

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 23, 1982

Present: Commissioner George R. Aud, President  
Commissioner Larry Millison, Vice-President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

(Commissioner David F. Sayre was not present.)

The meeting was called to order at 1 p.m.

REZONING HEARING  
ZONE #82-0735  
HARRY BARRETT

The hearing was opened by Commissioner President George Aud. Other Commissioner members present included: Ford L. Dean, Larry Millison and Richard Arnold. Commissioner Sayre was absent.

Those persons formally noting their presence, via the official "Sign-In Sheet" were: Mike Stover, Karen Abrams, Harry Barrett, Marie C. Smith, and Theresa Cassagnol, and Frank Gerred, Director, OPZ and Anita Meridith, Recording Secretary.

Mr. Gerred, Director of the Office of Planning and Zoning, read the advertised public hearing notice aloud, as it consecutively appeared in the published issues of the October 22, 1982 and October 29, 1982 Enterprise newspaper, providing due legal notification of the following hearing:

ZONE #82-0753: HARRY BARRETT

Request to rezone 7.43 acres from R-1, Rural-Residential, to CM, Commercial Marine. The property is located on Jutland Creek, off Smith Subdivision Road in the First Election District, Tax Map 70, Block 5, Parcels 107 and 143.

The applicant came forward, accompanied by legal representation, Ms. Karen Abrams. The receipts from the certified letters of notification sent to all contiguous property owners were formally entered into the record (both Planning Commission and County Commissioners legal advertisement were combined). A photograph offering visual evidence of the posting of the placard on the property was entered into the record. The Planning Commission record regards this application was made a formal part of the proceeding.

Counsel offered that the request was based on both mistake in the original zoning of the property and change in the neighborhood. With respect to the first, counsel offered that this property was not zoned commercial as part of the Comprehensive Plan. Counsel explained that the applicant had purchased the property in February or March of 1974 (prior to adoption of the Comprehensive Plan), however, the deed was not recorded until sometime thereafter.

Evidence submitted at the Planning Commission hearing and incorporated in the file, marked Applicant's Exhibits 2 through 5, were outlined. (See Planning Commission Minutes of November 8, 1982 - Page 2).

Change in the neighborhood was given as the expansion of Seaside Park and Hewlett's Marina.



Ms. Abrams reflected that in the past, the staff had acknowledged the fact that there was insufficient commercial marine zoning in the County, and this was cited, in this particular case, as grounds for further mistake.

The applicant is employed in the pile driving business and repair of boats. Mr. Barrett advised that there was a great need for these services in this area and was requesting this rezoning, in order that he could enlarge his existing facilities in order to provide services to the watermen.

A large color-coded map was displayed with depicted other commercial marine operation in the area, many of which are nonconforming uses.

A series of photographs was shown of the waterfront area, piers, creek and general neighborhood. Counsel explained that the purpose of showing these snapshots was to familiarize the Commissioners with the neighborhood and contiguous properties.

Counsel verified that the applicant had agreed to a conditional zoning which would preclude the development of restaurant, bar, beach, etc. on the property. Mr. Barrett stated, "I'm not interested in that . . ."

Commissioner Aud asked whether anyone wished to speak either in favor or opposed.

Marie C. Smith spoke in opposition. She advised that she had previously sent a letter to the County Commissioners which outlined five major reasons for her opposition to this rezoning request. (See Planning Commission Minutes of August 23, 1983, page 3).

Theresa Cassagnol spoke in opposition and referenced several accidents which had occurred in this area within the past three or four months. She stressed that the road was very narrow with several dangerous curves and simply could not accommodate additional traffic from further commercial development. Mrs. Cassagnol emphasized very strongly that additional traffic in this area would only tend to create potential danger to the citizens and would result in disruption and death.

The Chair asked Mrs. Smith if she would be amenable to a conditional zoning, which would run with the land, so that in the event that the rezoning were granted and the property later sold, that another purchaser could not develop those specific uses of restaurant, bar, etc. which normally would be allowable under the Commercial Marine Zoning designation. Mrs. Smith responded that she felt that there would not be proper policing and follow-up and in all honesty, she didn't "really want to take that chance."

Questioning of the Board ensued and Mr. Barrett provided that the majority of his business would traverse to this site by water and that most of the boats to be repaired would be classified as work boats, with the largest vessel about 40 feet.

The Board will take the matter under consideration and will render a decision within two weeks.

Hearing closed.

#### APPROVAL OF PAYMENT OF BILLS

Commissioner Millison moved, seconded by Commissioner Aud, to approve payment of bills as submitted by the Director of Finance. Motion unanimously carried.



APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the Commissioners' meeting of November 16, 1982. Motion unanimously carried.

OFFICE CLERK II  
OFFICE OF PLANNING AND ZONING

The County Administrator presented a memorandum dated November 23, 1982 recommending the appointment of Joan A. Curtis to the Office Clerk II position, Grade 7, in the Office of Planning and Zoning, effective December 6, 1982.

Commissioner Aud moved, seconded by Commissioner Dean, to accept this recommendation as set forth above. Motion unanimously carried.

PERMITS CLERK POSITION  
OFFICE OF PLANNING AND ZONING

The County Administrator presented a memorandum dated November 23, 1982 requesting authority to fill the Permits Clerk position, Grade 6, in the Office of Planning and Zoning, which will be vacated on December 6, 1982 by the promotion of Joan Curtis to Office Clerk II.

Commissioner Dean moved, seconded by Commissioner Arnold, to grant this request. Motion unanimously carried.

OFFICE SECRETARY I  
COUNTY ENGINEER'S OFFICE

The County Administrator presented a memorandum dated November 17, 1982 from the Personnel Officer requesting authority to begin the advertising process to fill the Office Secretary I position, Grade 7, which will be vacated by Carolyn Farrell, effective November 26, 1982. The Commissioners gave their concurrence.

EXCESS STATE PROPERTY  
MD. RT. 235 AND 4

With regard to last week's discussion regarding the above, the County Administrator stated that State Highway Administration has advised that they have already retained another piece of property on the southwest portion of Rt. 4 for a "Park 'n' Ride".

Commissioner Aud stated that he did not feel that it was in a convenient location and would talk to SHA officials.

BUDGET AMENDMENT NO. 83-18  
COUNTY ENGINEER

The County Administrator presented Budget Amendment No. 83-18 recommended for approval by the Director of Budget and Data Services as follows:

Increase

Acct. #020-652-543-65-91 (Library/Armory Construction) by \$283,398;

Decrease

Acct. #020-662-543-65-91 (Charlotte Hall) by \$200,000;  
Acct. #020-661-543-65-91 (Tudor Hall) by \$83,398.



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Commissioner Millison moved, seconded by Commissioner Aud, to approve Budget Amendment No. 83-13 as set forth above. Motion unanimously carried.

1983 LEGISLATIVE PACKAGE PROPOSALS

The County Administrator presented the 1983 Legislative Package proposals which have been submitted by various County departments and agencies and citizens. The package will be presented at the public hearing scheduled for November 30, 1982 at the Leonardtown Middle School.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss a matter of arbitration. The Session was held from 3:10 p.m. to 4:35 p.m.

ADJOURNMENT

The meeting adjourned at 4:35 p.m.

Approved,

  
George R. Aud  
President