

LOUISE T. MARTELL
14734 Trolley Avenue
Cascade, MD 21719

APPEAL NO. AP2006-086

Appellant

OPINION

This action is a request for a variance from the minimum 50 feet rear yard setback to 21 feet to construct an addition to an existing dwelling. The subject property is located at 14734 Trolley Avenue, Cascade, MD 21719, is owned by the Appellant, and is zoned Rural Village.

A public hearing was held before a full Board on July 19, 2006. 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. The Appellant proposes a 25'x40' addition to her home.
2. The existing house is only 500 square feet in area.
3. The proposed location for the addition is the most logical location given the layout of the existing home.
4. The neighbors have no objection to this request.
5. There is open land to the rear of this property.
6. 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).

Appellant proposes construction of an addition to her existing residence. The layout of the existing residence and the shape and area of the lot necessitate placement of the addition as proposed. Strict compliance with the setback requirements would prevent the Appellant from constructing the addition to the home, while a lesser variance would not give the Appellant substantial relief due to the unique features of the subject property. For these 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, for the reasons set forth herein, this appeal is hereby GRANTED WITH CONDITIONS AS SET FORTH BELOW this 18th day of August, 2006.

By: Spence Perry, Chair