

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

RYAN KING  
14432 White Oak Ridge  
Hancock, MD 21750

Appeal No. AP2007-044

Appellant

OPINION

This action is an appeal from a determination of the Planning Commission that a two lot subdivision without public road frontage be denied. The subject property is located at 14432 White Oak Ridge, Hancock, MD 21750, is owned by Allen Eugene & Donna Mason, Sr., and is zoned Environmental Conservation.

A public hearing was held before a full Board on August 8, 2007. The Appellant offered evidence and testimony in support of the appeal. Neither opposing testimony nor evidence was presented to the Board.

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 build a dwelling on the subject property which is owned by his father-in-law.
2. Access to the proposed lot will be via a deeded right-of-way over Allen Mason Sr.'s driveway.
3. There is not enough land to get an adequate panhandle lot without creating a new encroachment.
4. Allen Mason Sr. is the Appellant's father-in-law.
5. 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.
6. Received and filed with the Board was a memorandum from J. Randy Edwards, Civil Engineer, Washington County Engineering Department, advising that the Department

takes no exception to the request.

#### 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 over property of his father-in-law. Appellant’s right to use the access lane will be recorded amongst the land records. Any traffic generated would be minimal, and we are satisfied that the grant of this appeal will not adversely impact the public health, safety, or welfare. Based upon all of the testimony and evidence presented, this Board finds that the subject request does not adversely affect the public health, safety, security, morals, or general welfare, nor does it 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 GRANTED this 6<sup>th</sup> day of September, 2007.

BOARD OF APPEALS

By: Bert Iseminger, Chair