

**Tax Map/Block/Parcel
No. 73\8\637**

**Building Permit/Zoning
Certificate No. 99-0596**

Case 4388

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

APPLICANT: John H. Serra and Barbara M. Serra
6123 Emerald Lane
Sykesville, Maryland 21784

REQUEST: A variance reducing the minimum front setback from 100 feet to 20 feet from the property line for a proposed storage building. The property is zoned "C" Conservation District.

LOCATION: 6123 Emerald Lane in Election District 14/15

BASIS: Article 5, Section 5.5; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: April 27, 1999

FINDINGS AND CONCLUSION

On April 27, 1999, the Board of Zoning Appeals (the Board) convened to hear the request of John H. Serra and Barbara M. Serra for a variance reducing the minimum front setback from 100 feet to 20 feet from the property line for a proposed storage building on property zoned "C" Conservation District and located at 6123 Emerald Lane in Election District 14/15.

The property is owned by Mr. John H. Serra and Mrs. Barbara M. Serra. Mr. John H. Serra offered the following testimony. He lives at the end of Emerald Lane and his home is approximately 500 feet from the front of his lot. He plans to erect a 40 foot by 70 foot storage building in the front of his property. The storage building will be "stick built" and designed to match the existing dwelling. It will have a concrete floor, and there are currently no plans for electric and water for it. Mr. Serra intends to store a boat and a lawn tractor in the building.

Mr. Martin Hackett, a Civil Engineer and Land Planner with Carroll Land Services Inc., testified as to the topography of the Serra's property. The location of an existing well and the current placement of the house make the rear portion of the lot unuseable for a storage building. The center of the property contains the septic tank and reserve fields and an existing swale which render this area not buildable. The front area of the property (the proposed location of the storage building) is flat and is the only area suitable for the proposed use. It would be practically impossible to locate the

building elsewhere on the lot. In order to proceed, Mr. Serra must obtain a variance reducing the minimum setback from 100 feet to 20 feet from the property line of the storage building.

There was no one in the audience at the hearing.

A variance is a relaxation of the terms of the Zoning Ordinance which may be granted when it 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 Board finds, based upon the testimony of Messrs. Serra and Hackett, that the topography of Mr. Serra's lot and current placement of his home indicates that there is no other practical location on the property for the location of a storage building. In addition, the purpose of the setback requirements would not be served by a strict application in this case, given the location of Mr. Serra's lot. Therefore, the Board hereby approves the request for a variance reducing the minimum front setback from 100 feet to 20 feet from the property line for a proposed storage building on property zoned "C" Conservation District located at 6123 Emerald Lane, Sykesville, Maryland.

4-29-99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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April 28, 1999