Tax Map/Block/Parcel
No. 39 18 62

Building Permit/Zoning
Certificate BP-01-3625

Case ZA-615

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Joseph Balsamo 1421 Allen Way Westminster, Maryland 21157
REQUEST:	A variance from the required rear yard setback of 50 Ft. to 14 Ft. for the construction of a deck around a swimming pool
LOCATION:	1421 Allen Way Westminster, MD 21157
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances, Chapters 223-66 and 223-181
HEARING HELD:	December 5, 2001

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 of the required rear yard setback of 50 feet to 14 feet to construct a deck around a swimming pool, are as follows:

In August a 15 Ft. x 30 Ft. above ground pool was installed in a location of the Applicant's property that was in accordance with the zoning restrictions regarding the septic distance, well, etc., as well offsetting the pool from property lines. Since the Applicant's back yard is small in size, there was limited space available for the location of the pool. The pool is 52 inches in height and the request for a deck is being made in order for the Applicant to have full use of the pool. There is an existing deck and the Applicant is proposing to construct a connecting deck 6 Ft. closer to the house. The Applicant is proposing to construct a very limited 3 Ft. deck around the remaining sides of the pool. Since the depth of the backyard is insufficient for this 3 Ft. extension from the pool, the 50 Ft. distance requirement is exceeded. Pine trees exits on the property, which serves as privacy screening between the neighbors.

To not have the comfort and convenience of a deck around the pool creates unreasonable and practical difficulty for the Applicant. The construction of the deck at this location is only reasonable due to the location of the pool.

No neighbors were present at the hearing opposing the Applicant's request; therefore, the granting of this variance should have no adverse effect on any adjoining property owners.

As a safety precautionary measure, it was recommended that the Applicant install an alarm device on the sliding door, since the proposed deck is attached to an existing deck to the house and to the pool.

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.

December 7, 2001
DATE

Ralph E. Green
RALPH E. GREEN
ACTING ZONING ADMINISTRATOR

cc: Zoning Enforcement