Tax Map/Block/Parcel
No. 69-19-302

Building Permit/Zoning
Certificate 96-1202

Case ZA-245

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: William Wolf
1034 Lakemont Road
Catonsville, MD 21228

REQUEST: A variance reducing the minimum side yard requirement from 20 feet to about 10 feet for a new residence with attached garage and wrap around porch.

LOCATION: 2068 Bandy Avenue, in E.D. 5, lot 25 in Section 4 of Morgan Estates, a subdivision recorded at 38/170.

APPLICABLE REGULATIONS: Art. 5C, Sec. 5C.5; Article 15, Section 15.5.

HEARING HELD: May 1, 1996

FINDINGS

This is a request for a reduction in one side yard requirement from 20 feet to 10 foot. The total length of the proposed dwelling is 66 feet. The width of the dwelling includes an attached garage and a first floor bedroom to the rear of the garage. The width of the lot at the minimum building line is approximately 111 feet.

Technically the proposed dwelling could be placed on the lot meeting minimum side yard requirements; however, the planned side entry garage requires approximately 30 feet for maneuvering. The applicants testified that side entry garages are the preferred design in the neighborhood, and that the first floor bedroom is a health necessity.

The applicant has modified the original request for a ten (10) foot reduction in left side yard to a four (4) reduction in the left side yard for the dwelling (resulting in a 16 foot side yard); but still requests approval for a side porch which would extend an additional six (6) feet into the side yard.

Owners of the adjoining lot 24 appeared in opposition. Their position is based on a perceived potential for problems associated with the proposed reduction of the separation between their proposed dwelling and the dwelling proposed by this application:

1. The potential loss of privacy caused by the applicant's proposal for a wrap-around porch directly adjacent to their master bedroom area,
2. The potential impact on privacy for lot 24, caused by the difference in elevation, if the side yard requirement is reduced and,
3. The possibility of an adverse effect on drainage between the two lots if the house on lot 25 is moved closer to the property line.

Most of these concerns are reduced or eliminated by the modified request.

CONCLUSION

Based on the testimony and evidence presented at the hearing, the variance for the dwelling is granted as modified, to 16 feet. Recognizing the possible adverse effect of further protrusion into the side yard, the 6 foot side porch is **not** approved.

Facts which support the request for relief from the strict terms of the ordinance, in this case a 20 foot side yard requirement for a new residence are as follows:

a) The proposed dwelling has been sized to meet the minimum floor area required by subdivision covenants for Morgan Estates. The covenants prohibit detached garages and other outbuildings. As a result, attached garages are typical in the neighborhood, usually side entry design. A side entry garage requires a larger than minimum side yard.

b) Because of a health problem, applicants have need for a first floor bedroom. The effect of incorporating a bedroom into the first floor design is a wider house.

c) This lot was approved at the minimum width allowed by the modifications set forth in Section 15.1(f), 125 feet. Apparently as a result of subsequent calculations for the final plat, the lot was altered slightly. The plat was recorded with the width of Lot 25 at approximately 120 feet. As a result, this is probably the narrowest lot in the subdivision and presents special constraints in placement of a dwelling which conforms to the minimum floor area requirements for the subdivision.

(It should be noted here that lot width is measured at the midpoint of the side lot lines, and does not necessarily correspond to the dimension given for the front lot line nor to the width at the minimum building line.)

DATE: May 9, 1996

Solveig L. Smith

Sølveig L. Smith, Zoning Administrator

cc: Zoning Enforcement
Code: Case 245.D96