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

Notice of Decision

Case # ZA-882
Permit # 04-3897

Variance Request: For a variance from the minimum side yard setback from 100 feet to 40 feet for a 3 ft. by 6 ft. on-site business sign at 123 Hanover Pike, Hampstead, MD in Election District 08 by Brien Naylor.

Basis for Variance: § 223-138F 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 sign could not be located on the front lawn of the business site. A visit to the site did reveal that the proposed location would not impede sight distance and that it was impractical for it to be located at the prescribed 100 ft. side yard. The site is unique in that it is served by a shared driveway and that driveway and the neighboring convenience store negates the usefulness of any sign placed at the 100 ft. setback. The size and height of the proposed sign are appropriate or the community the business is in. There were no protestants to the variance.

14 January 2005

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.