

Tax Map/Block/Parcel
No. 73-24-719

Building Permit/Zoning
Certificate No. 97-1510

Case 4234

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Kenneth Edwin Brown
1597 Brimfield Circle
Eldersburg, Maryland 21784

REQUEST: A conditional use request for a professional office for real estate appraisal within the existing dwelling and a variance to the minimum lot area

LOCATION: 1597 Brimfield Circle on property zoned "R-10,000" Residence District in Election District 5

BASIS: Article 7, Section 7.2(i); Ordinance 1E (The Carroll County Zoning Ordinance)

The Board of Zoning Appeals (the Board) received an application filed by Kenneth Edwin Brown (applicant) for a variance and a conditional use for operation of a professional office at the residence located at 1597 Brimfield Circle. The matter came before the Board for a hearing on July 23, 1997.

The following are the Board's findings and conclusions. The subject property is part of a Planned Unit development and consists of .128 acres (5,607 square feet). It is improved by a two-story dwelling which serves as the residence of the applicant. The applicant has been operating his business¹, i.e. real estate appraisal business, from the residence since the purchase of the property almost two years ago. He employs 3 employees. The employees arrive by car and generally do not leave the premises until the end of the day. The applicant conducts his operation primarily by the telephone, personal computer, and facsimile machine. The applicant seeks Board approval to continue his operation. The variance request is precipitated because a conditional use in the R-10,000 zone requires a lot area of 20,000 square feet. As noted earlier, the applicant's lot area is 5607 square feet.

The Board finds that there is no evidence that the subject property is in any way unique or unusual in a manner different from the surrounding properties, such that the uniqueness and

¹The use was never authorized by the Board. This hearing was not a violation hearing as no notice of violation was filed or appealed to the Board.

peculiarity of the subject property causes the zoning requirement for a lot area of 20,000 square feet to impact disproportionately upon the subject property. The Board therefore denies the variance request.

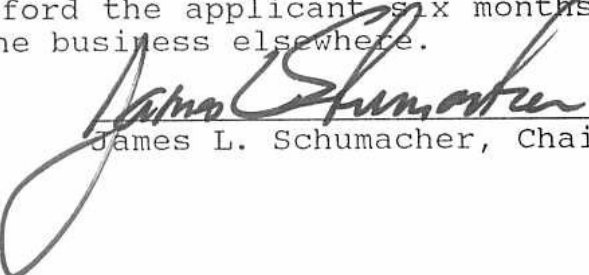
While this is dispositive of the matter, in the interest of administrative economy, the Board will address the conditional use request. The Board notes that the use proposed at the location proposed will cause adverse effects at this location which are above and beyond those inherently associated with a similar use request elsewhere in a similarly zoned property.

As previously noted, the subject property is part of a planned unit development. Within the planned unit development lot sizes are reduced as are the distances between residences. When residences are closer to each other the effect of adjacent properties are not buffered as well as in cases where homes are further apart. The Board notes that the smaller lots also resulted in limited street parking. The limited parking available for the residents in the area, and the problems attendant to the limitation are particularly acute in this location. The Board, therefore, denies the requested conditional use. In light of the economic hardship which will be occasioned if this enterprise is requested to cease operations immediately, the Board will afford the applicant six months from the date hereof to relocate the business elsewhere.

September 4, 1997

Date

IM/bmh/c4234dec.bmh
September 4, 1997


James L. Schumacher, Chairman