Tax Map/Block/Parcel
No. 71 12 39

Building Permit/Zoning
Certificate BP-03-0402

Case ZA-740

Official Decision
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Roland Maurice Barnhart, Jr. and Cindy F. Barnhart 4610 Mount Carmel Road Hampstead, MD 21074-2933
REQUEST:	A variance from the minimum required lot size of 3 acres to 2.7 acres for the creation of two off-conveyance lots in the Conservation zone.
LOCATION:	5.758 acres to the west of Sleepy Hollow Drive and Hidden Springs Court, Woodbine, MD.
APPLICABLE REGULATIONS:	Code of Public Local Laws and Ordinances, Chapter 223-37 and 223-181
HEARING HELD:	April 2, 2003

FINDINGS & CONCLUSIONS

Based on the testimony presented at the hearing for this variance for a reduction in the minimum lot size in the Conservation Zone, the variance is denied.

The subject property is located at the end of Sleepy Hollow Road, a Use in Common Driveway. The property was duly posted and the adjoining property owners were notified of the variance hearing. In addition to the testimony of the applicants and their attorney, Michael G. Ritchey, comments and correspondence were received from adjoining and nearby property owners, none of whom objected to the basic creation of a third lot at the end of the UIC. However, the testimony and correspondence received from neighbors did seek conditions of approval, such as a forested buffer easement and participation by the owners of the newly created lots in the Declaration of Maintenance for the UIC driveway.

Testimony by the appellants indicated that they, along with Ralph Edward Barnhart, were receivers of the 11 ½ acre property as a gift from Elsie Amanda Conaway and that the two recipients then proceeded to have the property legally subdivided precisely between themselves, as is indicated on the Survey Plat dated August 1, 2002.

Section 223-181 C. of the Carroll County Code of Public Laws and Ordinances states that the "Zoning Administrator may grant the variance only in cases where strict compliance with the terms of the ordinance would result in practical difficulties or unreasonable hardship *which have not been caused by the act of the applicant or the applicant's predecessors in title*" (Emphasis added). Clearly the subdivision of the property into two precisely similar lots was at the direction of Ralph and Roland Barnhart or the property donor, Elsie Amanda Conaway. It may be possible that a third lot could be extracted from the original parcel if the deed were reconsolidated and then re-subdivided employing the Off-Conveyance.

NOTE:

Appeals of decision made pursuant to Section 223-181 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 223-182 of the Code of Public Local Laws & Ordinances.

A decision of the Zoning Administrator made pursuant to Section 223-182 is final, and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

14 April 2003
DATE

NEIL RIDGELY
ZONING ADMINISTRATOR

cc: Zoning Enforcement