

IN THE MATTER OF THE \* BEFORE THE  
PETITION FOR REZONING \* COUNTY COMMISSIONERS  
THE LANDS OF WATERMAN \* FOR QUEEN ANNE'S COUNTY  
REALTY COMPANY, PARCEL 253 \* MARYLAND  
TAX MAP 58A, 0.72 ACRES \*  
GRASONVILLE, MARYLAND \*

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**FINDINGS OF FACT AND DECISION**

A Petition was filed on behalf of Waterman Realty Company requesting a rezoning of 0.72 acres of land in the Fifth Election District of Queen Anne's County from Neighborhood Conservation District 20-T (NC-20T) to Neighborhood Conservation District 8 (NC-8). The subject property is parcel 253 shown on Queen Anne's County Tax Map 58A.

Pursuant to notice in accordance with Title 18 of the Queen Anne's County Code a hearing was held on July 27, 2010 at 7:10 p.m. in the County Commissioners meeting room, Liberty Building, 107 North Liberty Street, Centreville, Maryland.

The 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, photographs and other exhibits on behalf of the Petitioner. One citizen testified in favor of the proposed rezoning. There was no testimony in opposition to the proposed testimony although David Dahlstrom of the

Department of Land Use, Growth and the Environment presented the recommendations of the Queen Anne's County Planning Commission.

Based on the evidence presented and testimony received the County Commissioners do hereby find evidence of a basic and actual mistake in the zoning of the subject property as NC-20T based on the following:

A. Prior to the Comprehensive Zoning in 1987, the Property was zoned R-5, a zone which allowed residential lots of 7,000 square feet.

B. The Property is one of five properties south of Fischer Road in Grasonville, all of which properties, except for the Petitioner's, are between 13,000 and 20,000 square feet in size.

C. The property immediately north of Fisher Road is zoned either NC-8T (allowing 8,000 square foot lots) or GVC (which allows a density of 4.5 dwellings per acre for multifamily residences).

D. The land south of the Property is zoned NC-20T and consists of parcels considerably larger than 20,000 square feet.

E. It appears that the Property is improved by two separate residences and has contained two separate residences since well prior to its designation as NC-20 (now NC-20T).

F. The 1987 rezoning created a nonconformity on the Property based on the requirement of the NC-20 district that there be a minimum of 20,000 square feet per dwelling.

G. The NC districts are intended "to preserve the character, density and scale of existing residential neighborhoods", to "allow existing neighborhoods to

conform” to Chapter 18:1 and to “allow for in-fill development to be compatible with the surrounding area” (See §18:1-19A. of the Code of Public Local Laws).

H. Pursuant to §18:1-222C. of the Code, the following specific findings are made: There has been no showing of significant population change affecting the Grasonville area, public sewer is available to the property, no change is anticipated to present or future transportation patterns affecting the property and it appears that the rezoning would allow the Property to be compatible with the existing development of the area as well as any possible future development on Fischer Road.

I. The proposed amendment is consistent with the purposes contained in Article 66B of the Annotated Code, in the Queen Anne’s County Comprehensive Plan and in Chapter 18:1.

Based on the findings set forth above the County Commissioners do determine that there was a mistake in the zoning of the subject property as NC-20T.

ATTEST:

THE COUNTY COMMISSIONERS  
OF QUEEN ANNE’S COUNTY

Marye A. Houck

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Gene Ransom, III

Eric S. Wargotz  
Eric S. Wargotz, M.D.

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Courtney M. Billups

Paul L. Gunther  
Paul L. Gunther

Date: 8/24/10

Carol R. Fordonski  
Carol R. Fordonski