

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

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

Appeal No. AP2007-095

Appellants

OPINION

This action is a request for a special exception to allow an accessory structure to remain on a parcel no longer improved with a principal use or structure.. The subject property is located at 12002 Cedar Ridge Road, Williamsport, MD, is owned by the Appellants, and is zoned Agricultural (Rural).

A public hearing was held before a full Board on November 14, 2007. The Appellants offered evidence and testimony in support of the appeal. No opposition was presented to this 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 are building a residence on the adjacent parcel.
2. Appellants seek to convert the existing home on the subject property into a 32'x40' garage.
3. The garage will be an accessory structure to Appellants' residence, when constructed.
4. The proposed use would be compatible with the existing neighborhood.
5. The proposal is consistent with the Comprehensive Plan.
6. No opposition was presented to this request.

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. Section 25.6 of the Ordinance directs the Board to consider the following factors, as applicable, in rendering its decision: (a) The number of people residing or working in the immediate area concerned; (b) the orderly growth of a community; (c) traffic conditions and facilities; (d) the effect of such use upon the peaceful enjoyment of people in their homes; (e) the conservation of property values; (f) the effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values; (g) the most appropriate use of land and structure; (h) the decision of the courts; (I) the purpose of these regulations as set forth herein; (j) the type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

The requested relief is a reasonable and permitted re-adaptive use of the subject property. Appellants are the most-affected property owner, and no benefit is achieved in this instance by requiring strict compliance with the Ordinance. The proposed use is compatible with the existing neighborhood and in conformance with the Comprehensive Plan. No arguments were made 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 requested relief will not have an adverse effect upon the public health, safety, security, morals or general welfare, nor would it result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood. Accordingly, for the reasons set forth herein, this appeal is hereby GRANTED WITH CONDITIONS AS SET FORTH BELOW this 13th day of December, 2007.

Conditions

1. The existing building on the subject property shall only be used as an accessory garage or storage building to the principal use on the adjacent parcel.

BOARD OF APPEALS

By: Bert Iseminger, Chair