

Board of Appeals of Hebron, Hebron

Resolution For Application Number: 2022-02

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

1. On the **Variance** requested by **Joseph M. Farmer**, on behalf of himself as the Owner, to reduce the building side setback on the property located at 104 Elm Street, the Board of Appeals finds, by a preponderance of the evidence presented at a public hearing held on November 23, 2022, at which the said **Joseph M. Farmer** 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 Town of Hebron Comprehensive Plan.

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 the left side setback on the property known as 104 Elm Street shall be reduced to approximately ten feet (10'). 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 November 23, 2022 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}

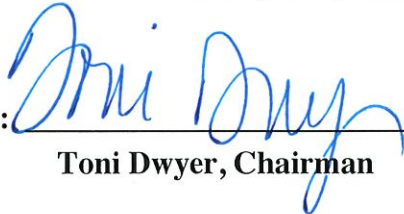
Attest :

Board of Appeals

Town of Hebron, Maryland



Aaron Handy, Secretary

By: 

Toni Dwyer, Chairman