CARROLL COUNTY GOVERNMENT
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Office of Zoning Administration
Neil M. Ridgely
Zoning Administrator

Notice of Decision

Case # ZA-783
Permit # 03-3064

Variance Request: For a reduction in the rear yard setback of 35 feet to 5 feet and from the side yard setback of 7 feet to 5 feet for an addition to the dwelling on property located at1105 Tall Pines Drive, Westminster, MD, in election district 7, by Laird M. Brown.

Basis for Variance: Chapters 223-166 and 223-181 of the Carroll County Code of Public Local Laws and Ordinances.

Decision: Approved, with conditions.

Basis for Decision: This case does call for significant reductions in the side and rear yard setback areas; however a site visit did indicate that the proposed addition would not be out of character with other properties in the neighborhoods. Lot areas in this subdivision are quite small yet each property owner is entitled to do as much with the limited area given, so long as the proposal does not negatively impact the neighbor's reasonable expectations for enjoyment of their properties or negatively impact the property values in the overall community.

Section 223-191 of the Carroll County Code of Public Local Laws and Ordinances addresses the specific criteria which the Zoning Administrator is to consider in making variance decisions. In this case specific issue I cannot answer in the affirmative on the following:

- That granting the variance would adversely affect the health safety, security, morals or general welfare
- That granting the variance would result in dangerous traffic conditions of jeopardize the lives of people living in the neighborhood
- That granting the variance would have an ill effect on the orderly growth of the community
- That granting the variance would effect of the peaceful enjoyment of people in their homes.
- That granting the variance would have a negative effect on property values in the community.
- That granting the variance would result in derogatory odors, dusts, smoke, fumes, vibrations, glare or noise.

Mr. Brown's stated purpose for the addition was for his use in a woodworking hobby, a

perfectly legitimate reason; however, the cynical nature of zoning administration must recognize that hobbies occasionally become businesses and the operation of a business in this residential neighborhood would not be appropriate. There is also a matter of a requirement to amend the plat for this lot to rectify the reduction in the drainage and utility easement area which this variance creates. Accordingly, with this approval is conditioned with two conditions:

1. That a business is not allowed to operate from this residence. A "home office" is permitted within the residence as is the custom in many residences today; however, this approval is by no means to indicate that a "Home Occupation" is allowed as defined in Section 223-2 of the Carroll County Code. There is to be no increase in vehicular traffic or parking to a greater extent than would normally result from a residential occupancy. A sign is not permitted and goods are not to be sold from the home.
2. That the applicant have an amended plat of the lot indicating the reduction in the drainage and utility easement submitted and approved, prior to approval of the building permit for the addition.

For the above stated reasons and with the two caveats, the variance is granted.

10 October 2003

Neil M. Ridgely
Zoning Administrator

Per Section 223-182 or the Carroll County Code of Public Local Laws and ordinances, appeals of this decision must be made within 30 days of the date of the decision to the Board of Zoning Appeals pursuant to Section 223-188 of the Carroll County Code. Unless timely appealed, parties may not thereafter challenge the Zoning Administrators decision.