Tax Map/Block/Parcel
No. 68-13-470

Building Permit/Zoning
Certificate 98-0188

Case ZA-379

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: Alvin & Shirley Howes
725 Obrecht Road
Sykesville, MD 21784

REQUEST: A variance reducing the minimum required fall setback of 199 feet from all property lines with a variance of 170 feet needed on two property lines.

LOCATION: Lot 21 Adam Smith Street, in E.D. 14.

APPLICABLE REGULATIONS: Article 4, Section 4.11(c)(3)(a), Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: March 4, 1998

FINDINGS AND CONCLUSION

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

Facts which support the denial of relief from the strict terms of the Ordinance, in this case a reduction in the fall zone distances for a communications tower are as follows:

This site was totally inadequate for the placement of a communications tower. As proposed it required a variance to the 199 foot fall zone for all four property lines on this corner lot. The north and west property lines required a variance of 169 feet, the eastern property line required a variance of 46 feet and the southern property line required a variance of 54 feet.

Even if the tower were placed in the center of the property a variance would have been required for all property lines. The two property lines requiring the largest fall zone variances bordered properties that were occupied by commercial and industrial buildings. Even with the inward collapse features of these towers under ideal conditions the risk to public health and safety was too high to merit consideration of these variances.

The spirit and intent of the ordinance over the years has been to provide distance separations between different types of uses such as kennels, animal stables, above ground petroleum tanks, and so forth.

The purpose of the zoning ordinance is to promote the health, safety, morals, and the general welfare of the community, by regulating and restricting the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the density of population, the size of lots, yards, courts and other open spaces, and the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to provide for adequate light and air; to prevent congestion and undue crowding of land; to secure safety from fire, panic and other danger; and to conserve the value of property.

Under Section 4.11(c) the conditions of Sections (5) and (6) were not met in the request for locating this communications tower. Regardless of this the site could not be considered for relaxation of the strict terms of the ordinance and its overall purpose.

3/13/98 George L. Beisser

George L. Beisser, Zoning Administrator

cc: Zoning Enforcement
Code: Case 380.D98