CARROLL COUNTY GOVERNMENT
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Office of
Zoning Administration

Official Decision
Case ZA-1123
Zoning Administrator
Carroll County, Maryland

APPLICANT: Edward and Penny Wilson, Troy and Scott Bartol and Loretta Ness

REQUEST: A variance from the required minimum rear yard setback of 40 feet to 35 feet for an existing dwelling

LOCATION: 1016 Highfield Dr.

MAP/BLOCK/PARCEL: 41/8/579

APPLICABLE REGULATIONS: Code of Public Local Laws and Ordinances, Chapters 223-89 and 223-181

HEARING HELD: April 1, 2009

FINDINGS AND CONCLUSIONS

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

Facts which support the denial of this variance request are as follows:

The applicants wish to subdivide this property into several lots in the future and construct a cul-de-sac to access the new lots. In order to construct the cul-de-sac a variance would be required on the lot to be created around the existing dwelling. The original lot was designed with road frontage on Highfield Drive and that is how it is accessed. The applicants stated that they wanted to access the existing house from Dana Ave. and receive a new address. This could be accomplished without a variance. This property is contiguous to the corporate limits of Hampstead and is within the water service area. The property owners have not yet petitioned for annexation. Ken Decker, Hampstead Town Manager, attended the hearing and advised that since this property exists within the Town's growth area it should eventually be annexed into the Town and then at that time any decisions regarding the property would be made by the Town. Jeanne Joiner in the County's Bureau of Development Review also advised that the Bureau does not support the variance. The applicants did not prove either practical difficulty or unreasonable hardship in this instance since within the County they could still possibly subdivide to get 2-3 additional lots and a variance would not be required.

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.

April 2, 2009
Date

Gayle Fritz
Gayle Fritz
Zoning Administrator