

Tax Map/Block/Parcel
No. 21-11-273

Building Permit/Zoning
Certificate No. 91-1678

Case 3579

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

APPLICANT: Baltimore Gas and Electric Company
Lexington and Liberty Streets
P. O. Box 1475
Baltimore, Maryland 21203

ATTORNEYS: Henry R. Miller, Esquire
Baltimore Gas and Electric Company
P. O. Box 1475
1700 G & E Building
Baltimore, Maryland 21203

Charles D. Hollman, Esquire
189 East Main Street
Westminster, Maryland 21157

REQUESTS: A conditional use for enlargement of the
existing electric substation, and a variance
reducing the minimum required front setback of
40 feet to about 19 feet for a proposed business
identification sign

LOCATION: Northwest side of Old Hanover Road about 200
feet northeast of Littlestown Pike (Md. Rt. 140)
intersection in Election District 3

BASES: Article 4, Section 4.11(b); Article 14, Division
II, Section 14.23(f); Article 15, Section 15.5;
Ordinance 1E (The Carroll County Zoning
Ordinance)

HEARING HELD: July 25, 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 conditional use and variance.

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

The substation was established on the 0.517 of an acre lot prior to the adoption of Ordinance 1E in 1965. The width of the site is 150 feet.

The site and adjacent properties on the northwest side of Old Hanover Road are zoned "A" Agricultural District as portrayed on zoning map 21B. The Union Mills Homestead and Lions Club Park, which are southeast of Old Hanover Road are zoned "C" Conservation District.

The substation is essential to supply electricity to the Union Mills service area. Due to growth and greater demand for electricity in the service area, it is now necessary to increase the supply. The most efficient method is by using existing transmission lines and installing transformers with greater capacity at the substation.

As the site location map depicts, a fee simple access strip to Parcel 530 abuts the lot to the southwest. Lot 1 of a two lot subdivision (Parcel 548) abuts the northeast side and rear of the lot. Lot 2 abuts the access strip of Parcel 530, and is within 100 feet of the site. As the subdivision lots are improved with dwellings, the proposed sign cannot comply with the requirement that it be in excess of 100 feet from a property improved with a building in order for it to be located less than the minimum required front yard of the respective zoning district.

An expert in real estate appraisal indicated that the enlargement would have no greater effects upon adjacent properties than at present; the proposed landscaping would benefit the site and adjacent properties; and, the proposed identification sign would compliment the site and be compatible with other nearby signs.

In considering the variance, the dwellings on lots 1 and 2 of the subdivision are located about 800 feet to the rear of the substation. The fee simple strip of land providing access to Parcel 530--to the rear of lots 1 and 2--extends over 800 feet from Old Hanover Road to the principal area of the 23.73 acre lot. Consequently, locating the sign as requested, will not affect the owners, properties, or respective dwellings adversely. Applicable provisions of Sections 6.7 and 4.16 would otherwise require the sign to be placed inside the security fence, defeating the purpose of the sign. Therefore, the variance is necessary to allow the sign to be appropriately placed, and preclude practical difficulty and unreasonable hardship that would otherwise occur.

Accordingly, the conditional use and variance are in keeping with the intent and purpose of Ordinance 1E.

Aug. 2, 1991
Date

John Totura
John Totura, Chairman