Tax Map/Block/Parcel
No. 3-21-41

Building Permit/Zoning
Certificate 94-3089

Case ZA-144

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: Starview Excavating, Inc.
3533 Niner Road
Finksburg, MD 21048

REQUEST: A variance reducing the minimum lot width requirement from 150 feet to 134 feet for a lot in the Agriculture District.

LOCATION: 5128 Babylon Road, in E.D. 3

APPLICABLE REGULATIONS: Article 6, Section 6.7; Article 15, Section 15.5

HEARING HELD: October 6, 1994

BACKGROUND

The applicant acquired a four (4)+ acre property in January 1994. The property was entitled to and was approved for two (2) off-conveyances with access to be provided by a deeded right of way. Off-conveyance lots are not required to have in-fee frontage on a road. The resultant lots may require special construction methods, such as sand mound septic systems.

The applicant also owns a lot which adjoins one of the subject off-conveyances and which is currently unbuildable, despite the fact that it has been improved with a well, a perc test, and an improved right-of-way access. The applicant proposes to combine the approved off-conveyance with his other lot to legitimize the home site on the other lot.

Carroll County Subdivision Regulations, Section 1.1.2.b provides that an "add-on" parcel proposed to be combined with a buildable parcel is not intended for development except for accessory structures unless the combined lot is approved through the subdivision process. Therefore, in order for a home site to be developed on Mr. Nightingale's "add-on" lot, the lot must be combined with the approved off-conveyance as a subdivision lot.

The subdivision process requires in-fee frontage for each lot proposed to be created. In order to provide a strip, or strips to off-conveyances 1 and 2 the remainder, which lies next to Babylon Road, must be diminished in width by 20 feet, resulting in a lot width for the remainder of 134 feet.

FINDINGS AND CONCLUSION

Based on the testimony and evidence presented at the hearing, the variance is granted.

Facts which support the request for relief from the strict terms of the ordinance, in this case a 150 foot lot width requirement for a building lot are as follows:

a) The in-fee strip will be in the same location as the deeded right-of-way which is now in place. Use of the driveway and effects on the neighboring property will be identical, whether the connecting strip is created as an easement or as a property line on a subdivision plat.

b) Creation of the subdivision lot and placement of the residence on the "add-on" part of the lot will afford residents of nearby properties more privacy than siting of the residence on the original off-conveyance.

c) At the time the applicant purchased and improved his "other" lot, he was unaware that it constituted an illegal off-conveyance and would require subdivision approval. Since that time he has made several attempts to combine the lot with a legal off-conveyance from an adjoining property so that it can be used as a home site. The applicant's investment in improvements to the presently unbuildable lot represents unnecessary hardship.

CONDITIONS

Approval of this variance is subject to the following conditions:

1) The variance to lot width for the remainder lot on Babylon Road is valid only providing that the subdivision lot is approved and that the home site is developed on the "add-on" part of the lot.

2) Assuming that the variance is exercised, that the subdivision lot is approved, and that the driveway extends all the way to the "add-on" part of the lot, a sign stating that the driveway is a private road is to be maintained at the intersection with Babylon Road to preclude any attempt by the public to use the driveway as a connection to Menges Mill Road.

DATE: 10-13-94

Solveig L. Smith

Solveig L. Smith, Zoning Administrator

CC: Zoning Enforcement

CASE144.DEC