Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT: Douglas Shipley & Sharon Sachs
6559 Kali Drive
Eldersburg, MD 21784

REQUEST: A variance reducing the minimum
required rear yard setback from
26.25 feet to 10 feet for a deck

LOCATION: 6559 Kali Drive
Sykesville, MD 21784, E.D.5

APPLICABLE REGULATIONS: Article 8, Section 8.5, Article 15,
Section 15.3; Article 15, Section
15.5; Zoning Ordinance 1E

HEARING HELD: August 4, 1999

FINDINGS & CONCLUSIONS

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

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

The conditions that exist on this property are the clear results of
the actions of the applicant and the direct reason for denial of a
variance. A variance is described as follows.

"A variance is a relaxation of the terms of the Zoning Ordinance in
accordance with Sections 15.0, 15.2, and 17.2 where such variances will not
be contrary to the public interest and where, owing to conditions peculiar
to the property and not the results of the actions of the applicant, a
literal enforcement of the Ordinance would result in practical difficulty
or unreasonable hardship."

The applicant did not apply for a permit prior to construction of the
deck as it currently exists. This therein resulted with an after the fact
application for a variance.

This authority uses the same limitations, guides and standards in
Section 17.7 of the Zoning Ordinance that the Board of Zoning Appeals uses
upon appeals to that body. Subsections (d) and (f) are factors used also
by this authority in denial of the variance.
(d) The effect of the proposed use upon the peaceful
enjoyment of people in their homes.

(f) The effect of odors, dust, gas, smoke, fumes, vibrations, 
glare and noise upon the surrounding property owners.

Section 15.3 of the ordinance already gives a 25 per cent reduction in 
the minimum required rear yard setback, in this case from 35 feet to 26.25 
feet, to allow for a deck or open porches.

No foundation exists to qualify the applicant's request for a 
variance. This denial therein requires the removal of any deck and 
supports thereto that is in excess of the required minimum, within ten (10) 
days of this decision.

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.

August 6, 1999

Date

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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