Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:       Dan Tavin
                  1610 Heather Heights
                  Eldersburg, MD 21784

REQUEST:         A variance reducing the minimum
                  side yard requirement from 12 foot
                  to 1 foot for an attached garage

LOCATION:        1610 Heather Heights
                  Eldersburg, MD 21784, E.D. 5

APPLICABLE REGULATIONS:
                  Article 7, Section 7.5, Article 15,
                  Section 15.5; Zoning Ordinance 1E

HEARING HELD:
                  March 3, 1999

FINDINGS & CONCLUSIONS

Based on the testimony and evidence presented at the hearing, the
variance is denied/with option.

Facts which support the request for relief from the strict terms of
the Ordinance, in this case, a reduction in the minimum side yard
requirement for an attached garage, are as follows:

The applicants original advertised variance request to reduce the side
yard from the required 12 feet to (1) one-foot is denied. The applicant's
option presented during the hearing, a proposed (14) fourteen-foot garage
with an attached (8) eight-foot carport, which would have been a reduction
from the required 12 feet to (3-1/2) three and one-half feet are also
denied.

The basis for this denial first is that the subdivision plat, which is
a legal binding document, provides for a 7.5 foot "utility easement" on the
side and rear lot lines of each lot unless otherwise indicated.

The Zoning Administrator has the authority under Article 15 of the
Carroll County Zoning Ordinance 1E to grant variances to the setbacks
provided for in the Zoning Ordinance. The Zoning Administrator cannot
grant variances to requirements such as drainage and utility easements
which are governed through subdivision regulations.

In both the original variance request and the proposal during the
hearing, the proposed structures would have encroached the mandated 7.5
utility easements and therefore would not be permitted.
 Secondly, absent any required utility easement, the intent of the ordinance and the determined setbacks for each district was to provide a safe, orderly and harmonious development of residential dwellings. Twelve (12) feet is the smallest setback requirement of any zoning district in the county and a standard used for variances in districts that have greater setbacks for side yards, i.e. (20) twenty-feet, is that a variance less than 12 feet should not be granted unless there is severe practical difficulty or undue hardship.

This hearing officer's philosophy is that any variance requiring more than a 50 percent reduction does not meet the intent of the ordinance. In the denial of this variance an option is presented to the applicant.

A variance reducing the required minimum setback of (12) twelve-feet to (8) eight-feet would be considered. If this option would be acceptable to the applicant, he may contact the Office of Zoning in writing within (15) fifteen days of receipt of this decision and it will be corrected to reflect "granted with acceptance of County's option."

NOTE:

Appeals of decisions made pursuant to Section 15.5 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrators decision in accordance with Section 17.4 of the Carroll County Zoning Ordinance 1E.

A decision of the Zoning Administrator made pursuant to Section 15.5 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

March 10, 1999

Date

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement