

Tax Map/Block/Parcel  
No. 22-7-27

Building Permit/Zoning  
Certificate No. 94-2055

Case 3939

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

**APPLICANT:** George W. Mullinix  
522 East Saw Mill Road  
Westminster, Maryland 21158

**ATTORNEY:** Thomas F. Stansfield, Esquire  
One Court Place  
Westminster, Maryland 21157

**REQUEST:** An appeal of the zoning administrator's decision in Case ZA-96 denying variances reducing the minimum required lot area of three acres to two acres and minimum setback requirements to allow construction of a dwelling, and if necessary, a variance reducing the minimum required lot width

**LOCATION:** On the southerly side of Kowomu Trail about 2,600 feet west of Rinehart Road intersection in Election District 3

**BASES:** Article 17, Section 17.4; Article 5, Sections 5.1(e) and 5.5; Article 15, Section 15.5.4(d); Ordinance 1E

**HEARING HELD:** August 26, 1994

**FINDINGS AND CONCLUSION**

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record and in accordance with the state Open Meetings Act, the Board authorized the lot area variance. Pertinent findings include the facts that the setback variances are premature, and the Zoning Administrator is directed to consider such variances upon application. As the corner lot's width exceeds 300 feet between the north-westerly and southeasterly property lines, no variance is necessary. In August 1973, Mr. Mullinix relied on a registered land surveyor's plat to sell some 25 1/2 acres and retain a lot for a home. Since then, Mr. Mullinix has paid residential real estate taxes on the two acre lot retained. The lot is too small to be farmed economically, and no land is available to increase its area to three acres. An expert in real estate appraisal testified that its best use would be for a dwelling and that neither adjacent residents nor property values would be unduly affected. Accordingly, the Board is convinced that practical difficulty and unnecessary hardship in the use of the property warrant the variance.

9-19-94  
Date  
JDN/bmh/c3939dec.bmh

Claude R. Rash  
Claude R. Rash, Chairman