

3-76
RESOLUTION

WHEREAS, an application has been filed with the Commissioners of Leonardtown by F. Elliott Burch Sr., contract purchaser, for the rezoning of the property owned by Violet Fenwick that is located on Washington Street and Lawrence Avenue in Leonardtown. The application is for a change in zoning from its existing residential multi-family category to a commercial classification.

WHEREAS, separate public hearings on the rezoning request have been held by the Planning and Zoning Commission and the Town Commissioners, the recommendations of the Planning and Zoning Commission being a part of the record in these proceedings.

WHEREAS, the Town Commissioners have determined by a vote of two (Fenwick and Hall) to one (Gough) that the proposed rezoning request is consistent with the Town's Master Plan. Commissioner Norris was not present for the vote on this matter and has disqualified himself from participation in this rezoning case. Commissioner Marine was not present at the meeting in which the vote on the question of consistency with the Master Plan was cast, that being at the regular town meeting of September 13, 1976. Three Commissioners were present and constituted a quorum at this meeting.

WHEREAS, the Town Commissioners by a vote of three (Gough, Fenwick and Hall) to one (Marine) cast at the regular town meeting on August 14, 1976 have determined that there was a mistake made in the original zoning of the Fenwick property.

THEREFORE, the Town Commissioners are of the opinion that a change in classification of the Fenwick property from residential to commercial is in order.

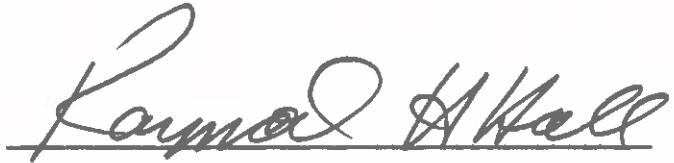
The Town Commissioners note that Mr. Gough voted in absentia at the August meeting. However, his vote was cast in advance of the meeting. Mr. Marine did not vote at the September meeting and the Commissioners find through a review of their prior minutes that there has never been the practice of counting a non-present and non-voting Commissioner in arriving at quorum. Therefore, based upon prior practice and procedure, the Board agrees that the quorum at the September 13, 1976 meeting was three. Had Commissioner Norris been present at the September meeting, because of his prior disqualification, he would not have been counted toward arriving at a quorum on the vote in this matter. His reasons for non-participation are set forth in the minutes of said meeting.

NOW THEREFORE BE IT Resolved that this Board does hereby enact and ordain that the Violet Fenwick property be rezoned as follows:

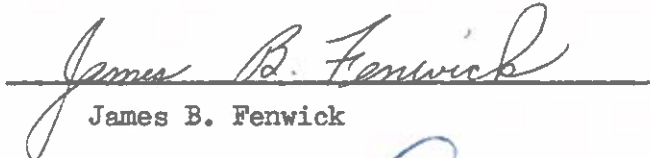
1. That portion of the property facing and abutting Washington Street to a depth of two hundred (200) feet is rezoned to COMMERCIAL-GENERAL
2. That the remaining portion of the property fronting on Lawrence Avenue is rezoned to COMMERCIAL-OFFICE

BE IT FURTHER RESOLVED that this amendment and change in the Town Zoning Ordinance is effective as of the date hereof.

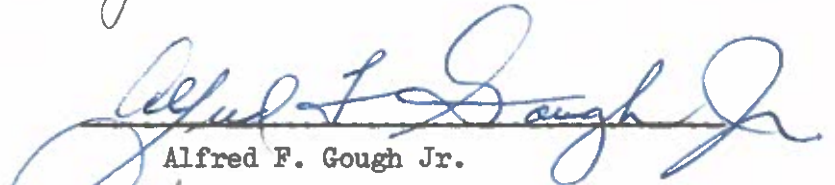
Witness the signatures of the Commissioners of Leonardtown this 5th day of October, 1976.



Raymond H. Hall, President



James B. Fenwick



Alfred F. Gough Jr.



Victor E. Marine