

**Tax Map/Block/Parcel**  
**No. 45-3-602**  
**Case 5742**

**OFFICIAL DECISION**  
**BOARD OF ZONING APPEALS**  
**CARROLL COUNTY, MARYLAND**

**APPLICANT:** Pauline Coker  
1210 Chadwick Drive  
Westminster, MD 21158

**ATTORNEY:** Clark R. Shaffer

**REQUEST:** A request for an extension of the approval previously granted in Case 5523 (variance to allow 6 users on a use in common driveway in a Residential Zoning District) or, in the alternative a request for a new approval of the same variance previously approved in Case 5523.

**LOCATION:** The site is located at 1210 Chadwick Drive, Westminster, MD 21158, on property zoned "R-20,000" Residential District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 103-11-C

**HEARING HELD:** February 25, 2014

**FINDINGS AND CONCLUSION**

On February 25, 2014, the Board of Zoning Appeals (the Board) convened to hear the request for an extension of the approval previously granted in Case 5523 (variance to allow 6 users on a use in common driveway in a Residential Zoning District) or, in the alternative, a request for a new approval of the same variance previously approved in Case 5523. In particular, to allow proposed Lot 3 to access the existing use-in-common driveway, Chadwick Drive. Based on the testimony and evidence presented, the Board made the following findings and conclusion.

The Board incorporated Case 5523 into the current case. That case was decided by the Board on November 18, 2009.

This case stems from a proposed re-subdivision of a lot in an existing neighborhood. The re-subdivision would divide an existing lot into 2 separate lots of 2.66 acres and 2.22 acres respectively. Five lots in the subdivision are served by a paved common drive (Chadwick Drive). The subdivision regulations at Chapter 103-11-C limit the number of users of use in

common driveways to 5. Therefore, the new lot (Lot 3) may not be connected to Chadwick Drive, absent a variance.

The Applicant sought a variance from Chapter 103-11-C to enable Lot 3 to be connected to Chadwick Drive, thereby eliminating the need for the private, single user driveway connecting Lot 3 to Bell Road.

Martin W. Hackett testified that his company worked on this project. He was qualified as an expert witness in land use, land planning, design, and zoning. He was also the primary witness in the 2009 case. He testified about the uniqueness and unusualness of the property as being the same as he testified in the 2009 case. He stated that there is an existing house on the property. The house was large. There are currently five users of the common driveway.

Rebecca Sirinakis testified as a witness. She is one of the Applicant's neighbors. She stated that the neighbors were in favor of the variance in 2009 and were still in favor of the variance today. The main neighbor concerns seemed to be about the size of houses in the neighborhood and other factors for the nearby neighbors.

Based on a January 23, 2014 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and a January 20, 2014 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the Carroll County Master Plan for Water & Sewerage, and other functional plans. Planning staff did not believe that allowing an additional lot to have access to this existing use-in-common driveway would have an adverse impact on the immediate neighborhood. The request was compatible with the vision and goals for the area as expressed in the plan. The Board accepted and agreed with this finding again in 2014.

The Board found several unique features of this property which support a deviation from the 5 user limit of Chapter 103-11-C. The property is zoned R-20,000, but the lot is over 5 acres. It is not served by public water or sewer. Chadwick Drive is paved and can easily accommodate another user. Connection of Lot 3 to Chadwick Drive will eliminate another entrance onto Bell Road. A new driveway serving only Lot 3 would be disruptive to the neighborhood and would likely result in the removal of trees and foliage. The lot was unique and unusual as demonstrated by the testimony of Mr. Hackett on both occasions. The Planning Commission recommended the variance in 2009 and upon the current request. The Board approved the same variance previously approved in Case 5523.

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Date

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Harvey Tegeler, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.

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