

Case 3188                    OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND

APPLICANT:            Alfred Richard Hall  
55 Goni Terrace  
Westminster, Maryland 21157

AGENT:                BPR, Inc.  
359 Manchester Road  
Westminster, Maryland 21157

REQUEST:             Variances reducing the minimum required lot area,  
lot width, and one side yard, for an existing  
garage, to allow re-subdivision of lots 57 and 58.

LOCATION:              55 Goni Terrace; Snowden's Manor subdivision  
recorded in Carroll County Plat Records in Book 3,  
Page 73 in Election District 7.

BASES:                Article 8, Section 8.5; Article 15, Sections  
15.2(b) and 15.5; Ordinance 1E.

HEARING HELD:      June 27, 1989

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:

Snowden's Manor subdivision was recorded in the Carroll County Plat Records in book 3, page 73 in the fall of 1951. However, except for two transfers of two lots each, lots 47 and 48, and lots 49 and 50, the remaining conveyances of land involving lots 38 through 59 did not coincide with the lot lines of the recorded subdivision plat. (Protestant's Exhibit 1.) In February of 1956 all of lot 57 and the northern one-half of lot 58 were transferred by deed recorded in Liber EAS 257, page 397. (Protestant's Exhibit 2k.) In August of 1958 all of lot 59 and the southern one-half of lot 58 were transferred by deed recorded in Liber EAS 293, page 451. (Protestant's Exhibit 2m.) Both properties are described within the deeds by their exterior lines encompassing respective areas of 11,250 square feet and 11,427 square feet. The common lines of division between lots 57 and 58, and 58 and 59 were not included in the respective decisions.

The applicant, Mr. Hall, purchased the property in 1978 as described by deed recorded in Liber 700, page 240. (An unidentified exhibit.) The deed, in addition to the metes and bounds descriptions, notes that the two parcels consist of lots

57, 58, and 59 of Snowden's Manor Addition to Westminster. For purposes of this case, the Board finds that the original transfer of the parcels, conveying the southerly one-half of lot 58, and later, the northerly one-half, superseded the subdivision plat. Accordingly, the requested variances are based on the metes and bounds descriptions of the parcels and the proposed location of the new line of division separating the parcels.

In 1980, Mr. Hall converted an existing carport into the now existing detached garage. As shown on Applicant's Exhibit 2, the existing dwelling is located on the southerly parcel. The detached garage and shed are partially located on the northerly and southerly parcels. Mr. Hall now wishes to construct a new dwelling, 36 feet in width by 28 feet in depth, on the northerly parcel and sell the southerly parcel with the existing dwelling. Due to the location of the detached garage and shed, this will require re-configuration of the parcels, enlarging the southerly parcel with the dwelling to 13,677 square feet and reducing the northerly parcel to 9,000 square feet. (Applicant's Exhibit 2.) Accordingly, the variances consist of reduction of the minimum required lot area and width of the northerly parcel from 10,000 square feet to 9,000 square feet and from 75 feet to 60 feet respectively, and reduction of the minimum required side yard for the garage on the southerly parcel from 5 feet to 3.76 feet as specified on the application.

The alternative to the requested variances is to remove or relocate the garage to comply with the applicable regulations. As the topography of the southerly parcel is not suitable for relocation, the garage would at least have to be removed from that parcel.

#### CONCLUSION

Re-configuration of the northerly parcel could be accomplished in accordance with the minimum lot area and width requirements except for the location of the detached garage and shed on the southerly parcel. However, use of the southerly parcel is restricted by the topography in the rear portion of the property. Although Mr. Hall constructed the detached garage as it is presently located, the location was limited, at least in part, by the topography of the parcel. To require the removal of the detached garage from the southerly parcel in order to re-configure the two parcels represents substantial practical difficulty and unreasonable hardship in the use of the property. Therefore, the variances as specified above are hereby authorized.

July 21, 1989  
Date

John Totura  
John Totura, Chairman