

Tax Map/Block/Parcel  
No. 3/--/106

Building Permit/Zoning  
Certificate No. 90-2595

Case 3424

**OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND**

**APPLICANTS:** Michael E. Crabbs and Linda Lee Hoffman  
34 East George Street  
Westminster, Maryland 21157

**ATTORNEY:** Daniel Murphy, Esquire  
237 East Main Street  
Westminster, Maryland 21157

**REQUEST:** Variance reducing the minimum required lot width  
for an existing lot for residential development

**LOCATION:** To the south of Menges Mill Road with access  
there from about 1,800 feet west of Babylon Road  
intersection in Election District 3.

**BASES:** Article 6, Section 6.7; Article 20, Section  
20.25(c)2; Article 15, Section 15.5; Ordinance  
1E. (The Carroll County Zoning Ordinance)

**HEARING HELD:** August 21, 1990

In 1977, two lots were created by description within deeds recorded in the land records of Carroll County. The lots were conveyed separately to the applicants in this case and Case 3422 as buildable lots for residential purposes. However, two lots had previously been created and conveyed for residential purposes from the original property existing on April 23, 1963, when the county subdivision regulations were adopted. As the number of lots allowed to be created by deed was limited to two lots at the time of their recording in accordance with the definition of subdivision in the subdivision regulations, the second two lots were classified as illegal "off-conveyances." Even though the lots comply with the minimum lot area and width requirements of the zoning ordinance, they do not qualify as buildable lots. The applicants in both cases were not aware of that fact until a number of years after they had purchased the lots.

In order to correct the problem so that each lot may qualify for construction of a dwelling, the applicants in this case and in Case 3422 proposed to add one acre from an adjoining property to each lot as a legal "off-conveyance". Although this will correct the "off-conveyance" problem, the new configurations of the lots with the additional acre will be irregular, and the width of the

lot measured at the mid-points of the lots will not comply with the minimum requirement of 150 feet.

The issue of failing to comply with the minimum required lot width is considered to be a technical problem in each of these cases. With the addition of the one acre to the applicants' lots, the respective lot areas will be increased to slightly more than 2.79 acres. The actual width of each lot, which complied with the minimum requirement of 150 feet without the addition, will not be changed.

Article 20, Section 20.25(c)2 of the zoning ordinance defines lot width as, "...the horizontal distance between side lot lines measured at the mid-points of the side lot lines." The definition works well with square and rectangular lots, but not necessarily in cases of irregular configurations or lot areas substantially more than required. In such cases, the configuration and mid-points of the side property lines may establish a lot width less than the minimum requirement even though the width of the lot in the buildable area of the lot exceeds the minimum requirement.

Accordingly, the requested variance is reasonable and appropriate to allow each of the lots in Cases 3422 and 3424 to be used for residential purposes. Although the configuration of the lots will be irregular, there is no evidence that the configuration will adversely affect the adjacent properties or public interest. Furthermore, authorization of the variances is justified in order to preclude practical difficulty and unreasonable hardship that would otherwise affect use and ownership of each of the lots.

Therefore, the variance to the minimum required lot width is hereby authorized as requested.

For purposes of depicting the existing lots, identified as B and C, and, the respective one acre additions, identified as B-1 and C-1, a reduction of the plot plan filed in both cases is attached to this decision.

Sept. 21, 1990  
Date

John Totura  
John Totura, Chairman