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Office of
Zoning Administration

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BUREAU OF DEVELOPMENT REVIEW

Official Decision
Case ZA-1077
Zoning Manager
Carroll County, Maryland

APPLICANT: Commissioners of Carroll County
Scott Moser, Bureau of Building Construction

REQUEST: A variance from the required minimum front yard setback of 80 feet from the center line of Mineral Hill Road to 17 feet

LOCATION: Mineral Hill Road
Sykesville , Md.

MAP/BLOCK/PARCEL: 74/3/482

APPLICABLE REGULATIONS: Code of Public Local Laws and Ordinances, Chapters 223-138F, 223-37, 223-19 and 223-181

HEARING HELD: November 7, 2007

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing, a variance from 80 feet from the center line of Mineral Hill Road to 25 feet is granted.

Facts, which support the request for relief from the strict terms of the Ordinance, in this case, a reduction of the minimum required front yard setback of 80 feet from the center line of Mineral Hill Road to 25 feet for a sign are as follows:

The applicants are building a Senior Center on this property and would like to erect an identification sign. The property is zoned Conservation and the front yard setback is 50 feet, pursuant to Chapter 223-37A. An additional 30 feet is added to the 50 foot setback requirement, for a total of 80 feet because the property's front yard depth is measured from the center line of Mineral Hill Road, in accordance with Chapter 223-19A(2).

The applicants had originally requested a variance to 17 feet from the center line of Mineral Hill Road. I would not have been permitted to grant the requested variance as the variance exceeded the maximum setback variance I may grant, which is 75% pursuant to Chapter 223-181B(2); however, during the original hearing held October 3, 2007, I asked Mr. Scott Moser, Carroll County Bureau of Building Construction, to have the County Engineering Office perform a site analysis on the location of the sign as I had some concern about it causing an

obstruction to vision when entering Mineral Hill Road from this property. As a result of the site analysis Mr. Moser has moved the location of the sign back an additional 8 feet from the original request, which then allowed me to consider the variance request.

§223-138F states "A sign must be set back from a public highway by at least as many feet as the front yard requirement of the district in which it is authorized if the distance between such sign and the nearest lot line on which a building is located is 100 feet or less". Even though the property is approximately 21 acres it is only 99.85 feet wide at the road which would not allow for the sign to be 100 feet from each side property line. If the sign was placed back 80 feet from the center of Mineral Hill Road it would not be readily visible to identify the property, which is a hardship not created by the applicant. Furthermore, the shape of the lot is unique in that the road frontage is merely an access point for the large lot and is so narrow that a variance from the terms of the Zoning Ordinance is warranted.

No neighbors were present at the hearing opposing the variance; therefore, the granting of this variance should have no adverse effect on any adjoining property owners.

This approval is valid for one year from the date of this decision.

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.

November 15, 2007
Date

Gayle Fritz
Gayle Fritz
Zoning Manager