

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Clarence M. Herman
3913 Sunset Drive
Hampstead, Maryland 21074

ATTORNEY: Charles O. Fisher, Esq.
179 E. Main Street
Westminster, Maryland 21157

REQUESTS: Variances reducing the minimum required lot area of two acres to about .37 of an acre; lot width of 200 feet to 115 feet; front setback of 100 feet to 97 feet; one side yard of 50 feet to 6 feet; rear yard of 50 feet to 7 feet; and parking requirements to allow use of an existing building as a church.

LOCATION: 3913 Sunset Drive in Election District 8; I. Newton Boring Development, lot 12.

BASES: Article 12, Sections 8.1(a) and 8.5; Article 7, Sections 7.1(b) and 7.5; Zoning Ordinance 1E.

HEARING HELD: April 28, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby denies the requested variances. The pertinent findings include the following facts:

The property is a residential lot, improved with a single-family dwelling and detached garage originally constructed to shelter antique cars. In April of 1987, the applicant, an ordained minister held the first service within the garage. Thereafter, meetings and services have been conducted on a regular basis. The applicant now requests temporary authorization to continue the use of the building and a waiver of the minimum parking requirements for use of the garage and premises as a church. As noted above, the requested variances are numerous and substantial. The surrounding properties are either improved with dwellings, or are intended to be improved with dwellings. From the record, it is evident that the use of the premises for services has unduly affected adjacent residents. Although there is no evidence of past depreciation of property values, waiver of the minimum required parking

facilities would undoubtedly result in unsafe traffic conditions and traffic congestion caused by parking on the street, or within the street right-of-way. In addition, due to the extremely small area of the lot and location of the building, it is extremely likely that authorization of the requested variances will result in depreciation of adjacent residential property values.

The definition of a variance as provided in Article 20, Section 20.39 of the zoning ordinances indicates that authorization of variances must be due to conditions of the particular property, and not as a result of actions of the applicant. The provisions of Article 15, Section 15.5 further specifies that variances may be authorized, "...only in cases where the strict compliance with the terms of this ordinance would result in practical difficulty and unreasonable hardship, and only if in strict harmony with the spirit and intent of such regulations and only in a manner so as to grant relief without substantial injury to public health, safety and general welfare."

The Board finds no evidence of practical difficulty and unreasonable hardship in the use of the premises which would justify the substantial reductions requested to allow use of the premises as a church. Accordingly, the requested variances must be, and are hereby, denied.

May 26, 1988
Date

John Totura
John Totura, Chairman