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

Notice of Decision

Case # ZA-837
Permit # 04-0819

Variance Request: For a variance from the minimum rear yard setback from 50 feet to 11 feet for an addition of a garage to the residence at 3343 Marston Road, Westminster, MD in Election District 09 by Michael Alascia.

Basis for Variance: § 223-75 and § 223-181 of the Carroll County Code of Public Local Laws and Ordinances.

Decision: Approved, with amendment to the variance as stipulated below.

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.

A field review of the Alascia property indicated that the assumed property was likely incorrect as new survey stakes were present and indicated that an existing fence was actually on the neighbor's property. Mr. Anthony Rivera, an adjoining property owner testified at the hearing and by letter that he was concerned that granting the variance might allow Mr. Alascia to construct his proposed garage on his property. Mr. Rivera was not opposed to a variance so long as he was assured that the construction was fully on the Alascia property. Subsequently, Mr. Alascia submitted a location survey prepared by BPR, Inc. and amended his variance request to a **reduction from 50 feet to 2 feet**, assuring that the garage/addition would be completely on his property. A copy of that location survey is incorporated with this decision. It was noted on the field visit to this property that almost all of the homes in this neighborhood had either attached or detached garages, many of which were added onto the homes after the original construction. Given the uniqueness of the Alascia lot and the hardship which would be imposed if the variance were not awarded, the variance request is appropriate.

18 May 2004

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 contest the Zoning Administrator's decision.