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

Notice of Decision

Case # ZA-814
Permit # 04-0188

Variance Request: For a variance from the minimum front yard setback from 50 feet to 15 feet for a detached garage at 41 Kate Wagner Court, Westminster, MD in election district 07 by Dean Rhoten.

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

Decision: Approved with the condition that the setback variance is limited to a reduction from 50 feet to 20 feet.

Basis for Decision:

It is the opinion of the Zoning Administrator that approval of the variance request will not:

- Adversely affect the public health, safety, security, morals, or general welfare.
- Result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood.

In making this determination, the Zoning Administrator cannot answer in the affirmative to the criteria provided in Section 223-191 of the Carroll County Code that:

- There would be a detrimental effect on the people working or residing in the area
- There would a negative impact on the orderly growth of the community
- There would be a detrimental effect on the peaceful enjoyment of people in their homes.
- That the use would have a negative effect on the conservation of property values.
- That there would be any effect from odors, dust, gas, smoke, fumes, vibrations, glare, and noise upon surrounding property values.

There was testimony at the hearing opposing the variance and a letter from a nearby neighbor in opposition. In reviewing the proposed variance on the site I did note that the property setbacks on the Rhoten's side of Kate Wagner Court are considerably wider than those for the homes on the opposite side. There were no buildings constructed in the setback area on the Rhoten's side of the road until one reaches the older section close to Old Washington Road. While I understand the opponents concerns with maintaining the setback at 50 feet, Mr. Rhoten's recreational vehicle and pickup truck are routinely parked within the setback area and placing them in the proposed detached garage / shed may actually be of benefit to the orderly growth of the area and

The Rhoten's arguments that the location of their septic field and the steep grade to the rear of the property made locating the garage elsewhere were convincing; however I believe there is sufficient working room on the lot as to justify a reduction in their request for a full 35 foot variance to a lesser amount.

In the interest of preserving continuity of character within the subdivision while allowing the practical request of Mr. Rhoten to construct a garage to house his vehicles I am placing the following condition on this approval:

- That the garage be constructed no closer than 20 feet from the property line.

8 March 2004

Neil M. Ridgely
Zoning Administrator

Per Section 223-182 of 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 contest the Zoning Administrator's decision.