

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

HARRY W. AND BARBARA A. MAYLE, JR.
12002 Cedar Ridge Road
Williamsport, MD 21795

Appeal No. AP2007-053

Appellant

OPINION

This action is a request for a variance from the minimum 40' front yard setback to 25', from the minimum 15' left side yard setback to 5', and from the 50' rear yard setback to 25' for the construction of a single family dwelling. The subject property is located at the west side of Cedar Ridge Road adjacent to 12002 Cedar Ridge Road, is owned by the Appellant, and is zoned Agricultural (Rural).

A public hearing was held before a full Board on July 11, 2007. 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. The property is 0.3 acres in area and is shaped like a triangle.
2. The Appellant wishes to build a home. The existing setbacks, in combination with the septic reserve, create a building envelope that is too small to be of practical benefit.
3. The septic has been approved and permitted by the Health Department.
4. The Appellant plans to convert an existing home on the property into a garage.
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.

RATIONALE

This Board has authority to grant a variance upon a showing by the Appellant of

practical difficulty or undue hardship. Sections 25.2(c) and 25.56, Zoning Ordinance for Washington County, Maryland. "Practical Difficulty" may be found by the Board when: (1) strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; and (2) denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and (3) granting the variance would observe the spirit of the Ordinance and secure public safety and welfare. Section 25.56(a).

The subject request arises due to the property's size and narrow, triangular shape. The proposed site is the most-appropriate location for the dwelling. There was no evidence presented that would show how strict compliance would achieve any positive benefits. Rather, strict compliance would result in the property being virtually impossible to improve. No opposition was presented by any neighboring property owners. Furthermore, no evidence was presented that the proposed use was incompatible with the neighborhood; disruptive of neighbors' quiet enjoyment of their properties; detrimental to surrounding property values; generative of excessive odors, dust, gas, smoke, fumes, vibrations, or glare; generative of traffic that would exceed the capacity of existing infrastructure; or that the proposal was an inappropriate use of land or structure.

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 10th day of August, 2007.

BOARD OF APPEALS

By: Bert Iseminger, Chair