

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANTS: Joseph P. Comma and Sandra M. Comma
5389 Enterprise Street
Sykesville, Maryland 21784

ATTORNEY: John T. Maguire, II, Esq.
Beck, Hollman, Hughes & Finch Chartered
189 East Main Street
Westminster, Maryland 21157

REQUESTS: Variances reducing the minimum required lot width of 100 feet to 80 feet, one side yard of 25 feet to 5 feet, and the rear yard of 50 feet to about 32 feet to allow conversion of the existing garage into two apartments.

LOCATION: 416 East Main Street in Election District 7.

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

HEARING HELD: April 26, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby authorizes the variances, subject to the provision that the authorization is solely for conversion of the existing garage into a single apartment--not two apartments as requested. The pertinent findings justifying the conditional authorization include the following facts:

The property is zoned "R-10,000" Residence District as shown on Zoning Map 46A. Article 8, Section 8.1, paragraph b of the zoning ordinance states in part:

"Conversion or alteration of a building existing at the time of the enactment of this ordinance to accommodate two (2) or more families;"

Section 8.5 which specifies minimum lot area, lot width and yard requirements provides the same minimums as in the "R-20,000" Residence District. Thus the

the minimum are 20,000 square feet for the lot area; 100 feet for the lot width, side yards of 25 feet each, and a rear yard of 50 feet. The existing lot, two-family dwelling, and detached garage were established prior to the adoption of the zoning ordinance on August 17, 1965. As shown by the plot plan, submitted with the application and identified as Applicant's Exhibit 1, the lot has a width of 80 feet and the existing garage is located 5 feet from the northwesterly side property line. The existing rear yard, as scaled on the plot plan, appears to be slightly more than 33 feet. In addition to the conversion or alteration of the existing garage into two apartment units, the plot plan shows ten parking spaces for the four dwelling units--two spaces more than the requirement. The first two spaces are shown to the side of the two-family dwelling, immediately to the side of the driveway serving the dwelling to the southeast. Although floor plans, identified as Applicants' Exhibit 3 were submitted, no construction plans for the conversion plans or alteration of the existing garage were introduced. Testimony and perspectives of the existing building and proposed changes confirmed that the building would require enlargement in order to accommodate the dwelling unit on the second floor.

The owners of the existing dwellings located to each side of the property oppose the requested variances necessary to allow conversion of the garage into dwelling units. Their concerns involved the problem arising from the common use of the driveway to provide for vehicular access to the property as well as the property to the southeast, the additional dwelling units, and depreciation of property values. In considering the requests, it is evident that the proposed conversion or alteration of the existing building would require enlargement and structural changes to establish living quarters on the second floor of the building. The strict language of the zoning ordinance provides only for "conversion or alteration"--not enlargement.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions in authorizing the requested variances:

1. The authorizations of the requested variances for reduction of the minimum required lot width, one side yard, and the rear yard are subject to the

provision that conversion or alteration of the existing garage shall be restricted to one dwelling unit; and, that the conversion or alteration of the existing building be established by the submission of construction plans establishing that the proposal complies with the provisions for conversion or alteration of the building, not razing of the building for purposes of substituting a new building in its place.

2. In order to minimize the impact on the adjoining property to the southeast, the first two parking spaces located to the side of the two-family dwelling shall be eliminated, and for the purposes of this request, shall not be constructed. Accordingly, parking spaces will be located to the rear of the two-family dwelling as required by this condition and indicated on Applicant's Exhibit 1. This decision is by the majority of the Board. The Chairman, John Totura, dissents from authorization of the variances.

June 13, 1988
Date

John Totura
John Totura, Chairman