

AMY M. BARR-QUARTUCCI
16912 Hastings Drive
Williamsport, MD 21795

APPEAL NO. AP2006-102

Appellant

OPINION

This action is a request for a variance from the minimum required 10 feet left side yard setback to 4 feet for the construction of a 24'x26' attached two-car garage. The subject property is located at 16912 Hastings Drive, Williamsport, MD 21795, is owned by the Appellant, and is zoned Residential, Rural.

A public hearing was held before a full Board on August 30, 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 seeks to a 24'x26' attached two-car garage on the subject property.
2. This variance is necessitated due to the size and shape of the property and the location of structures thereon.
3. The most-affected neighbor has no objection to the requested relief.
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.

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 her 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 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. 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.

Accordingly, for the reasons set forth herein, this appeal is hereby GRANTED this 29th day of September, 2006.

BOARD OF APPEALS

By: Spence Perry, Chairman