Tax Map/Block/Parcel
No. 46 6 1124

Building Permit/Zoning
Certificate

Case ZA-467

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	John J. Athman, Sr. 13 North Gorsuch Road Westminster, MD 21157
REQUEST:	A variance reducing the minimum lot width from 300 feet to 157.87 feet for a residential lot
LOCATION:	13 North Gorsuch Road Westminster, MD 21157, E.D. 8
APPLICABLE REGULATIONS:	Article 5, Section 5.5, Article 15, Section 15.5; Zoning Ordinance 1E
HEARING HELD:	August 4, 1999

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 the minimum required lot width for a building lot, are as follows:

This parcel of land bears no uniqueness or peculiarities to other parcels along this rolling landscape. Due to a water resource protection easement and considerable sloping topography, the location of well and septic, practical difficulty in placement of the dwelling exists. This in itself does not negate the width requirements of the ordinance.

The applicants counsel and the surveyor for the project testified that a property line could be adjusted to encompass more property from lot number three (3). This action would cause distinct irregularities in the lot line between lot number 3 and the proposed lot number 2.

It is this authority's opinion that this is not the intent of the zoning ordinance. At the time the applicant purchased property in this area the zoning classification was "T" Transitional District. Lot requirements were 22,000 square feet and a lot width of one hundred (100) feet. The applicant took off a lot for one of his sons, lot one (1) which was three (3) plus acres.

Subsequently a second son has chosen to locate in the area along with the family. Zoning has since changed to "C" Conservation requiring a lot size of three (3) or more acres and a lot width of 300 feet. The proposed lot meets the required acreage and a dwelling can be constructed meeting required property setbacks.

There is sufficient difficulty created by the water resource protection easement and the topography to provide substantial justification, combined with this authority's opinion on the intent of the ordinance, to grant the variance.

There will be no adverse effect upon any adjoining properties as a result of this approval.

NOTE:

Appeals of decisions made pursuant to Section 15.5 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrators decision in accordance with Section 17.4 of the Carroll County Zoning Ordinance 1E.

A decision of the Zoning Administrator made pursuant to Section 15.5 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

August 6, 1999

Date

George L. Beisser

George L. Beisser
Zoning Administrator

cc: Zoning Enforcement

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