

IN THE MATTER OF THE	*	PETITION NO. <u>R-No. 99-02</u>
AMENDED PETITION FOR REZONING	*	THE COUNTY COMMISSIONERS
THE LANDS OF PETER G.	*	FOR QUEEN ANNE'S COUNTY
SHEAFFER, PARCEL 38, TAX	*	MARYLAND
MAP 34 ó 38.018 ACRES	*	
CENTREVILLE, MARYLAND	*	

FINDINGS OF FACT AND DECISION

A Petition (and a subsequent Amended Petition) was filed on behalf of Peter G. Sheaffer requesting a rezoning of 38.018 acres of land in the Third Election District of Queen Anne's County from Neighborhood Conservation District 1 (NC-1) to Countryside (CS). The subject property is part of parcel 38 shown on Queen Anne's County Tax Map 34.

Pursuant to notice in accordance with Title 18 of the Queen Anne's County Code a hearing was held on September 26, 2000 at 10:00 a.m. in the County Commissioners meeting room, Liberty Building, 107 North Liberty Street, Centreville, Maryland.

The Petition, Amended Petition, recommendations of the Queen Anne's County Planning Commission and various exhibits were entered into evidence without objection. The Petitioner was represented by Joseph A. Stevens, Esquire who presented testimony on behalf of the Petitioner. There was no testimony in opposition to the proposed rezoning. In addition to these evidentiary matters, the County Commissioners received and considered a Memorandum of Law submitted by Petitioner.

Based on the evidence presented and testimony received the County Commissioners do hereby find strong evidence of a basic and actual mistake in the zoning of the subject property as NC-1 based on the following:

A. The property was originally subdivided into over eighty 15,000 square foot lots prior to the adoption of land use regulations.

B. The Neighborhood Conservation District 1 zone was intended "to preserve the character, density and scale of existing residential neighborhoods" §18-1-020(g), County Code.

C. The property is not suitable for on-site septic disposal and is not in an area reasonably anticipated to receive public sewer.

D. The zoning designation of NC-1 was based on the existence of the original platted lots and in fact these lots are largely (if not totally) unbuildable.

E. The property is not in a designated Growth area.

F. The property would be more properly zoned Countryside, a district "intended to preserve and protect the rural and agricultural areas of the County that generally lie within the Chesapeake Critical Area and contain extremely sensitive natural resources." §18-1-020(c), County Code.

Based on the findings set forth and the recommendations of the Queen Anne's County Planning Commission the County Commissioners do determine that there was a mistake in the zoning of the subject property as NC-1.

ATTEST:

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY

George M. O'Donnell

Marlene F. Davis

John T. McQueeney, Jr.

Date: October 3, 2000