

Tax Map/Block/Parcel  
No. 71-2-364

Case 5347

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

**APPLICANT:** Mary Ellen & Timothy Fowler  
3095 Ballesteras Court  
Mt. Airy, MD 21771

**ATTORNEY:** n/a

**REQUEST:** Variance from the required 50 ft. setback to 5 ft. for the construction of a pool house/garage.

**LOCATION:** The site is located at 3095 Ballesteras Court, Mt. Airy, on property zoned "C" Conservation District in Election District 13.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-37 A.

**HEARING HELD:** September 26, 2007

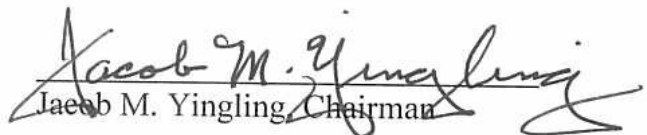
**FINDINGS AND CONCLUSION**

On September 26, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a variance from the required 50 ft. setback to 5 ft. for the construction of a pool house/garage. The Board made the following findings and conclusion:

The Applicants are unable to park their vehicles in their existing 3-car garage. They wish to attach a new pool house/garage structure with a vented and cooled breezeway to the corner of the house. The property is 2.06 acres and is zoned "C" Conservation. The shape of the lot is somewhat rectangular. The house is on an elevated, relatively level portion of the lot. The well and septic system limit the available locations for the proposed use, as does the existing pool. In addition, the utilities serving the building are already on the right side of the house.

The Board found that the shape and size of the lot, the location of the well and septic system, the swimming pool and the utilities are all peculiar features of the site which eliminate any other possible location for the proposed use. The strict application of the setback provision in this instance would result in unnecessary hardship and practical difficulty. Accordingly, the requested variance was granted.

10/24/07  
Date

  
Jacob M. Yingling, Chairman