

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Charles H. Walsh
158 Liberty Street
Westminster, Maryland 21157

AGENT: Sterling E. Walsh
1818 Baltimore Boulevard
Westminster, Maryland 21157

REQUESTS: Variances for the reduction of the minimum required front setback, one side yard, lot area, lot width, and parking requirements to allow the conversion of the existing building into three dwelling units.

LOCATION: 156-158 Liberty Street in Election District 7.

BASES: Article 8, Sections 8.1(b) and 8.5; Article 7, Section 7.5; Article 14, Division I, Section 14.1(b); Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: October 29, 1987

FINDINGS

The record of this case is hereby included by reference in this decision. The pertinent findings include the following facts:

The lot was created prior to the adoption of Zoning Ordinance 1E in 1965, and is improved with two buildings. Testimony presented in support of the requests indicated that the smaller building, although originally constructed as a dwelling, has been used as an office in conjunction with the use of the larger building.

The applicant now proposes to re-establish the residential use as a single family dwelling. The larger building, 30 feet by 67.5 feet, constructed of concrete block apparently for use as a service garage from prior to 1965, is considered to be a nonconforming use. The building is bi-level, with one story fronting on Liberty Street and, because of the downward slope of the topography, two stories

in the back. No documentation was introduced regarding the commercial use of either building. The applicant proposes to convert the building into three apartments, each having two bedrooms.

The property is presently zoned "R-10,000" Residence District. However, the lot width of less than 58 feet at the midpoint of the lot and lot area of 9,131 square feet are less than the minimum requirements of 80 feet and 10,000 square feet for a single family dwelling. The lot width and area are substantially less than the minimums of 100 feet and 20,000 square feet required for conversion of existing buildings to accommodate two or more families. [Article 8, Sections 8.1(b) and 8.5; Article 7, Section 7.5] In addition, the location of neither building complies with the minimum front yard requirement of 40 feet from the front property line, or the minimum side yard requirement of twenty-five feet as specified in Section 7.5 for Other Principal Permitted or Conditional Uses, and which apply in this case. As shown on the site plan, Applicant's Exhibit 1, the buildings block vehicular access to the rear of the property. The proximity of the buildings to the front property line also minimizes use of the substandard front yard for on-site parking and restricts the maneuvering area of the parking space next to the concrete block building.

Although the property and adjacent properties were originally part of a subdivision known as Fink's Addition to Westminster, the alley described as 16 feet in width in Applicant's Exhibits 3 and 4, and shown on Applicant's Exhibit 7, and connecting to Liberty Street had evidently not--at least recently--been used to provide customary and regular vehicular access to the rear of this property. As shown by the site plan, exhibit 1, the applicant proposes to construct a portion of the alley to 20 feet in width using 4 feet of the width of the adjoining lot between the alley and the lot in question to provide vehicular access to the rear yards of both lots. Six parking spaces are shown on the plan for use by residents of this lot, and five spaces--one of which is slightly on this property--are shown on the adjoining lot to the south.

CONCLUSION

In considering the existing conditions of the property, the proposed plans, and the provisions of the zoning ordinance governing the requested variances, which include Article 15, Sections 15.0 and 15.5, and Article 17, Section 17.6, it is evident that this property is not suitable for four dwelling units. The requested variances to the minimum required lot width, lot area, and side yard are severe reductions that are neither justifiable nor in harmony with the purpose of the zoning ordinance as stated in Article 1. While the Board recognizes that the property was created and improved prior to the adoption of Zoning Ordinance 1E in 1965, the facts that the property does not conform with minimum dimensional regulations and use provisions are not sufficient reasons to authorize the variances as requested. Accordingly, the requested variances are hereby denied.

Dec. 2 1987

Date

John Totura

John Totura, Chairman