

QC 496-05
VAR

Carroll, Robert
070012

MSA-S-1829-5121

RC
7/26/05

IN THE MATTER OF * BOARD OF APPEALS
THE APPLICATION OF * OF
ROBERT B. CARROLL and * QUEEN ANNE'S COUNTY
LINDA A. CARROLL * Case No. V-070012

FINDINGS AND DECISION

This matter came before the Board of Appeals for hearing on Thursday, August 18, 2005 at 5:30 p.m., at Board of Appeals office at 160 Coursevall Drive, Centreville, MD 21617, to hear and decide the application of ROBERT B. CARROLL and LINDA A. CARROLL (the "Applicant"), being Case No. V-070012. All legal requirements pertaining to the filing of this application and notice of public hearing were substantiated and there were no objections made to the jurisdiction of this Board. This matter was heard by William D. Moore, Chairman, Robert B. Friday, Vice Chairman, and Howard Dean, Alternate Member, of the Board of Appeals of Queen Anne's County.

RELIEF REQUESTED

The Applicant has requested a Variance from strict application of §18:1-19E(1)(c)[f][i], of the *Code of Public Laws of Queen Anne's County, 1996 ED.*, to reduce the required 35' front yard setback to 30' in order to construct a 20' x 20' garage to an existing residence.

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PROPERTY DESCRIPTION

The property which is the subject of this application is located at 104 Birch Road in the Chesapeake Estates Subdivision, Stevensville, Maryland. The property is located in the Fourth Election District, and is designated as Zoning Map 63, Parcel 98, Block F, Lot 3, consists of approximately .5 acre and is in the NC-20 ("Neighborhood Conservation") zoning district and in the LDA ("Limited Development Area") Critical Area District.

PLANNING AND ZONING

Gene Palmatary addressed the Application. Mr. Palmatary stated that the subject property was a non-conforming lot. The existing house was built in 1978. In order to construct a garage in the front of the house, the setback would have to be 30' instead of the required 35'. Mr. Palmatary did not believe that the proposed garage would have an adverse effect on neighboring properties. He noted that in this area there were a number of corner lots with setbacks of less than 35'.

APPLICANT'S CASE

Richard Carroll spoke on behalf of the application. He said that he had no room on either side of his house to build the garage. As such, it was necessary to build it in front. He needed extra space for storage. Mr. Carroll also stated that the garage would be 20' by 20'.

OPPOSITION

There was no opposition to the Application.

BOARD'S DECISION

The Board of Appeals of Queen Anne's County has given consideration to the limitations, guidelines and standards set forth in the *Code* and makes the following specific findings:

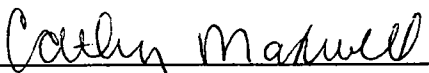
1. A literal enforcement of Chapter 18:1 would result in an unnecessary hardship of practical difficulty as a result of the specified conditions.
2. The special conditions are peculiar to the property involved.
3. The special conditions are not the result of any action taken by the Applicants.
4. The granting of a variance will not be contrary to the public interest.
5. After an evaluation of the alternatives, the Board finds that the variance is required.

The Board unanimously grants the requested Variance to §18:1:19E(1)(c) [f][i] of the *Code*, to reduce the required 35' foot front yard setback to a 30' in order to construct a 20' by 20' garage on the property.


STATE OF MARYLAND
QUEEN ANNE'S COUNTY

I HEREBY CERTIFY that the foregoing is a true and correct copy of the Finding and Decision of the executive meeting of the Board of Appeals of Queen Anne's County held on Thursday, August 18, 2005, and that the said minutes now remain on file in the Board's office.

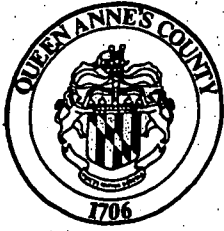
In testimony whereof, I have hereunto subscribed my name this 22nd day of September, 2005.



Cathy Maxwell
Clerk



Stephen H. Kehoe
Attorney for Board of Appeals



**BOARD OF APPEALS
OF
QUEEN ANNE'S COUNTY
160 COURSEVALL DR.
CENTREVILLE, MARYLAND 21617
410-758-1255**

410-758-4088 Permits
410-758-3972 Fax
410-758-1255 Planning
410-758-2905 Fax
410-758-2126 TDD

**EXCERPTS OF THE MINUTES OF THE
BOARD OF APPEALS
OF QUEEN ANNE'S COUNTY**

CASE NO: V-070012
APPLICANT: Robert B. and Linda A. Carroll
HEARING DATE: 8/18/05
REQUESTING: A variance from §18:1-19E(1)(c)(f)[i] of Chapter 18 of the Code of Public Laws of Queen Anne's Co. (1996 ED), to reduce the required 35 ft. front yard setback to 30 ft. to construct a 20 ft. x 20 ft. garage attached to existing residence. Located 104 Birch Rd., Chesapeake Estates Subdivision, 4th E.D., Map 63, Parcel 98, Block F, Lot 3, zoned NC-20 and LDA.

IN ATTENDANCE: William D. Moore, Chairman; Robert B. Friday, Vice-Chairman; Howard A. Dean, Member; Stephen H. Kehoe, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; Gene Palmatary, Zoning Inspector; Robert B. Carroll, Applicant.

CHAIRMAN: Seeing no need for an executive session, the Board will enter into its deliberations. Mr. Kehoe, would you like to read the criteria for this variance.

KEHOE: Do you find that a literal enforcement of Chapter 18:1 would result in unnecessary hardship or practical difficulty as a result of the specified conditions.

CHAIRMAN: Yes.

FRIDAY: Yes.

DEAN: Yes.

KEHOE: Do you find that the conditions are peculiar to the property involved.

CHAIRMAN: Yes.

FRIDAY: Yes.

DEAN: Yes.

KEHOE: Do you find that those conditions are not the result of any action taken by the applicants.

CHAIRMAN: Yes.

FRIDAY: Yes.

DEAN: Yes.

KEHOE: Do you find that the variance will not be contrary to the public interest.

CHAIRMAN: Yes.

FRIDAY: Yes.

DEAN: Yes.

KEHOE: And do you find that an evaluation of alternatives proves variance is required.

CHAIRMAN: Yes.

FRIDAY: Yes.

DEAN: Yes.


CHAIRMAN: Do we have a motion.

FRIDAY: Yes, I would move to approve Case V-070012 which would reduce the front yard setback by five feet to a 30 ft. setback to construct a 20 ft. x 20 ft. attached garage.

CHAIRMAN: Before we do that, I assume nobody here is in opposition.

DEAN: I'll second the motion.

CHAIRMAN: We have a motion and second. All in favor of the motion signify by saying "Aye". (all in favor). Let the record show that Case V-070012 is approved. There will be a formal decision forthcoming. When you receive this, you may proceed with your permitting process. I declare this hearing adjourned.


Cathy Maxwell, Clerk

8/19/05

Date

CC: Robert B. and Linda A. Carroll
Bd. Members
Stephen H. Kehoe, Esq.
Gene Palmatary
James H. Barton
Permit Dept.

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 26, 2005

Ms. Cathy Maxwell
Queen Anne's Co., Dept of Planning & Zoning
160 Coursevall Drive
Centreville, Maryland 21617

RE: Variance Case #V-070012, Carroll, 104 Birch Rd., Stevensville

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance application. The applicant is requesting a front yard setback variance to permit construction of a garage. The property is approximately ½ acre in size and is developed with a dwelling. It is designated LDA but is not waterfront.

Provided that the proposed development is consistent with all standards for development within the LDA, this office has no comment on this setback variance.

Thank you for the opportunity to review this application. Please include these comments in the record for this request and please notify us in writing of the decision made by the Board. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

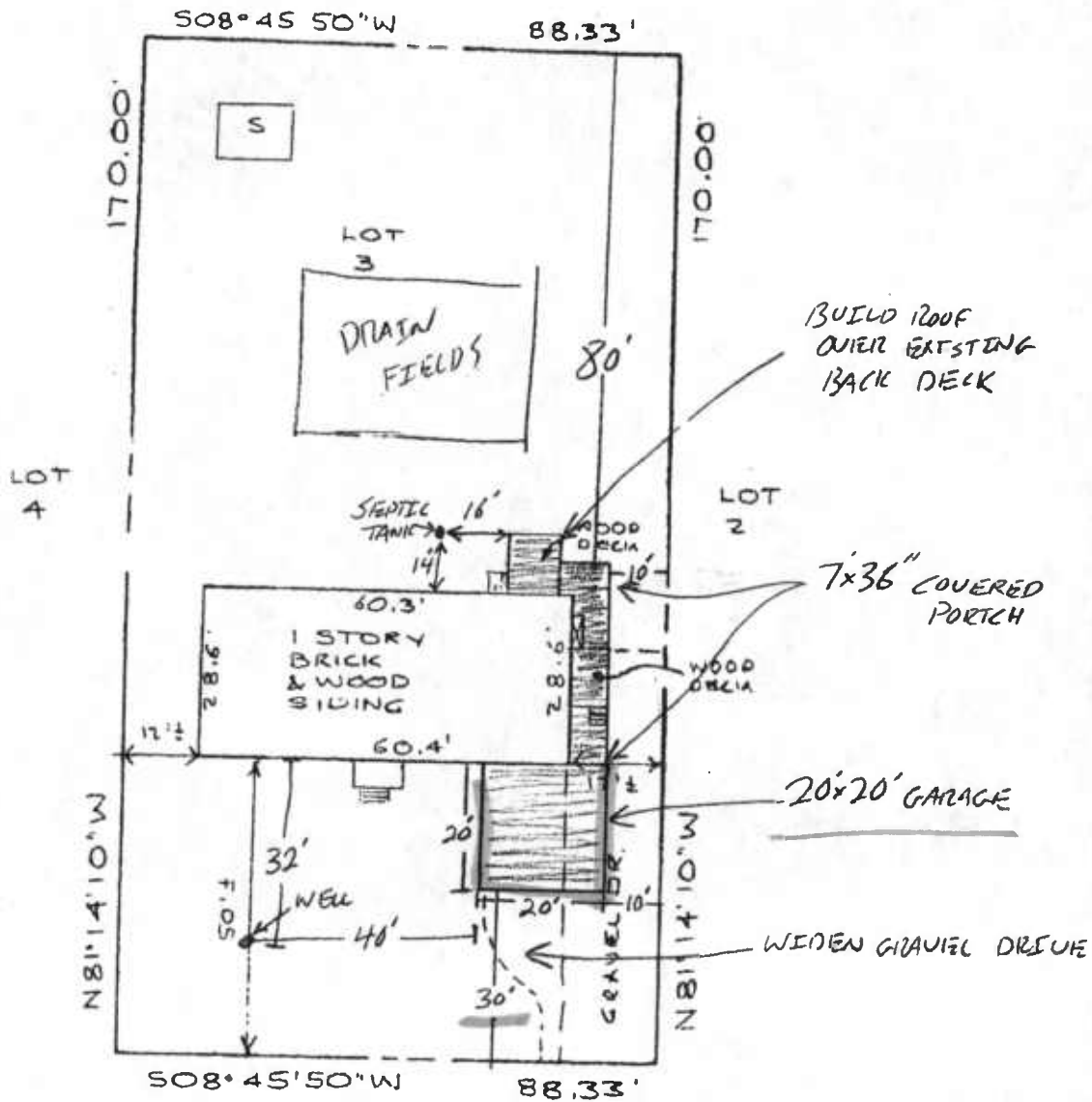
LeeAnne Chandler
Natural Resources Planner

cc: QC496-05

102-115-65 104 BIRCH RD STEVENSVILLE QA 12/26/01 ECLIP Case#01E-655
 Flood Panel: 240054 00528
 Flood Zone: C
 LOT 3
 BLK F
 CHESAPEAKE ESTATES
 Book: 1
 Folio: 69
 Dist: 4
 Co: QUEEN ANNES
 MD
 Scale 1"=30'



LOCATION APPROXIMATE
 NO PIPES FOUND



BIRCH RD
 50' R/W

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QC496-05

CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street Suite 100
Annapolis, Md. 21401

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Queen Anne's Co. Date: 7/14/05

Name of Project (site name, subdivision name, or other): Robert B. Carroll

Local Case Number: V-070012

Project location/Address: 104 Birch Rd., Stevensville, 4th ED. Queen Anne's Co., Md.

Tax Map 63 Block F Lot 3 Parcel 98

Type of Application (Select all applicable)

- Subdivision
Site Plan
Variance
Buffer Slope
Imp Surf. Other
Special Exception
Conditional Use
Rezoning
Grading Permit
Bldg Permit
Intrafamily
Growth Allocation
Others

Type of Project: (Select all applicable)

- Residential
Commercial
Water Dependent Facility/Pier/Marina
Industrial
Mixed Use
Redevelopment
Shore Erosion Protect.
Agricultural
Other (e.g. PUD)

Current Use: (Select all applicable)

- Residential
Commercial
Agriculture
Forrest/Buffer/Woodland
Industrial
Institutional
Open Space/Rec
Surface Mining
Vacant
Water Dependant Facility/Pier/Marina
Others

Describe Proposed use of project site: Variance from Section 18:1-19E(c) [f][i] to reduce front yard setback to construct attached garage

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 1/2 approx.
IDA ACRES:
LDA ACRES: .5
RCA ACRES
AGRICULTURAL LAND:
EXISTING FOREST/WOODLAND/TREES:
FOREST/WOODLAND/TREES CREATED:
EXISTING IMPERVIOUS SURFACE:
TOTAL IMPERVIOUS SURFACE:
GROWTH ALLOCATION DEDUCTED:
RCA TO LDA:
RCA TO IDA:
LDA TO IDA
AREA DISTURBED:
LOTS CREATED:
#DWELLING UNITS:
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Local Jurisdiction Contact Person: Cathy Maxwell, Dept. of Planning & Zoning JUL 18 2005

Telephone Number: 410-758-1255 Fax: 410-758-2905

Response from Commission required by: 7/29/05 Hearing Date: AUGUST 18 CRITICAL AREA COMMISSION



DEPARTMENT OF PLANNING & ZONING
QUEEN ANNE'S COUNTY
160 COURSEVALL DR.
CENTREVILLE, MARYLAND 21617

410-758-4088 Permits
410-758-3972 Fax
410-758-1255 Planning
410-758-2905 Fax
410-758-2126 TDD

June 2, 2005

Mr. & Mrs. Robert Carroll
104 Birch Road
Stevensville, MD 21666-2926

Re: Tax Map 63 – Parcel 98 – Block F
Lot 3 – Chesapeake Estates
Zoned: Neighborhood Conservation -20
Building Permit Application #B05-0868

Dear Mr. & Mrs. Carroll:

Upon review of the above-mentioned permit application, I have determined that the proposed addition to your dwelling does not meet the minimum front yard setback as required by Chapter 18-1-19 E. Dimensional and bulk requirements. (c) Minimum setbacks. [f] NC-20 [i] front yard.

Therefore, this application has been denied. However should you wish to seek possible relief you may do so by applying to the Board of Appeals. Contact person for the Board is Cathy Maxwell at 410-758-1255.

*6/6 8:20
LM*

Should you have any other questions concerning this matter you may contact me at 410-758-4088 between 8:00 a.m. and 9:30 a.m. Monday thru Friday.

Sincerely,

Gene A. Palmatary
Zoning Inspector

GAP/vjs

Cc: Board of Appeals

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CHESAPEAKE

PLAT OF
SUNNY ISLE OF
KENT

PLAT OF
CHESAPEAKE
ESTATES



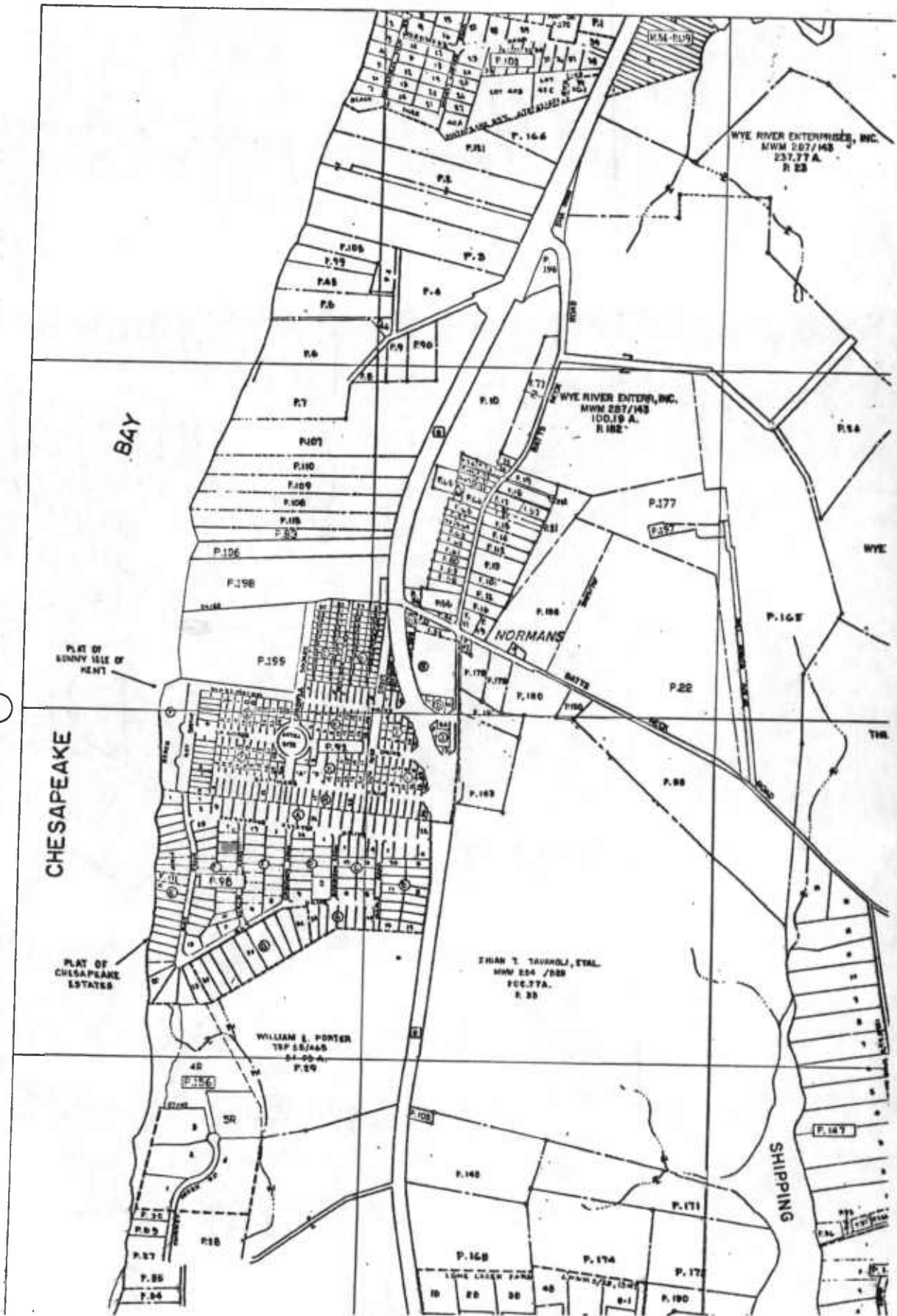
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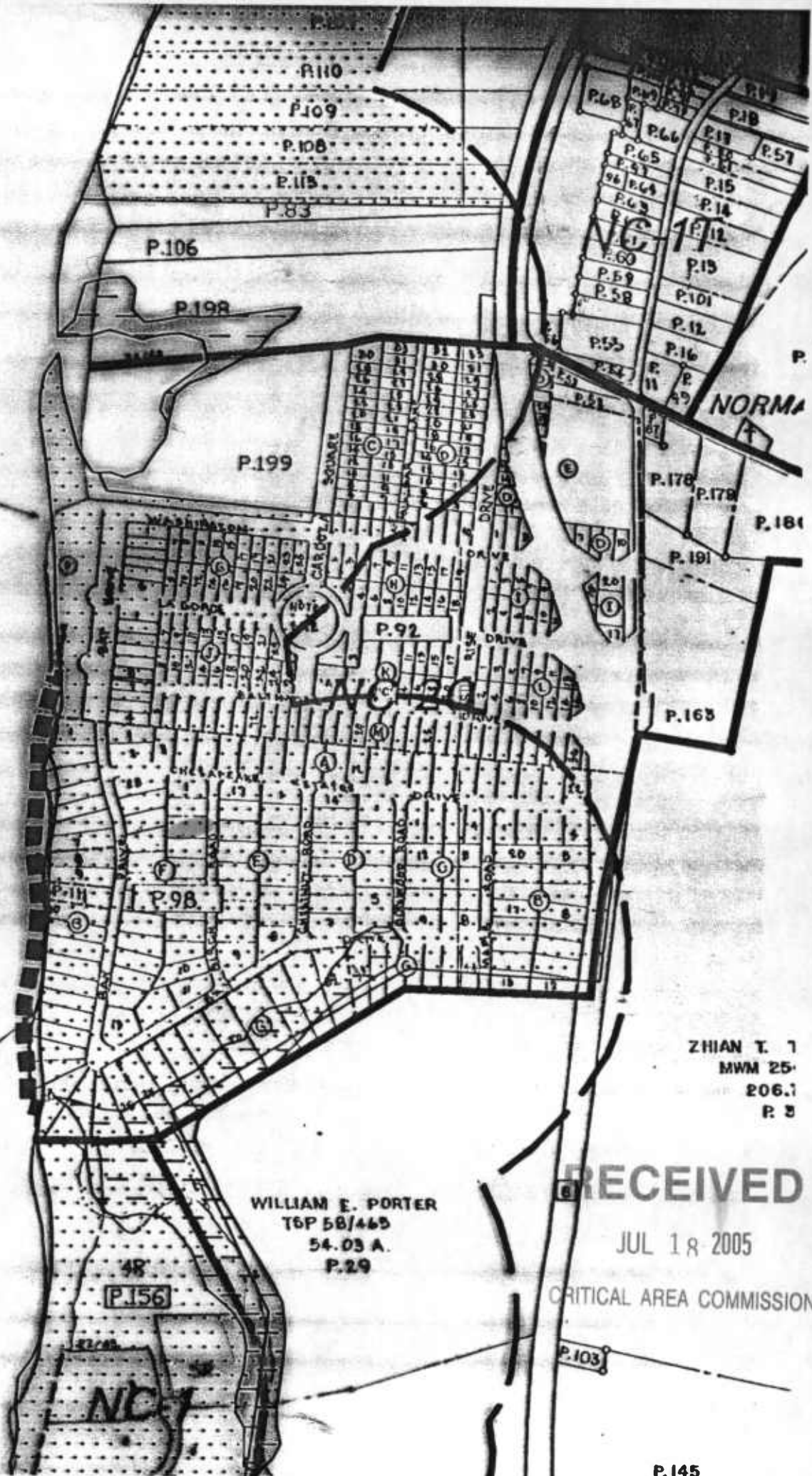
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BA

CHESAPEAKE

PLAT OF CHESAPEAKE ESTATES



ZHIAN T. 1
MWM 25-
206.1
P. 2

WILLIAM E. PORTER
T&P 58/465
54.03 A.
P.29

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JUL 18 2005

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