Tax Map/Block/Parcel
No. 41 4 692

Building Permit/Zoning
Certificate 98-2328

Case ZA-419

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Woodhaven Building & Development, Inc. 4219 Hanover Pike Manchester, MD 21102
REQUEST:	A variance reducing the minimum required side yard requirement from 50 feet to about 20 feet for a dwelling.
LOCATION:	Lot #45, Scotts Ridge, Wynside Lane Election District #8
APPLICABLE REGULATIONS:	Article 5, Section 5, Article 15, Section 15.5
HEARING HELD:	September 2, 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 from 50 feet to 20 feet for a dwelling are as follows:

The property in question for which the variance is requested consists of 12.2 acres and is zoned Conservation. The minimum required setback for all yards in this district is 50 feet. A history of this lot shows that it was previously zoned "A" Agricultural District, which requires a minimum side yard of 20 feet. The adjacent subdivision was zoned "R10,000" Residential District which requires a minimum side yard of 12 feet. On November 25, 1986 the Hampstead Comprehensive Plan was enacted which changed the zoning for the adjacent subdivision to "R20,000" Residential District, (20 foot side yard), and the property from which Lot 45 was created to "C" Conservation District.

Lot 45 was created under what is recorded as, Amended Plat of Lots 8, 42 & 43 of Scott's Ridge (previously recorded in P.B.6, P.34) and Plan of Lot 45, Scott's Ridge Section 2. This plat was approved by the Carroll County Planning and Zoning Commission on December 21, 1989.

The applicants requested a variance from the required 50 foot setback, "due to the limited buildable area that is confined by topography, a drainage & utility easement, waterway buffer". The variance was granted upon these issues and other conditions that exist that are peculiar to the land that cause the zoning provisions to impact disproportionately upon the property. Said conditions therein if not considered would result in unnecessary hardship or practical difficulty if literal or strict enforcement of the zoning ordinance was applied.

As was previously stated, this property consists of 12.2 acres of land, and the lot configuration does not meet the standard box or rectangle shape lot that one normally sees in subdivisions. The specific conditions that exist that are peculiar to the land, are those enumerated in the owners application, and in addition, an extremely large flood plain, and severe limitations on the location of a well and septic system. This property is not serviced by public water or sewer.

Severe sloping topography, a 20 foot drainage and utility easement and a 30 foot drainage and utility easement going through the center of the lot (which is a waterway buffer) that carries run off from adjoining lots prevents construction on the eastern half of the lot. The rear two-thirds of the property is also topographically restricted and falls within a one hundred year flood plain which inhibits it from being buildable area. The property fronts on Wynside Lane and is 50 feet wide at this point and remains that way for approximately 500 feet until it widens out to the buildable envelope for this lot.

The eastern side of this envelope or buildable area for a residence drops off drastically toward the 30 foot drainage and utility easement that is an active waterway for the runoff from adjoining properties to the south and east. Moving the building eastward toward the slope and waterway would require grading and fill to redesign the slope and possibly construction of a retaining wall that would act also as a diversion wall for the water that flows through the waterway. Due to the septic area, movement of the structure to the north is limited and impractical.

It was also pointed out to the owner that recorded covenants require that the dwelling face the street, which is the property line that faces Wynside Lane. This in turn eliminates the turning of the dwelling to face the east or west property lines which in turn would still require a variance but would be less than the 30 feet requested in this case.

It is the opinion of this writer that practical difficulty has been established for this specific piece of property through and because of the peculiarity and uniqueness of this piece of property. This property is peculiar and unique to other properties in the surrounding subdivision in and as described earlier in this decision. Strict and literal enforcement of the ordinance would result as unnecessary hardship upon the owner of the property.

September 29, 1998

Date

George L. Beisser

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

Code: ZA419 Woodhaven Lot 45 Wynside Lane.wpd