

**Tax Map/Block/Parcel
No. 51-10-685**

**Building Permit/Zoning
Certificate No. 06-1295**

Case 5228

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

APPLICANT: Denise A. Fritz
857 Regent Street
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: Variance from the required 20 ft. side yard setback to 3 ft. and from the required 40 ft. front yard setback to 18 ft. for the construction of a detached two-car garage.

LOCATION: The site is located at 857 Regent Street, Westminster, on property zoned "R-40,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-66 and 223-186 A (3)

HEARING HELD: June 22, 2006

FINDINGS AND CONCLUSION

On June 22, 2006, the Board of Zoning Appeals (the Board) convened to hear a variance request from the required 20 ft. side yard setback to 3 ft. and from the required 40 ft. front yard setback to 18 ft. for the construction of a detached two-car garage. The Board made the following Findings and Conclusion:

The Applicant has selected a location on her 1.146 (+-) residential lot for a detached 2-car garage. She wishes to erect the garage on a location on the side of the lot, which would necessarily require the requested variances. The garage is to be 25 x 25 x 16 feet. A neighbor objects to this location, as they believe it will have a significant visual impact on their property and result in noise from the Applicant's vehicle and motorcycle.

When questioned, the Applicant testified forthrightly that there were indeed other locations on the property where the garage could be located without the grant of a variance. As such, the Applicant has failed to meet the test for a variance, which requires that it be shown that, owing to conditions peculiar to the property and not as a result of actions of the applicant, a literal enforcement of the setbacks could result in practical difficulty or unreasonable hardship. Simply put, if there are other available locations for the garage which do not require variances, than the burden for obtaining a variance cannot be carried. Accordingly, the Application for a variance is denied.

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7/19/06
Date


Jacob M. Yingling, Chairman