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

Notice of Decision

Case # ZA-877

Permit # 04-0958

Variance Request: For a variance from the minimum setback 40 feet to 35, amended to 40 feet to 29.5 feet for a residence at 890 Banner Avenue, Union Bridge, MD in Election District 02 by Diane Weeks, 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.

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 her testimony and submittal of evidence that a practical hardship would exist if the new home could not be located as proposed. The topography of the lot and necessity to locate the septic area and reserves severely limit the buildable area on the lot for the home. The house location is proposed to conform with other homes in the immediate neighborhood. The existence of a 40 foot Minimum Building Line was successfully dismissed in a letter from Planning Director Steven Horn dated October 18, 2004; however the applicant is required to amend the plat to reflect reduction in MBL and submit that plat to Mr. Horn for review and approval within six months of the date of this variance approval. The setback distance was amended at the hearing from 35 feet to 29.5 feet because a recent survey of the lot by C&G Surveying indicated that the house could not be properly situated on the site using the original data, as provided by the builder. There were no Protestants to the variance, in fact adjoining neighbor Clyde Mellema attended the hearing in support of the variance and two other neighbors, Zentz and Collins, provided letters which support the variance.

29 October 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.