

## ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the Appeal of the Decision of the Planning Director to rename Sparks Lane, a private right of way

Case No. ZAAP #13-140-001  
Masteller

**DECISION AND ORDER****I. Introduction**

David M. Masteller (hereinafter "Appellant"), has appealed the decision of the Planning Director to rename Sparks Lane, a private right of way.

After due notice, a public hearing was conducted by the Board on May 23, 2013, and August 8, 2013, at the Chesapeake Building, St. Mary's County Governmental Center in Leonardtown, Maryland, and all persons desiring to be heard were heard, documentary evidence received, and the proceedings recorded electronically.

**II. Legal Standard**

Pursuant to Section 66.3.2 of the St. Mary's County Comprehensive Zoning Ordinance, "The Planning Director may also approve a change in the name of a road when a petition has been duly submitted bearing the signatures of 100 percent of the owners of properties abutting the road."

The issue on appeal is whether the signature of David M. Masteller petition is valid. An appeal is a de novo proceeding. The applicable legal standard is whether the decision of the Planning Director is supported by a preponderance of the evidence.

**III. Summary of Testimony**

David Masteller, Appellant, testified the signature on the Petition for Private Road Name is not his and was in fact forged by Mrs. Kimberly Bowles. Mrs. Kimberly Bowles, neighbor, testified that Mr. Masteller did in fact sign the petition and completed the printed name and address next to Mr. Masteller's signature. Mr. Tyler Bowles, son of Kimberly Bowles, testified that he was present when Mr. Masteller signed the petition.

**IV. Summary of Documentary Evidence**

The Board accepted into evidence the following exhibits:

Exhibit No. 1 – Affidavit of Property Posting and Mailing Receipts

**V. Findings of Fact**

The Petition for Private Road Name bears the names, addresses and purported signatures of Kimberly Bowles and David M. Masteller. An examination of the Petition, particularly the misspellings of "California", indicates that both printed names and both addresses were completed by the same person. The purported signature of David M. Masteller on the Petition is substantially dissimilar to the signature(s) of David M. Masteller on the Notice of Appeal in this matter. The purported signature of David M. Masteller on the Petition is not the signature of David M. Masteller, and is not valid.

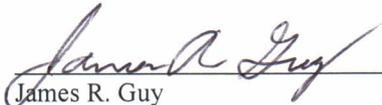
**VI. Conclusions of Law**

The decision of the Planning Director is not supported by a preponderance of the evidence.

**DECISION AND ORDER**

**NOW, THEREFORE, BE IT ORDERED**, that the decision by the Planning Director to rename Sparks Lane is **REVERSED**.

This Date: September 12, 2013

  
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James R. Guy  
Vice Chairman

Those voting to reverse the Planning Director:

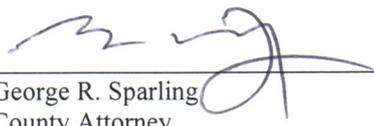
Mr. Guy, Mr. Moreland, Mr. Greene, and Mr. Brown\*

Those voting to affirm the Planning Director:

Mr. Payne

\* Mr. Brown was not present at the hearing, but was authorized by the presiding Vice Chairman to vote in matter after viewing an audio-visual record of the hearing..

Approved as to form and legal sufficiency:

  
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George R. Sparling  
County Attorney