

Subject: Attached colored submittal to include in BOA #1299 today Re: Illegal Slaughter house Petzold Drive Letter #10
Created By: gypsy602@comcast.net
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From: "gypsy602" <gypsy602@comcast.net>

Recipient	Action	Date & Time	Comment
To: Carrol Everett (EverettC@charlescounty.org)			

Dear Board of Appeals Members:

Thank you for taking the time to hear our case last night February 12th regarding the Illegal Slaughterhouse on Petzold Drive.

Thank you also for taking the time to consider this letter which points out incorrect and missed items in the Report by the Charles County Planning staff to the Board of Appeals regarding the Illegal Slaughterhouse on Petzold Drive in Waldorf.

I am going to start by pointing out the discrepancies:

On the front page under the section "BACKGROUND"

The Turners purchased the subject property in 1999. This property known as Petzold Drive subdivision was to have NO more homes built on it. The private narrow dirt road was not zoned for anymore lots. This falls on the Planning commission who approved the building on Turners lot at the time. The Turners always knew of their intent to establish their slaughterhouse.

In October 2011 (follows to pg. 2 of planning staffs report) Rick Turner was sent a violation letter from a County Inspector for operating a slaughterhouse facility WITHOUT A PERMIT OR COUNTY AUTHORIZATION. The Slaughterhouse should have been closed at this time. A meeting to discuss the issue in November 2011 was requested by Rick Turner which was attended by Rick Turner, USDA inspector and County staff (I was told by Reed Faasen that Mac Middleton was the listed County staff, et al. that attended) Rick Turner and Mac Middleton are associated by family marriage. A 90 day stay on enforcement of action was granted to allow Mr. Turner to continue to operate. Would a different ILLEGAL business without permits or license be allowed to continue to operate while the Department could research the issue?

Extension after extension has been granted to Mr. Turner to allow him to continue to operate his illegal business while the BOA had their first meeting to classify the butcher shop as a "Slaughterhouse" on October 23rd 2012. The following morning on October 24th the issue was brought before Judge Gregory

Wells who mandated specific restrictions for Mr. Turner's business. (restrictions were not followed, proof and repeated requests to enforce the injunction were ignored).

On October 23rd the BOA allowed Mr. Turner to apply for exception and variances to come into compliance noting at the time only 2 variances. There are several variances needed to operate this type of business in an AC Zone.

Discrepancies on page 4.

The Board of Appeals shall grant a special exception when, from a preponderance of the evidence record, the proposed use:

(1) Will not be detrimental to or endanger the public health, safety, and general welfare.

Staff Analysis: Staff does not find any evidence that the use will endanger public health, safety and general welfare as this use is compelled to follow state and United States Department of Agriculture (USDA) regulations.

The staff goes on to mention food safety issues not the direct daily impact on the residence of Petzold Drive ...

This proposed use of an Illegal Slaughterhouse on a Privately owned narrow dirt road is **detrimental** because our children are not safe in their own neighborhood anymore nor have they been for years. I have been dealing with speeding trucks, cattle trucks, trailers, commercial vehicles racing down our private road since my children were toddlers. It is not safe for them to take a bike ride, jog, or take a walk. I have had to run to their aid and yell at speeding trucks and commercial vehicles way too many times. My children have been yelled and cussed at by speeding drivers who are invading our private road. We homeowners who work hard to provide a safe place for their families chose to live out here on what used to be a quiet private road.

Endanger the Public Health: Our neighbors and children are endangered daily. None of the neighbors wanted to raise their families in an Industrial Park like St. Charles. Every day strangers fly up and down this road to patron Rick Turners' slaughterhouse whom would otherwise not be here violating our privacy. 99% of the neighbors were here before Rick Turner willingly and knowingly started operating his Illegal Slaughterhouse. We do not want strangers running up and down the road daily endangering our children and leaving us open to theft and vandalism from strangers.

Safety, and general welfare: Your laws concerning commercial business were put into place for a reason. At the first BOA meeting on October 23rd 2012, Frederick Mower said as they were classifying Rick Turners business "You do not want me to classify you as a Slaughterhouse because a Slaughterhouse is a Commercial business and a Commercial business is not allowed in a Residential neighborhood". We plead with the Charles County Board of Appeals to follow their own laws. Rick

Turner provides a service on site for services rendered. This is a commercial business on a Private road, which means ANY and ALL enforcement to any stipulations put on Rick Turners Slaughterhouse would fall on us residents to enforce. Charles County sheriffs department cannot enforce any speeding on a private road. Rick Turner has not followed any Court Ordered restrictions so far concerning business hours of operation and will not do so in the future because doing so would hurt his business. Applying restricted business hours does nothing to protect our children especially all summer long when they are out of school playing outside every day. How is it fair for Charles County to impose restrictions on Rick Turners Slaughterhouse for us to enforce. The tensions are already so high here that the dreaded thought of what might happen is just a question of when not if...

Last night during our second BOA meeting on February 12th Frederick Mower asked a neighbor "Kim Penkert" how many children reside on our road. Kim's answer of 7 was incorrect and how could Frederick Mower ask the question of "How Many children reside on Petzold Drive"? suggesting that the amount of children living on the road to date is relevant. Is not the life of one child precious enough that Charles County should do the right thing and follow their own established laws?

There are at least 10 children that live on Petzold Drive as their primary residence who are of school age or younger. You also have to take into consideration there are children that live here every other weekend with divorced parents, there are grandchildren that are cared for during the day by grandparents while the parents work and there are almost 20 grandchildren that visit here regularly spending extended time with grandparents especially during the weekends, holidays and summer.

The safety of our Children and grandchildren that is being endangered daily by Rick Turners Slaughterhouse has always been our primary concern.

Planning Staffs Report pg. 4 Section 2. "Is a permissible use in the zone".

Staff Analysis: The subject property is zoned Agricultural Conservation (AC) and the use is permitted by Special Exception in the AC zone.

The proposed use should NOT be granted in an established residential neighborhood. In order for the USE to be granted as an exception too many variances have to also be considered therefore- CHANGING THE USE- which is not permissible under the law.

(3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

Staff Analysis: The Applicants stated they have been operating their business since 2002 and that the business' location is in a peaceful, rural area. They stated properties within their neighborhood have been bought and sold at competitive prices comparable to similar homes in their district.

A letter attesting to the fact that a Slaughterhouse on the same road as a residential subdivision is detrimental to the surrounding property values has already been submitted to the BOA. This confirms the fact that a Slaughterhouse in our neighborhood lowers our property value. The neighbors can obtain many more letters from successful local realtors if it would help. Please put yourselves in our position and pretend you live here and have put your blood, sweat and financial resources into your home. Now pretend you want to move and you have to put your "for sale sign" right next to the Slaughterhouse business sign, or pretend you are in the market for a home for you and your family. Would you choose to purchase the home with a Slaughterhouse as a neighbor?

Planning Staff report-Page 4-5 Section 3 continued:

During the Planning staff's site visit on December 21, 2012, the business appeared to be clean and confined to a single barn structure. Staff did not observe evidence that the use would be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

Read the above statement and see how standing in the empty barn would not seem to be detrimental to the use: This above observation is not considering how the neighbors are affected daily. Just being a Slaughterhouse in a residential neighborhood is detrimental to the use, peaceful enjoyment, and economic value or development of surrounding properties or the general neighborhood as previously mentioned above.

I am not going to argue any of the site plan requirements on the planning staffs report from page 5 because we are requesting the relocation of Rick Turners Illegal Slaughterhouse.

Planning Staff report page 6. Section (7) The site must have direct access to a collector or arterial road.

*Staff Analysis: The Applicant stated they are not on an arterial or collector road, and have a deeded 50 foot **private** right-of-way. They have applied for a variance to this requirement.*

Every single customer of Rick Turners has to make at least four trips up and down our private narrow dirt road. Up to drop off, back to leave, back up to pick up and back down to leave... With Rick Turners Illegal Slaughterhouse being at the end of our road all of his customers cause constant daily disruptions. Petzold Drive has a 50 foot private right-of-way as noted on the deed as a 50 foot right of way to be used in common with others. Everyone also has easement rights- that means that you as a homeowner have use of the existing road AS IS, not the entire 50ft width. This road has never been 50ft wide nor will it be. A width of 50ft. damages well established, trees, landscaping and yards that homeowners

have established since their properties were built. This means common use for the residence who live here, not to operate a Commercial Slaughterhouse business.

How can Charles County approve a variance for an Illegal Slaughterhouse to have direct access to a collector or arterial road by way of a privately owned road? How can Charles County give a variance to and for something that is not theirs to give.

Planning Staff report page 7. Section B. Minimum site area. A minimum of 20 acres is required for a slaughterhouse operation. If the slaughterhouse includes a feedlot, a minimum of 100 acres is required.

Staff Analysis: The subject property is 10.14 acres. However, the property is contiguous with 582 acres of land protected by perpetual conservation easements.

These conservation properties surround the subject property to the north, south and west and are predominantly forested. These properties provide expansive wooded buffers to the subject property. The operation does not include a feedlot. The Applicants have applied for a variance to the lot size requirement.

A variance as described by Charles county zoning regulations is supposed to be narrow or shallow. Requiring an additional 10+ acres for Mr. Turners Slaughterhouse is not a narrow or shallow is a concern with all of the disposable waste being washed down his septic system. Granting this variance is permitting the Board to change the permitted use of the land which is not allowed.

Planning Staff report page 7. Section C.

No slaughterhouses shall be constructed or established within one mile of any neighborhood of 20 lots or more in which the average density is one dwelling unit per five acres or more.

Staff Analysis: The subdivision known as Wetherburn is approximately .5 linear miles away from the Turners' property and approximately 1.2 miles by road. There are a total of 37 lots within this subdivision plus significant open space and forest conservation associated with and surrounding the subdivision which yields an average density less than one dwelling unit per five acres (237 acres / 37 units = 6.4 acres). Therefore, this requirement does not apply.

Charles County Planning staff **miscounted** the homes on Petzold Drive and it's off street of Elizabeth Drive stating that there are only **16 homes** on Petzold Drive. Earlier letters from neighbors mentioned only 19 houses on Petzold Drive till they were actually counted and catalogued. The law states that no slaughterhouse shall be constructed or established within one mile of any neighborhood of 20 lots or more ... as stated above. There are **21 homes** on Petzold Drive, Elizabeth Drive (an off street of Petzold Drive) including one at the very end of Petzold Drive facing Dr. Samuel Mudd house road. That in itself is enough to consider this variance. You also have to take into consideration that the Planning staff incorrectly computed the density of the development Wetherburn because the developers of Wetherburn instead of selling the lots of 3-5 acres as they were zoned for gave each individual homeowner in Wetherburn a smaller lot to build on and their extra land deeded in the form of a portion of a community lot in the back of Wetherburn. Therefore changing the density computed. Wetherburn should be included in the home count also making well **over 62 homes** well within a mile of Rick Turners property. These specifics have been sent in an earlier letter with the homes being numbered to correlate with attached pictures along with the names of residence and their addresses.

Planning Staffs Report page 8. Section (5) Will cause no objectionable impact from traffic, noise, type of physical activity, fumes, odors, dust or glare.

There is a big objection from the impact of traffic, noise, type of physical activity, fumes, odors, dust or glare. The planning staffs analysis was that specific business hours on the part of the Turners due to a mandated court order would help. As earlier mentioned and noted in a separate letter of concern Mr. Turner consistently violated the mandated court order. With this being a private road we have NO way to enforce any speeding or restrictions on Rick Turners business. Customers continue to travel up and down our private road no matter the time or day. **The size of Rick Turners Illegal slaughterhouse was severely understated at the BOA hearing and on the Planning Staffs report.** Even the specifications for a Cottage industry specify you may not have more than three deliveries a day as pasted below from Charles County zoning laws:

ZONING REGULATIONS

19 Updated 2010

(b) Traffic shall not exceed three customers or deliveries per day and will not create an increase in traffic patterns normally associated with a residential community.

Any parking required is to be limited to off-street gravel or paved parking, on the permit holder's property.

(c) Employees are limited to members of the immediate family who reside in the dwelling. Another relevant point

(d) Applications for home occupation permits will be approved or disapproved by the Zoning Officer based on the criteria of this subsection.

(e) All business activities associated with the conduct of a home occupation shall be conducted entirely within those portions of the principal dwelling that are approved for the home occupation use. All materials, equipment, supplies, and inventory associated with the home occupation shall be stored within the principal dwelling. A home occupation shall not involve the production or improper

disposal of any hazardous, toxic, or carcinogenic materials or waste. **[Added 12-4-2006 by Bill No. 2006-13.1]**

The deer season prior to Rick Turner being sited violations, Rick and Carol Turner boasted about processing over a thousand deer and the neighbors can attest to the traffic on Petzold Drive being like MattawomanBeantown Road during rush hour. That does not include the traffic from large Cattle trailers bringing in 6 cows at a time on top of pork and goat being hauled in to process. A primarily cash business such as his might not note the expanse either.

The fumes, odors and dust that are intolerable are from the excessive daily traffic flying up and down the road.

Planning Staffs report page 9. Section (7) Will provide adequate ingress and egress and be so designed as to minimize traffic congestion in the public streets.

Staff Analysis: The Applicants state they have adjusted their business hours to adequately decrease the ingress and egress of traffic to a minimum, especially during school bus schedules and Sundays. The Applicants emphasize that safety is a top priority because they are operating their business and also have their home on Petzold Drive. The Applicants state their busiest times are from September 15 – January 15, when they average five customers per day. They state that the food banks usually pick up between 15 and 20 deer at a time. The Applicants state during other times of the year they average three customers per day.

Staff analysis repeats the same response for this section as they did on page 8. Section 5

We have to respond to the Turners response that they emphasize that safety is a top priority because they are operating their business and also have a home on Petzold Drive.

We cannot express the **multiple** times we ourselves and most neighbors begged and pleaded with the Turners to do something about the speeding of their customers since 2003 when business started picking up. I was told by Rick Turner “That’s what a dirt road is for, to tear it up...” , “I cannot control my customers”, What do you want me to do about it”?. Carol Turner told me “It’s not my problem, what do you want me to do about it”? “What do you want me to do, come stand in front of your house and tell them to slow down, they don’t speed up at my house”? Turners live up at the end of the road they have to slow down by then. You are asking private residents to daily police a commercial business.

*Planning staffs report page 9. Section (8)
Is in accordance with the objectives of the Charles County Comprehensive Plan.*

The planning staff mentions a need for livestock processing facilities and the Tobacco Buy- out program. To our knowledge Rick Turner has never been a tobacco farmer and he has never been a crop farmer here on Petzold Drive.

No one denies the possibility of the need for livestock processing facilities. They just DO NOT belong in a residential neighborhood without collector or arterial access. You should also have a letter noting that Rick Turners Slaughterhouse is not a rarity in our area, there are at least 4 local processers within five miles of Rick Turners Slaughterhouse and ALL OF THEM have direct access to a collector or arterial road and do not have more than 20 homes within a mile of them.

Planning staffs report page 9. Section (9)

Conforms to the applicable regulations of the zone in which it is located and to the special requirements established for the specific use.

Staff Analysis: According to the Charles County Zoning Ordinance, slaughterhouses are permitted in the Agricultural Conservation (AC) zone with a Special Exception.

Granting a Special Exception to Rick Turner to legalize his Slaughterhouse is not permissible under Charles County zoning laws because requiring so many variances changes the USE therefore it is not permissible.

Planning Staff report page 10.

Board Authorization – Variances

The Board is authorized to grant variances under Article XIII, §297-416 of the Zoning Ordinance. The following is an excerpt from §297-416 which outlines the findings and criteria to be used by the Board, which has been annotated with the staff findings.

*The Board is authorized to grant variances from the strict application of these regulations when, by reason of **exceptional narrowness, shallowness** or shape of specific parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels of property, the strict application of the regulations of this chapter would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of said property. **However, the Board of Appeals shall not grant variances that will substantially impair the intent, purpose and integrity of this chapter. This provision shall not be construed to permit the Board, under the guise of a variance, to change the permitted use of land.***

There are at least 4 major variances to consider in Rick Turners request.

- Granting an additional 10+ acres is not a small, narrow or shallow request
- Relocating the barn is not feasible
- The County should not be able to tell a private road owner that he has to open up his private residential road to a commercial business

- You cannot change the fact that there are 21 homes on, off (Elizabeth Drive an off street of Petzold Drive) and at the end of Petzold Drive and a total of at least 62 homes within a mile of Rick Turners Slaughterhouse

Granting this many variances changes the proposed USE and is not permissible under Charles County Zoning laws.

Planning staffs report bottom of page 10.

Variance 1 – Minimum Lot Size of 20 acres

In addition to those general findings required above, variance requests shall not be granted unless the following criteria are met:

(1) That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this chapter would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.

The planning staffs analysis and response to this criteria repeats response from page 7. Section B.

Any unwarranted hardship by the Turners not receiving exception and variances would be self-imposed. Mr. Turner self- established this need by opening a Commercial Slaughterhouse without the proper permits, license or permission. Other livestock processors in the near vicinity have direct collector or arterial access and do not have so many home surrounding them. To our knowledge all have the appropriate acreage also.

(2) That strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by other owners of property in the area.

Staff Analysis: The Applicants state if variances are not granted, they would be deprived of their property rights as slaughterhouses are permissible in their land use zone, Agricultural Conservation.

Denial of the lot size variance may deprive rights to the applicant that are commonly shared by owners of like property or businesses, if other property owners who do not have 20 acres for a slaughterhouse are granted variances for similar requests.

As described above, other local livestock processors already meet all of the proper requirements. The specific requirement of having 20 acres for a Slaughterhouse was put into law for a reason: example-to avoid problems like this one.

(3) *That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.*

Staff Analysis: *There are few slaughterhouse facilities located in Southern Maryland. The lot size variance being requested may confer rights to the applicant that are denied to owners of like property or businesses, if other property owners who cannot meet conditions of the lot size for a slaughterhouse are denied variances for similar requests.*

Even the Planning staff mentions that granting this variance may confer rights (special privilege) To the Turners if granted that are denied to owners of like property or business.

Planning staffs report page 11. Section (4)

That the variance request is not based upon conditions or circumstances which are self-created or self-imposed.

Staff Analysis: *Slaughterhouse became an allowed permissible use under conditions with a Special Exception in 1992 as a result of the major zoning ordinance amendment associated with the onset of the Charles County Comprehensive Plan. Prior to 1992, slaughterhouses were excluded as a permissible use in the R-3 (Rural-Agricultural) zone. The conditions for*

slaughterhouses are the same today as outlined in 1992, including the requirement for a minimum of a 20 acre parcel. The subject property has been 10.14 acres since May 1975 as found in a plat of subdivision as recorded in the Land Records of Charles County at Plat Book 22, page 114. **However, the need for the lot size variance may be based on self-created or self-imposed conditions or circumstances** in light of both its necessity to legitimize the ongoing property use and the Applicants' decision to run a slaughterhouse business operation after their purchase of the property.

Rick Turners request for exception and variance is solely based upon conditions and circumstances that were self-created and self-imposed by choosing to establish and Illegal Slaughterhouse without the proper permission, permits or license. The above criteria cannot be met therefore variances are not permissible.

Planning staffs report page 12. Section (6)

That the proposed variance is consistent with the Charles County Comprehensive Plan.

Staff Analysis: The proposed use is a permitted use and within the AC zone. Staff did not find any evidence to suggest the proposed variance for lot size is inconsistent with the Charles County Comprehensive Plan. Further elaboration regarding the Comprehensive Plan can be found on page 9 of this report.

The proposed variance for lot size is inconsistent with the Charles County Comprehensive Plan because it would allow a Commercial business to operate within a residential subdivision requiring so many variances that it would change the proposed USE.

Planning staff reports page 13. Bottom section:

Variance 3 – Arterial or collector road

In addition to those general findings required above, variance requests shall not be granted unless the following criteria are met:

(1) That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this chapter would result in

unwarranted hardship which is not generally shared by owners of property in the same land use classification.

Staff Analysis: Petzold Drive, where the subject property is located, is a unique Private Drive which existed before the establishment of the subject lot and is unusually lengthy compared to other private rights-of-way. The current Zoning Ordinance allows five single family dwelling lots on private drives. However, Petzold Drive currently has 16 lots, some of which were subdivided before the five lot limit was established, and some as a result of interfamily transfers and/or variances issued for additional lots added to the private drive.

Documents have been introduced to prove that there are 21 houses on Petzold Drive including the one at the front end facing Dr. Samuel Mudd and the 6 that are on Elizabeth Drive which is an off street of Petzold Drive. Also other Livestock processing plants in the local vicinity have direct collector and arterial access.

Planning staffs report page 14 Section (2)

That strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by other owners of property in the area.

Staff Analysis: The Applicants state if variances are not granted, they would be deprived of their property rights as slaughterhouses are permissible in their land use zone, Agricultural Conservation.

Denial of the variance for direct access to a collector or arterial road may deprive rights to the applicant that are commonly shared by owners of like property or businesses, if other property owners who cannot meet the requirement of direct access to a collector or arterial road for a slaughterhouse are granted variances for similar requests.

Other noted like businesses have direct access and are not on private roads that they do not own.

Planning staffs report page 14 Section (3)

That the granting of a variance will not confer upon an applicant any special privilege

that would be denied to other owners of like property and/or structures within the same

zone/land use classification.

Staff Analysis: There are few slaughterhouse facilities located in Southern Maryland. **Since this use is rare, it is difficult to determine if granting a variance for having direct access to an arterial or collector would confer special privileges.**

This use is not rare in our area as other noted letters have proved and we do agree that granting a variance for having direct access to an arterial or collector road WOULD CONFER SPECIAL PRIVILEGES that the owner of the private road does **not** wish to grant.

Planning staff report page 14. Section (4)

That the variance request is not based upon conditions or circumstances which are self-created or self-imposed.

Staff Analysis: The Applicants were aware that the location of their property required access via a Private Drive when their business was established; however, **the length of the road and extent to which the number of lots exceeds the allowable amount under the Zoning Ordinance, currently five lots, is not self-imposed. The variance request may be based on conditions or circumstances that are self-created or self-imposed in light of its necessity to legitimize the ongoing property use.**

Quoting staff:

“ the length of the road and extent to which the number of lots exceeds the allowable amount under the Zoning Ordinance, currently five lots, is not self-imposed.”

The planning staff is admitting that there are more houses on this road than should be allowed under the zoning ordinance therefore-Since Rick Turners house was one of the last ones built on this road-that the county allowed to be built-You want the residence of Petzold Drive that were here first to daily suffer for ANOTHER one of Charles County mistakes. If Charles County zoning had followed their own laws in the past by not allowing Rick Turner to build his house on a road that was already at its' quota of residence we would not be here fighting this additional injustice.

The Variance request for road access is SELF-CREATED AND SELF-IMPOSED because Mr. Turner was fully aware that he was establishing a commercial business in a residential subdivision without permission.

Planning staff report page 14. Section (5)

That greater profitability ability or lack of knowledge of the restrictions shall not be considered as sufficient justification for a variance.

Staff Analysis: The Applicants state they are not claiming greater profitability or lack of knowledge as reasons for their variance requests. The Applicants acknowledge they understand the nature of the variances they are requesting, and state that applying for these variances will allow them to continue operating their business, as well as help local livestock

farmers along with supplying food to needy families in the tri-county area.

Allowing Mr. Turner to apply for these variances is wrong because it changes the proposed USE.

Mr. Turner gets PAID for services rendered on site to help local livestock farmers.

Mr. Turner gets PAID for services rendered on site to supply food to needy families.

Mr. Turner does not give food to needy families. Hunters donate deer- Mr. Turner gets paid from organizations to process said deer giving them a small discount of up to 20% of his regular fees. Getting paid for services rendered on site is a Commercial business that is not allowed in a private residential subdivision.

Planning staff report top of page 15

Staff did not find any evidence to suggest the proposed variances are inconsistent with the Charles County Comprehensive Plan. Further elaboration regarding Comprehensive Plan consistency can be found on page 9 of this report.

The proposed variances cannot be consistent with the Charles County Comprehensive plan because Mr. Turner does not qualify to apply from all of the above mentioned violations. The comprehensive plan was not designed to allow commercial business to operate in a manner that would endanger its' residence.

PLANNING DIVISION RECOMMENDATIONS

The Planning division staff finds that the applicant has met or justified compliance with most of

the criteria for approval, and therefore recommends the following Conditions of Approval, for the purposes of adequately and completely addressing the requirements of the Zoning Ordinance:

The planning staffs report is supposed to be a report of findings, they are NOT supposed to make recommendations!

1. The approval of Special Exception Docket #1299 for a Slaughterhouse is granted from the date of this Order and shall be effective for a period of five (5) years. After five (5) years, the Applicant may request an extension/modification to the Special Exception from the Board of Appeals.

Is he Board going to continue to allow an illegal commercial business to operate on our private residential road and endanger its' residence for another five years only to have something tragic happen?

2. The Applicants shall continue to operate only during posted hours: Monday – Friday from 9am–2pm and 5pm–8pm, Saturday from 10am-7pm, closed on Sundays and government holidays.

Proof has been submitted of non-compliance on a mandated court order. Placing specific business hours will not work, will not be followed on the part of the Turners and will force further tension and animosity in our neighborhood. It is not the neighbors job to police a commercial business in our neighborhood.

3. The Applicants shall ensure the 15mph speed limit sign and the “Children at Play” sign remain posted at all times.

A sign does not and will not ensure speed limits are followed or help keep our children safe.

4. As stated in their application, the Applicants shall operate from the second week of August each calendar year until the second week of June the following calendar year.

Again, any restrictions in the past have not been complied with, who is going to enforce them?

5. The applicants shall operate the business on their property utilizing only the structure that has been converted to a slaughterhouse currently and shall not expand to other structures.

Allow Mr. Turners business to operate and it will continue to grow as it has in the past and additional structures will be needed...

6. The applicant should strive to keep Petzold Drive in a good state of maintenance and repair by having performed, from time to time, grading of the gravel surface and pothole filling.

The neighbors of Petzold Drive ceased road repair when Mr. Turner was cited from zoning for operating an illegal business. Most of the neighbors regularly put in resources for road maintenance and repairs. We will not put our hard earned money to repairing and maintaining our road for Rick Turners customers to destroy. We do not want Rick Turner to maintain the road or to operate his illegal slaughterhouse on our private dirt road.

The Map on page 19 clearly defines Petzold Drive as a "Subdivision".

The map on page 20 of the Planning staffs report outlines the Protected Wetlands of Zekiah swamp which is the largest protected wetlands east of the Mississippi. This should be a EPA and Septic Bill concern because Mr. Turner washes livestock waste into his septic system and refused EPA inspectors onto his property last year for and inspection when suspected covering of carcasses in the wetlands was discovered.

Pictures on Page 23-30 of the Planning Staff's report do NOT show ANY of the residential homes on Petzold Drive or Elizabeth Drive (Petzold Drive's off street). Between specific wording in the planning staff's report calling Petzold Drive a "low density rural area" and not showing pictures of any of the homes one would be led to believe that Mr. Turners' property was out in the middle of nowhere.

Thank You for taking the time to reevaluate the Planning Staff's report from the discrepancies noted in this letter.

Our intention has always been to ensure the safety of our children and neighbors. Relocating Mr. Turners Slaughterhouse to an area where it is properly zoned for would help Mr. Turner realize the full potential of his business and reinstate the safety and welfare of our neighborhood.

Thank You for your consideration:

The neighbors of Petzold Drive