

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, February 11, 2008**

Members present were Stephen Reeves, Chairman; Howard Thompson, Merl Evans, Lawrence Chase, Brandon Hayden, Shelby Guazzo, and Susan McNeill. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Yvonne Chaillet, Zoning Administrator, and Jada Stuckert, Recording Secretary. Deputy County Attorney Colin Keohan was also present.

The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF THE MINUTES – The minutes of January 28, 2008 were approved with amendments.

PUBLIC HEARINGS

Accessory Dwelling Unit Text Amendment

Ms. Chaillet gave an overview of the proposed text amendment. Ms. Chaillet stated there would be Comprehensive Zoning Ordinance text amendments to Section 50.4 to change the description of use type 105, accessory dwelling unit; to Section 51.3.105 to modify the requirements for use type 105, and to Article 9 to revise the definition of accessory dwelling unit. Ms. Chaillet stated the main purpose for the text amendment is to properly define the terms, avoid the look of a duplex, and to regulate the size.

Mr. Evans stated he is concerned with the 600 sq. foot maximum and explained he understands the need for a maximum however feels that 600 sq. feet is too small. Ms. McNeill asked for some history as to why this is being proposed. Mr. Canavan explained this text amendment is prompted by a developer who built several single family homes with accessory dwelling units inside. Mr. Canavan stated from the outside the home looked like a duplex with a double garage in the center and dwellings on each side.

Ms. Guazzo asked if each accessory dwelling unit would be handicap accessible and stated 600 sq. feet may not be large enough to accommodate the handicap accessibility rules. Mr. Canavan stated not all accessory apartments would have to be ADA compliant.

Mr. Reeves opened the hearing to public comment. Mr. Lewie Aldridge stated the 600 sq. feet is not enough space and he disagrees with the wording excluding the appearance of an accessory apartment looking like a single-family home. Mr. Keenon James stated he appreciates the time and effort put into this issue. Mr. James stated he represents a group of concerned citizens who raise this issue. Mr. James explained concerns with schools, roads, water, etc that are being affected due to these accessory apartments. Mr. Rick Benefield stated he understands APF probably has something to do with this amendment however he feels the 600 sq. feet is too small. Mr. Benefield stated the apartment definition alone creates a problem because the building code does not define apartment. Mr. Benefield stated this is a tough and touchy subject to deal with and asked that it not be over legislated.

Ms. Guazzo asked what a good maximum would be for these accessory apartments. Mr. Benefield recommended 800 sq. feet as a good starting point for a maximum.

A motion was made and seconded to continue the public hearing to March 10, 2008. The motion passed by a 7-0 vote.

FAMILY CONVEYANCE

Minor Subdivision #06-110-076 – Part of North Hollywood, Lots 4 & 5

Mr. Bowles gave an overview of the staff report which recommended approval of an additional lot on a private road for a family conveyance. Mr. Nokelby gave an overview of the project and submitted pictures of the road stating this is basically just a Boundary Line Adjustment.

Ms. Karen Myers stated she shares a common boundary line with this property and wanted to check the lines for accurateness. Mr. Nokelby stated the current boundary reflects accurate lines. Mr. Terry Brenzo asked if the property could be subdivided again in the future. Mr. Bowles explained they have to retain ownership for five years, after the five years they could split off a piece to a family member.

Mr. Evans made a motion in the matter of MSUB #06-110-076, Part of North Hollywood, Lots 4 & 5, having accepted the staff report and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (Criteria for Approval of a Family Conveyance), I move that the Family Conveyance subdivision plan be approved, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat and Mr. Chase seconded. The motion passed by a 7-0 vote.

Minor Subdivision #07-110-092 – Somervilles Subdivision Lot 7

Mr. Bowles gave an overview of the staff report which recommended approval of an additional lot on a private road for a family conveyance. Mr. Nokelby gave an overview of the project and submitted pictures of the road as well as the existing road maintenance agreement. Ms. McNeill stated there are 11 lots and only 8 signatures on the road maintenance agreement. Mr. Nokelby stated some of the lots are undeveloped.

Mr. Chase made a motion in the matter of MSUB #07-110-092, Somerville's Subdivision, having accepted the staff report and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (Criteria for Approval of a Family Conveyance), I move that the Family Conveyance subdivision plan be approved, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to the recordation of the plat and Ms. McNeill seconded. The motion passed by a 7-0 vote.

Minor Subdivision #07-110-109 – Catherine Milner

Mr. Bowles gave an overview of the staff report which recommended approval of an additional lot on a private road for a family conveyance. Mr. Nokelby gave an overview of the project and submitted pictures of the road as well as the existing road maintenance agreement.

Ms. Margaret Abraham spoke on behalf of Mr. George Curtis who objects to any further development on the road. Ms. Abraham stated Mr. Curtis is concerned with overpopulation, safety and the fact that there is no road maintenance agreement. Ms. Abraham stated Mr. Curtis maintains the road. Ms. Guazzo stated Mr. Curtis only maintains the upper portion of the road because the road ends at lot two. Ms. McNeill stated for all the other owners to access their road they have to utilize the portion that Mr. Curtis maintains. Ms. McNeill stated there should be some type of compensation to Ms. Curtis for maintaining the road.

Mr. Thompson made a motion in the matter of MSUB #07-110-109, Catherine Milner, having accepted the staff report and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (Criteria for Approval of a Family Conveyance), I move that the Family Conveyance subdivision plan be approved, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat and Mr. Evans seconded. The motion passed by a 7-1 vote with Ms. McNeill opposed.

ANNOUNCEMENTS

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: February 25, 2008

Stephen T. Reeves
Chairman