

Proposal would correct subdivision problems

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Around St. Mary's County there are situations in which more than one house are on a single lot. These were typically done before the creation of zoning in 1974 and usually initially involved adding a house for a relative or perhaps for a tenant on a farm. Now that would be illegal. Each house has to have its own lot and to add a house to a lot requires subdividing that lot. No one knows how many such lots exist in the county.

The St. Mary's County Commissioners Tuesday, on a split vote, agree to proceed with the process of allowing the zoning administrator to create a lot around any single-family home that has not gone through the subdivision process. Currently if the owner of that house on the unsubdivided property wants to sell it, a subdivision needs to be created but there is no process to do that.

The proposal from the Department of Land Use and Growth Management (LUGM) presented to the county commissioners on Tuesday also included the proviso that the creating of the lot would trigger the requirement that development rights be paid to achieve the density that would occur with the lot creation. Purchasing TDRs (Transfer of Development Rights) would add to the cost of the process but also would support the continuation of open spaces in the county.

It was the TDR requirement that caused the greatest controversy in the otherwise routine request. Commissioner Lawrence Jarboe (R: 3rd) asked if the St. Mary's County Farm Bureau had been consulted in the developing of the proposed ordinance change. LUGM Director Philip Shire said that hadn't been done but noted they could testify at the public hearing on the proposal, a point also emphasized by Commissioner President Francis "Jack" Russell (D).

Commissioner Cynthia Jones (R: 1st) said of Jarboe's opinion that the proposal and TDRs were two different things. She said TDRs were a growth tool but the proposal before them involved houses that were already there and thus the growth had already occurred.

Shire admitted to Jarboe that there was no particular case driving the request, although he said the Board of Appeals had recently turned down a request after previously routinely approving them. County Attorney George Sparling said the previous approvals by the appeals board may have not had any basis in law and said the proposal would correct the situation. He said he felt there was no current remedy available to the county to correct such a situation.

Jarboe pressed for a delay in the vote to proceed with public hearings, instead saying the proposal should be rewritten to require the TDR payment. Commissioner Daniel Morris supported Jarboe but the motion to proceed passed on a 3-2 vote.

The passed motion calls for the St. Mary's County Planning Commission to hold a public he