

**Tax Map/Block/Parcel
No. 30-15-79**

**Building Permit/Zoning
Certificate No. 04-4235**

Case 5013

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

APPELLANT: William G. Miller
806 Gist Road
Westminster, MD 21157

ATTORNEY: Fred S. Hecker

REQUEST: An appeal of a decision by the Zoning Administrator concerning a fence causing an obstruction to vision.

LOCATION: The site is located at 1742 Hughes Shop Road (Mimi Drive), Westminster, on property zoned "A" Agricultural District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 A (1) and 223-179 C

HEARING HELD: March 24, & May 24, 2005

FINDINGS AND CONCLUSION

On March 24 & May 24, 2005, the Board of Zoning Appeals (the Board) convened to hear an appeal of a decision by the Zoning Administrator concerning a fence causing an obstruction to vision. The Board made the following findings and conclusion:

The subject property is located at 1742 Hughes Shop Road. The case concerns a portion of a fence erected on property owned by Lorraine D. Stair. The Appellant, William G. Miller is the owner of a six acre (+-) parcel that is served by a 20 foot wide, 875 foot long right-of-way (the future Mimi Drive) that crosses the Stair property and connects the Appellant's parcel to Hughes Shop Road. In the course of attempting to develop his property, the Appellant has discovered that the fence on the Stair property is a serious impediment to his plans. The Appellant requested a determination from the Zoning Administrator that the location of the fence constituted an "obstruction" and therefore was a violation of Section 223-179 (C) of the Zoning Code. The Zoning Administrator, in a letter dated December 1, 2004, found that the

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fence on the Stair property did not cause an obstruction to vision. The Appellant filed this appeal of the Zoning Administrator's determination.

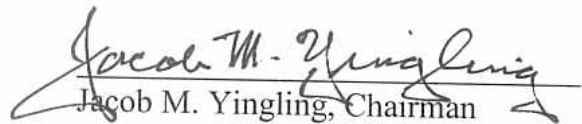
The Carroll County Bureau of Roads refuses to approve the Appellant's building permit for the subject 6 acres due to inadequate sight distance at the driveway entrance to Hughes Shop Road. Sight distance is the length of roadway visible to the driver who is traveling along a roadway or, in this case, enters the roadway. The Bureau of Roads on or about August 26, 2003, determined that sight distance looking to the left is inadequate and is partially obscured due to the Stairs' fence. Conversely, the Zoning Administrator determined after a site visit that the fence was no obstruction for the purposes of Zoning Code Section 223-179 (C). We respectfully disagree.

Our charge under Section 223-191 of the Code is to consider, among other things the public health, safety and welfare as well as traffic conditions. Based upon our visit to the site, and the testimony of County Roads personnel, we agree that this fence constitutes an obstruction to vision and therefore a violation of 223-179 (C). We believe the intent and purpose of the regulation is to protect motorists, whose view would be impaired by the fence resulting in danger to the public.

Accordingly, the determination of the Zoning Administrator is reversed, and we find the Stair fence to be an obstruction to vision under Section 223-179 (C).

Date

6/23/05


Jacob M. Yingling, Chairman