

Tax Map/Block/Parcel
No. 67-23-512/46

Building Permit/Zoning
Certificate No. 91-1304

Case 3567

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

APPLICANT: William L. Knisley
P.O. Box 9
Sykesville, Maryland 21784

AGENT: Nelmon M. Brauning
4277 Louisville Road
Finksburg, Maryland 21048

REQUESTS: Variances reducing the minimum required lot area and lot width to allow the division of two properties for residential purposes, and the minimum required lot area for a private stable

LOCATION: 505 Buckhorn Road in Election District 14

BASES: Article 5, Sections 5.1(e), 5.3(b), and 5.5; Article 15, Section 15.5; Ordinance 1E. (The Carroll County Zoning Ordinance)

HEARING HELD: June 26, 1991

FINDINGS AND CONCLUSION

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 hereby authorizes the variances reducing the minimum required lot area and lot width to allow the division of two properties for residential purposes as depicted by the subdivision plan identified as Applicant's Exhibit B.

The variance request for reduction of the minimum required lot area for a private stable is hereby denied.

The pertinent findings determining the Board's decisions include the facts that a variance reducing the minimum required lot area of 3 acres to about 1.05 acres was previously authorized in Case 2388 to allow division of the property. In proceeding with the subdivision of the property, it was determined that the then proposed line of division traverses the on-site septic field of the dwelling at 505 Buckhorn Road, as well as an existing garage and chicken coop.

The subdivision plan, as now proposed, corrects the problem. However, the revised subdivision plan, Applicant's Exhibit B, necessitates variances to the minimum required lot area and lot

width for both of the proposed lots to allow their use for residential purposes in the "C" Conservation District.

Lot 1 is not improved with a dwelling. The dwelling located on lot 2, 505 Buckhorn Road, predates adoption of zoning in Carroll County, and is owned by Thomas E. Farver and Nancy F. Farver, who were represented by their attorney, Clark R. Shaffer, Esquire, at the public hearing of this case.

The findings expressed in Case 2388 pertaining to justification of the variance in that case are substantially the same in this case. With recordation of the subdivision plat, the property identified as lot 2 on Applicant's Exhibit B will be divided from property located on the northern side of Buckhorn Road. That portion of the property is, for the most part, within the flood plan of Buckhorn Run (stream) and is not suitable for residential purposes. If it were not necessary to dedicate right-of-way to the county for Buckhorn Road, the acreage on the north side of the road, combined with proposed lot 2, would comply with the minimum lot area and, probably, lot width requirements for the district.

The substance of the variances to the minimum required lot area and width of lots 1 and 2, as now proposed, is to adjust the property line dividing the lots. Accordingly, the Board finds that the variances are necessary in order to preclude practical difficulty and unreasonable hardship that would otherwise occur in the use and ownership of the properties, and that their authorization will not adversely affect the adjoining properties or public interests.

With respect to the request for a variance for reduction of the minimum required lot area for a private stable to be located on proposed lot 1, the Board finds that the request is essentially a matter of speculation, with no evidence of practical difficulty and unreasonable hardship in the use of the property that would justify authorization of the variance for that purpose. Therefore, the Board must deny the request.

July 1, 1991
Date

JDN/bdc/C3567DEC
June 28, 1991

John Totura
John Totura, Chairman