

Tax Map/Block/Parcel
No. 61-6-466

Building Permit/Zoning
Certificate No. 05-0130

Case 5031

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

APPLICANT: Charlotte Sanders
3633 Ridge Road
Westminster, MD 21157

ATTORNEY: Charles O. Fisher. Sr./Isaac Menasche

REQUEST: An appeal of a letter from the Bureau of Development Review denying further subdivision of a property (Poignant Acres).

LOCATION: The site is located at 3633 Ridge Road, Westminster, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 A (1)

HEARING HELD: March 24 & May 24, 2005

FINDINGS AND CONCLUSION

On March 24 & May 24, 2005, the Board of Zoning Appeals (the Board) convened to hear an appeal of a letter from the Bureau of Development Review denying further subdivision of a property (Poignant Acres). The Board made the following findings and conclusion:

The subject property consists of 35.61 acres of land zoned "A" Agricultural. The property is located at 3633 Ridge Road in Westminster. It is commonly known as "Lot 22" of a previously approved subdivision named "Poignant Acres". The Bureau of Development Review, from which the appeal was taken, determined that there were no further subdivision rights available for Lot 22.

The preliminary plan for Section One of Poignant Acres was approved by the Planning and Zoning Commission in 1972. The plan consisted of 9 lots located along Ridge Road. The remaining lots were tentatively approved, subject to further approval of road plans and successful percolation tests. A revised preliminary plan for the remaining undeveloped portion of the development was approved by the Planning Commission in 1979. Final plats for the remainder

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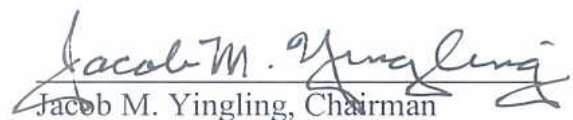
of Poignant Acres, Sections 2, 3 and 4 were recorded in January, 1981. The original preliminary plan approved in 1972 contained a note that stated that there could be no further subdivision without the approval of the Planning Commission. This restriction was also included in Planning Commission Minutes taken at the time of the approval of the preliminary plan in 1972. The approved Plats for Section 2, 3 and 4 contain a note stating that any modification or plat reassembly will be subject to Planning Commission approval.

On April 29, 1978, the Carroll County Zoning Code was amended to limit density in the Agricultural zone to 1 lot per 20 acres. The Code of Public Local Laws and Ordinances at Section 103-30 (D) provides that preliminary plans approved after the adoption of the Agricultural zone's "1 for 20" requirement (1978) may not be amended to increase density.

The Bureau of Development Review determined that the 1979 revised plan approval and recordation of the plats delineated the number of lots to be considered when applying Section 103 (30) (D). We agree that this is the most reasonable application of that law given this parcel's history. We also concur that any increase in density can only be approved by the Planning Commission, rather than the Board of Zoning Appeals.

As a side note, it was undisputed that Lot 22 does not have the minimum of 30 feet of frontage on a publicly maintained road, as required by the Bureau of Development Review's Development Handbook. For all of these reasons, we conclude that no error was made by the Bureau of Development Review in denying further subdivision of Lot 22 of Poignant Acres.

6/23/05
Date


Jacob M. Yingling, Chairman

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Case 5031R

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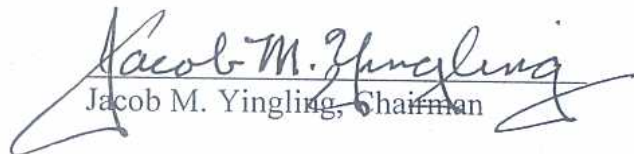
BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 A (1)

HEARING HELD: March 24 & May 24, 2005

FINDINGS AND CONCLUSION

In accordance with the Order of Court of the Honorable Thomas F. Stansfield, of the Circuit Court for Carroll County, dated October 31, 2006, (Case C-05-043411), the matter is remanded to the Bureau of Development Review, with instructions to process the Appellants' off-conveyance application consistent with the Court's Opinion.

1/18/07
Date


Jacob M. Yingling, Chairman