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

Notice of Decision

Case # ZA-990
Permit # 05-4037

Variance Request: For a variance from the required minimum front yard setback of 40 feet to 20 feet, the side yard setback from 25 feet to 15 feet, and the rear yard setback from 50 feet to 10 feet for a ground water storage facility to store potable water for the Town of New Windsor, at 1301 New Windsor Road, New Windsor, MD in Election District 11.The Town of New Windsor was represented by Mayor Samuel Pierce and Michelle Ostrander, Esq.

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 be 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 applicants explained that an underground chlorine contact tank was needed for the municipality's potable water supply. Practical hardship is addressed on the basis of the Maryland Department of the Environment's requirement that the Town replace its surface reservoir with a closed system. The new system will provide a moreeconomical method for water treatment and improve the quality of the municipal water supply. The site is unique because it is the only logical place to locate the tank to benefit from the gravity feed from the source.

There were no protestants to the variance present at the hearing, nor werethere any protestant communications in the file.

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.