

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

GARY UNGER
16613 EDWARD DOUB ROAD
WILLIAMSPORT, MD 21795
Appellant

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Appeal No. AP2008-021

OPINION

This action is a request for a variance from the required 40' rear yard setback to 30' for a proposed roof and enclosure of an existing concrete patio. The subject property is located at 16613 Edward Doub Road, Williamsport, Maryland, is owned by the Appellant, and is zoned Residential Suburban.

A public hearing was held before the Board on May 7, 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 propose to cover and enclose an existing concrete patio beside a house built approximately 18 years ago.
2. The 14'x32' enclosure will be enclosed with walls and windows and covered with a roof.
3. Appellant's neighbors have no objections to this proposal.
4. Existing trees will screen the enclosed patio from the property of Appellant's most-affected neighbor.
5. No one testified in opposition to this 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 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 existing trees will act as a buffer between the neighboring properties. 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. A lesser variance would not give the Appellant substantial relief given the location of the existing patio and residence.

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 5th day of May, 2008.

BOARD OF APPEALS

By: Bert Iseminger, Chair