sworn in. The Chair called the meeting to order at 6:30 p.m.

PUBLIC HEARINGS

ZAAP #06-110-066 – Huseman/Estate of Jane Catherine Abell Bowles

The applicant is requesting an appeal of administrative decisions by the Planning Director determining that the property did not have adequate acreage to allow a family conveyance subdivision under footnote 8 in Schedule 32.1 of the Zoning Ordinance and that Parcel A is a density parcel and cannot be developed and that the property was not under the Applicant's ownership prior to May 13, 2002. The property contains 3.23 acres for Parcel A and 1.76 acres for Lot 1; is zoned Rural Preservation District (RPD), Airport Environs (AE) Overlay; and is located at 44141 Joy Chapel Road, Hollywood, Maryland; Tax Map 27, Block 13, Parcel 943.

Owner: Richard B. Huseman
Present: Chris Longmore

The property and appeal were advertised in The Enterprise on January 30, 2008 and February 6, 2008.

Mr. Longmore stated there are no facts in dispute tonight. Mr. Longmore stated Mr. Huseman acquired the property on March 25, 2005. Mr. Longmore submitted Exhibit A – Six different deed references for the record and stated each parcel has three deeds associated with it. Mr. Longmore stated the first application was made on June 7, 2006 applying for a minor subdivision and submitted Exhibit B – Minor Subdivision Plat for the record. Mr. Longmore explained what the applicant wants to do tonight is very similar to this plat. Mr. Longmore stated the applicant wishes to have two lots 501-A contains an existing house and 501-B.

Mr. Longmore stated the applicant originally went through TEC and as a result it was said no more actions could be taken at this time due to footnote 8. Mr. Longmore submitted Exhibit C – TEC comments for the record. Mr. Longmore stated lot #1 consisted of 1.76 acres did not qualify because it was not 2 acres in size and because the other parcel was a density parcel it could not be subdivided into another lot. Mr. Longmore stated the applicant then received advice to do a Boundary Line Adjustment Plat (BLAP) to combine lot #1 with the density parcel to make a five acre lot and then go back and subdivide the parcels into two lots. Mr. Longmore stated during this process we were informed this also would not work for the reasons stated in Mr. Berry's letter.

Mr. Longmore submitted Exhibit D – Schedule 32.1 as it existed at the time the applicant applied for a minor subdivision including footnote 8. Mr. Longmore stated we simply feel Mr. Canavan interpreted footnote 8 incorrectly. Mr. Longmore submitted Exhibit E – Boundary Line Adjustment Plat (BLAP) and Exhibit F – Example of Subdivision (1) 15 acre lot for the record.

Ms. Chaillet read the staff report which recommended denial of the applicant's requests. Mr. Canavan gave an overview of footnote 8 and the policy in upholding and interpreting footnote 8. **Mr. Miedzinski made a motion having accepted the staff report, the Board adopts the**

findings of fact contained therein as their findings in this matter and Ms. Neale seconded. The motion passed by a 5-0 vote.

Mr. Hayden opened the hearing to public comment, hearing none, closed the hearing to public comment. ***Ms. Neale made a motion in the matter of ZAAP #06-110-066, Huseman, I move that the Board of Appeals hereby uphold the Planning Director's decision to deny the Appellant's request to re-subdivide existing lot 1 and density reservation parcel A of the Estate of Jane Catherine Abell Bowles to create two separate residential lots and Mr. Miedzinski seconded. The motion passed by a 5-0 vote.***

MINUTES AND ORDERS APPROVED

The minutes of January 24, 2008 were approved as recorded.

The Board authorized the Chair to review and sign the following orders:

ZAAP #06-132-017 – FDR Holdings, LLC

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Jada Stuckert, Recording Secretary

Approved in open session: February 28, 2008

George Allan Hayden
Chairman