



Commissioners of Leonardtown

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J. HARRY NORRIS
Mayor

LASCHELLE E. MILLER
Town Administrator

Commissioners of Leonardtown
LEONARDTOWN BOARD OF ZONING APPEALS

41660 Courthouse Drive
April 22, 2008 @ 5:00 p.m.

Attendees: Dr. Herbert Winnik, Chairman
Lanny Lancaster, Vice Chair
Darren Meyer, Member
Dr. William Icenhower, Member
Joan Ritchie, Member

Also in attendance were: Laschelle Miller, Town Administrator; DeAnn Adler, Plans Reviewer; Teri Dimsey, Recorder; Melody Bremerman, Corbin & Hook Reporting; Joe Mitchell, Attorney; Darren Meyer, Resident; John Wharton, Enterprise; Tony Isom; Christina Nelson, Landing Way; Kelcy Seabolt, Landing Way; Dan Burris, LBA; Eileen Powers, RAR; B. Herring, Landing Way; Darren/KariAn Behrens Treyes, Landing Way; J. H. Norris, Resident; Tom Collier, Resident; Jerome DuVal, Landing Way; John Norris, Norris & Dudderar; Geri Beaton, Landing Way. An official list of attendees is on file at the Town Hall.

Chairman Winnik called the meeting to order at 5:04 p.m. and then took up the first item of business.

APPROVAL OF MINUTES – October 23, 2008 (as corrected) and January 22, 2008

Member Lancaster moved to approve the October 23, 2008 minutes as presented; seconded by Member Ritchie; no further discussion, the motion passed unanimously

Member Lancaster moved to approve the January 22, 2008 minutes; Member Meyer seconded, no further discussion, the motion passed unanimously.

NEW BUSINESS:

Case # 122-05 Leonardtown Landing Phase II – Validity of Claim That Concept Approval Has Expired

Applicant: Ron Russo, RAR Assoc. Dev. Corp
Location: End of Washington Street, Wharf Property
Zoning: Commercial Marine (C-M)

The applicant, Mr. Ron Russo, is requesting an appeals hearing on his claim that the Town Council is in error in its decision that the concept plan approval given on April 14, 2003 has expired.

Chairman Winnik stated that because there is a question of procedures which have to deal with a question of the accuracy of an administrative decision which has not come before the Board of Appeals before, therefore we have no direct procedures of this and are requesting a continuance for time to review the case and also to set up a workshop to look at the procedures for dealing with this question of whether or not the administrative decision was accurate.

Chairman Winnik recognized Eileen Powers, the attorney representing RAR Associates, who stated that they have submitted a document for the record and are objecting to the continuance for the reasons set forth in the letter.

Chairman Winnik recognized that we have the opinion of Mr. Norris, Town Attorney, dealing with the Board of Appeals rules and procedures and this too will be included in the record.

Chairman Winnik noted that if the Board approves a continuance, we will require a specific time, date and location to give us enough time to develop rules of procedures to deal fairly with the question of the accuracy of this administrative decision.

Chairman Winnik made a request for specific dates and times for a workshop to discuss procedures and the next meeting date.

The members of the Board and the involved parties came to a consensus that the workshop would be held on Tuesday, May 27, 2008 at 5:00 p.m. and the next Board of Appeals meeting date would be Tuesday, June 17, 2008.

Member Lancaster moved for a continuance, to hear Case #122-05 - Phase II Appeal of Decision –Concept Plan which has expired, to the date of Tuesday, June 17, 2008 at 5:00 p.m. The reason for the continuance is to develop Rules of Procedures for the Board of Appeals; Member Ritchie seconded, no further discussion, motion passed unanimously.

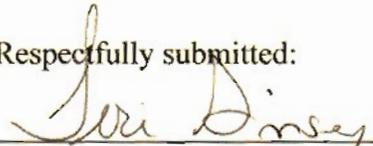
EXECUTIVE SESSION:

Chairman Winnik stated that the Board will now go into Executive Session to obtain legal advice according to the Maryland Code, State Government, Article, Section 10-508(a)(8). There will be no additional business conducted after the Executive Session.

Adjournment:

Member Ritchie moved to adjourn the meeting at 6:10 p.m., seconded by Member Meyer, no further discussion, motion passed unanimously.

Respectfully submitted:

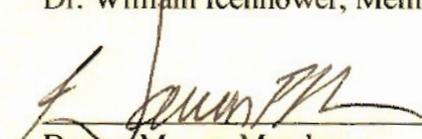

Teri P. Dimsey, Recording Secretary

Approved:


Dr. Herbert Winnik, Chairman

Lanny Lancaster, Vice Chair


Dr. William Icenhower, Member


Darren Meyer, Member


Joan Ritchie, Member