Tax Map/Block/Parcel
No. 33 16 612

Building Permit/Zoning
Certificate

Case ZA-478

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Robert J. Hesen 4495 Gross Mill Road Hampstead, MD 21074
REQUEST:	A variance reducing the minimum rear yard requirement from 50 feet to about 16 feet for an addition and a deck
LOCATION:	4495 Gross Mill Road, Hampstead, MD 21074, E.D. 8
APPLICABLE REGULATIONS:	Article 7, Section 7.5, Article 15, Section 15.3, 15.5; Zoning Ordinance 1E
HEARING HELD:	October 6, 1999

FINDINGS & CONCLUSIONS

Based on the testimony and evidence presented at the hearing, the variance is a denial with conditions for approval.

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 an addition and deck, are as follows:

To grant this variance would be contrary to the intent of the strict terms of the zoning ordinance and contrary to the bases upon which one should consider when applying the standards for granting variances as delineated by the ordinance and the courts.

There is nothing peculiar or unusual about this lot compared to other lots in the vicinity. The applicant's testimony did not establish any clear practical difficulty or undue hardship. There are other options for placement of an addition on the property without the need for a variance. The applicants justification for the need for a variance was mainly monetary hardship which is not a factor in applying the criteria necessary for granting a variance.

This denial as stated could reverse to an approval with agreement to the following condition.

1. A variance of ten (10) feet, from the required 50 feet to 40 feet would be granted for the sunroom addition minus the attached decks as proposed. This minimal variance would have no major adverse effect on adjoining properties. The deck could be built to the right or left of the addition to the limits granted under section 15.3 or forty (40) feet from the rear property line or not built at all.

(A) If this condition is acceptable, the applicant must notify the Zoning Administrator within 15 days and provide a corrected plat plan showing the new design meeting the above noted criteria.

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.

October 19, 1999

Date

George L. Beisser

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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