Tax Map/Block/Parcel
No. 40-6-428

Building Permit/Zoning
Certificate 97-2157

Case ZA-355

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: Jeffrey Franklin & Charen Rubin
18606 New Hampshire Avenue
Ashton, MD 20861

REQUEST: A variance reducing the minimum front and side yard requirements from 50 feet to about 10 feet for a residence.

LOCATION: 1225 Brodbeck Road, in E.D. 6.

APPLICABLE REGULATIONS: Article 5, Section 5.5, Article 15, Section 15.5; Zoning Ordinance 1E.

HEARING HELD: September 3, 1997

FINDINGS AND CONCLUSION

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

Facts which support the request for relief from the strict terms of the Ordinance, in this case a variance reducing the minimum front and side yard requirements for a structure conversion to a dwelling are as follows:

The hearing for this case ZA-355 was consolidated with ZA-357 as both cases were intertwined in the proposed use on the lot so described in this case.

The zoning in respect to the parcels in both cases is "C" Conservation. The purpose of the Conservation district is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. The Conservation district may include extensive steeply slope areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

The proposal in case ZA-355 was for a variance to property line setbacks in order to convert a barn to a dwelling on an (8) eight plus acre parcel which lies on the west side of Brodbeck Road. The parcel on which the barn is located could not meet requirements for an acceptable septic system. To accomplish this the applicant was proposing a septic system be piped under Brodbeck Road to Lot No. 2 of Old Mill Village which is located on the East side of the road. This would require taking (1) one acre from Lot 2, therein the reason for the variance request in case ZA-357 for the reduction of lot size and lot width.

In denying the variance in both cases several major issues were considered. First the proposals do not meet the intent of the Conservation district and the reasoning of requiring minimal acreage of 3 acres to protect the intent and critical issues of conservation. Reduction of lot size for Lot No.2 would not be in concert with the intent of the district to protect water supply sources and stream valleys. Lot 2 where the one acre was proposed to be taken off is in close proximity to a 100 year flood plain.

Secondly, the proposed variance for Lot No. 2 would be to a lot that is already substandard in the Conservation District. A variance to the lot area for Lot No. 2 was granted by the Board of Zoning Appeals in Case No. 3160, dated June 15, 1989. The variance reduced the minimum required lot area of 3 acres to about 2.3 acres. In the findings and conclusions of that case it was stated that the reduction was,

"necessary to allow establishment of the sewerage disposal system and its replacement area on the proposed adjoining lot to the east". That lot is No. 3 which has a large portion of the lot in the 100 year flood plain.

Last but not least the health, safety, and welfare of persons residing in the proposed dwelling that would be only (10) ten feet from the traveled portion of the narrow secondary roadway and the safety of the general public traveling on Brodbeck Road with the creation of a new residential driveway close to a major roadway intersection.

9/12/97 George L. Beisser

George L. Beisser, Zoning Administrator

cc: Zoning Enforcement
Code: Case 355.D97