

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

DEPARTMENT OF WATER QUALITY
16232 Elliott Parkway
Williamsport, Maryland 21795
Appellant

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Appeal No. AP2008-015

OPINION

This action is a request for a variance from the minimum 25' right side yard setback to 10' for the construction of two vehicle storage building. The subject property is located at 16232 Elliott Parkway, Williamsport, Maryland, is owned by the Appellant, and is zoned Industrial General.

A public hearing was held before the Board on March 26, 2008. The Appellant offered evidence and testimony in support of the appeal. No opposition was presented to this 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. Appellant seeks permission to erect two pole barns (one of which will be fully enclosed) for vehicle storage.
2. The size and length of the vehicles and their required turning radii, the shape and size of the parcel, and the location of a floodplain thereon, necessitates this variance.
3. The proposed site is the best site for these structures given the size and shape of the lot, existing improvements thereon, and operational requirements.
4. The property is currently being used for vehicle storage.
5. No one testified in opposition to this request.

6. The property is located in an industrial park, so no adverse effects will arise if this variance is granted.

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).

In this action, Appellant has conclusively established its entitlement to this variance. Strict compliance with the setback and area requirements would prevent use of the property for enclosed vehicle storage without any attendant benefits. A lesser relaxation is impossible given the size and shape of the property. 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 25th day of April, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair