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Office of Zoning Administration
Neil M. Ridgely
Zoning Administrator

Notice of Decision

Case # ZA-880
Permit # 04-3859

Variance Request: For a variance from the minimum yard setback from 20 feet to 10 feet for a detached garage at 4908 Fleming Road, Mt. Airy, MD in Election District 09 by Robert M. Collins.

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 his testimony that a practical hardship would exist if the addition of a detached garage at the residence was not permitted. Location of the well, septic field and the topography of the lot make the proposed location the most practical for this site. A field review of the site

verified that it would pose a practical hardship to locate the garage elsewhere on the property. There were no Protestants to the variance.

14 December 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.