Tax Map/Block/Parcel
No. 53 17 971

Building Permit/Zoning
Certificate BP-03-0247

Case ZA-734

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Sweeping Vistas, LLC 1900 River Downs Drive Finksburg, Maryland 21048
REQUEST:	A variance from the required minimum side yard setback of 100 Ft. to 10 Ft. for the construction of a golf course/country club building.
LOCATION:	1900 River Downs Drive Finksburg, MD 21048
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances, Sections 223-37 and 223-181
HEARING HELD:	March 4, 2003

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 Section 223-37 of the Carroll County Code, in this case, a reduction in the side-yard setback from 100 feet to 10 feet in the Conservation District, are as follows:

Testimony from Mr. Richard Marrs, the President of the Sweeping Vistas LLC, the equity partner in River Downs Country Club; Andrea Hershberger, Manager of the Golf Club; and Linda Donoff, agent for CLSI engineering, indicated that there was public demand for a new swim club and clubhouse at the subject property and that neither could be built without the variance in side-yard reduction. The property was properly posted and adjoining property owners notified of the hearing. In addition, Mr. Marrs stated that he had met with the contract purchasers of lot #73, Mr. & Mrs. Aubrey Harley, to ascertain their approval of the reduction variance. Apparently there was some discussion of a quid pro quo between those parties, but the Harleys did not attend the hearing nor contact the Zoning Administration office with any comments. Lot #73 is the residential lot most directly affected by the side-yard reduction.

Mr. Peter Kuller, Mr. Roger Shook and Ms. Susan Shook, all of Brinkburn Lane attended the hearing, largely for informational purposes. There was no testimony in opposition to the variance nor has anyone contacted the Zoning office by telephone or letter in opposition to the variance. The current owners of lot #73, either Grayson Homes or River Downs Properties did not attend the hearing nor contact the zoning office.

Accordingly, strict compliance with the set back requirements of the Zoning Ordinance would result in a practical difficulty in construction of a new clubhouse, creating an undue hardship for the petitioner.

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

NOTE:

Appeals of decision made pursuant to Section 223-181 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 223-182 of the Code of Public Local Laws & Ordinances.

A decision of the Zoning Administrator made pursuant to Section 223-182 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

3-17-03
DATE

NEIL RIDGELY
ZONING ADMINISTRATOR

cc: Zoning Enforcement