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

Notice of Decision

Case # ZA-849
Permit # 04-1073

Variance Request: For a variance from the minimum side yard setback from 20 feet to 11 1/2 feet for an attached garage at the residence at 215 Bertie Avenue, Westminster, MD in Election District 07 by Michael J. Wilhelm.

Basis for Variance: § 223-66 and § 223-181 of the Carroll County Code of Public Local Laws and Ordinances.

Decision: Approved.

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.

The applicants were persuasive in their testimony that a practical hardship would exist if the garage had to be located elsewhere on the property due to the topography of the lot and the location of the existing garage. A field review of the site verified that it would pose a practical hardship to locate the garage to the opposite side of the house because the existing driveway already serves that side of the residence where the addition is proposed so disturbance will be minimal if the garage / addition is constructed there. There were no protestants to the variance; the variance was supported by Michael and Debbie Leazer, of 216 Bertie Avenue in an e mail received on June 21, 2004.

19 July 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.