

Subject:	Docket #1299 Turner, Richard and Carol.
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From:	"Paul and Ellen Elbert" < elbertsenderprises@comcast.net >
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Recipient	Action Date & Time Comment
To: Carrol Everett (EverettC@charlescounty.org)	

Attention Ms. Carrol Everett:

Can you please forward my written letter to the Board of Appeals, Docket #1299, Turner, Richard and Carol.

As a neighbor, and the person who has been taking care of the road the last year, I would like my support and additional information entered into the public record.

Thank you for your assistance.

Paul Elbert

February 13, 2013

Docket # 1299 Turner, Richard and Carol

Dear Board of Appeals:

I would like to voice my support for the granting of the three variances requested for the Turners.

In the following paragraphs I would like to explain why the Turners have my support and why a great injustice would be continued if the Board of Appeals fails to grant these variances.

1st variance The minimum site area of 20 acres. I believe this requirement was intended for a large scale facility to prevent negative impact on the adjoining property owners. The Turners have operated at his location for a number of years without any complaints from the adjoining property owners, thereby demonstrating granting this variance will not cause the adjoining neighbors any hardship. Two of the adjoin properties have changed hands during the time the Turners have been open, further prove the lack of impact on the adjoining property owners.

2nd variance The minimum building setback. The explanation is the same as the first variance.

3rd variance The need to have direct access to a collector or arterial road. I believe a further explanation of Petzold Drive and property owners who access their properties from Petzold Drive is in order. **I would like to preface this portion by stating most of this information is derived directly from MDlandrec.net and is a matter of public record.**

This is the most complicated of the three variances requested and the purpose of this letter. **This is a road problem**, not a Turner family problem. I like to point out that a County official; Mac Middleton notified the Petzold family in 1984, that acting as a developer, they had to improve Petzold and Elizabeth Drives in order to further subdivide the property that adjoins Petzold and Elizabeth Drives. The County failed to enforce this requirement and allowed the family to further subdivide their lots.

Petzold Drive was created in the 1973, when Willy and Elizabeth Petzold subdivided their family farm. The family began to act as the land developer. The family hired a survey company to subdivide the property and layout Petzold Drive and the lots. At this time Petzold Drive became a road, all be it a gravel road, a road nun the less. Petzold Drive was dedicated to public use as a 50 foot right-of-way and dedicated to public use. Each time the lands adjoining these roads where subdivided, the new lots have the same statement recorder on the plats. As the developer the Petzold Family should have installed a proper road to county standards at that time on placed a bond for future installment.

Between the years 1974 to 1984 Elizabeth Petzold gave, or sold for \$1.00, all of the property with the notable exception of the roads, Petzold Drive and Elizabeth Drive, to her family members. (There was no financial gain to own a road. The County should inspect the road for erosion, for which there is no control. If corrections are required we find out who owns the road.) Subsequently, each of the family members subdivided some or all of their property, even after the county stated ***“no further sub-division of Petzold Farm is permitted without bringing the roads up to county standards.”*** I encourage the board to verify this for themselves.

To add further difficulty to the residents of Petzold and Elizabeth Drives, the Petzold family (Richard Blevins, George and Kay Estes) have restricted the 50 foot right-of-way from the intersection of Dr. Mudd Road through the first 450 feet, or so, of Petzold Drive by placing barriers in the right-of-way. Barriers that include fence posts, rail road ties, a truck, a camper, a paved camper parking lot, cars, shrubs, ornamental trees and occasionally a garden. These obstructions restrict the site lines of the drivers that travel the road creating a potential safety hazard. The fire code for the County states a road must have a width of 25 feet for emergency vehicle access. In this area it averages just 12 feet. A real world example of the results of this restriction is Mr. Robinson’s house caught fire and was a total loss partly because the fire department water wagons were unable to pass the other rescue equipment on the roads, thereby limiting the water the firefighters had available to them. The family has resisted removing these obstacles or allowing the other residents to improve or repair this section of the road long before the Turner family built their home and business on Petzold Drive. Again, I encourage the Board of Appeals to visit the property a view this first hand and I would like some advice on how this can be corrected.

I must also point out that there are five businesses in addition to Rick's Place located on Petzold and Elizabeth Drives. I believe three are opponents of Rick's Place. Mr. Johnston, Mr. Snellings, and Mr. Lawrence each have a business of their own located on Petzold Drive. Mr. Johnston owns Stinehart Construction and Stinehart Photography with his equipment, office and photo studio located at his residence. Mr. Snellings has a painting business located on Petzold Drive with a separated building for his office staff and his painting employees report there each day and store their materials. Mr. Lawrence and his wife have a health goods business which has customers visiting Petzold Drive. Each of these locations receives material and customers routinely. The lots that Mr. Lawrence and Mr. Snellings reside were originally to have direct access to Dr. Mudd Road as approved by the County when the lots were subdivided, not Petzold Drive; an exception was made for these properties. The enforcement of this would remove two houses and businesses from Petzold Drive. Mr. Snellings has already received a variance in the late 1990's from the County to operate his business as the Turners have requested. If traffic is such a concern for these three business owners, then should they also relocate their businesses? I am sure that culmination of these three businesses average more visitors per day than Rick's Place and non have the contributed to the care and maintenance of the road as the Turner family. A point of fact, they have resisted any maintenance and installed 6 very large speed bumps last summer, greater than 12 inches high. These speed bumps caused damage to my wife's car, caused a police cruiser to become stuck and acted as dams on the road causing additional potholes on the road. I had to employ an attorney to gain access to my residence. **Again, this is a road problem**, not a Turner family problem.

In closing, **I request the Board of Appeals grant the Turners these three variances.** Not only because this is the right thing to do, but because it is the first step the County could take in correcting the problems created by the Petzold family's failure to install a proper road as required by any land developer.

Sincerely,
Paul Elbert
4375 Elizabeth Drive
Waldorf, MD 20601