

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

VICTORIA R. J. & LISA V. PROULX
714 Valley Road
Knoxville, MD 21758
Appellant

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Appeal No. AP2008-035

OPINION

This action is an appeal from the Planning Commission's determination that a subdivision be denied due to inadequate road width under the Adequate Public Facilities Ordinance (APFO). The subject property is located at 714 Valley Road, Knoxville, Maryland, is owned by the Appellant, and is zoned Environmental Conservation.

A public hearing was held before the Board on July 30, 2008. The Appellant 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. Brian Crampton and Richelle Lewis are the contract purchasers of the subject property, Lot 2.
2. They reside across the street from Lot 2 at 19081 Miller Avenue.
3. The contract purchasers plan to construct a stable for horses on Lot 2; they have no plans to construct a residence on the property unless their now nine-year-old son would want to do so at some point in the distant future.
4. Every resident on Miller Avenue, save one, signed a statement indicating their support of this proposal.
5. Zoning regulations would not allow any further subdivision of the original parcel.
6. Costs to bring Miller Road to "adequate" standards per the APFO would be at least \$27-35,000.

7. No traffic will be generated by the creation of this subdivision.
8. No one testified in opposition to this request.

RATIONALE

The Subdivision Ordinance states: "All final plats shall meet the requirements and standards of the Adequate Public Facilities Ordinance. A final plat shall not be approved if it does not meet the requirements and standards of the Adequate Public Facilities Ordinance." § 315.2. The APFO provides that, "In instances where the existing county road is determined to be below the minimum standards as set forth in Section 4.3, the Planning Director, acting on behalf of the Planning Commission, shall disapprove any proposed application for new development." § 4.4. Both the Subdivision Ordinance and the APFO allow for variances to be granted by this Board. §§ 107 & 109; and 3.6, respectively.

In this appeal, we find that the Appellant has met their burden in this request for a variance from the strictures of both Ordinances. First, an effort to widen the road would result in an extraordinary fiscal hardship for minimal practical benefit, especially since the approval of this subdivision will not generate any additional traffic. Second, the physical features and characteristics of the proposed lot are such that a waiver would not impair the intent and purpose of the requirement. The property is of adequate size to support its proposed use as the site for a stable across the road from the Crampton/Lewis residence. 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. For all of the foregoing reasons, we believe that this variance observes the spirit of the Ordinance and secures public safety and welfare.

Accordingly, for the reasons set forth herein, this appeal is hereby GRANTED WITH CONDITIONS as set forth below this 28th day of August, 2008.

Conditions

1. No further subdivision of the subject property is permitted.

BOARD OF APPEALS
By: Bert Iseminger, Chair