Tax Map/Block/Parcel
No. 75-15-288

Building Permit/Zoning
Certificate 97-0187

Case ZA-309

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: Frank H. Dietz
7928 Bennett Branch Rd.
Mt. Airy, MD 21771

REQUEST: A variance reducing the minimum front yard setback requirement from 50 feet to about 10 feet for a utility building.

LOCATION: 7928 Bennett Branch Road, in E.D. 13.

APPLICABLE REGULATIONS: Article 5, Section 5.5, Article 15, Section 15.5, Zoning Ordinance 1E.

HEARING HELD: March 5, 1997

FINDINGS AND CONCLUSION

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

Facts which support the request for relief from the strict terms of the Ordinance, in this case a reduction of the minimum front yard requirement for a detached utility garage are as follows:

a. No testimony was provided to support practical difficulty or undue hardship that made placement of the building at the proposed location necessary.

b. Lots 7 and 8 which front on Bennett Branch Road had a 150 foot front minimum building line which therein required that the dwellings be setback further than normal. Lot 6 (the applicants) has a 50 foot minimum front yard which abuts up to the rear yard property line of lots 7 and 8. Flag lots such as lot 6 as a matter of practice in developing subdivisions are designed to have the minimum front yard abutting the rear yard of the road frontage lot. This provides for adequate open space on the properties between the dwellings that are constructed upon them.

c. Topography of lot 6 would allow this large accessory utility building to be built elsewhere.

d. Placement proposal by the applicant is out of convenience and not practical difficulty or undue hardship.

DATE: 3/11/97

George L. Beisser, Acting Zoning Administrator

cc: Zoning Enforcement
Code: Case 309.D97