

## **ALLEGANY COUNTY BOARD OF ZONING APPEALS**

**IN RE: APPLICATION OF  
DANIELLE ADAMS  
FOR A VARIANCE**

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**Case No.: 958**

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**Hearing Dates: 09/05/18**

**\* \* \* \* \***

### **FINDINGS**

This case came before the Allegany County Board of Zoning Appeals (the “Board”) upon Danielle Adam’s request for variance of the special setback requirements found in Section 360-127. A., Table 3, of the Allegany County Zoning Code.

A field inspection of the subject property was conducted by the members of the Board on August 30, 2018. The purpose of the field inspection was to familiarize the Board members with the site layout in order for them to develop an understanding as to where the proposed use would be located and to assess the ability to grant a variance in this particular situation.

At the hearings held on September 5, 2018, the Board considered the attached list of exhibits which consisted of information gathered by the Division Chief and information provided by other agencies and individuals.

The proposed use is a storage shed. It is located on applicant’s property behind her home at the south terminus of B Street; 1/4 mile southwest of D street, LaVale, Allegany County, Maryland.

The Board considered testimony presented at the hearing in order to ascertain whether the proposed use and facts and circumstances surrounding this project would warrant the grant of a variance.

The Board’s findings are as follows:

1. The Board of Appeals is specifically authorized to grant a variance in this type of case by Section 360-141 (d) of the Allegany County Zoning Code.
2. That the property upon which the structure is placed is within a residential area with other neighboring properties utilizing such storage sheds. As such, the proposed use is in harmony with current zoning in the area and the Allegany County Comprehensive Plan.
3. That Section 360-127. A., Table 3, of the Ordinance requires a minimum setback

distance from a right-of-way of 25 feet.

4. That the evidence presented by the applicant establishes that the storage shed is located six (6) feet from the terminus of B Street.

5. That the proposed structure does not meet the minimum setback requirements and as a result is subject to the provisions of the Allegany County Zoning Code regarding modifications of the zoning regulations found in Section 360-141 (d).

6. That as a prerequisite to the granting of a variance, the applicant must establish that the property whereon structures are to be placed is, in and of itself, unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to impact disproportionately upon the property.

7. That the applicant testified that there was no other location in which to place the storage shed due to the steep slopes upon the property and that if they were denied the variance, they would suffer a loss of use.

8. That Board Member William Powell noted that during the site visit he also observed the steep topography and agreed that the current proposed location would be the only viable place to erect and maintain the shed.

9. That the effect of the steep slopes on the property is unique as compared to similarly situated properties.

10. That the necessity for a variance in this matter is not a result of any action taken by the applicant in this matter but merely the physical layout of the lot.

11. That the Board finds that strict adherence to the ordinance will create a practical difficulty for the applicant.

### CONCLUSIONS

Based upon the findings set forth above, the Board voted at the conclusion of the hearing of September 5, 2018, 3-0 in favor of granting the Applicant's request for a variance as to the setback requirement pursuant to Section 360-127. A., Table 3, of the Allegany County Zoning Code. The applicant must also comply with all other the terms and criteria of the Zoning Ordinance at all times and must also obtain the approval of all State, County, and municipal agencies whose approvals are

required for the conduct of the proposed use.

ATTEST

BOARD OF ZONING APPEALS



By:



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Julia Williams

Julia Williams, Chairperson

Copies to: See Attached List  
Attachment: Exhibits List

# BOARD OF ZONING APPEALS

FOR ALLEGANY COUNTY, MARYLAND

CASE# 958

MS. DANIELLE ADAMS

SEPTEMBER 5, 2018

## EXHIBITS LIST

FINAL

- A. An Allegany County *Land Use Permit Summary* covering a *Land Use Permit Application* and assorted administrative documents (i.e. invoice(s), receipts, etc.)
- B. Site Plan.
- C. Completed *Petition for Variance*.
- D. Photocopy of an Allegany County Tax Map for property identification.
- E. An *Adjoining Property Owners List* completed and signed by the Applicant.
- F. A *Notification of the Hearing*, with attached distribution list, dispatched to adjoining and adjacent property owners by the Secretary of the Board.
- G. *Notification of Hearing* dispatched to the Applicant by Secretary of the Board
- H. *Inter Office Memo*, prepared by the LDS office, that was distributed to the necessary review agents notifying them of this Case, date, time and requesting comment.
- I. *Public Notification*, dispatched to the Cumberland Times/News, for the purposes of notifying the general public of the hearing date, time and location.
- J. *Certification of Public Notice*, received from the Cumberland Times/News, certifying that the *Public Notification* was published August 11<sup>th</sup>, 2018.
- K. Returned *Inter-Office-Memo*, dated 8/27/2018, from Mark McKenzie - SHA, with comment; "... no comment..."
- L. Memorandum dated September 5<sup>th</sup>, 2018, from James A. Squires Jr., Division Chief, to the Allegany County Board of Zoning Appeals, regarding site development plan requirements.
- M. Photographs, 1 thorough 16

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