Tax Map/Block/Parcel
No. 73 3 414

Building Permit/Zoning
Certificate 98-0891

Case ZA-396

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Michael Magruder 614 Fern Way Sykesville, MD 21784
REQUEST:	A variance reducing the minimum side yard requirement from 12 feet to about 5 feet for an attached garage
LOCATION:	614 Fern Way, Election District 14
APPLICABLE REGULATIONS:	Article 7, Section 7.5, Article 15, Section 15.5,20 1E
HEARING HELD:	6/03/98

AMENDED DECISION

The original decision in this case was a denial. The denial was accompanied with a provision that if the applicant accepted a lesser variance of (2) feet the variance would be granted. The provision further stated that if the applicant accepted the lesser variance within 15 days of receipt of the decision, approval would be granted and the denial reversed. On June 23, 1998, seven days after the written decision, a written confirmation was received that the applicant accepted the lesser variance of (2) two feet.

This decision is appealable by all parties of interest and must be done within (30) thirty days of this amended decision.

07/09/98
Date

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

Code: C:\JOler\ZA_396Amendec.wpd

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FINDINGS & CONCLUSIONS

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 in the minimum side yard requirement for an attached garage, are as follows:

This property is located in an older subdivision of lots that are approximately one half acre or larger. Landscaping and trees have matured providing good buffering between homes on a good portion of the lots.

The location where the applicant is proposing to add to the carport on his property, and convert the carport and addition into an attached garage, has some buffering landscape along the property line. The adjoining lot has several ten to twelve foot pine trees along the same property line also.

It is incumbent upon the applicant, for a variance, to provide practical difficulty or undue hardship in order for the variance to be considered. The applicant did not meet this responsibility. The need for a two and a half car garage and therein a variance of (7) seven feet, reducing the setback to (5) five feet was supported by, a possible need for storage and handicap access in the future.

There are practical alternatives to the issue thereby minimizing the difficulty. A (1) one or (2) two foot variance would be considered which would allow for the construction of a 24 foot garage and still maintain the integrity and the intent of the zoning ordinance.

If the applicant accepts, in writing within 15 days of the receipt of this decision, a variance of (2) two feet which would still maintain a 10 foot setback from the property line, the denial will be removed and the (2) foot variance will be granted. All contiguous property owners will receive notification if the applicant chooses to accept this action. This decision is appealable by all parties of interest and must be done so within (30) thirty days of the date of this written decision or within (30) days of the date on the letter of notification to interested parties that the applicant accepts the conditions of this decision.

06/15/98

Date

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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