

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

TIMOTHY NAYLOR
14804 White Oak Ridge
Hancock, Maryland 21750
Appellant

*
*
*
*

Appeal No. AP2008-027

OPINION

This action is a request for a variance from the minimum 100' right side yard setback to 55' for the construction of a 30'x64' agriculture structure to house animals. The subject property is located at 14804 White Oak Ridge, Hancock, Maryland, is owned by the Appellant, and is zoned Environmental Conservation.

A public hearing was held before the Board on June 4, 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 proposes to construct a 30'x64' building for the housing of animals on the subject 12-acre property.
2. The topography of the subject property limits placement of the structure to the proposed site. There are only two level sites on the property, and Appellant's residence occupies the other.
3. Appellant plans to keep the animals for hobby, and not commercial, purposes.
4. Appellant's neighbors have no objection to the proposal.

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 accessory use of the subject property and is consistent with the Comprehensive Plan. The property is of adequate size to support the proposed use, and traffic volume will not be affected. Moreover, the size and shape of the lot, the location of the existing structure thereon, and its topography, necessitate this variance. 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. In fact, Appellant's neighbors affirmatively consent to the relief requested. Therefore, we feel that the grant of this request advances the spirit and purpose of the Ordinance.

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 July, 2008.

BOARD OF APPEALS
By: Bert Iseminger, Chair