Tax Map/Block/Parcel
No. 74 13 681

Building Permit/Zoning
Certificate BP-00-2584

Case ZA-673

# Official Decision
## Zoning Administrator
### Carroll County, Maryland

| | |
|---|---|
| **APPLICANT:** | Arthur Johnson<br>1802 Fallstaff Court<br>Eldersburg, Maryland 21784 |
| **REQUEST:** | A variance from the required minimum rear setback of 26.2 Ft. to 17.5 Ft. for an existing deck. |
| **LOCATION:** | 1802 Fallstaff Court<br>Eldersburg, MD 21784 |
| **APPLICABLE REGULATIONS:** | Code of Public Local Laws and Ordinances, Chapters 223-35, 223-179 and 223-181 |
| **HEARING HELD:** | September 3, 2002 |

## 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 minimum required rear setback of 26.2 feet to 17.5 feet for an existing deck, are as follows:

The Applicant originally contracted a company to construct a deck on his property. After waiting 9 months for the contractor to begin construction, the Applicant became weary and decided to proceed with the construction himself. The deck was constructed in front of the sliding glass doors, which is the only access point to the back of the house. The Applicant used the contractor's plans. Upon the inspector coming to the property, it was discovered that the permit had expired and a variance was required. The home has a second floor sliding glass door and the deck has a landing on the top portion with stairs coming down to the deck. The landing takes approximately 6 Ft. from the house on the upper portion, which creates an approximate 6 to 8 Ft. loss at the bottom. Due to the placement of the footers, the Applicant would have to remove and redesign the deck in order to comply with the zoning ordinance. There is a 145 Ft. fence to the rear of the property facing Ridge Road, which serves as a screen, since the deck sits low to the ground. There are no existing adjoining property owners to the rear of the property that would be affected by the construction of the deck in its current location. The adjoining properties also have decks. Even though the lot is a large triangular shaped lot, there is no other feasible location on the property for a deck. If the deck were made smaller to meet the setbacks, the use of the deck would be lost, thus creating undue hardship for the Applicant.

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.

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.**

SEPTEMBER 12, 2002
DATE

Ralph E. Green
RALPH E. GREEN
ACTING ZONING ADMINISTRATOR

cc: Zoning Enforcement