

RALPH & CARRIE BLANK
3809 Hogan Lane
Keedysville, MD 21756

APPEAL NO. AP2006-105

Appellants

OPINION

This action is a request for a special exception to construct a residential storage building on a parcel not improved with a principal structure and/or use. The subject property is located at a private lane extending from the north side of Chestnut Grove Road, in Washington County, Maryland, is owned by the Appellants, and is zoned Preservation.

A public hearing was held before a full Board on August 30, 2006. The Appellants 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. Appellants seek permission to erect a storage building in which they plan to store lawn mowers.
2. The garage will be the only structure on the property.
3. In the future, Appellants plan to construct a residence on the property.
4. The subject lot was created via the simplified plat procedure and is about 0.5 acres in area.
5. Appellants assert that the lot on which their residence is now sited is too small to be further improved with the proposed garage.

6. Opponents offered evidence and testimony in opposition to the appeal, namely concerning inadequate road width and their desire that the lot remain vacant.

7. Received and filed with the Board was a memorandum from Kathy A. Kroboth, Washington County Zoning Coordinator, advising that the appeal is consistent with the Comprehensive Plan.

RATIONALE

The Board has authority to grant a special exception pursuant to Section 25.2(b) of the Zoning Ordinance for Washington County, Maryland. A special exception is defined as “a grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood.” Section 28.62.

In this action, we are sympathetic to Appellants’ request, but we cannot grant them the relief requested. The property is an unremarkable property created via the simplified plat procedure, which generally prohibits development of the created parcel. Appellants claim that the special exception is needed because the lot with their house is too small. Appellants or the predecessors in title subjected themselves to these circumstances, however, by virtue of the earlier subdivision of the property. In short, Appellants failed to meet their burden; no convincing evidence was presented to show that the lot with their home was of insufficient size to support the proposed garage. Furthermore, the need for special exception could be obviated by the vacation of the lot line created by the simplified plat. Based upon all of the testimony and evidence presented, this Board finds that the subject request does not promote the public health, safety, security, morals, or general welfare, nor is it compatible with the surrounding neighborhood.

Accordingly, for the reasons stated, the requested relief is hereby DENIED this 29th day of September, 2006.

BOARD OF APPEALS

By: Spence Perry, Chair