Tax Map/Block/Parcel
No. 66 14 250

Building Permit/Zoning
Certificate 98-1990

Case ZA-410

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Scott Morrison 5324 Pommel Drive Mt. Airy, MD 21771
REQUEST:	A variance reducing the minimum side yard requirement from 20 feet to about 8 feet for a deck and sunroom
LOCATION:	5324 Pommel Drive Mt. Airy, MD 21771 Election District #9
APPLICABLE REGULATIONS:	Article 5C, Section 5C.5, Article 15, Section 15.5, Zoning Ordinance 1E
HEARING HELD:	August 5, 1998

FINDINGS & CONCLUSIONS

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

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 a deck and sunroom, are as follows:

After reviewing the plans and application packet, a site inspection and hearing presentation and testimony by the applicant, extensive deliberation was necessary to make a decision. Experts in the field state that when considering variances and variances are granted for less than fifty percent of what is required, you should be looking at amending your zoning ordinance to show a lesser required setback instead of granting the variances.

Factors which weighted the decision in favor of an approval are as follows. Developers/Architects continually attempt to get their maximum permissible density into a plan. Pie shaped and irregular shaped parcels evolve with this approach. In areas supplied by water and sewer this is not as much a problem. When you have to throw into the factor for house placement the septic area, well, and distances from adjacent wells and septic the problems magnify.

This particular parcel's front yard setback for zoning, at the time of construction, was sixty feet. Because the septic had to be placed in the front, an additional twenty feet was required, making the setback eighty

feet. The structure was then built an additional eight feet back of the set back line, further reducing the building envelope.

Prior to the purchase of this home by the applicant, the previous owner had a deck on the side of the house but it has since been removed. All indications are that this deck encroached the minimum side yard setback.

Approval of the variance reducing the setback to eight feet is done so with the following condition.

A planting of four (4) white pine trees, or similar plantings that give broad width and height coverage shall be planted beginning twenty (20) feet back from the front of the dwelling and spaced every ten feet.

Granting of this variance and the noted condition will not be contrary to the public interest not have any adverse affect on adjoining properties.

August 11, 1998
Date

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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