

Board of Appeals of Hebron, Hebron

Resolution For Application Number: 2023-01

Be It Resolved And Ordained by the Board of Appeals of the Town of Hebron, that:

1. On the **Variance** requested by **Shepherd's LLC c/o Ernest Adkins, the Contractor, on behalf of Mary Sorenson, the Owner**, to reduce the building side setbacks on the property located at 103 Grove Street, the Board of Appeals finds, by a preponderance of the evidence presented at a public hearing held on February 8, 2023, at which the said **Ernest Adkins** was present and testified, that for the variance requested and subject to the conditions listed in paragraph 2:

A. That if the Applicant complies strictly with the provisions of the Zoning Code, then the Applicant cannot make a reasonable use of the property.

B. That special conditions or circumstances exist that are unique to the subject property or structure and that a literal enforcement of the provisions of the Zoning Chapter would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.

1. That the hardship of which the Applicant complains is one suffered by the Applicant rather than by neighbors or the general public.

2. That the hardship relates to the Applicant's land, rather than personal circumstances.

3. That the hardship is unique, or nearly so, rather than one shared by many surrounding properties.

4. That the hardship is not the result of the Applicant's own actions.

5. That strict enforcement of the provisions of the Zoning Chapter would deprive the property owner of rights commonly shared by other property owners in a similar area.

C. That the granting of a 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 zoning district.

D. That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance.

E. That the proposed variance is consistent with the Comprehensive Plan of the Town of Hebron.

F. That the proposed variance will neither result in the extension of a nonconforming situation in violation of Article VIII, nor authorize the initiation of a nonconforming use of land.

G. That the granting of the proposed variance will be in harmony with the general purpose and intent of the Zoning Chapter and shall not result in a use not permitted in the zone in which the property subject to variance is located, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

H. That in granting variances, the Board of Appeals may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. Violations of such conditions, when made part of the terms under which the proposed variance is granted, shall be deemed a violation of the Zoning Chapter and punishable as provided in Article VII.

I. That a proposed variance may be issued for an indefinite duration or for a specified duration only.

J. That the nature of the proposed variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the proposed variance and refer to the written record of the proposed variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of the Zoning Chapter.

2. Therefore, the **Variance** as requested shall be, and the same hereby is, **GRANTED**, subject to the following condition: That side setbacks shall be reduced to the measurements as shown on the attached Site Plan Drawing, dated January 11, 2023 and marked as **Exhibit 1**. The said Variance shall be subject to the following:

A. That all work shall be done in a workmanlike manner and shall comport with all building codes.

The foregoing Resolution was introduced and passed at the meeting of the Board of Zoning Appeals as held on February 8, 2023 by a vote of three (3) for and Zero (0) against:

Member:	Toni Dwyer	Vote: <u>For</u>
Member:	Aaron Handy	Vote: <u>For</u>
Member:	Edward L. Bratten, Jr.	Vote: <u>For</u>

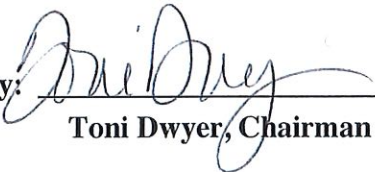
{Possible Results: For, Against, Abstain, Not Present, Not Voting}

Attest :

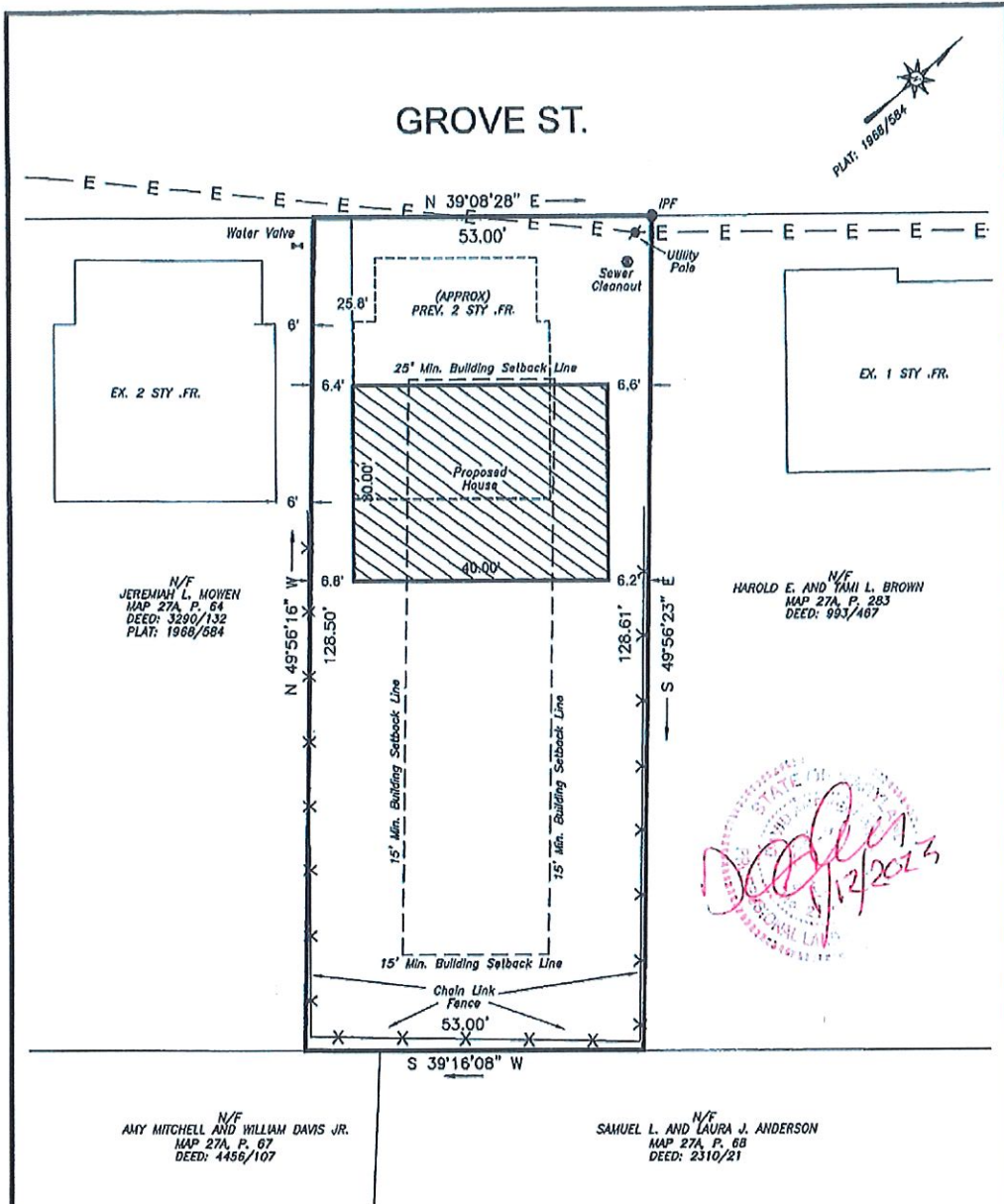
**Board of Appeals
Town of Hebron, Maryland**



Aaron Handy, Secretary

By: 

Toni Dwyer, Chairman



This plat is based on a current field survey.
 No Title Report Furnished.

Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations, and any other facts that an accurate and current title search may disclose.

SITE PLAN DRAWING REQUESTED BY **ERNEST WILLIAM ADKINS, JR.**

SURVEY NO. 103 GROVE

DeM Andrew Wilson, Lic. #21184, Exp. 1/1/24, is the person who prepared this Location Drawing or was his responsible charge over his preparation and of a survey which reflected in it, all in compliance with requirements set forth in the Code of Civil Law, Article 12, Chapter 29, § 13.02.

CIVIL ENGINEERING & LAND SURVEYING		PROJECT INFORMATION				LEGEND	
 WILKINS-NOBLE LLC. 11729 CHURCH ST. PRINCESS ANNE, MD 21853 PHONE: 410-821-0321 FAX: 410-821-0320	COUNTY	WICOMICO	STATE	MD	FLOOD ZONE	*X*	
	MUNICIPALITY	HEBRON	SUBD.	N/A		■ CPF	Concrete Post Found
	DISTRICT	15	SECT. NO.	N/A		○ IPF	Iron Pipe Found
	TAX MAP NO. 27A	PARCEL NO. 65	BLOCK NO.	N/A		● IRF	Iron Rod Found
	DEED REF.	4204/211	LOT NO.	N/A		⊙ IRCS	Iron Rod with Cap Set
	PLAT REF.	1968/584	DATE	1/11/2023		⊙ IRCF	Iron Rod with Cap Found
	FIELD BOOK	PAGE	SCALE	1" = 20'		-X-X-	Fence
	CAD FILE	103 GROVE	DRAWN BY	DAW		-E-E-	Overhead Power Lines
					▨	Sewage Reserve Area	
					---	BSL Building Setback Line	

Exhibit 1