Tax Map/Block/Parcel
No. 67-21-51

Building Permit/Zoning
Certificate 95-0146

Case ZA-160

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: Meyer & Meyer Partnership and
Barbara R. Collins
501 Goldenrod Terrace
Westminster, MD 21157

REQUEST: A variance reducing the minimum side yard requirement from 20 feet to about 3.3 feet and the minimum front yard requirement from 40 feet to about 27 feet to permit subdivision of the property.

LOCATION: 1046 Streaker Road, in E.D. 14

APPLICABLE REGULATIONS: Article 5C, Section 5C.5, Article 15, Sec. 15.5

HEARING HELD: March 1, 1995

APPLICANTS TESTIMONY:

The applicant testified as follows:

The property is proposed for a five-lot subdivision with two lots fronting on Streaker Road and three more lots in the rear, each connected to Streaker Road by an in-fee strip. The three ten-foot strips would be aligned along the westerly property line and would provide access to the lots in the rear over a use-in-common drive.

The existing dwelling is located slightly more than 36 feet from the westerly property line. The creation of the three ten-foot strips would reduce that dimension to 3.3 feet. Thus the request for a side yard variance.

Location of the proposed driveway is dictated by ASHTO standards regarding sight distance. No other area of the frontage of this property will be approved by the reviewing agencies. The proposed driveway would serve all five lots and would be paved. No other driveway would access Streaker Road from this subdivision.

Moving the existing dwelling is an alternative, but the cost of doing so would seriously affect the profit margin of their investment.

PROTESTANTS TESTIMONY:

Neighbors who appeared in protest testified regarding their concerns about traffic safety and possible effects on their wells caused by the addition of four more dwellings at this location. These matters are properly the concern of other agencies during the review process for the subdivision.

More importantly, information was introduced by testimony from an adjoining property owner to the effect that the developers have already been compensated for the cost of moving the existing dwelling by an adjustment of the purchase price. Further he presented a letter from the former owner confirming that prior to settlement she agreed to reduce her price by $33,000 to allow for the cost of moving the dwelling.

FINDINGS AND CONCLUSION

Based on the testimony and evidence presented at the hearing, I find that the practical difficulty or unnecessary hardship claimed by the applicants is a result of their own actions or decisions. The side yard variance is denied.

With respect to the request for a front yard variance, I find as follows: If the existing dwelling would comply with other yard requirements on the proposed plan, the fact that the front yard is reduced because of the road dedication would not require a variance. If, however, the structure is to be relocated, no evidence was presented to support a claim of practical difficulty or unnecessary hardship in complying with the front yard requirement. The front yard variance is denied.

DATE: 3-10-95

Solveig L. Smith

Solveig L. Smith, Zoning Administrator

CC: Zoning Enforcement

Code: Case 160.DEC