

Tax Map/Block/Parcel  
No. 44-12-106

Building Permit/Zoning  
Certificate No. 91-0389

Case 3539

**OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND**

**APPLICANT:** Reverend David M. Heavel  
2075 Jasontown Road  
Westminster, Maryland 21157

**REQUEST:** A variance reducing the minimum required lot  
of 2 acres to 1.781 acres to allow the existing  
dwelling to be used for church services

**LOCATION:** 2075 Jasontown Road in Election District 2

**BASIS:** Article 6, Sections 6.2(b) and 6.7; Article 15, Section 15.5;  
Ordinance 1E

**HEARING HELD:** April 26, 1991

On April 26, 1991, the Board of Zoning Appeals heard testimony and received evidence concerning the variance request.

The Board visited the site on April 26, 1991.

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board must deny the request.

The pertinent findings determining the Board's decision include the following facts:

**FINDINGS OF FACT**

The 1.781 acre lot is located on the westerly side of Jasontown Road about eight-tenths of a mile south of Springdale Road intersection. The lot is generally of triangular configuration, and is traversed by a small stream. The applicant's residence, a two-story dwelling, is located approximately equidistant from the property lines.

Initially, a bible study class is proposed in the dwelling. After six weeks to three months, depending on parishioners response, Sunday services would be offered. An average of 30 to 40 people would be expected to attend, using 15 to 20 vehicles. Depending on the applicant's success, a suitable site for a new church would be sought.

**APPLICABLE LAW**

The lot is zoned "A" Agricultural District as depicted on zoning map 44B. The land use provisions for the district are expressed in Article 6 of the zoning ordinance. Section 6.2(b) lists churches, parish houses, and other places of

worship as principal permitted uses. Section 6.7, Lot Area, Lot Width and Yard Requirements specifies that churches must have a minimum lot area of two acres.

Article 20, Section 20.39 defines a variance as:

...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.

Article 15, Exceptions and Modifications; Sections 15.0, Generally, and 15.5, Variance read respectively and in relevant part:

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...lot area....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.

#### REASONING

In effect, the applicant is requesting at least a temporary variance to use the existing dwelling for church services. If successful in establishing the church, a more suitable site for the church would be sought. However, the Board finds no evidence of practical difficulty and unusual hardship in the use of the property that would justify authorization of the variance. From the record, the request is solely a matter of convenience with no conditions peculiar to the property that would justify reduction of the minimum required lot area.

#### CONCLUSION

Therefore, the Board hereby denies the requested variance.

May 15, 1991  
Date

JDN/bmh/c3539dec  
May 13, 1991

John Totura  
John Totura, Chairman