

GLENN L. & FLORENCE S. OLSON
16911 Calvary Drive
Williamsport, Maryland 21795

APPEAL NO. AP2006-010

Appellants

OPINION

This action is a request for a variance from the minimum 40 feet rear yard setback to 26 feet for construction of a den addition to the rear of a dwelling. The subject property is located at 16911 Calvary Drive, Williamsport, Maryland 21795, is owned by the Appellants, and is zoned Hi-2, Highway Interchange.

A public hearing was held before a full Board on February 15, 2006. The Appellants offered evidence and testimony in support of the appeal. Opponents offered evidence and testimony in opposition to the 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. The Appellants plan to build a den addition to their residence.
2. The location as proposed is the only practical location for the den given the home's layout and its placement on the lot.
3. The proposed addition could not be made narrower and still be of use.
4. Appellants' neighbors have no objection to the relief requested.
5. Received and filed with the Board was a memorandum from Kathy A. Kroboth, Washington County Zoning Coordinator, advising that the request 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).

Appellants propose adding an addition to their existing residence. The layout of the existing residence and the lot's buildable area necessitate placement of the addition as proposed. Strict compliance with the setback requirements would prevent the Appellants from constructing the addition to their home. Moreover, a lesser variance would not give the Appellants substantial relief due to the unique features of the subject property. For those reasons, we believe that granting this variance observes the spirit of the Ordinance. 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, having considered all of the factors set forth in Section 25.6 of the Zoning Ordinance, this request for a variance from the minimum 40 feet rear yard setback to 26 feet for construction of a den addition to the rear of a dwelling is hereby GRANTED this 16th day of March, 2006.

BOARD OF ZONING APPEALS

BY: Spence Perry, Chair