Tax Map/Block/Parcel
No. 68-19-25

Building Permit/Zoning
Certificate 98-0926

Case ZA-398

# Official Decision
## Zoning Administrator
Carroll County, Maryland

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|---|---|
| **APPLICANT:** | Long Reach Farms, Inc.<br>c/o Dulany & Leahy,LLP<br>127 E. Main Street<br>P. O. Box 525<br>Westminster, MD 21157-0525 |
| **REQUEST:** | A variance reducing the minimum lot size requirement for the creation of buildable lots |
| **LOCATION:** | Liberty Road near White Rock Road, Election District 14 |
| **APPLICABLE REGULATIONS:** | Article 5, Section 5.5, Article 15, Section 15.5 |
| **HEARING HELD:** | 6/3/98 |

**FINDINGS & CONCLUSIONS**

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 reduction in lot size and a variance to lot width for division of existing dwellings on a single parcel of land to create two (2) separate lots are as follows:

The property in this request for variances is located in the Freedom area - a very rapidly growing area of the County. Government and citizen concerns that growth has been so rapid that in many areas the public facilities are not adequate, or that growth needs to be slowed to allow a catch up period for government to provide adequate public facilities and services, precipitated growth controls for the entire County. Granting of this variance does not in any way have an affect on new growth, nor have an impact on the County's ability to provide adequate public facilities or services.

The two dwellings which would become a part of a two lot subdivision predate the Zoning Ordinance with one being built in the 1920's, and the other in the 1980's. These two dwellings are located on a 93+ acre active farm that has been family-owned for many decades. It is the intent of the family to continue farming the property for many years. Recently, Mrs. Harvey M. Houck, the registered owner and matriarch of the family, passed away. Her surviving sons are interested parties in this parcel and others known as Long Reach Farms, Incorporated. As part of the estate, it was the decedents' request that the two dwellings be part of the division of the inheritance.

Practical difficulty and undue hardship were shown by the applicants in showing, that if they were required to adhere to the strict terms of the ordinance and create lots in accordance with that which is required in the Conservation District, they would suffer. The additional acreage that would be required is currently farmed actively. Losing the ability to utilize same would amount to a considerable dollar amount per acre. Also, the additional acreage that would be required is sloped topographically. The current method of farming eliminates runoff into a tributary that eventually flows into Piney Run Reservoir.

Not being able to get the variances necessary would leave the applicants with the pursuit of a "Cluster" subdivision in the Conservation District, which is permitted by right, to resolve the estate. It is not the wish of the applicants to pursue this route and plat the farm for its permitted density. They are farmers by occupation, and wish to continue farming. If the variances were denied and the applicants proceeded forward with the "Cluster" concept, the County would be remise in its goals to maintain controlled growth and retention of its valuable farmland. A cluster in this area and the additional impervious surfaces from roads, driveways, parking pads, etc. would add considerably to runoff into the reservoir.

Granting of this variance will not violate the spirit and intent of the ordinance and its regulations, nor cause substantial injury to the public health, safety, and general welfare. The spirit and intent of the ordinance and its practical application is met. The retention of valuable farmland is ensured and environmental protection of a valuable water supply is also ensured.

The variances granted will be for the two lots as shown on a sketch plan provided with this application. One lot is to contain 2.0 plus or minus acres and lot width shown thereto. One lot is to contain 1.02 plus or minus acres and lot width shown thereto. Both lots are subject to the necessary Subdivision Regulations and Health Department requirements.

June 3, 1998
Date

George L. Beisser
George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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