

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: James L. Rosier
17208 Prettyboy Dam Road
Parkton, Maryland 21120

REQUESTS: Variances reducing the minimum required lot area, lot width, a side yard, and rear yard to allow conversion of an existing garage into an apartment.

LOCATION: 1317 Hillcrest Street in Election District 8; Kelbaugh's Addition to Hampstead subdivision, Section 1, lot 16, liber 143, folio 83.

BASES: Article 8, Sections 8.1(a) and 8.5; Article 7, Sections 7.1(e) and 7.5; Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: January 26, 1988

FINDINGS AND CONCLUSION

The record of this case is hereby included by reference in this decision. Based on the testimony and evidence comprising the record, the Board hereby denies the requests. The pertinent findings dictating denial of the requests include the following facts:

The lot which was subdivided and improved with a two-story dwelling and detached garage prior to the adoption of Zoning Ordinance 1E in 1965, is zoned "R-10,000" Residence District. Neither the lot area nor lot width comply with the minimum requirements for the zone as specified in Article 8, Section 8.5 of Zoning Ordinance 1E. Conversion of the existing detached garage is governed by the provisions of Sections 8.1(b) and 8.5, which establishes that the minimum required lot area, lot width and yard requirements for other principal permitted conditional uses, which is the case in this request, are the same as specified for the "R-20,000" Residence District. The requirements as specified in Section 7.5, include an area of 20,000 square feet, a lot width of 100 feet, side yards of 20 feet each and a rear yard of 50 feet. The existing lot area is indicated as 0.207 of an acre (9,016.9 square feet) and the lot width is shown as 50 feet. The southerly side yard, as

indicated on applicant's plot plan, is noted as 3 feet and the rear yard, which abuts an unimproved alley, is noted to be 6 feet. The applicant proposes to enlarge the existing building to provide living space on the second floor and an attached porch at ground level.

Provisions of the zoning ordinance governing this request include Article 20, Section 20.39, Variance, and Article 15, Exceptions and Modifications, Section 15.5 which read respectively and in part:

"A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

"...The Board may grant such variance 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."

In this case, the Board finds that the requested variances are a matter of convenience to the applicant and that the use of the property as presently existing is unaffected by practical difficulty and unreasonable hardship that would justify the authorization of the requested variances. Accordingly, the requested variances must be, and are hereby denied.

Feb. 16, 1988

John Totura