Tax Map/Block/Parcel
No. 73 18 559

Building Permit/Zoning
Certificate BP98-0188
9 cgr

Case ZA-443

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Dan Tavin 1610 Heather Heights Eldersburg, MD 21784
REQUEST:	A variance reducing the minimum side yard requirement from 12 foot to 1 foot for an attached garage
LOCATION:	1610 Heather Heights Eldersburg, MD 21784, E.D. 5
APPLICABLE REGULATIONS:	Article 7, Section 7.5, Article 15, Section 15.5; Zoning Ordinance 1E
HEARING HELD:	March 3, 1999

FINDINGS & CONCLUSIONS

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

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:

The applicants original advertised variance request to reduce the side yard from the required 12 feet to (1) one-foot is denied. The applicant's option presented during the hearing, a proposed (14) fourteen-foot garage with an attached (8) eight-foot carport, which would have been a reduction from the required 12 feet to (3-1/2) three and one-half feet are also denied.

The basis for this denial first is that the subdivision plat, which is a legal binding document, provides for a 7.5 foot "utility easement" on the side and rear lot lines of each lot unless otherwise indicated.

The Zoning Administrator has the authority under Article 15 of the Carroll County Zoning Ordinance 1E to grant variances to the setbacks provided for in the Zoning Ordinance. The Zoning Administrator cannot grant variances to requirements such as drainage and utility easements which are governed through subdivision regulations.

In both the original variance request and the proposal during the hearing, the proposed structures would have encroached the mandated 7.5 utility easements and therefore would not be permitted.

Secondly, absent any required utility easement, the intent of the ordinance and the determined setbacks for each district was to provide a safe, orderly and harmonious development of residential dwellings. Twelve (12) feet is the smallest setback requirement of any zoning district in the county and a standard used for variances in districts that have greater setbacks for side yards, i.e. (20) twenty-feet, is that a variance less than 12 feet should not be granted unless there is severe practical difficulty or undue hardship.

This hearing officer's philosophy is that any variance requiring more than a 50 percent reduction does not meet the intent of the ordinance. In the denial of this variance an option is presented to the applicant.

A variance reducing the required minimum setback of (12) twelve-feet to (8) eight-feet would be considered. If this option would be acceptable to the applicant, he may contact the Office of Zoning in writing within (15) fifteen days of receipt of this decision and it will be corrected to reflect "granted with acceptance of County's option."

NOTE:

Appeals of decisions made pursuant to Section 15.5 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrators decision in accordance with Section 17.4 of the Carroll County Zoning Ordinance 1E.

A decision of the Zoning Administrator made pursuant to Section 15.5 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

March 10, 1999
Date

George L. Beisser
George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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