

Tax Map/Block/Parcel
No. 33-15-497

Building Permit/Zoning
Certificate No. 06-2001

Case 5264

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Brian Stephens
1710 Kempfield Drive
Hampstead, MD 21074

ATTORNEY: N/A

REQUEST: Variance from the required 5 ft. rear setback to 2 ft. 2 in. for an existing shed.

LOCATION: The site is located at 1710 Kempfield Drive, Hampstead, on property zoned "R-20,000" Residential District in Election District 8.

BASIS: Code of Public Local Laws and Ordinances, Section 223-178 (B)

HEARING HELD: October 25, 2006

FINDINGS AND CONCLUSION

On October 25, 2006, the Board of Zoning Appeals (the Board) convened to hear a request for a variance from the required 5 ft. rear setback to 2 ft. 2 in. for an existing shed. The Board made the following findings and conclusion:

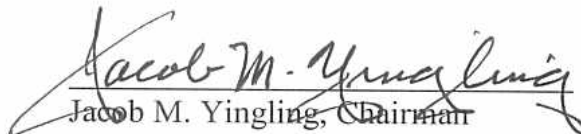
The subject property is an improved lot of .50 acres (+-). It has a residence. The Applicant has erected a shed at the rear of the property which encroaches into the required 5 yard setback for the rear yard. Therefore, the Applicant needs a variance from 5 feet to 2'10" for the shed. The property is served by well and septic, with a well in the front yard and septic system in the rear yard. The Applicant has resided at the property since 1997.

A variance can be granted only where, owing to conditions peculiar to the property and not the results of the actions of a property owner, a literal enforcement of the zoning restriction would result in practical difficulty or unreasonable hardship. The Board finds that the Applicant has not met this burden. Simply put, the Applicant has alternative locations on the property which would not necessitate the grant of a variance. The shed is not permanently fixed to the ground. In addition, the Applicant's argument that the existing septic system and replacement fields limit the available locations is not persuasive. In fact, the Health Department permitted him to erect a swimming pool in the septic field. There is no reason to believe a shed could not be moved 3 feet forward in this area also.

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For the foregoing reasons, the application for a variance is denied.

11-20-06
Date


Jacob M. Yingling, Chairman