CARROLL COUNTY GOVERNMENT
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Office of
Zoning Administration

Official Decision
Case ZA-1101
Zoning Administrator
Carroll County, Maryland

APPLICANT: Michael Kemph

REQUEST: A variance from the required minimum side yard setback of 20 feet to 13 feet for an existing attached garage

LOCATION: 1557 Stone Chapel Rd.
New Windsor, Md.

MAP/BLOCK/PARCEL: 51/8/195

APPLICABLE REGULATIONS: Code of Public Local Laws and Ordinances, Chapters 223-75 and 223-181

HEARING HELD: June 4, 2008

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing the variance is granted.

Facts, which support the request for relief from the strict terms of the Ordinance, in this case, a variance from the required minimum side yard setback of 20 feet to 13 feet for an attached garage are as follows:

The applicant has constructed an attached garage. Before beginning the project he realized the garage would extend across the property line so he purchased an additional 909 square feet from the adjoining property under the assumption that the required setback was 10 feet. The additional 909 square feet left him with a setback of 13 feet. Unfortunately the garage still did not meet the required setback of 20 feet. He considered purchasing more property in order to meet the required setback, however, the adjoining property owners, Troy and Belinda Parrish, did not wish to sell any more of their property. Although Mr. Kemph did not follow the correct procedure for obtaining a building permit prior to construction the issue of the setback would have been the same. The fact is that the east side of the house is the most practical place for the garage due to the placement of the house, the existing driveway and the septic area.

No neighbors were present at the hearing opposing the variance. In fact, the contiguous property owners that sold the additional land to Mr. Kemph, Troy and Belinda Parrish, submitted a letter in support of 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.

June 6 2008
Date

Gayle Fritz
Zoning Administrator