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

Notice of Decision

Case # ZA-921
Permit # 05-1868

Variance Request: For a variance from the minimum side yard setback from 50 feet to 21 feet after reconfiguration for an existing pool house at 1551 Manchester Road, Westminster, MD in Election District 06 by James and Becky Partenza. The Partenza's were represented by Elwood Swam, Esq.

Basis for Variance: § 223-181 and § 223-35 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 jeopardizethe 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 Partenza's became aware that their pool and pool house encroached on neighborTerry Shorb's property when a location survey was prepared forthe sale and settlement of the property. Neighbor Shorb was willing to grant the Partenza's .0247 acres of his property but no more, thus allowing the pool and structure to be legally situated on the Partenza's property; however, this reconfiguration necessitated that the structure would then sit within the building setback line. Mr. Swam submitted a copy of the location survey as evidence.
Mr. Shorb was in attendance at the hearing and testified that he was unwilling to grant any additional property to the Partenza's to alleviate the need for a variance but that he was not opposed to the variance.
The Zoning Administrator visited the subject property and found that if there was a unique situation created in a person would have visually assumed that the pool and pool house were located on the Partenza's lot because of the vegetation line. In fact, it is likely that Shorb was never aware that the pool and pool house were constructed on his propertyuntil the fact was discovered in the location survey.
Practical hardship is established by the fact that the Partenza's had already sold their home in New Windsor and certainly could not have anticipated the situation created bythe errant property line.

21 June 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.