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

Notice of Decision

Case # ZA-873
Permit # 04-0569

Variance Request: For a variance from the minimum setback from 20 feet to 10 feet for a detached garage at 4244 Roop Rd., Mt. Airy, MD in Election District 09 by Ralph Gates, represented by Daniel Murphy, Esq.

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

Decision: Approved, with condition.

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 applicant was persuasive in their testimony that a practical hardship would exist if the garage had to be located elsewhere on the lot due to extreme topography on the lot and the location of the well and septic area. A field review of the site verified that impacts to the neighbors would be negligible. There were no protestants to the variance.

However, since construction of the garage in the proposed location conflicts with a Drainage and Utility Easement on the parcel, the applicant is directed to contact the Director of the Carroll County Planning Department, Mr. Steve Horn, for a determination of whether construction of the garage at the proposed location would interfere with any utilities or the flow of stormwaters and if he will allow an amendment to said Drainage and Utility Easement; and if so, if an amendment to the plat will be required.

10 November 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.