

Tax Map/Block/Parcel
No. 45-12-316

Building Permit/Zoning
Certificate No. 97-3215

Case 4288

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Nettie M. Rigler
c/o Charles D. Hollman, Esquire
189 East Main Street
Westminster, Maryland 21157

ATTORNEY: Charles D. Hollman, Esquire
189 East Main Street
Westminster, Maryland 21157

REQUEST: Variance requests to divide existing duplex by party wall on a lot 60 feet wide by 202 feet deep; variances of lot area, lot width, front yard and side yard under Section 8.5 of Ordinance 1E, to two approximately 6,000 square foot lots, with side yards of 8 and 10 feet respectively to existing property lines and front yard of 14 feet to the existing building

LOCATION: 134-136 Liberty Street on property zoned "R-10,000" Residence District in Election District 7

BASIS: Article 17, Sections 7.2(c) and 17.7; Ordinance 1E (The Carroll County Zoning Ordinance)

On December 29, 1997, the Board of Zoning Appeals (the "Board"), convened to hear the application of Nettie M. Rigler for variances from lot area, lot width, and front and side yards to permit the division of an existing lot improved by a duplex located at 134-136 Liberty Street. The subject property is zoned "R-10,000" Residence District and consists of 12,180 square feet. The following are the Board's findings and conclusions.

The lot in question existed prior to the enactment of the Subdivision Regulations and the Zoning Ordinance. It is comprised of "Lot 12" and portions of "Lots 13 and Lot 11", the total dimensions of which are 60 feet by 212 feet. The lot fronts Liberty Street and is improved by a two-family duplex. The duplex was constructed in 1939 by the applicant's father as two rental units. The applicant inherited the property in 1969. The property has always been used as two rental units. The units are served by public water and sewer. The applicant seeks the variances to enable her to subdivide the property along the duplex's party wall. By so doing, the properties would be more desirable for private ownership. The testimony presented indicated that private ownership was more desirable than that of rentals generally.

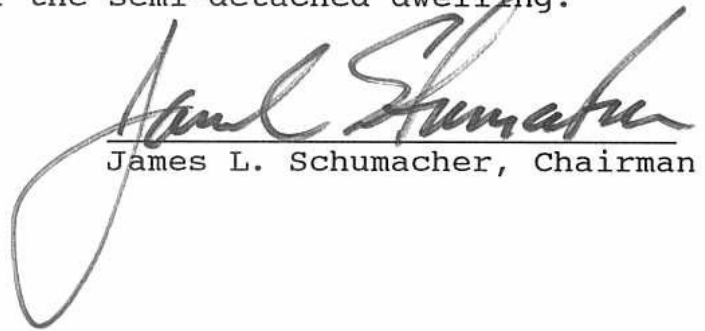
Adjoining properties would reap the benefits as well. The variances requested are as follows: Lot Area - from 7,500 feet to 6,090 feet; Lot Width - from 37.5 feet to 30 feet; Front Yard - from 35 feet to 30 feet; Side Area - from 12 feet to 8 on one and 10 on the other.

The Board noted that semi detached dwellings are listed as a conditional use in this zone. As that a conditional use is required to process the subdivision of the property, the Board elected to consider the application as encompassing the request one as well.

The Board finds that the dwelling preceded the enactment of the Zoning Ordinance. The Zoning Ordinance did not consider the existing conditions at this location. The Board finds that there is the requisite hardship for the granting of the requested variances. The Board approves the variances as requested and grants the conditional use for the semi-detached dwelling.

1/23/98

Date
IM/bmh/c4288dec.bmh
January 21, 1998


James L. Schumacher, Chairman