Tax Map/Block/Parcel
No. 74 13 681

Building Permit/Zoning
Certificate

Case ZA-471

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Douglas Shipley & Sharon Sachs 6559 Kali Drive Eldersburg, MD 21784
REQUEST:	A variance reducing the minimum required rear yard setback from 26.25 feet to 10 feet for a deck
LOCATION:	6559 Kali Drive Sykesville, MD 21784, E.D.5
APPLICABLE REGULATIONS:	Article 8, Section 8.5, Article 15, Section 15.3; Article 15, Section 15.5; Zoning Ordinance 1E
HEARING HELD:	August 4, 1999

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 rear yard requirement for a deck, are as follows:

The conditions that exist on this property are the clear results of the actions of the applicant and the direct reason for denial of a variance. A variance is described as follows.

" A variance is a relaxation of the terms of the Zoning Ordinance in accordance with Sections 15.0, 15.2, and 17.2 where such variances will not be contrary to the public interest and where, owing to conditions peculiar to the property and <u>not the results of the actions of the applicant</u>, a literal enforcement of the Ordinance would result in practical difficulty or unreasonable hardship."

The applicant did not apply for a permit prior to construction of the deck as it currently exists. This therein resulted with an after the fact application for a variance.

This authority uses the same limitations, guides and standards in Section 17.7 of the Zoning Ordinance that the Board of Zoning Appeals uses upon appeals to that body. Subsections (d) and (f) are factors used also by this authority in denial of the variance.

(d) The effect of the proposed use upon the peaceful enjoyment of people in their homes.

(f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the surrounding property owners.

Section 15.3 of the ordinance already gives a 25 per cent reduction in the minimum required rear yard setback, in this case from 35 feet to 26.25 feet, to allow for a deck or open porches.

No foundation exists to qualify the applicant's request for a variance. This denial therein requires the removal of any deck and supports thereto that is in excess of the required minimum, within ten (10) days of this decision.

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.

August 6, 1999

Date

George L. Beisser

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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