

Tax Map/Block/Parcel
No. 73-20-583
Case 5545

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: John Hindle
6921 Hollenberry Road
Sykesville, Maryland 21784

ATTORNEY: N/A

REQUEST: A request for a variance from the 12.5 ft. setback to .38 ft. for a screened porch.

LOCATION: The site is located at 6921 Hollenberry Road, Sykesville, MD 21784, on property zoned "C" Conservation District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-37, 223-177 and 223-181

HEARING HELD: April 22, 2010

FINDINGS AND CONCLUSION

On April 22, 2010, the Board of Zoning Appeals (the Board) convened to hear the request for a variance. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant hired a contractor to build a covered deck approximately four months ago. Proper permits were not acquired. The covered deck collapsed after a snow storm. A new contractor has been hired to replace the deck. The new contractor has applied for permits, and it was determined that a variance to .38 ft. from the rear property line was needed to lawfully reconstruct the deck.

The subject property is rectangular shaped, with very little rear yard space. In fact, a rear yard variance from 50 ft. to 12-1/2 ft. was granted by the Zoning Administrator in Case No. ZA-976 in 2005 to the prior owner of the lot to enable her to locate a house on the lot.

The property is surrounded by woodlands, a retirement community, park land and farm land. There is a wood line at the rear of the lot. The deck will be accessed from the house

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through an existing door from the kitchen. There is a garage on one side of the house. The lot is much smaller (.68 of an acre) than the typical "C" Conservation lot. The property is also burdened with a septic system, which limits option for possible location of the deck.

Based on the relative small size of the lot, the small rear yard, and the location of the septic system, the Board found that there were no other feasible locations on the property for a deck. In addition, the Board found the lot to be surrounded by non-residential uses or vacant land which would not be impacted by the deck. Failure to grant the requested variance would result in undue hardship and practical difficulty not of the Applicant's own making. Accordingly, the variance was granted, with the admonition that the Zoning Administrator's comments regarding rain gutter discharge be satisfactorily addressed during construction.

May 19, 2010
Date

Charles H. Wheatley, III
Charles H. Wheatley, III, Chairman