

Tax Map/Block/Parcel
No. 53-12/18-173

Building Permit/Zoning
Certificate No. 91-3264

Case 3651

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

APPLICANTS: Bernard S. Gershan and Naomi L. Gershan
1501 Tank Road
Finksburg, Maryland 21048

ATTORNEY: John T. Maguire, Esquire
Hollman, Hughes, Finch & Maguire, Chartered
189 East Main Street
Westminster, Maryland 21157

REQUEST: An appeal of the Zoning Administrator's ruling denying a building permit to enlarge the existing dwelling

LOCATION: 1501 Tank Road in Election District 4

BASES: Article 5; Article 17, Section 17.4; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: December 27, 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 affirms the appeal, and reverses the Zoning Administrator's ruling denying the building permit. The pertinent findings determining the Board's decision include the facts that the existing dwelling was constructed long ago, replacing the original farm dwelling destroyed by fire. The site is zoned "C" Conservation District, which does not allow two-family dwellings. The applicants are renovating the dwelling, which is small, and in order to serve their needs, propose an addition larger than the existing dwelling. Construction of the addition is restricted by topography, the existing well, the existing dwelling's construction and architecture, and an old and valuable tree located in front of the existing dwelling. The Zoning Administrator's concern is not the size of the addition, but its unconventional design. From the record, it is evident that the addition is intended only to supplement the existing living space, and that the renovated and enlarged dwelling will be used solely as a single family dwelling in accordance with the zoning ordinance.

Dec. 31, 1991
Date


John Totura, Chairman

JDN/bmh/c3651dec
December 30, 1991