Special Meeting of the Bolivar Planning Commission -- Wednesday, August 12, 2026

Meeting Minutes (total of 5 pages, including addendum)

6:30 PM meeting called to order.

Members present: Barb Staats, Deb Hale, Jeffrey Staats, Dan Jimeno, Marcelo Morinigo.

Also present: Kyalo C. Musau, Alan Staats.

New Business:

Review and Discuss Questions Regarding Meadowbrook Alley Property owned by Kyalo C Musau.

Mr. Musau introduced himself and his general background. He used to work for American Public University, spent a lot of time in this area and loves it, particularly Jefferson County. He currently lives in Gaithersburg, MD. He bought the Meadowbrook Alley property in 2020 from Mr. John Paul Heafer. He was interested in possibly building a tiny house on the property for his own personal use, but recently he considered selling the property and had it listed for sale.

Basically, Mr. Musau had requested directly from the Mayor this Special Meeting to ascertain whether Mr. Masau's lot is a buildable lot.

He realized that his notion of building a tiny house was against current town ordinances (minimum 800 sq ft building requirement), but recently was told by Laura in the town office that the lot was not buildable. Laura told him that in order for a lot to be considered a "buildable lot," it would need to be a minimum of one half-acre. Mr. Musau requested documentation to support this claim, but did not hear back from the office.

Barb, citing town ordinances from Sections 13 and 17, confirmed to Mr. Musau that indeed his lot is a buildable lot. In particular, Barb cited from 1303.04 General Lot Requirements "(a) Every building shall be located on an individual lot defined as no less than one half acre, **or a lot in existence on the Jefferson County Tax Assessor's Map for the year 2000."** She also cited 1302.02(53), which defines a buildable lot as a lot "which is described or defined by the requirements of the Bolivar Building Code and in Section 1303.04." She stated that as long as Mr. Musau abides by the other listed requirements in that section – including proper setbacks, water and sewer hookups, 800 sq ft minimum requirement, 2 off-street parking spaces – he can build on his lot. He would need to show a deed of ownership as well as a completed building permit application to proceed.

In addition, Barb told Mr. Musau that if he thinks the building ordinance requiring a minimum of an 800 sq ft home should be changed to allow for "tiny homes," he may petition the Town Council to consider this change. Or he may submit a permit application for a tiny home, and when declined for not meeting the 800 minimum square footage requirement, he may appeal the decision to the BZA as a variance request.

Mr. Musau stated that he had read Bolivar's latest Comprehensive Plan, and that public sentiment suggests that townspeople may be amenable to accepting tiny homes in the future.

Dan also wanted to read from his detailed statement to express the same conclusion – that Mr. Musau's lot is a buildable lot. (Please see attached addendum for Dan's complete statement.) Dan's one lingering concern was the ability for emergency vehicles to access the Meadowbrook Alley lot, especially firetrucks. He recommended that Mr. Musau contact the local fire department regarding this safety concern and that he be mindful of all safety issues going forward.

Barb invited other BPC members to speak, but no other members had additional comments or corrections with the information provided to Mr. Masau. All members affirmed their agreement with this general conclusion.

Barb concluded the meeting by reassuring Mr. Masau that, per our current ordinances, he may build on his lot, providing that the lot has not been further subdivided, or that there have not been any lot line adjustments made to it since the year 2000. She handed Mr. Musau the building permit application packet and copies of the applicable town ordinances previously cited.

The meeting ended at 7:04 pm.

Next Meeting October 26, 2026 at 7:00.

Dan Jimeno's review and statement regarding Mr. Musau's lot

8/12/2026

It was asked if Mr. Musau's lot located on Meadowbrook Alley was buildable or not. It is my understanding various statements were made and it was asked for the Building Planning Commission to internally review and discuss the findings.

Disclosure 1: My analysis and opinions are not intended as legal advice. I am not a property attorney nor I have been trained on construction or ordnances. My background is in IT and Cybersecurity compliance. My review is based on my opinion of how the ordnances are written as now.

Disclose 2: I want to acknowledge to the Building Planning Commission I have a conflict of interest where I am in a similar situation as Mr. Musau. I own a lot that is landlocked and connected to a road via an easement. Any outcome today could potentially affect my personal lot's value.

Next, I want to thank Mr. Musau for all his patience as this has been a learning experience.

I have performed my own personal due diligence and reviewed the ordnances Sections 13 and 17 several times and concluded there are no sections or ordnances anywhere where it **EXPLICITLY** states you **CAN NOT BUILD** on that Meadowbrook Alley lot. I would like to take a moment to discuss a few key ordnances.

1303.04 General Log Requirements

(a) Every building shall be located on an individual lot defined as no less than one half acre, or a lot in existence on the Jefferson County Tax Assessor's Map for the year 2000

(b) Lots are considered buildable if setbacks of 15 feet front and back and 10 feet on each side can be met. Buildings must be a minimum of 800 square feet.

This is ultimately up to the land owner when he or she applies for a building permit and submits drawings to our Building inspector. However, if done properly, this setback requirement is achievable.

(d) Lots must be served or have the ability to be served by the local water and sewer authority or have the ability to become served by that authority.

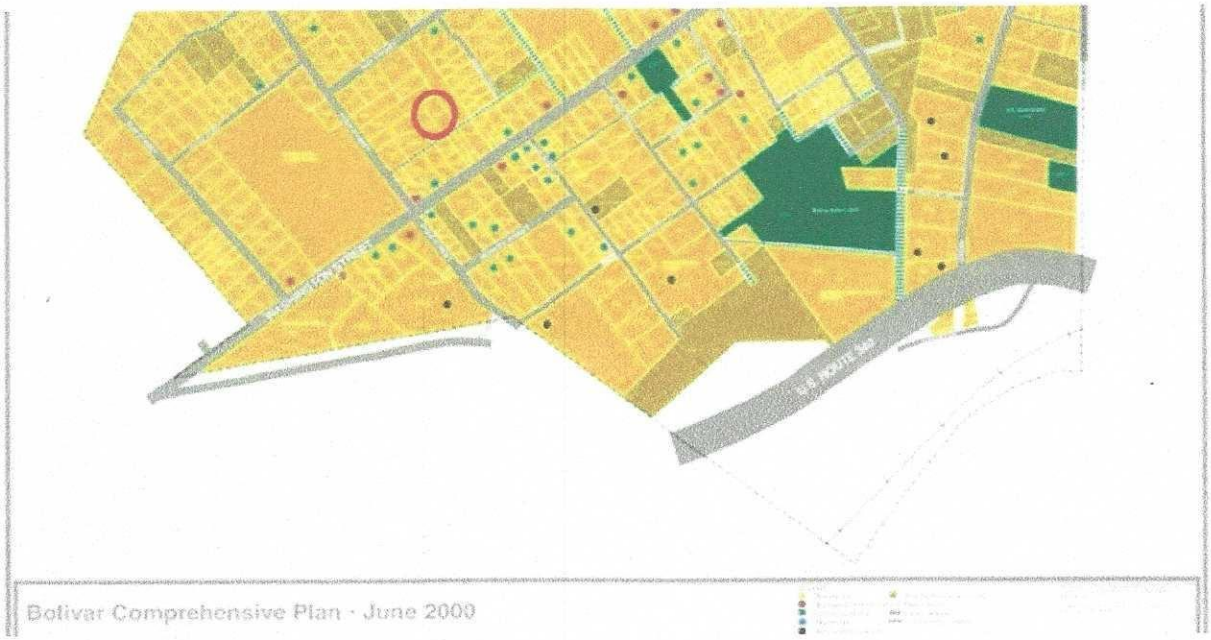
It is recommended for the land owner to work with the water and sewer authority. There can be extra expense to the landowner to run pipelines and many months. They determine this feasibility and not the town of Bolivar.

(h) off street parking for at least 2 vehicles.

Ordnance 1302.12 *Community corridors are former paper streets which on and after the passage of this ordinance are green places for residents to use as recreation areas or walkways. See illustration which accompanies the Land Use Map of the Comprehensive Plan.*

In this case, the community corridor is simply the street or alley adjacent Mr Musau's lot. In other words, Mr. Musau does not own the corridor, is selling the corridor, or building on the corridor. He only wants to sell the lot and is asking is it buildable according to our ordnances. With that said, according to the Land Use Map in the Comp Plan, Mr Musau's lot is orange and therefore deemed **"Residential".** Finally, this ordnance doesn't explicitly state lots adjacent community corridors are deemed rec areas or non buildable. I admit I do have some personal safety concerns in the event there's a fire on the property on Meadowbrook Alley, if a fire truck

could make the turn from Polk Street and if the alley is wide enough for emergency response. This would require additional due diligence. However, based on the ordnance I don't see anything that explicitly states the lot is not buildable.



Part 17 Building and Housing

Section (h) Density: As of the date of this ordnance (7-2000), units will be limited to one unit per on half acre for half acre or more lots and lands provided that other requirements of this Building Ordnance and the Zoning Ordnance are met. Ok sounds like no deal but it then states. For lots and lands of less than one half acre units will be limited to one unit per lot or land however the unit and any additional buildings shall comply with the requirements of this Building Ordnance, Zoning Ordnance, and Comprehensive Plan. In my opinion the lot complies with this so long as the land owner follows the process to build (permit, water, sewage, setbacks, parking, submits drawings, works with building inspector etc...) There may be cases where variances are needed and they go to the BZA. Also, the Comprehensive Plan is not a legally binding document from my understanding. It's simply a vision statement.

Section (j) Road Access and Traffic. Each new construction project must furnish documentation showing road access, amount of traffic, that can reasonably be expected to be generated by the project serviceability of existing roads for project and traffic flow. This includes service by Fire Department, garbage pick up, and moving vehicles, and other light and heavy delivery vehicles. If Town Council determines the roads are not sufficient for traffic amount or width, the permit applicant must bear the expense of new or upgrades of existing roads in compliance with Chapter 9 of the Bolivar ordnance.

UPS Trucks, Amazon trucks, and property owners navigate through this alley (also called a community corridor) on a daily basis with no issues. However, as noted earlier, large Fire Truck may potentially pose an issue turning into this alley. However again, this ordnance doesn't explicitly negate the ability to build on a lot. Due Diligence with local Emergency Response services would be recommended to determine solutions.

1715.03 definition of buildable lots (similar to Part 13)

(b) Each empty lot enrolled on the Jefferson County Tax Assessor's Map for the year 2000 is considered a buildable lot if the following conditions are met

1) The proposed building is 15 feet from front and back boundaries where the front borders a street, road, or **ALLEY**
2) Proposed building is 10 feet from each side of the plat boundary
3) Proposed building is 800 square feet or greater in size.
4) Off street parking is provided for at least 2 vehicles.

(d) Each lot enrolled on the Assessor's map that is greater than one acre may be subdivided into buildable lots if the subdivision of land results in lots of one half acre or greater

Again, it doesn't explicitly state you can not build on the lot. This ordnance also specifically refers to building setbacks bordering an **ALLEY**.

In conclusion, whether it's Mr. Musau or the next lot owner on Meadowbrook Alley, it is their responsibility to perform their due diligence with all the various third parties and the Town of Bolivar when they are prepared to build. This includes working with Harpers Ferry Water Works, Sewer Commission, Potomac Edison, Emergency Services (Fire, Police), Trash Pickup, and submitting plans and permits to our Town's Administrator, Building Planning Commission in coordination with our Building Inspector to name a few. In the event a variance or appeal is needed we have processes with the BZA for that too.

With this case, I feel there may have been misunderstandings or miscommunication. Also, I admit there are some unknowns and "gray areas" in our ordnances that are subject to interpretation. However, every time I read our ordnances as they are written as of now and go back to the question "is there anything in the ordnances that explicitly states the lot on Meadowbrook Alley is not buildable", the answer is no. Thank you all for your time.