

Tax Map/Block/Parcel
No. 74-14-200

Building Permit/Zoning
Certificate No. 05-2449

Case 5112

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

APPLICANT: Benjamin E. Grubbs
6117 Emerald Lane
Sykesville, MD 21784

ATTORNEY: Elwood Swam

REQUEST: A variance from the required 50 ft. rear yard setback to 31 ft., a variance from the required 40 ft. front yard setback to 30 ft., and a variance from the minimum area requirement of 20,000 sq. ft. to 17,790 sq. ft. for the construction of a dwelling.

LOCATION: The site is located at intersection of Locust Lane and Liberty Road, Eldersburg, on property zoned "R-20,000" Residential District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-82 A and 223-186 A (3)

HEARING HELD: August 24, 2005

FINDINGS AND CONCLUSION

On August 24, 2005, the Board of Zoning Appeals (the Board) convened to hear a request for a variance from the required 50 ft. rear yard setback to 31 ft., a variance from the required 40 ft. front yard setback to 30 ft., and a variance from the minimum area requirement of 20,000 sq. ft. to 17,790 sq. ft. to facilitate the construction of a dwelling. The Board made the following findings and conclusion:

The subject property is .4084 of an acre (17,790 sq. feet) of unimproved land located at the northeast corner of Route 26 and Locust Lane in the Freedom Area. The lot was originally .53 acres and was created in 1958 prior to the adoption of the County's Zoning Code and subdivision regulations. In 1968, Carroll County acquired .1216 of the .53 acre parcel for a future widening of Locust Lane at the intersection onto Route 26. The lot was transferred to the Applicant in 1999, by deed which with an acreage of .53. This deed apparently

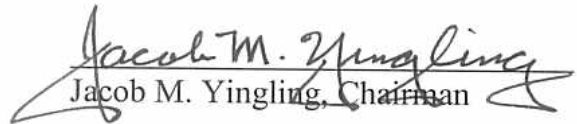
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erroneously included the .1216 of an acre acquired by the County in 1968. When the Applicant commenced preparations to develop the parcel, the error was discovered, and he was informed that the parcel was in fact only .4084.

To construct a dwelling on this parcel, variances from the minimum lot size from 20,000 square feet to 17,790 square feet, the minimum front yard setback from 40 feet to 30 feet, and the minimum rear yard setback from 50 feet to 31 feet are required. The property is zoned for a smaller lot size (R-20,000) and will be served by public water and sewer. Absent the requested variances, the lot will be rendered unbuildable. It is currently vacant and being used as a dumping ground.

Based upon all of the above, the Board finds that the failure to grant the requested variances will result in unnecessary hardship and practical difficulty. Accordingly, the requested variances are granted.

9/21/05
Date


Jacob M. Yingling, Chairman