

September 2, 2021

For: Donna Brown, County Clerk, Hearing September 13, 2021

From: James Riley, 13607 Kings Isle Court, Bowie MD 20721
Kings Isle Estates Homeowners Association

Agenda Item DSP-20015

Reconsideration of Detailed Site Plan DSP-20015

Affidavit of Kings Isle Homeowners Association and James Riley are against the passage of Detailed Site Plan DSP-20015.

The affects of passing this detailed site plan would be detrimental to Kings Isle Estates, Fairwood Manor, Collington Estates and other neighborhoods south of Route 50 on Church Road. The traffic is already too much not alone that there is no proper easement on and off Route 50 to Church Road. With more traffic and a lot of townhomes and few single-family homes would have more tremendous danger and traffic on Church Road for our neighborhoods. The way that the detailed site plan is laid out with a light and exit egress on Church Road heading south towards our community would make it even more difficult to get out of our neighborhoods. We are against the development of townhomes and suggested that they occupant/developer build single family homes on at least one acre lots. By doing this would limit the amount of homes built and will not cause more traffic concerns that already exist on Church Road.

In addition, as we look more into these concerns, we see that spot zoning was a factor. Please see my legal argument below:

Kings Isle Homeowners Association the neighborhood adjacent to Freeway Airport further opposes the development of Freeway Airport to 413 townhouses and 93 homes. We would concern no more than 128 single family homes on one acre lots similar to the criteria that other builders had to utilize when developing our neighborhoods.

Legal reasons for Opposition to County Council:

- MD LAND USE § 4-103

Spot zoning occurs when a small area in a zoning district is placed in a different zoning classification than the surrounding property

Spot zoning is illegal if it is inconsistent with an established comprehensive plan and is made solely for the benefit of a private interest.

- Little v Board of County Comm'rs the court identified the following three factors that are generally present when illegal spot zoning occurs:

(1) The requested use is significantly different from the prevailing use in the area.

(2) The area in which the requested use is to apply is rather small; however, this factor is more concerned with the number of separate landowners benefited by the requested change than it is with the actual size of the area benefited.

(3) The requested change is more in the nature of special legislation. In other words, it is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

- Hedin v. Board of County Com'rs of Prince Georges County

Court of Appeals of Maryland. February 27, 1956

Where proposed zoning change was from one residential use to another and there was already considerable amount of property adjoining subject property or in its immediate vicinity falling within proposed classification and there was also considerable amount of other property close by at such lower classification, proposed reclassification

- Trustees of McDonogh Ed. Fund and Institute v. Baltimore County

Court of Appeals of Maryland. March 14, 1960

When a small area is classified arbitrarily and unreasonably so as to permit a use that is inconsistent with the uses to which the rest of the district is restricted and made for the sole benefit of the private interests of the owner, such a classification is illegal spot zoning

Thank you for your time and consideration while deciding on this detailed site plan above.

Respectfully,

James Riley, Jr
Kings Isle Homeowners Association

