

**JEFFERY A. RENNER**  
**14960 Mercersburg Road**  
**Greencastle, PA 17225**

**APPEAL NO. AP2006-088**

**Appellant**

**OPINION**

This action is a request for a variance from the minimum 40 feet front yard setback from a possible future county road to 26 feet for the construction of an attached one-car garage. The subject property is located at 11622 Robinwood Drive, Hagerstown, MD, is owned by David E. and Pamela K. Lewis, and is zoned Residential, Rural.

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. Appellant proposes construction of a garage on the subject property to be attached to the existing residence thereon.
2. The proposed location for the garage is the most-appropriate placement.
3. This request is necessary because if Bluebird Lane is built in the future, this lot would become a corner lot, thereby requiring equal setbacks for the front and side yards.
4. 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.
5. Received and filed with the Board was a memorandum from Terrence P. McGee, Chief Engineer, Washington County Engineering Department, advising that the Department took no exceptions to the subject request.

## 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).

The Appellant has met his burden of demonstrating a practical difficulty. The proposed residential garage is a reasonable use of the property, and locating it anywhere other than its proposed location is not feasible due to the lot's shape and the location of the residence thereon. No convincing 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. In fact, Appellant's proposal was designed in a manner that will eliminate the possibility of extensive development on the remaining lands. Strict compliance would be unduly burdensome, would not provide any added safety or aesthetic benefits, and would fail to advance the spirit and purpose 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 this 18<sup>th</sup> day of August, 2006.

By: Spence Perry, Chair