

IN THE MATTER OF THE * BEFORE THE
PETITION OF * COUNTY COMMISSIONERS
PETER G. SCHAEFFER, ET UX. * OF
FOR A REZONING * QUEEN ANNE'S COUNTY

* * * * *

FINDINGS OF FACT

The County Commissioners of Queen Anne's County received a Petition on behalf of Peter G. Schaeffer and Shirley F. Schaeffer requesting the rezoning of lands of the Petitioner located on Queen Anne's County Tax Map No. 10 as part of Parcel 2 and Lot 45 thereon. Petitioners requested that 1.430 acres of land be rezoned from Suburban Commercial (SC) to Agricultural (A) and that 3.690 acres be rezoned from Agricultural (A) to Suburban Commercial (SC) resulting in a net increase of Suburban Commercial land of 2.226 acres.

The Petition was referred to the Queen Anne's County Planning Commission who considered the request and on July 10, 1997 recommended approval of the rezoning finding "as a matter of fact" that the 1994 zoning of the property was in error "as it was the intention of the Planning Commission during the 1993 Comprehensive Update to realign the 26.221 acres of SC District lands then owned by the applicant and to neither increase nor decrease the acreage of SC District lands owned by the applicant". (Minutes of Planning Commission meeting of July 10, 1997). Although it was the intent of the Planning Commission in 1994 to simply realign the 26.221 acres of SC land which the Petitioner then owned, the effect of the realignment was to reduce Petitioner's SC land to 23.96 acres. The purpose of the proposed rezoning is to correct this alleged mistake.

Following receipt of the Planning Commission recommendation the County Commissioners introduced County Ordinance 97-10. A public hearing was duly advertised and held on October 21, 1997 at 11:00 a.m. in the County Commissioners meeting room, 107 North Liberty Street, Centreville, Maryland.

Article 66B of the Annotated Code of Maryland, Section 4.05 requires the local legislative body to make findings of fact in each case in which a request for change in zoning classification is made.

THEREFORE, the County Commissioners of Queen Anne's County make the following findings of fact:

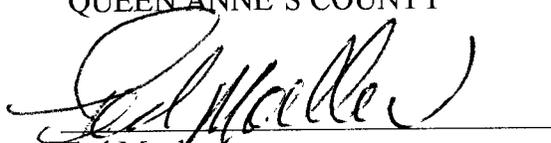
1. No evidence was presented with regard to population change and availability of public facilities.
2. Present and Future Transportation Patterns: The Planning Commission and the County Commissioners when adopting the 1994 Comprehensive Rezoning determined that transportation patterns, primarily Route 213 supported the designation of 26 plus acres of Petitioner's lands as Suburban Commercial. There has been no change in transportation patterns which would necessitate a different determination today.
3. Compatibility with Existing and Proposed Development for the Area: Again the 1994 Comprehensive Rezoning intended to permit 26.221 acres of Suburban Commercial development in this area on Petitioner's property. Development of the property in Suburban Commercial uses is compatible with the existing and proposed development in the area.
4. Recommendations of the Planning Commissioners: The finding and recommendations of the Planning Commission have been fully considered and are hereby adopted

and incorporated herein.

5. Relationship of Proposed Amendment to the Master Plan: The proposed rezoning is fully consistent with the County's Master Plan.

Based on the foregoing findings of fact the County Commissioners determine that there was a mistake in the zoning classification of the subject property.

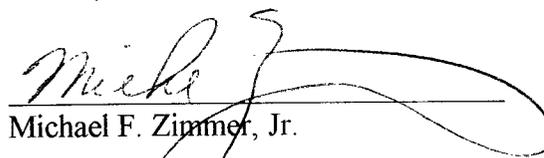
THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY



Ted Moeller



George M. O'Donnell



Michael F. Zimmer, Jr.

November 4, 1997