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

Notice of Decision

Case # ZA-787
Permit # 03-3340

Variance Request: For a reduction in the minimum rear yard setback from 5 feet to 2.5 feet for a shed on property located at 5908 Snowdens Run Road, Sykesville, MD, in Election District 5, by Wayne Gibbs.

Basis for Variance: Chapters 223-178 and 223-181 of the Carroll County Code of Public Local Laws and Ordinances.

Decision: Approved, with conditions.

Basis for Decision: This is a particularly thorny variance case, complicated by a partially completed project and a dispute between adjoining neighbors over trees along the property line. It is further complicated by the presence of a county sewer line & maintenance easement which traverses the rear yard.

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.

It is unfortunate that the neighbor's trees were trimmed back from Gibbs property without communication with the adjoining property owner, however, that cannot be the deciding factor in determining a variance. There is a very real issue of the possibility that the sewer line on this lot requiring service by excavation in the future and in that regard this variance is granted on the condition that the structure not be located any closer

than two feet from the actual sewer line.

I believe that to deny the variance would result in practical difficulty for Gibbs. The purpose of building the shed / garage is to house a boat currently parked on a trailer in the Gibbs rear yard. If anything, relocating the boat & trailer inside a shed would lend to the positive side of orderly growth for the community and the conservation of property values for Gibbs and the neighbors.

For the above stated reasons and with the one caveat, 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.