

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

RICHARD E. DAVIS
12452 ASHTON ROAD
CLEAR SPRING, MD 21722

Appeal No. AP2007-084

Appellants

OPINION

This action is a request for a variance from the minimum 15' left side yard setback to 10' for the placement of a 20'x22' storage shed. The subject property is located at 12452 Ashton Road, Clear Spring, MD, is owned by the Appellant, and is zoned Agricultural Rural.

A public hearing was held before a full Board on October 17, 2007. 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 permission to construct a 20'x22' storage building on the subject property.
2. The size and shape of the lot, and the placement of improvements thereon, necessitate this variance.
3. The building will be used for storage and will be located at the end of the driveway.
4. Appellant's neighbors have no objection to this appeal.

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 proposed use is a reasonable and permitted use of the property. The property's shape and size and the placement of existing improvements thereon necessitate this variance, and the proposed location is the best location for the structure given these factors. 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.

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 2nd day of November, 2007.

BOARD OF APPEALS
BY: Bert Iseminger, Chair