Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT: Arthur Johnson
1802 Fallstaff Court
Eldersburg, Maryland 21784

REQUEST: A variance from the required
minimum rear setback of 26.2 Ft. to
17.5 Ft. for an existing deck.

LOCATION: 1802 Fallstaff Court
Eldersburg, MD 21784

APPLICABLE REGULATIONS: Code of Public Local Laws and
Ordinances, Chapters 223-35, 223-
179 and 223-181

HEARING HELD: September 3, 2002

FINDINGS & CONCLUSIONS

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

Facts, which support the request for relief from the strict terms of
the Ordinance, in this case, a reduction of the minimum required rear
setback of 26.2 feet to 17.5 feet for an existing deck, are as follows:

The Applicant originally contracted a company to construct a deck on
his property. After waiting 9 months for the contractor to begin
construction, the Applicant became weary and decided to proceed with the
construction himself. The deck was constructed in front of the sliding
glass doors, which is the only access point to the back of the house. The
Applicant used the contractor’s plans. Upon the inspector coming to the
property, it was discovered that the permit had expired and a variance was
required. The home has a second floor sliding glass door and the deck has
a landing on the top portion with stairs coming down to the deck. The
landing takes approximately 6 Ft. from the house on the upper portion,
which creates an approximate 6 to 8 Ft. loss at the bottom. Due to the
placement of the footers, the Applicant would have to remove and redesign
the deck in order to comply with the zoning ordinance. There is a 145 Ft.
fence to the rear of the property facing Ridge Road, which serves as a
screen, since the deck sits low to the ground. There are no existing
adjoining property owners to the rear of the property that would be
affected by the construction of the deck in its current location. The
adjoining properties also have decks. Even though the lot is a large
triangular shaped lot, there is no other feasible location on the property
for a deck. If the deck were made smaller to meet the setbacks, the use of
the deck would be lost, thus creating undue hardship for the Applicant.
No neighbors were present at the hearing opposing the Applicant's request; therefore, the granting of this variance should have no adverse effect on any adjoining property owners.

This approval is valid for one year from the date of a Zoning Certificate.

NOTE:

Appeals of decision made pursuant to Chapter 223-183 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrators decision in accordance with Chapter 223-188 of the Code of Public Local Laws & Ordinances.

A decision of the Zoning Administrator made pursuant to Chapter 223-183 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

SEPTEMBER 12, 2002
DATE

RALPH E. GREEN
ACTING ZONING ADMINISTRATOR

cc: Zoning Enforcement