



REPORT TO THE BOARD OF APPEALS
Request for a Variance
Docket #1302
February 12, 2013

SUMMARY OF REQUEST

Project Name: Pamela & Wayne Miller

Project #: Docket #1302

Project Request: Variance to §297-90, Figure VI-4, “Minimum Side Yard Requirements”. The requirement is 20’ and the applicant wants to encroach this by 2’

Subject Property: Located at 3117 Omega Place in Waldorf, MD, Tax Map 7, Parcel 433, Grid 22, Lot 45, lot size is 10,187 square feet

Property Owner/Applicant: Pamela & Wayne Miller

Background: The subject property is zoned medium density residential (RM). The minimum lot criteria for the rear lot line, is 20’. Per §297-26, C, decks can project into the minimum required rear yard by 3 feet; however the applicant needs to extend an additional 2 feet.

Criteria for Approval and Findings: Compliance with the current Zoning Ordinance requires the proposed development to satisfy all minimum yard requirements per Article VI, §297-90, Figure VI-4 for the RM- Medium-Density Residential Zone, and standards set forth in Article XXV, §297-416, as well as any conditions of approval imposed by the Board.

- 1) Special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.

Staff Finding: *Since the property is irregularly shaped, this creates a special condition that exists which is unique to the subject property that the strict enforcement of the building restriction lines would result in unwarranted hardship which is not generally shared by owners of property line the same land use classification. In addition, the property backs up to a “Forest Conservation Easement” which provides a buffer between the*

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applicant and the adjoining property owner.

- 2) Strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by other owners of property in the area.

Staff Finding: *The applicant did not demonstrate in the application that the strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by other owners of property in the area.*

- 3) That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.

Staff Finding: *Since a variance request application is accepted for this type of request, the granting of the requested variance will not confer upon the applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.*

- 4) The variance request is not based upon conditions or circumstances which are self-created or self-imposed.

Staff Finding: *The desired deck has not been built, therefore, the request is not based upon conditions or circumstances which are self created or self-imposed.*

- 5) Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient justification for a variance.

Staff Finding: *The applicant is not claiming greater profitability or lack of knowledge of the restrictions.*

- 6) The proposed variance is consistent with the Charles County Comprehensive Plan.

Staff Finding: *The proposed use is a permitted use and is consistent with the Comprehensive Plan.*

Staff finds that due to the above unique circumstances, staff concurs with the applicant.

Attachments: Zoning, Vicinity, Aerial Maps

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