

Case 2903

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Jacqueline Powers
4214 Sykesville Road
Finksburg, Maryland 21048

REQUEST: A variance reducing the minimum required lot area of 3 acres to 2.049 acres for a private stable.

LOCATION: 4214 Lakeland Heights (Md. Rt. 32) in Election District 4; Lakeland Heights subdivision, Section 4, lot 1, recorded in Carroll County Plat Records in Book 18, page 21.

BASES: Article 5, Section 5.3(b); Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: March 28, 1988

FINDINGS

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. The pertinent findings include the following facts:

The 2.049 acre lot and two additional lots form the small residential subdivision. The adjoining lots to the west and south are improved with single-family dwellings. A church and cemetery are located on the property to the north. The private stable is proposed to be located to the northeast of the dwelling, approximately 100 feet from the front property line abutting Sykesville Road (Md. Rt. 32) and 105 feet from the northerly side property line abutting the church and cemetery.

Provisions of the zoning ordinance governing the variance request include Article 20, Definitions: Variance, and Article 15, Exceptions and Modifications; Section 15.5; Variance (amended thru 2-25-76), which read respectively:

"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 applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship."

"The Board may authorize, upon appeal, in accordance with Section 17.2, variances from height, lot area, lot width, yard regulations, parking space requirements, sign regulations, and distance requirements specified in Section 4.12 and Section 14.31(c)4. 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.

CONCLUSION

Subdivision of the residential property did not provide a minimum lot area of three acres in accordance with the provisions of Article 5, Section 5.3(b) of Zoning Ordinance 1E, and the record before this Board provides no evidence of practical difficulty and unreasonable hardship in the use of the property which would now justify relaxation of the minimum lot area requirement for establishment of a private stable. Accordingly, the Board has no option but to deny the request, and it therefore ordered that the requested variance is denied.

April 4, 1988
Date

John Totura
John Totura, Chairman