

accessory building unless it shares a common wall that is contiguous with the primary residence.”

The Board specifically notes that this action by the Town Council removed a previous requirement in the Ordinances that an Accessory Building be “...located on the same lot or contiguous lots under the same ownership with a main building...” The Board finds that the Applicants’ request to build a garden shed on the Property complies with the increased flexibility of location enabled by this recently enacted definition of Accessory Building.

4. Practical Difficulty. The Board evaluated the Applicants’ request with respect to the dimensions of the Property, the location of the proposed garden shed on the Property, the proximity of neighboring lots and improvements thereon, and the relationship of this request with the general and specific purposes of the Ordinances. The Board determined that requiring Applicants’ to comply with the 60-foot front set-back for the proposed garden shed would result in practical difficulty to the Applicants’ and be unnecessarily burdensome, because the lot is only 60 feet deep; thus Applicants’ would be faced with storing garden implements and mowers outside.

5. Uniqueness of Condition. The Board evaluated the evidence admitted into record, specifically property area information for the Property and adjacent parcels retrieved from the Maryland Department of Assessments and Taxation website, and lot dimensions and proximity to rights-of-way in the vicinity of the Property as shown on Plat No. 20, Section No. 1 for the Subdivision of Washington Grove. The Board specifically evaluated the separation by a walkway (Fourth Avenue) between the Property and the parcel with the one-family home owned by the Applicants. The Board recognized the substantial similarity of property area and walkway separation with one parcel immediately adjacent to the Property; however the Board determined that the condition which forms the basis for granting this variance is not common to other lots in the vicinity. The Board concludes that the requirement of finding that the condition causing the need for the variance be unique to the lot in question is intended to preclude the Board from establishing land use policy of general applicability in the Town. Hence the Ordinance speaks to the condition being not in common with other lots in the vicinity. In this case there is only one other lot that is similar to Applicants’ lot and that is lot adjacent.

6. Granting of Variance. For the reasons state above, the Board finds granting the variance is in the public interest, and adopts a resolution approving the Applicants' request and granting the variance.

Marc Hansen
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Board of Zoning Appeals

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