

Tax Map/Block/Parcel
No. 33-21-71

Building Permit/Zoning
Certificate No. 90-0131

Case 3322

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Dewco Homes, Inc.
1804 Hanover Pike
P.O. Box 215
Hampstead, Maryland 21074

ATTORNEY: James Willard Davis, Esquire
237 East Main Street
Westminster, Maryland 21157

REQUEST: A variance reducing the minimum required lot width of 100 feet to about 78 feet to allow the division of the property

LOCATION: 4214 Upper Beckleysville Road in Election District 8

BASES: Article 8, Section 8.5; Article 15, Sections 15.1(c) and 15.5; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: March 1, 1990

On March 1, 1990, the Board of Zoning Appeals heard testimony and received evidence concerning the variance reducing the minimum required lot width of 100 feet to about 78 feet to allow the division of the property at 4214 Upper Beckleysville Road.

The Board visited the site on February 26, 1990, prior to the public hearing.

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board will approve the variance. The pertinent findings determining the Board's decision include the following facts.

FINDINGS OF FACT

The property is zoned "R-10,000" Residence District as shown on zoning map 33A. The minimum required lot area for a single family dwelling in that district is 10,000 square feet and the minimum required lot width is 70 feet, as specified in Article 8, Section 8.5 of the zoning ordinance. These requirements are contingent upon dwellings being connected to public water

supply and sanitary sewerage facilities, as stated in Article 8 of the purpose of the district. As the lot is not presently served with public water and sanitary sewerage facilities, the provisions of Article 15, Exceptions and Modifications, Section 15.1(c) of the zoning ordinance supersedes Section 8.5, and requires a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet, subject to the requirements of the Carroll County Health Department. The area of the lot will exceed the minimum requirement.

Except that an officially planned street crosses the 2.1580 property, it would possible for two lots having areas of at least 20,000 square feet and widths of 100 feet to be created by deed as off-conveyances from the property. Access to these off-conveyance lots could have been provided by an easement extending from Upper Beckleysville Road and crossing the lot which is the subject of the variance request for reduction of the lot width. Such an easement would not have diminished the lot's width, and the requested variance would have been unnecessary.

While the Board recognizes a disagreement regarding the actual alignment of the planned street crossing the property, the question of that alignment will eventually be fixed in the planning process, and the affect on the proposed subdivision lot will then be determined. Both the subdivision lot and the lot for which the variance is requested will be subject to the requirements of the Carroll County Health Department.

The applicant was not aware that the alignment of the officially planned street involves this property, which precludes off-conveyance lots and requires compliance with the Carroll County Subdivision Regulations. Due to the configuration of the property and necessity to comply with the subdivision regulations, use of the 2.1580 acre property is severely affected, justifying relaxation of the minimum lot width requirement in order to preclude practical difficulty and unreasonable hardship that would otherwise occur. Under the prevailing circumstances, the Board finds no evidence the adjacent properties or public interest will be unduly harmed by authorization of the requested variance.

CONCLUSION

Accordingly, the Board hereby authorizes the requested variance.

Mar 9, 1990
Date

John Totura
John Totura, Chairman