

Tax Map/Block/Parcel
No. 38-7-581

Building Permit/Zoning
Certificate No. 05-2608

Case 5140

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

APPLICANT: Donald S. Watts Company, Inc.
c/o Gary Watts
3150 Baltimore Boulevard
Finksburg, MD 21048

ATTORNEY: Clark R. Shaffer

REQUEST: A variance to allow the subdivision of a 7.74 acre lot into two lots, one being 2.31 acres with an existing building with non-conforming uses and the second lot being 5.43 acres for future use as a single family residential building lot with variances from the required 30 ft. side yard setback to 3.4 ft. and 5.1 ft. and any other variances or permissions needed to allow subdivision of this property.

LOCATION: The site is located at the south side of MD Rte. 832, Westminster, on property zoned "A" Agricultural District in Election District 2.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-75, 223-09 and 223-186

HEARING HELD: October 26, 2005

FINDINGS AND CONCLUSION

On October 26, 2005, the Board of Zoning Appeals (the Board) convened to hear a variance request to allow the subdivision of a 7.74 acre lot into two lots, one being 2.31 acres with an existing building with non-conforming uses and the second lot being 5.43 acres for future use as a single family residential building lot with variances from the required 30 ft. side yard setback to 3.4 ft. and 5.1 ft. and any other variances or permissions needed to allow subdivision of this property. The Board made the following findings and conclusion:

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The subject property is 7.75 acres (+-) of land zoned "A" Agricultural. It is improved with a two-story block building, which was originally used as a dairy with retail sales of dairy products. The dairy, and subsequent approved commercial and warehousing uses, are valid non-conforming uses. The building is currently being used for a machine shop, storage and contractors' offices.

The rear portion of the acreage is currently unused. The Applicant is seeking Board approval of variances to allow it to develop the rear of the parcel as a panhandle type residential lot. To do so, side yard variances and a lot area variance are required. There is no other way that required access to Route 832 can be achieved.

The variances are technical in nature, and are necessitated by the existence of the building on the site. In addition, there is a fire protection tank on the site which limits its potential for development of the rear portion of the lot absent a variance. It is also noted that the Board in Case No. 2066, limited the parameters of the non-conforming portion of the lot to the front of the property occupied by the dairy complex.

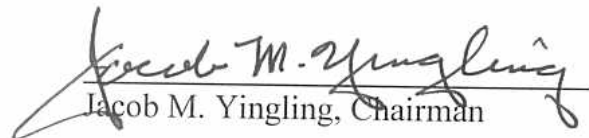
The Board finds the property is unique, in that it contains the existing non-conforming building and the fire protection tank, both of which necessitate variances for any potential use of the rear portion of the parcel. Strict application of the limits of the Zoning Ordinance would result in unnecessary hardship.

Accordingly, variances are granted as follows:

1. A variance on the west side yard is granted from 30 feet to 3.4 feet.
2. A variance for the east side yard is granted from 30 feet to 20.6 feet.
3. A lot area variance is granted from 3 acres to 2.31 acres.

Date

11/16/05


Jacob M. Yingling, Chairman