

TINA M. GOFF
724 Valley Road
Knoxville, MD 21758

APPEAL NO. AP2006-087

Appellant

OPINION

This action is an appeal from a determination of the Planning Commission that a proposed development plat without public road frontage be denied. The subject property is located along the west side of Valley Road, Knoxville, Maryland, is owned by the Appellant, and is zoned Environmental Conservation.

A public hearing was held before a full Board on July 19, 2006. The Appellant offered evidence and testimony in support of the appeal. Opponents offered evidence and testimony in opposition to the appeal.

FINDINGS OF FACT

The following findings of fact are made by the Board, based upon the testimony given and all data and other evidence presented, and upon a study of the specific property involved, as well as the neighborhood:

1. Appellant seeks to create a development lot by re-establishing a property line previously vacated by way of the simplified plat procedure in 2004.
2. The Appellant proposes construction of a single family home on the new lot for use as her own residence.
3. The proposed lot would not have any road frontage along an existing public road.
4. The Chief Engineer of the Washington County Engineering Department suggests denial of the request due to the lack of road frontage.

RATIONALE

Section 405.11.B of the Subdivision Ordinance for Washington County, Maryland, states, in pertinent part, that "Every lot shall abut a minimum of twenty-five (25) feet, and shall have access to a road or street that has been dedicated to public use and accepted for public maintenance..." Certain exceptions are allowed for transfers to immediate family members of the developer under certain conditions. *See* §405.11.B.1. When "extraordinary hardships may result from strict compliance with these regulations, or that existing topographic conditions or irregular shape of the property warrants a variance from these regulations, . . ." the Board ". . . may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of these regulations." §107.

In the instant appeal, Appellant seeks approval to subdivide a property without access to a public road save via a shared right-of-way. The subject property was created by way of the simplified plat procedure. Appellant's predecessor in title, her father, vacated a property line so as to enlarge the property, and expressly acknowledged that the subdivision was for property enlargement, not development. These circumstances are sufficient to warrant our denial of this appeal. Lots without public road frontage, even when served by a private right-of-way, often result in antagonistic neighborhood relations when transferred from the original creator of the lot. Based upon all of the testimony and evidence presented, this Board finds that the subject request may adversely affect the public health, safety, security, or general welfare of the community, and it may result in dangerous traffic conditions or jeopardize the life and property of neighborhood residents.

Accordingly, for the reasons set forth herein, this appeal is hereby DENIED this 18th day of August, 2006.

By: Spence Perry, Chair