

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

DONALD B. HOWE  
6539 King Road  
Boonsboro, MD 21713  
Appellant

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Appeal No. AP2008-019

OPINION

This action is a request for a variance from the required 15' side yard and 15' rear yard setback to 5' for the construction of a double carport. The subject property is located at 6539 King Road, Boonsboro, Maryland, is owned by the Appellants, and is zoned Agricultural.

A public hearing was held before the Board on April 23, 2008. The Appellant offered evidence and testimony in support of the appeal. No opposition was presented to the 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 to construct a 24'x40' carport for storage of a travel trailer on the subject property.
2. The carport will not have a foundation.
3. The carport is proposed to be placed in the corner of the subject property for aesthetic reasons.
4. Appellant plans to remove the carport if he ever vacates the property.
5. The carport will not be served by a driveway.

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's proposal is a reasonable use of the subject property and is consistent with the Comprehensive Plan. 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. As the variance is relatively innocuous and does not engender any opposition from Appellants' neighbors, we feel that the grant of this request advances the spirit and purpose of the Ordinance. The temporary nature of this structure further mitigates the need for strict compliance.

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 this 22<sup>nd</sup> day of May, 2008.

*Conditions*

1. Appellant must remove the carport structure when he no longer resides on the subject property.

BOARD OF APPEALS

By: Bert Iseminger, Chair