

Tax Map/Block/Parcel
No. 14-9-119

Building Permit/Zoning
Certificate No. 90-3596

Case 3513

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Scott Bartol
P.O. Box 223
Manchester, Maryland 21102

ATTORNEY: James Willard Davis, Esq.
237 East Main Street
Westminster, Maryland 21157

REQUEST: A variance reducing the minimum required front
yard of 40 feet to 25 feet

LOCATION: 2550 Bachman Valley Road (Md. Rt. 496) in
Election District 6

BASES: Article 11, Section 11.5; Article 4, Section
4.16; Article 15, Section 15.5; Ordinance 1E.
(The Carroll County Zoning Ordinance)

HEARING HELD: March 26, 1991

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. The Board visited the site March 20, 1991. Based on the record, the Board will authorize the variance as requested. The pertinent findings determining the Board's decision include the following facts:

FINDINGS OF FACT

The 1.7806 acre lot is zoned "B-G" General Business District as depicted on zoning map 14B. The land use provisions governing the district are specified in Article 11 of the zoning ordinance. Section 11.6 requires that the provisions of Section 10.4(d) pertaining to site plans, which are initially applicable in the "B-L" Local Business District, also apply in the "B-G" General Business District.

The preliminary site development plan was submitted in April 1990. Thereafter, the site plan including revised plans required by the county were apparently processed and reviewed routinely except that the proposed setback of the building of 25 feet from Bachman Valley Road was not recognized to be in violation of the minimum requirements of Sections 11.5 and 4.16.

The building permit was subsequently issued November 27, 1990. Relying on the approved site plan and building permit, Mr.

Bartol started construction of the building. The exterior of the building was completed January 30, 1991. On February 4, Mr. Bartol was advised that the location of the building did not comply with the minimum setback requirements from Bachman Valley Road.


Issuance of the building permit was subject to the requirements of the Division of Engineering Access Permits of the State Highway Administration regarding the driveway entrance to Bachman Valley Road (Md. Rt. 496). The permit was also subject to the provisions of applicable ordinances and regulations, including those of the landscape manual.

CONCLUSION

It is now evident that authorization of the variance is necessary in order to preclude unwarranted practical difficulty and hardship in the use of the building that would otherwise result. In addition, there is no indication that the building, as presently located, unduly affects the adjoining properties or public interests. Accordingly, the variance is hereby authorized as requested.

April 5, 1991
Date

JDN/bdc/C3513DEC
April 3, 1991


John Totura, Chairman