Tax Map/Block/Parcel
No. 46 15 17

Building Permit/Zoning
Certificate BP-01-3005

Case ZA-595

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Covington Properties, LLC P. O. Box 581 Westminster, Maryland 21158
REQUEST:	A variance from the required minimum side yard setback of 30 Ft. to 10 Ft. for the construction of a building
LOCATION:	535 Old Westminster Pike Westminster, Maryland 21157
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances, Chapters 223-121 and 223-181
HEARING HELD:	October 3, 2001

FINDINGS & CONCLUSIONS

It was noted that the office received a phone call from an adjoining property owner stating that they had not been notified of the hearing. As a result, Mr. Clark Shaffer, representative for the Applicant, visited the property owner's residence and showed them the site plan that was submitted with the application. He further explained that the use of the property would be consistent with the industrial restricted zone. The property owners stated that they have no objection to this request. Mr. Shaffer double-checked the notice situation and he noted that there are other properties located on Ann Drive that are across from the property but are not contiguous to the property. According to the Zoning Ordinance under Section 223-181(B) Procedure, it only states that adjoining property owners need to be notified. In 223-189, which is the process and procedure for the Board of Zoning Appeals in 223-189 Section D, says at least 14 days notice shall be given to contiguous property to the subject. As a result, Mr. Shaffer feels there is no notice problem, since the property owners did receive actual notice by the phone call to the office.

Facts, which support the request for relief from the strict terms of the Ordinance, in this case, a reduction of the minimum required side yard setback of 30 feet to 10 feet in order to construct a 30,000 Sq. Ft. building are as follows:

The majority of the property was developed prior to zoning, which consists of large parking and an existing 27,000 Sq. Ft. building. The topography on the sight is fairly steep going southwest of the property. A retaining wall will be in place in order to meet a manageable grade level. In order to meet the storm water management ordinance, there is no other location on the property to construct this size building. There are no wetlands involved with this sight. Due to the configuration of the

building, it would be prohibitive to reduce its size, since the individual bays need to be a certain size because of the depth of the building. Changing the bay size would also create a negative impact on construction costs. The Coca Cola building is the closest property to the variance being requested. The construction of this building will have no adverse effects with the flow of traffic. There is no vehicular access to the rear of the building. Since the surrounding neighborhood consists of residential properties, a building envelope restriction is created due to the substantial setback requirements that would need to be met in order to construct this building. This area is unique since it predates the zoning and the zoning has followed the use that exists.

Based upon the testimony given, the Applicant has met the test of practical difficulty due to the topography of the land and the configuration of the lot in the remaining portion available to construct the building. Shifting the building to another location on the site, as well as turning it in any manner to reduce the side yard setback would create undue hardship. This variance request from 30 Ft. to 10 Ft. is hereby granted upon confirmation by the adjoining property owners (Mr. & Mrs. Joseph Shaum)*that they are in favor and have no concerns with the granting of this variance as requested.

This approval is valid for one year from the date of a Zoning Certificate.

NOTE:

Appeals of decision made pursuant to Chapter 223-183 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrators decision in accordance with Chapter 223-188 of the Code of Public Local Laws & Ordinances.

A decision of the Zoning Administrator made pursuant to Chapter 223-183 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

October 12, 2001
DATE

Ralph E. Green
RALPH E. GREEN
ACTING ZONING ADMINISTRATOR

cc: Zoning Enforcement

*NOTE: Received confirmation via telephone conversation with Mr. Joseph Shaum on October 12, 2001.