

Case 5357

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

**APPLICANT:** Michael J. & Marie Cavey  
3007 Zack Drive  
Mt. Airy, MD 21771

**ATTORNEY:** n/a

**REQUEST:** Variance from the required 5 ft. setback to 1\* ft. for an existing pole building for lawn equipment storage.

**LOCATION:** The site is located at 3007 Zack Drive, Mt. Airy, on property zoned "A" Agricultural District in Election District 13.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-178 (b)

**HEARING HELD:** October 24, 2007 and January 3, 2008

**FINDINGS AND CONCLUSION**

On October 24, 2007 and January 3, 2008, the Board of Zoning Appeals (the Board) convened to hear a request for a variance from the required 5 ft. setback to 3 ft. for an existing pole building for lawn equipment storage. The Board made the following findings and conclusion:

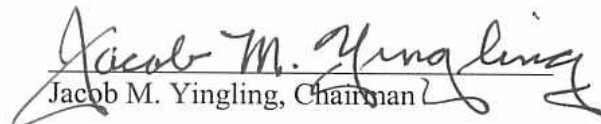
The Applicant constructed a storage shed on his property. A recent survey obtained by the Applicant revealed that the shed was one foot from the property line.

The Applicant's lot, while fairly large (3.05 acres +/-), is irregularly shaped and resembles a triangle. The front portion of the lot is precipitously sloped, and not conducive to any type of building. The house is also positioned on the lot in an area which limits the available locations for a shed. The septic system is in the front yard and the well is in a side yard. In addition, there is an "in-ground" pool in the rear yard. A stand of trees and some brush in the area behind the shed provide a natural screen for the adjoining property owner.

Based on the above factors of the property, which the Board found to be unique, the Board found that there were no other feasible locations on the property for a storage shed that would not require the grant of a variance. The Board also found that a strict application of the setbacks in this instance would result in undue hardship. The Board granted the variance request.

\*The Board accepted an oral amendment from the Applicant at the hearing changing the request to a variance from the 5 foot setback to 1 foot.

1-30-08  
Date

  
Jacob M. Yingling, Chairman