Jay C. Voight, Zoning Administrator

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Office of Zoning Administration

Department of
Land Use, Planning & Development
Carroll County Government
225 North Center Street
Westminster, Maryland 21157

Official Decision
Case ZA-1346
Zoning Administration
Carroll County, Maryland

APPLICANT:	Timothy Niemeyer
REQUEST:	Front yard setback reduction from 40' to 10'
LOCATION:	5308 Pommel Dr. Mt. Airy, MD 21771
MAP/BLOCK/PARCEL:	66/14/250 lot 13
APPLICABLE REGULATIONS	Chapters 223- 66 and 223-181
HEARING HELD:	March 7, 2012

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 to a front yard setback reduction from 40' to 10', are as follows:

Mr. Niemeyer would like to construct a two car detached garage along side of his house at the end of his driveway. Mr. Niemeyer's lot is a corner lot; therefore, having 2 front yards with 40' setbacks. The road that runs along the front of his house is Pommel Drive. The road that runs parallel to the side of his house is Canter Drive. Canter Drive has not been constructed and is labeled as a future road. The setback reduction Mr. Niemeyer is requesting is along the future Canter Drive. The future Canter Drive was to be installed when the property to the rear of Mr. Niemeyer's lot was developed. The property to the rear of Mr. Niemeyer has been developed and it was decided not to construct the future Canter Drive. The proposed location for Mr. Niemeyer's garage is located 10' from the right of way line of the future Canter Drive. Without the future Canter Drive being constructed, it is reasonable to consider this property line as a side

yard. Mr. Niemeyer's well is located approximately 30' from the rear of the proposed garage preventing the garage from being placed in the rear yard where he could take advantage of Chapter 223-178 setback modification which would allow the garage to be located 5' from the property line. Mr. Niemeyer's septic is located in the front yard preventing his proposed garage from being placed there.

If the future Canter Drive is ever constructed, the location of the proposed garage will not interfere with any sight distance requirements for the intersection of Canter Drive and Pommel Drive.

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 223-181 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.

March 15 2012
Date

Jay C Voight
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