

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the Appeal by Joseph Henderson and
Christy Henderson from the Issuance of Permit No.
13-1693

Case No. ZAAP #13-1618

DECISION AND ORDER**I. Introduction**

Joseph Henderson and Christy Henderson (hereinafter "Appellants"), appealed the decision of the Director to issue Permit No. 13-1693 for property located at 49653 Buzz's Marina Way, Ridge, Maryland (hereinafter the "Property").

After due notice, a public hearing was conducted by a Hearing Examiner on March 27, 2014, at the Governmental Center in Leonardtown, Maryland, and all persons desiring to be heard were heard, documentary evidence received, and the proceedings recorded electronically. The Hearing Examiner filed a Report dated May 1, 2014. After due notice, the evidence and the Report of Hearing Examiner was considered by the Board on June 12, 2014.

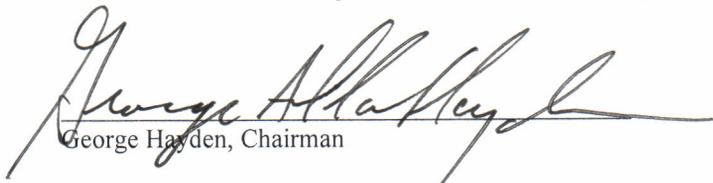
- I. Legal Standard:** The legal standard is whether the decision of the Director is supported by the evidence. An appeal is a de novo proceeding.
- II. Summary of Testimony:** The testimony is summarized in the Report of the Hearing Examiner.
- III. Summary of Documentary Evidence:** The documentary evidence is listed in the Report of the Hearing Examiner.
- IV. Findings of Fact:** The Board adopts the Findings of Fact of the Hearing Examiner.
- V. Conclusions of Law:** The Board adopts the Conclusions of Law of the Hearing Examiner.

DECISION AND ORDER

NOW, THEREFORE, BE IT ORDERED, that:

- (1) the decision of the Director to issue Permit No. 13-1693 for property located at 49653 Buzz's Marina Way, Ridge, Maryland is **VACATED**;
- (2) the home occupation permit issued to Timothy Dean on September 26, 2013, be rescinded;
- (3) the roadside stand permit issued to Timothy Dean on October 10, 2013, be suspended;
- (4) Timothy Dean make application for, and pay the appropriate fees for, the roadside stand permit issued on October 10, 2013, within thirty (30) day of the date of this Order; and
- (5) upon default of Timothy Dean to comply as ordered herein, the roadside stand permit issued on October 10, 2013, be rescinded.

This Date: July 10, 2014


George Hayden, Chairman

Those voting to affirm the Planning Director:

Mr. Hayden. Mr. Guy, Mr. Moreland, Mr. Greene, and Mr. Payne

Those voting to reverse the Planning Director:

Approved as to form and legal sufficiency:


George R. Sparling, County Attorney