

**Tax Map/Block/Parcel**  
**No. 39-13-753**  
**Case 5648**

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

**APPLICANT:** Branch Bank and Trust, c/o Eugenia Wade  
150 South Stratford Road, St. 320  
Winston Salem, NC 27104

**ATTORNEY:** Brandy A. Peeples, Esq.  
Law Office of Brandy A. Peeples, P.C.

**REQUEST:** A request for a conditional use for a two-family dwelling.

**LOCATION:** The site is located at 44 Sullivan Road, Westminster, on property zoned "R-10,000" Residential District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-86 E

**HEARING HELD:** July 26, 2012

**FINDINGS AND CONCLUSION**

On July 26, 2012, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a two-family dwelling. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

Branch Bank and Trust is the current owner of the property located at 44 Sullivan Road, Westminster, Maryland. The bank became the owner of the property as a result of foreclosure proceedings. The property was initially constructed in 1984. In 2007 the owners of the property renovated the property by constructing a one (1) story addition described as "a crawl space, a 29 foot by 16 foot pool room, an 11 foot wide breezeway, a 19 foot by 32 foot home office, storage room, bathroom, and a front porch and deck." In connection with the construction of the addition, permit 04-3776 was issued by Carroll County. On February 27, 2007 Carroll County issued its final approval and Certificate of Use and Occupancy for the newly constructed building addition.

The true and intended use of a majority of the newly constructed addition (everything except the 29 x 16 pool room and breezeway) was as a separate residence. The addition included separate living quarters including a kitchen. Although the prior owner used the property as a two-family dwelling, the structure did not meet code requirements or zoning requirements for a two-family dwelling. However, the property was used as a two-family dwelling since 2007.

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The bank's realtor, Kimberly Caspari, testified that she has been working to market and sell the property for more than one year. When she performed the title work on the property she discovered the code violations and zoning problems with the property. She noted that multifamily units were more difficult to sell.

It would appear that but for the kitchen and building wall needed between the two units of the two-family dwelling, the structure could be a legitimate two-family dwelling.

In considering the necessary factors, the Board authorized the conditional use requested by Brandy A. Peebles, Esq.. As the subject property has, for several years, existed illegally as a two-family dwelling, it has been demonstrated that the approval of such conditional use would not significantly increase the number of people residing in the immediate area; will not detrimentally affect the orderly growth of the community; will not make the property more objectionable to nearby properties by reason of odors, dust, gas, smoke, fumes, vibrations, glare, noise; and will not detrimentally affect the right of surrounding neighbors to maintain peaceful enjoyment in their homes. The conditional use is consistent with the provisions of the zoning ordinance and will not unduly affect residents of adjacent properties, the values of those properties, or public interests. The Board found that allowing the property to be utilized as a legal and legitimate two-family dwelling would be more beneficial than to allow the property to remain vacant with outstanding issues of code violations and zoning issues.

31 July, 2012  
Date

Gary Dunkleberger  
Gary Dunkleberger, Vice Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.