



Board of Zoning Appeals Zoning Administrator – Staff Report

CASE #: BZA-25-01

Public Hearing: August 19, 2025

APPLICANT/PROPERTY OWNER:

Paul Healy
P&R Investments, LLC
210 North Main Street
Boonsboro, MD 21713

LOCATION:

305 North Main Street
Boonsboro, MD 21713

REQUEST:

To hear a request for three (3) variances:

- 1) Minimum Requirement of 10,000 SF
 - a. Proposed Subdivision – 5,425 SF
- 2) Minimum Lot Width 80 feet
 - a. Proposed Subdivision – 34 feet
- 3) Side Yard Set Back 10 feet
 - a. Proposed Subdivision – 5 feet

ZONING:

Town Residential District (TR)

Section(s) of the Zoning Ordinance that Apply:

Article 4: Lot Area & Yard Regulations Section 400, Table 401.A.4.a –

STAFF FINDINGS AND RECOMMENDATION:

The applicant filed for a subdivision plan for the above referenced property. The proposed subdivision plan would not meet the requirement of the Zoning Ordinance Article 4. Pursuant to the Zoning Ordinance, the property owner was informed of their right to appeal the Zoning Administrator's decision on 06/24/2025 to deny the subdivision request and filed a Board of Appeals application on 07/08/2025.



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Variations are granted based on Article 10, Section 1005:

- A. *Upon appeal from a decision by the Zoning Administrator, the Board shall have the power to vary or adapt the strict application of any of the requirements of the ordinance in the case of exceptional irregular, narrow or shallow or steep lots, or other exceptional physical conditions whereby such strict application would result in either practical difficulty or unnecessary hardship depriving the owner or reasonable use of the land or building involved, but in no other case.*
- B. *In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.*
- C. *No variance in the strict application of the provision of this Ordinance shall be granted by the Board unless the Board finds that the following requirements and standards are satisfied.*

The appellant must show that the variance will not be contrary to the public interest and that either practical difficulty or unnecessary hardship will result if it is not granted. In particular, the appellant shall establish and substantiate their appeal to show that the appeal for the variance is in conformance with the requirements and standards listed below:

1. *That granting of the variance shall be in harmony with the general purpose and intent of this ordinance and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.*
 2. *That the granting of the variance will not permit the establishment with a District of any use which is not permitted in that District.*
 3. *That the special circumstances or conditions, fully describe in the findings, apply to the land or buildings for which the variance is sought, which circumstances or conditions are such that strict application of the provision of this Ordinance would deprive the applicant of the reasonable use of such land or building or create unnecessary hardship.*
 4. *That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance was awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without the knowledge of restrictions; it must result from the application of the Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.*
- D. *The Board may prescribe any safeguard that it deems necessary to secure substantially objectives of the regulation or provision to which variance applies.*

PLANNING COMMISSION RECOMMENDATION:

At the July 22, 2025, Planning Commission Meeting, the Commission is recommending approval of the variations requested.

BZA 25-01

Date Filed: 7/8/2025

Board of Appeals
Town of Boonsboro

Map/Grid/Parcel/Lot:

Zoned: TR

APPEAL FOR VARIANCE UNDER ZONING ORDINANCE

Appeal is hereby made for a variance from a requirement of the Zoning Ordinance, as follows:

Subdivision: _____ Lot: _____ Block: _____

Location: _____

NSEW side of road; distance NSEW from nearest intersecting road

Appellant's present legal interest in above property: (Check one)

Owner/Joint Owner _____ Lessee _____ Contract to lease or rent _____
 Contract to purchase _____ Other: (Please Describe) _____

Ordinance section, and subsection if any, containing a requirement(s) from which variance is desired:

VARIANCE 1 - 10,000 SQFEET VARIANCE 2 - 5' SETBACKS ON EACH SIDE

Specify the particular requirement(s) from which a variant is desired, in that section or subsection:

Describe the nature and extent of the desired variance from such Ordinance requirement(s):

NEW HOME

Check reason(s) why the Ordinance requirement(s) in question would result in peculiar & unusual practical difficulties to/or exceptional or undue hardship upon the owner of the property due to exceptional:

Narrowness _____
 Shallowness _____ of the property, existing now and on the date of enactment
 Shape _____ of the requirement(s) in question
 Extraordinary situation of the property. Describe briefly (or attach documentation): _____

If exceptional narrowness, shallowness or shape of the property is claimed, give the date of recording of plot of present subdivision if any: _____; or if property is unsubdivided, give the date on which a deed conveying the identically-bounded tract was first recorded: _____

Briefly describe the difficulty or hardship upon the owner by reason of the above narrowness, shallowness, shape, condition or situation of the property, if the requested varaince is not granted (or attach documentation):

Has any previous petition or appeal involving this property been made to the Board: If so, give Case Number(s):

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Signature of Appellant(s)

210 N. Main St Boonsboro MD 21713
Address of Appellants

Sworn to and subscribed before me this 30 Day of June, 2025

My Commission expires 7-8-2027

Phone# 410 790 0500

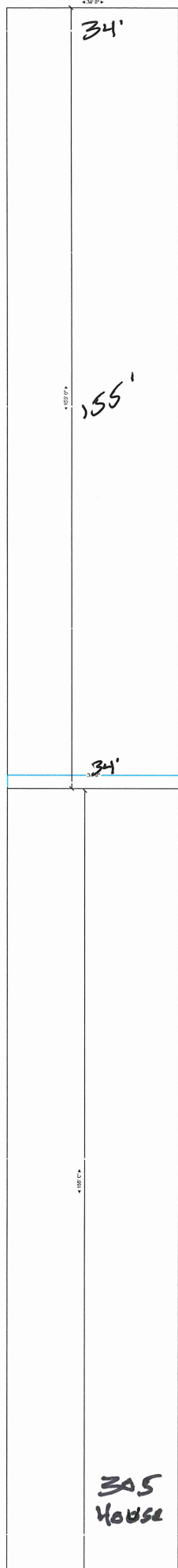
Notary Public

CENTER ST

P+R

305 N MAIN ST

LOT SPLIT



SPLIT 310' IN HALF
155' EACH LOT

N. MAIN ST

305
HOUSE

P+R

305 N MAIN ST

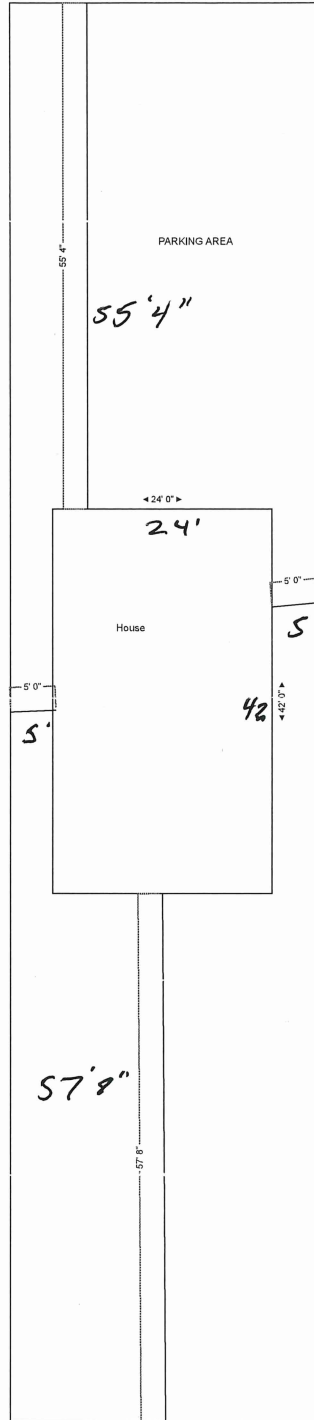
BACK LOT

HOUSE

- CENTER ST

CENTER ST

CENTER STREET
434' 0"



FRONT YARD SETBACK
55'4"

P&R INVESTMENTS
BACK LOT PROPOSAL

BOTH SIDE YARD SETBACKS
5'

BACK YARD SETBACK
57'8"

FRONT LOT 305 N MAIN ST

305 N MAIN

PROPERTY