

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

CAROL YEAKLE
11044 Ashton Road
Clear Spring, MD 21722

Appeal No. AP2007-081

Appellant

OPINION

This action is a request for a special exception to allow an accessory structure to be constructed on a parcel not improved with a principal use or structure. The subject property is located at 11044 Ashton Road, Clear Spring, MD, is owned by the Appellant, and is zoned Environmental Conservation.

A public hearing was held before a full Board on October 17, 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 approval for a 30'x40' pole building to be used for storage.
2. Appellant will be building a residence on the subject property in the future.
3. The subject lot was created in 1998.
4. Appellant and her brothers own the surrounding farm property.
5. No objection was presented to this appeal.
6. 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.
7. The proposal is compatible with the existing neighborhood.

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 matter, we find that the Appellant has met her burden for a special exception. The Zoning Coordinator has opined that the proposed exception is consistent with the Comprehensive Plan, and we have found that the proposed storage building will not be incompatible with the surrounding neighborhood. The property is of adequate size to support the building, which will eventually be an accessory use once Appellant constructs her residence on the property. 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 16th day of November, 2007.

BOARD OF APPEALS

BY: Bert Iseminger, Chair