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

Notice of Decision

Case # ZA-888
Permit # 04-3642

Variance Request: For a variance from the minimum setback from 40 feet to 10 feet for a business sign at 444 East Main Street, Westminster, MD in Election District 07 by Alan L. Summers.

Basis for Variance: § 223-181, 223-113 and 223-138F 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 were not permitted in the proposed location. A field inspection of the site verified that the existing sign, a small shingle type, is very difficult to see in this congested area. Mr. Summers produced a photograph of a much larger sign that existed in the 1960's and indicated that it also showed that the neighborhood was much more residential in nature at that time. Representatives from H&M Signs explained that the new sign would be a brick monument typewith an LED changeable copy area. If the sign were placed 40 feet back from the roadway it would not be visible because of the existing trees and that area of the property is continually wet because it is inundated from road runoff; they are proposing to set the sign back a distance 10 feet from the right-of-way and 15 feet from the edge of roadway. They explained that the existing shingle sign is difficult to see and many visitors miss the entrance. Mr. Summers explained that the majority of Carroll Gardens' business comes from out of the county so his customers are already unfamiliar withthe area. The topography of the lot falls rapidly downhill from the roadway, necessitating a sign at the proposed height. The proposed location of the sign addresses both a uniqueness of the property and a practical hardship if it were disallowed or required to be constructed at the required setback.

14 March 2005

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 Boardof 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.