Tax Map/Block/Parcel
No. 46-14-100

Building Permit/Zoning
Certificate 98-0821

Case ZA-392

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: Timothy Hopkins
419 E. Malcolm Drive
Westminster, MD 21157

REQUEST: A variance reducing the minimum required setbacks for a free standing sign and to the required width for an access drive from 20 feet to 15 feet.

LOCATION: North East side of Old Westminster Pike, in E.D. 7.

APPLICABLE REGULATIONS: Article 14, Section 14.23(f), Section 14.1(b)3; Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: May 6, 1998

FINDINGS AND CONCLUSION

Based on the testimony and evidence presented at the hearing, the variance for the sign setback is granted, the variance to the driveway width is denied.

Facts which support the request for relief from the strict terms of the Ordinance, in this case a variance to sign distance setbacks and driveway width for construction of a building are as follows:

The granting of the variance for the small proposed sign will have no adverse affect on adjoining properties.

In reviewing the request for the variance to the driveway width legal rulings on same were researched. Article 66B of the Annotated Code of Maryland is the enabling legislation that gives jurisdictions zoning authority and delineates powers of Boards of Zoning Appeals or similar hearing officers. It was noted that granting a variance for driveway width was not within the authority of the Zoning Administrator hearing process or the Board of Zoning Appeals.

Authority is given to hear variances relative to bulk area or density. This jurisdiction's Office of the County Attorney ruled previously that driveway width variances do not fall within this authority. This decision has been supported or upheld by court rulings.

An alternative design of this project can be made to meet all site plan requirements in order to move this parcel forward.

The variance for the reduction of the driveway width from 20 feet to 15 feet is thereby denied.

5/11/98 George L. Beisser

George L. Beisser, Zoning Administrator

cc: Zoning Enforcement
Code: Case 392.D98