

Case 2933

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANTS: Franklin Pitts and Iona Pitts
89 Hook Road
Westminster, Maryland 21157

REQUEST: Variance reducing the minimum required rear yard of 35 feet to 10 feet for enlargement of the dwelling, including an attached garage.

LOCATION: 89 Hook Road in Election District 7; Washington Court Planned Unit Development, Section 2, lot 28 recorded in Carroll County Plat Records in Book 24, page 138.

BASES: Article 14, Division VII, Section 14.8(j); Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: April 28, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby denies the request. The pertinent findings dictating denial of the requested variance include the following facts:

The property is a corner lot located within Washington Court Planned Unit Development. The minimum building restriction lines from both Hook Road and Singer Drive are 30 feet. The existing single-family dwelling faces Hook Road and complies with the minimum building restriction lines, minimum required side yard of 12 feet, and minimum required rear yard of 35 feet. Drainage and utility easements, 10 feet in width, are located on the lot parallel to the interior property lines. As noted on the plot plan filed with the application, the dwelling is located 14 feet from the westerly, or side, property line and 37 feet from the southerly, or rear, property line. The property is zoned "R-10,000" Residence District as shown on Zoning Map 52A. Accordingly, the lot area of .1937 of an acre, or about 8,438 square feet, is less than the minimum lot area of 10,000 square feet required for the single-family dwellings not located within the planned unit development.

The purpose of the requested reduction of the minimum required rear yard from 35 feet to 10 feet is for enlarging the existing dwelling by constructing a dining room and attached two-car garage. A discrepancy between the dimensions noted on the plot plan and the configuration of the proposed enlargement is evident on the plot plan. To resolve the discrepancy, the requested variance was amended to provide for reduction of the minimum required rear yard of 35 feet to 10 feet, precluding encroachment into the drainage and utilities easement.

Provisions of the zoning ordinance governing variances include Article 20, Section 20.39 and Article 15, Sections 15.0 and 15.5 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 actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship."

"The regulations specified in this ordinance shall be subject to the following exceptions, modifications, and interpretations."

"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."

In this case, the Board finds no evidence of practical difficulty and unreasonable hardship in the use of the property which would justify authorization of the requested variance. Accordingly, the request is without merit and is hereby denied.

May 26, 1988
Date

John Totura
John Totura, Chairman