

BEFORE THE BOARD OF APPEALS FOR WASHINGTON COUNTY, MARYLAND

TRAVIS SARNO
20865 Emerald Drive
Hagerstown, Maryland 21742
Appellant

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Appeal No. AP2008-028

OPINION

This action is a request for a variance from the minimum 40' front yard setback along Emerald Drive to 25' for the construction of a 30'x44' detached residential garage. The subject property is located at 20865 Emerald Drive, Hagerstown, Maryland, is owned by the Appellant, and is zoned Residential Rural.

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'x44' detached garage on the subject property.
2. Due to the layout of the lot and adjacent roadways, Appellant has three "front" yards.
3. Appellant's house faces Jefferson Boulevard, so the garage will be in the "back" yard.
4. Given the shape of the lot, location of existing structures, and the restrictions of the septic reserve area, the proposed site is the most logical place for the garage.
5. A stand of mature trees will shield the garage from view.

6. Appellant will use the garage for personal, not commercial, use.
7. 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 accessory use of the property. The property's shape and size and the placement of the structures thereon necessitate this variance, as the proposed location is the best location for the structure given these factors. A lesser variance would not give the Appellant adequate relief. 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. We note that existing trees will screen the proposed garage from view. For these reasons, we believe that granting this variance observes the spirit 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