

ALLEGANY COUNTY BOARD OF ZONING APPEALS

IN RE: APPLICATION OF * **Case No.: 934**
BERNARD MILBURN *
FOR A SPECIAL EXCEPTION * **Hearing Date: 11/6/13**

* * * * *

FINDINGS

This case came before the Allegany County Board of Zoning Appeals (the “Board”) upon Bernard Milburn’s request for a special exception for a residential storage building greater than 900 square feet in first floor space in the “R” - Residential Zoning District.

A field inspection of the subject property was conducted by the members of the Board on October 31, 2013. 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 as to whether the proposed use would be constructed in compliance with the terms of the Zoning Ordinance.

At the hearing on November 6, 2013, 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 will be located on the south side of Aster Ave, 300 feet south east of Ginger Street in Potomac Park, Allegany County, Maryland. The Applicant’s home is located on the same lot as the proposed use.

The proposed use is a garage. It will be a one story attached garage measuring 28' x 40' in dimensions. The Applicant plans to use the garage to store personal use vehicles. No commercial activities shall be conducted on the site.

The Board considered testimony presented at the hearing in order to ascertain whether the proposed use would meet the standards and criteria of the Zoning Ordinance. The Board’s findings are as follows:

1. A residential storage building greater than 900 square feet in first floor area is a special exception use in the “R” Zoning District in accordance with Section 360-78 (B) of the Ordinance.

2. That the property upon which the proposed structure is to be placed is adjacent to an unimproved alley, consisting of a twenty (20) foot public right of way.

3. That Section 360-87 (A)(2) of the Ordinance requires a minimum setback distance from alleys of fifteen (15) feet from the right of way or twenty (20) feet from the center line for all structures, including accessory structures.

4. That the evidence presented by the applicant clearly shows that the proposed structure is located two (2) feet, eight (8) inches from the property line abutting the alley.

5. That as a prerequisite to the granting of a special exception, the applicant must establish that his use meets the prescribed standards and requirements of the zoning ordinance.

6. That under no interpretation of the code, including any possible administrative variance, can the proposed structure fall under the criteria of the existing zoning ordinance.

CONCLUSIONS

Based upon the findings set forth above, the Board voted at the conclusion of the hearing of November 6, 2013, 3-0 to deny the Applicant's request for a special exception for a residential storage building greater than 900 square feet in first floor area in the "R" Zoning District.

ATTEST

BOARD OF ZONING APPEALS



By: 
Julia Williams, Chairperson

Copies to: See Attached List
Attachment: Exhibits List