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

Notice of Decision

Case # ZA-986
Permit # 06-0037

Variance Request: For a variance from the required minimum setback of 20 feet to10 feet for a garage at 1280 Woods Road, Westminster, MD in Election District 07 by PhillipVecchioni.

Basis for Variance: § 223-75 and § 223-181 of the Carroll County Code of Public Local Laws and Ordinances.

Decision: Denied

Basis for Decision:
It is the opinion of the Zoning Administrator that approval of the variance request may:

- 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 may be a detrimental effect on the people working or residing in the area.
- There may be a negative impact on the orderly growth of the community.
- There may be a detrimental effect on the peaceful enjoyment of people in their homes.
- That the use may have a negative effect on the conservation of property values.

The applicant explained that he desired to locate the new garage close to property line and near the existing driveway. The proposed garage would be to shelter his work vehicles, a boxtype truck and a pickup truck. Mr. Vecchioni stated that he did not have employees report to the property but wanted to garage these vehicles in addition to his personal vehicles which are parked in an existing 3-car attached garage. He was candid in admitting that it would be more of an inconvenience for him than a hardship if he had to locate the garage elsewhere on his property. He feels that the well and septic system constrain his ability to place it elsewhere.

Mr. David Bowersox, Esq. appeared on behalf of Ms. Michelle Tracy and Ms. Faye Tracy, adjoining property owners, on the side nearest the proposed garage. Mr. Bowersox expressed concern that the Tracy's well lies within 15 feet of the property line and that given the 1.65 acre size of Mr. Vecchioni's parcel, that there were other places on the site which the new garage could be located on. He indicated that the subject property is not unique in comparison to others on Woods Road. Ms Joan Hoff Redman, another adjoining property owner appeared at the hearing; stating that she had no objections to the variance.

Since the applicant did not make a persuasive argument that his property is unique from others in the area and that denial of the variance would constitute a practical hardship, the variance request is denied based on the standards provided in MD Case Law in Cromwell v. Ward. Neither prong of the test for variances have been sufficiently addressed. Additionally, Mr. Vecchioni already has a three car garage attached to his home and there might be another viable area on the property to site an additional garage.

8 February 2006

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.