CARROLL COUNTY GOVERNMENT
225 N. Center Street
Westminster, Maryland 21157
410-386-2980
Toll-free 1-888-302-8978
Fax 410-386-2451
TT 410-848-3017

Acting Zoning Administrator
Gayle Fritz

Official Decision
Case ZA-1030
Permit 06-2406
Acting Zoning Administrator
Carroll County, Maryland

APPLICANT:	Susan Carol Ay
REQUEST:	A variance from the required front yard setback from 70 feet from the center line of Old New Windsor Rd. to 34 feet and from the required side yard setback of 20 feet to 10 feet for a detached garage
LOCATION:	1906 Old New Windsor Rd. New Windsor, Md. 21776
MAP/BLOCK/PARCEL:	50/13/211
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances Chapters 223-19, 223-75 and 223-181
HEARING HELD:	September 6, 2006

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing, the variance from the front setback is approved and the variance to the side setback is denied.

Facts, which support the request for relief from the strict terms of the Ordinance, in this case, a reduction of the minimum required front setback of 70 feet from the center line of Old New Windsor Rd. to 34 feet and from the required side yard setback of 20 feet to 10 feet for a detached garage are as follows.

The applicant wishes to build a detached garage in front of the existing house. This lot has very large mature pine trees on each side property line and the house is located in the center. The septic system is to the right side and rear of the house and the well is on the front left. While the proposed location of the garage is close to the road there are existing houses within close proximity of this property that do not meet the required front setback. The location of the well and septic along with the very large number of trees on both side property lines severely restricts where a garage can be located. The construction of the garage will not interfere with traffic visibility on this property or the neighboring property. I consulted with the Bureau of Roads Operations and found there are no plans for widening Old New Windsor Road. Several members of the Bureau of Roads Operations visited the site and found the garage will be not be located within the right-of-way and also noticed there are neighboring

properties that do not meet the front yard setback. However, there is no indication that the denial of the side setback will create a hardship for the applicant. It appears from the documents submitted that the garage can be constructed so that a variance from the side yard setback is not necessary.

Mr. and Mrs. Sandifer, 1908 Old New Windsor Rd., were present to protest the application of the variances. They felt that setbacks for this property should be complied with as they did when they recently built their storage building. They also felt that looking at the back of the proposed garage would infringe on their enjoyment of their property. While I understand Mr. and Mrs. Sandifer's concern regarding compliance with Zoning regulations I believe the applicant has proven practical difficulty in meeting the required front setback and, in fact, if the proposed garage could be located to meet the required 70 feet from the center line it would still be placed in front of Mr. and Mrs. Sandifer's house. I would like to note that Mrs. Sandifer submitted information to this office two days after the hearing but I have not reviewed it or taken it into consideration for this decision due to the fact that the hearing was closed.

There is one condition for this approval and that is that the garage doors must open toward the interior of the property and not toward Old New Windsor Rd.

This approval is valid for one year from the date of a Zoning Certificate.

Note:

An appeal of a Decision made pursuant to Chapter 223-181.2 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrator's decision in accordance with Chapter 223-182 and 223-188 of the Code of Public Local Laws and Ordinances.

A decision of the Zoning Administrator made pursuant to Chapter 223-181 is final and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

September 14, 2006
Date

Gayle Fritz
Gayle Fritz
Acting Zoning Administrator