

Tax Map/Block/Parcel
No. 33-20-756

Building Permit/Zoning
Certificate No. 99-1774

Case 4423

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

APPLICANT: Meyer & Meyer Partnership
1130 Baltimore Blvd.
Westminster, Maryland 21157

REQUEST: A conditional use request for a two family dwelling (semi-detached).

LOCATION: Located approximately 200 feet north of Fairmount Road (north on proposed Moss Stone Drive - Parcel 756) on property zoned "R-10,000" Residence District in Election District 8.

BASIS: Article 8, Sections 8.2(e); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: July 27, 1999

FINDINGS AND CONCLUSION

On July 27, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of Meyer & Meyer Partnership for a conditional use for a two family dwelling (semi-detached) located approximately 200 feet north of Fairmount Road (north on proposed Moss Stone Drive - Parcel 756) on property zoned "R-10,000" Residence District in Election District 8. The hearings in Case Nos. 4422, 4423, and 4424 were consolidated due to the similarities in the applications. The applicant was advised that an error in the posting of the public notice had occurred. The sign was incorrectly posted nearby on view from Maryland Route 30 rather than on view from Fairmount Road. The sign was moved to the Fairmont Road location on July 26, 1999. The sign contained a correct description on the location of the property. All adjoining property owners were notified by first class mail of the hearing and two advertisements were published in the Carroll County Times newspaper in advance of the hearing. The applicant elected to proceed with the hearing.

Testimony was presented by Daniel Meyer of Meyer & Meyer Partnership. Meyer and Meyer Partnership owns three adjoining parcels on proposed Moss Stone Drive, Parcel 755 consisting of 20,843 square feet (Case 4424), Parcel 756 in the amount of 16,587 square feet (Case 4423), and Parcel 719 with 18,682 square feet (Case 4422). There area is surrounded by a mixture of residential homes including town houses, semi-detached dwellings, and single family homes. Two family dwellings, semi-detached, are proposed on each parcel. All the parcels are served by public sewer.

Private wells will serve the dwellings. The parcels are surrounded by some tree buffering. A 12 foot wide use in common driveway is proposed to serve all three parcels and a parcel with an existing home (Parcel 759) where the use in common drive begins at Fairmount Road. The width of the use in common driveway will expand to 16 feet at the curve near the Nelson garage. There is an access road from the nearby townhouses to the use in common driveway; however, there is a gate across the road to prevent common traffic flow from the townhouses to Fairmount Road. The gate can be easily opened for construction or emergency vehicles.

Ms. Diane Nelson testified in opposition to the request with the following concerns: 1) An unmanageable increase in traffic may occur on the use in common driveway serving the semi-detached dwellings; 2) The use in common driveway will have inadequate sight distance in the area of Fairmount Road; 3) The width of the use in common driveway will not be large enough for the users; 4) The semi-detached dwellings may cause a negative impact on her property value as well as surrounding properties; and 5) Public notice for the hearing was inadequate.

The Board finds the request to be an appropriate use of the property with no adverse affects greater than those ordinarily associated with that use elsewhere in the zone. However, the Board finds that the use in common driveway that is proposed for the site is inadequate to allow the passage and "turn around" of vehicles. The Board has the authority to impose conditions in granting a conditional use as may be deemed advisable for the protection of the neighborhood and surrounding properties. Therefore, the Board hereby approves the application of Meyer & Meyer Partnership for a conditional use for a two family dwelling (semi-detached) located approximately 200 feet north of Fairmount Road (north on proposed Moss Stone Drive - Parcel 756) on property zoned "R-10,000" Residence District. The Board's approval is subject to the following conditions:

- 1.) A turn-a-round with a 30 foot radius is required at the end of the use in common driveway (Parcel 755 - Case 4424).
- 2.) A pullover area is to be created along the use in common driveway at the driveway to Parcel 719 (Case 4422).
- 3.) The use in common driveway must be 16 feet in width from the garage area at the Nelson property to Fairmont Road.

8/6/99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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August 3, 1999