

Tax Map/Block/Parcel
No. 74-16-385
Case 5983

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Arghya Dasgupta
2813 Old Liberty Road
Eldersburg, MD 21784

ATTORNEY: N/A

REQUEST: A request for a variance from minimum setback of 50 feet to 10 feet to build a detached garage.

LOCATION: The site is located at 2813 Old Liberty Road, Eldersburg, Maryland on property zoned "C" Conservation District, in Election District 5.

BASIS: Basis: Code of Public Local Laws and Ordinances, Sections 158.130(A) and (C) and 158.133(B).

HEARING HELD: November 29, 2016

FINDINGS AND CONCLUSION

On November 29, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a variance from minimum setback of 50 feet to 10 feet to build a detached garage. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Arghya Dasgupta is the applicant and he would like to construct a 24 foot by 24 foot two-car garage on his .452 acre property. He would be contracting with a builder to construct the garage. The subject property is a nonconforming lot. There is no other place to place the garage other than the middle of the back yard. His neighbors are in favor of the granting of the applicant's request with regard to the variance for the garage.

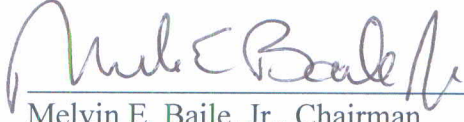
Jay Voight testified as the Zoning Administrator in the case. He noted that the subject property was a nonconforming lot approved by the County before the zoning code came into effect in the 1960's. The Conservation zone now requires a minimum of three acres for a lot. There are few lots in this area that meet the three acre minimum requirement for the Conservation zone.

Clare Stewart, Planning Technician with the Bureau of Comprehensive Planning wrote in a November 14, 2016 memorandum that the "staff finding is that this request is not inconsistent with the 2014 Carroll County Master Plan and the 2001 Freedom Community Comprehensive Plan and would not have an adverse effect on the current use of the property or its environs."

The Board found that the idea of putting the garage in the back yard was beyond logical. It was determined that there was nowhere else to place a garage on the property. The owner did not create the need for the variance but the small lot size required the need.

The Board was convinced that authorization of the request with regard to the need for a variance from the minimum setbacks for the garage was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. The Board approved the variance from the minimum setbacks for the garage requested by the applicant.

Dec 1, 2016
Date


Melvin E. Baile, Jr., Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.