



2. The lot size is approximately 0.36 acres.
3. The proposed use meets all the requirements of the existing zoning code in regard to setback requirements found in Code Section 360-86.
6. The garage will be approximately 15 feet high.
7. The buildable site has a slope of greater than 25 percent.
8. There are no streams within 50 feet of the site upon which the proposed use will be placed.
9. There are no designated wetlands or habitats for threatened or endangered species within 50 feet of the site where the proposed use will be located.
10. The Applicant does not plan to utilize any billboards. The Applicant does not plan to use any exterior lighting other than dusk to dawn lighting.
11. The Board found that a major site plan is required for this use due to the fact that the project disturbs a slope which is greater than 25% and, as a result, the Allegany Soil Conservation District will only consider approval of a plan prepared with major type criteria. Having made that determination, the Board applied the criteria of Section 360-100 of the Ordinance to the site plan which was submitted by the Applicant. The Board found that the site plan met those criteria.

Based upon the foregoing findings, the Board found that the Applicant will comply with the criteria of the Zoning Ordinance. Having made that determination, the Board next considered whether "the facts and circumstances indicate that the particular special exception use and location proposed would cause an adverse effect upon adjoining and surrounding properties unique and different, in kind or degree, than that inherently associated with such a use, regardless of its location within the zone ...". Brandywine Enterprises v. County Council for Prince Georges County, 117 Md. App. 525 (1997).

No witnesses appeared nor evidence was presented in opposition to the request for special exception. Based upon the evidence presented by the applicant and the site visit, the Board found no evidence of a site specific adverse impact.

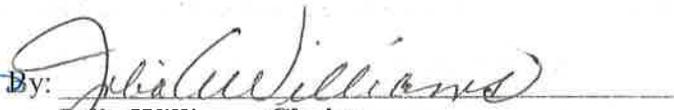
## CONCLUSIONS

Based upon the findings set forth above, the Board voted at the conclusion of the hearing of March 2, 2016, 3-0 in favor of granting the Applicant's request for a special exception for a detached garage greater than 900 square feet in first floor area in the "R" Zoning District. As a condition to the granting of the Board's approval, the Applicant will be required to comply with the terms and criteria of the Zoning Ordinance at all times. The Applicant must also obtain the approval of all State, County, and municipal agencies whose approvals are required for the conduct of the proposed use, including, but not limited to, Soil Conservation District, Allegany County Health Department, ACDPW Roads Division, Zoning Certification, Building Codes Compliance, House Numbering, Floodplain Management, Subdivision Review and Structural/Electrical Inspection Agency.

**ATTEST**

**BOARD OF ZONING APPEALS**



By:   
**Julia Williams, Chairperson**

Copies to: See Attached List  
Attachment: Exhibits List 1