

Case 2943

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: Joan Moser
809 Franklin Avenue
Westminster, Maryland 21157

REQUEST: Conditional use for a two-family dwelling and variances reducing one minimum required side yard of 12 feet to 11 feet, and the minimum required lot area.

LOCATION: 809 Franklin Avenue in Election District 7; Fairfield subdivision, Section C, lot 102 recorded in Carroll County Plat Records in Book 5, page 9.

BASES: Article 8, Sections 8.2(e) and 8.5; Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: May 25, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby denies the conditional use request for the two-family dwelling. To the extent necessary, the variance to the minimum required northerly side yard is authorized solely for the dwelling as presently existing. Although the record is unclear as to the exact dimensions of the lot, and existing side yards, the variance is authorized at this time in order to possibly preclude practical difficulties that may otherwise occur in the future. No enlargement of the existing dwelling shall be permitted as a result of this authorization.

The pertinent findings dictating denial of the conditional use for the establishment of the two-family dwelling include the facts that the residential subdivision was designed and developed for single-family dwellings; due to the location of the existing dwelling, in compliance with the minimum requirement of four parking spaces can not readily be accomplished without severely affecting the existing residential characteristics of the property. Conversion of the single-family dwelling into a two-family dwelling would not be compatible with the existing single-family community, and would be detrimental to the stability and property values of the

single family community. Accordingly, the conditional use request for the two-family dwelling must be, and is hereby, denied.

June 2, 1988
Date

John Totura
John Totura, Chairman