Tax Map/Block/Parcel
No. 68-17-520

Building Permit/Zoning
Certificate 96-0874

Case ZA-252

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: Hammond Associates
7779 New York Lane
Glen Burnie, MD 21061

REQUEST: A variance reducing the minimum side yard requirements from 50 feet to 24 feet and 40 feet for a new residence.

LOCATION: 1318 Brunswick Dr., in E.D. 5; lot 94 in Section 4 of Hammond Estates, a subdivision recorded at 35/132.

APPLICABLE REGULATIONS: Art. 5, Sec. 5.5; Article 15, Section 15.5.

HEARING HELD: May 2, 1996

FINDINGS AND CONCLUSION

Based on the testimony and evidence presented at the hearing, the variance is granted as modified to side yards of no less than 35 feet and 40 feet respectively.

Facts which support the request for relief from the strict terms of the Ordinance, in this case a 50 foot side yard requirement for a new residence, are as follows:

a) This lot is part of a subdivision which lies partly in the "R-40,000" Residence district and partly in the "C" Conservation district. Lot 94 is zoned Conservation but lies directly adjacent to the "R-40,000" district where the side yard requirement is only 20 feet. Lot 93, zoned "R-40,000", is subject to a 20 foot side yard requirement.

b) Lot 94 is effectively a "pie-shaped" lot with very limited width at the minimum building line.

c) The lot is severely affected by topography and perc results. The net result is a relatively small buildable area. To move the proposed residence back far enough to comply with side yard requirements would place it in the replacement area for the septic system, or in the steep slope and stream buffer where construction is prohibited.

d) Neighbors who appeared in opposition appeared satisfied with the modified request, i.e., a 35 foot setback from lot 93 and a 40 foot setback from lot 95. The developer also offers certain assurances regarding screening.

e) The proposed house location does not directly confront either of the houses on neighboring lots. In fact, there will be substantial separation regardless of the variances. The proposed reduction of the side yards will not likely have an adverse effect.

Approval of this request is subject to the following conditions:

1) The original request is modified to not less than 35 feet for the left side yard and not less than 40 feet for the right side yard.

2) Applicants will provide evergreen screening along the common property line with lot 93. Trees will be planted in a strip extending from the edge of the paved circle, along the property line for approximately 120 feet. The trees may located on Lot 93 with the owners' permission.

3) Applicant shall verify that the final plot plan has been presented to the neighbors on lots 93 and 95.

4) Applicant will submit an as-built plan verifying the final location of the residence for inclusion in the file for this case.

DATE: May 10, 1996

Solveig L. Smith

Solveig L. Smith, Zoning Administrator

cc: Zoning Enforcement
Code: Case 252.D96