

FREDERICK COUNTY BOARD OF APPEALS
STAFF REPORT FOR VIRTUAL PUBLIC HEARING ON JUNE 25, 2020 @ 7pm

Case Number: B-20-07, B260019

Applicant: Janice Dorcus

Appeal: Applicant requesting a Variances of 4 feet from the 10 ft. side yard setback in accordance with Section 1-19-3.220 Variance and Section 1-19-6.100 Design Standards of the Frederick County Zoning Ordinance. The request is for a 4 ft. variance from the 10 ft. side yard setback in order to construct an addition to their garage for the purpose of adding a storage area.

Location: Located at 7902 Long Meadow Drive, Frederick MD 21701, Tax Map 0057, Parcel 0184, and Tax ID# 28543492, Size .44 acres

Planning Region: Frederick

Zoning District: Low Density Residential (R1)

Comp. Plan Designation: Low Density Residential

Applicable Ordinances: Sec. 1-19-3.220 Variances
Sec. 1-19-6.100 Design Requirements

Background:

The applicants property is zoned Low Density Residential (R1) and is .44 acres in size. The applicant states that in 1998, the property owners received a Variance for the garage on the property per (B-98-14) that granted a variance of 4 ft. from the required 10 ft. side yard setback in order to convert a carport into an attached garage.

Proposal:

The applicant is requesting a 4 ft. variance of the 10 ft. side yard setback requirement (Attachment 1) to construct a 20 ft. x 17.4 ft. addition to their existing two-car garage which is attached to their home (Attachment 2). The purpose for this addition is for general storage that they cannot fit into their existing garage. The addition is 348 sq.ft. When combined with the existing garage the total size of the garage will be 1003.5 sq.ft. The living area of the home is 1780 sq.ft. When combined with the garage and storage area, the total size of the home is 2783.5 sq.ft.

General Criteria - Variance:

Under the provisions of Section 1-19-3.220(C) of the County Zoning Ordinance, the Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

- (A) The Board of Appeals may authorize a variance in height, lot area and yard regulations.

The applicant states that they understand this.

- (B) An application for a variance shall be filed with the Board of Appeals only after refusal of zoning approval or an adverse determination has been issued by the Zoning Administrator.

The applicant states that the County staff advised us that a variance would be needed to add the storage structure to our existing attached garage.

- (C) The Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

The applicant states that they understand this.

- (1) First, the Board of Appeals shall find that special conditions and circumstances exist which are unique to the land or structure involved and which are not applicable to other lands or structures in the same district.

The applicant states that their house was constructed in the 1960's and one of the first constructed in Broadview Acres. The lots are deep but narrow and the majority of the land is behind the house. Our house is a ranch-style home. Several houses on our street and in our neighborhood are two-story, larger homes. Houses built in recent decades are primarily two-story, larger homes.

- (2) Upon making this finding the Board of Appeals shall also find that the following criteria are met:

- (a) That the special conditions and circumstances do not result from the actions of the applicant; and

The applicant states that we purchased an existing, older home and have made significant improvements to the house to make the best use of every square foot.

- (b) The literal interpretation of the provisions of this chapter would result in unreasonable hardship and deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this chapter; and

The applicant states that as indicated above, our house is ranch-style rather than two-story homes with more square footage.

- (c) That granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district; and

The applicant states that we feel that for aesthetic purposes and the value of our home, adding a small area to our existing garage is more pleasing than trying to add a second floor to our house. It is also much more appealing than having multiple sheds in our yard as many of our neighbors do.

- (d) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The applicant states that the harmony of the neighborhood is better served by a small addition that is not visible. Adding sheds or a second floor is not as attractive or keeping with the style of our house.

- (D) In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, is a violation of this chapter.

The applicant states that they understand this.

- (E) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the zone involved, or any use expressly or by implication prohibited by the terms of this chapter in said zone.

The applicant states that we are adding storage area to an already approved use (a garage).

- (F) Under no circumstances shall the Board of Appeals grant a variance to a nonconforming structure for the portion of structure determined by the Zoning Administrator to be nonconforming.

The applicant states that our existing dwelling is not a nonconforming use or structure.

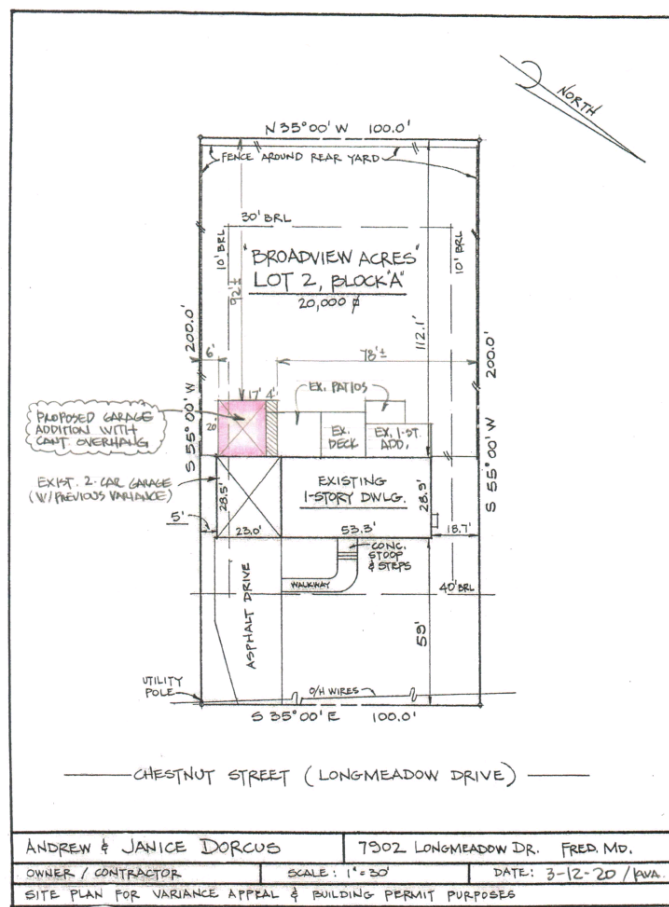
- (G) A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The applicant states that they understand this.

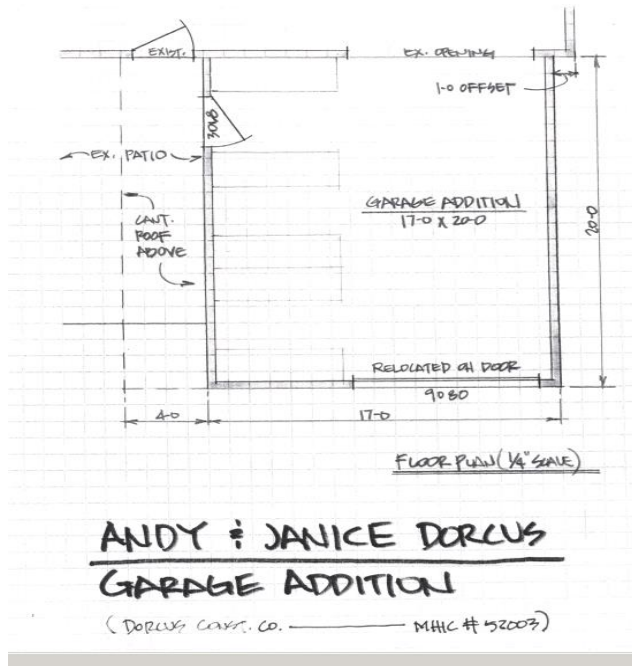
Actions Needed:

Staff requests that the Board review the general criteria for a Variance under Section 1-19-3.220 (Variances) and Section 1-19-6.100 Design Requirements and render a decision on the Applicant's request for a 4 ft. variance from the 10 ft. side yard setback in order to construction an addition their garage for the purpose of adding a storage area.

Attachment 1



Attachement 2



Maps

