

Tax Map/Block/Parcel
No. 45-6-703/704

Building Permit/Zoning
Certificate No. 97-1606

Case 4237

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Bruce Wentworth
2117 Flat Rock Drive
Finksburg, Maryland 21048

ATTORNEY: Charles M. Preston, Esquire
Stoner, Preston & Boswell, Chartered
188 East Main Street
Westminster, Maryland 21157

REQUEST: A conditional use request for two semi-detached
units (2-family dwellings)

LOCATION: South of Old New Windsor Road about one mile west
of Green Street on property zoned "R-10,000"
Residence District in Election District 7

BASIS: Article 8, Section 8.2(e); Ordinance 1E (The
Carroll County Zoning Ordinance)

On June 30, 1997, the Board of Zoning Appeals (Board) held a hearing on the application filed by Mr. Bruce Wentworth, requesting conditional use approval for two semi-detached dwelling units, on two lots located on Old New Windsor Road about one mile west of Green Street, in Election District 7. Mr. Wentworth was represented by his attorney, Mr. Charles M. Preston.

The zoning designation for the two properties is "R-10,000" Residence District. The basis for this request is found in the Carroll County Zoning Ordinance (1E), Article 8, Section 8.2(e).

Mr. Steven Barnhart, surveyor, testified that the two lots were contiguous to each other. They were created by the off-conveyance process. Each lot is slightly more than one half an acre and future subdivisions of the properties are planned. Private wells and public sewer are planned. Exhibits to the Board included a plat describing the off-conveyances and a plat showing the probable future subdivision of the property.

Mr. James H. Dulaney IV, Real Estate Appraiser and certified by this Board as an expert, testified that the proposed use would not negatively affect the neighborhood. He noted several other semi-detached homes in the immediate neighborhood.

Mr. Wentworth testified he is a builder and has contracted to purchase the subject lots. He contacted neighbors about the proposed units and did not receive negative feedback. He proposed to construct units that will be about 1,200 square feet in size and the houses will be served by a hard surfaced driveway. Each lot will be landscaped. He submitted pictures and drawings of units similar to those he proposes to construct. He intends to rent the units at first and thereafter offer them for sale.

Mr. Garnett Clark, Jr., Real Estate Expert and agent for the owners of the adjacent subdivision, Ridge Terrace, testified that the owners were in opposition to the proposed use. He supplied a letter to the Board dated July 22, 1997 and a plat of the Ridge Terrace subdivision. He said the homes planned in the Ridge Terrace subdivision were a much higher selling price than the semi-detached units proposed pursuant to this application.

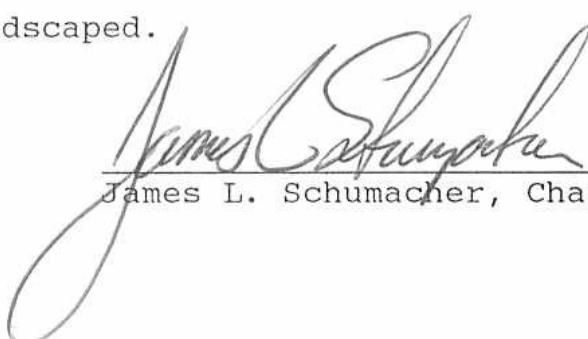
Mr. Schumacher indicated his concern that private wells were proposed for semi-detached homes in an R-10,000 Residence District. This may be inappropriate for a high density residential area. The applicant informed the Board that the Carroll County Health Department has approved the plat. Since public sewer is to be provided by the City of Westminster, the use of private wells is considered acceptable. Any future subdivision of the property will require additional review by the Health Department and will be subject to the construction of separate wells for each of the four units.

Based on the evidence presented, the Board finds that the proposed use would not adversely affect the public health, safety, security, morals or general welfare, or would jeopardize the lives or property of people living in the neighborhood. On motion by Mr. Riechlin, seconded by Mr. Hoff and unanimously carried, the Board voted to approve the conditional use request for two semi-detached dwellings, subject to the following conditions:

1. The use-and-common driveways and parking areas will be paved.
2. Each lot must be landscaped.

August 28, 1997

Date


James L. Schumacher, Chairman