

Tax Map/Block/Parcel
No. 46-15-100

Case 5462

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

APPLICANT: Gary Dell
Judy Greenwood
516 Willow Avenue
Westminster, Maryland 21157

ATTORNEY: n/a

REQUEST: A variance from the required 2-1/2 ft. side yard setback to 14 inches for a garage.

LOCATION: The site is located at 516 Willow Avenue, Westminster, MD 21157, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-177B (2)

HEARING HELD: January 27, 2009

FINDINGS AND CONCLUSION

On January 27, 2009, the Board of Zoning Appeals (the Board) convened to hear a request for a variance from the required 2-1/2 ft. side yard setback to 14 inches for a garage. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is a 3,750 square foot lot known as 516 Willow Street, Westminster, MD. The Applicants constructed a residence on the property in July 2008. The house is 20 feet wide. The lot was created in 1939 and is 25 feet wide x 150 feet wide. The lot size is substandard and nonconforming in the R-10,000 zone where it is located.

The Applicants' builder engaged a surveyor to stake the property to enable the builder to locate the property correctly on the lot. Unfortunately, the house was constructed 14 inches from the neighboring property line rather than the 30 inches required under the setback provision of 223-177 (B) (2). The lot is slightly cocked to the left. The residence has an attached garage.

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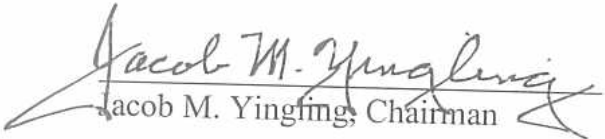
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The Board found that this lot is unusually narrow (25' wide) and does not conform to today's setback provisions. In addition, the lot is slightly cocked to the left. The resulting location of the house may have been the result of a faulty survey. The requested variance is de minimis, and the only way to meet the setback would be to demolish at least a portion of the new house. Based on the above, the Board found that the strict application of the side yard setback to this property would result in undue hardship and practical difficulty. Accordingly, the requested variance was granted.

2/18/09

Date


Jacob M. Yingling, Chairman