

Tax Map/Block/Parcel  
No. 73-17-74

Building Permit/Zoning  
Certificate No. 97-2637

Case 4267

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

**APPELLANT:** Blevins-Hill, Inc.  
4219 Hanover Pike  
Manchester, Maryland 21102

**ATTORNEY:** David K. Bowersox, Esquire  
24 North Court Street  
Westminster, Maryland 21157

**ATTORNEY FOR  
PLANNING  
COMMISSION:** Timothy C. Burke, Esquire  
225 North Center Street  
Westminster, Maryland 21157

**REQUEST:** An appeal of the Carroll County Planning and Zoning Commission's September 16, 1997, decision denying the final subdivision plat for "Eldersburg Estates", Sections 7, 8 and 9

**LOCATION:** 1,000 feet east of Maryland Route 32 on property zoned "R-10,000" Residence District in Election District 5

**BASIS:** Article 17, Sections 17.2 and 17.4; Ordinance 1E (The Carroll County Zoning Ordinance)

On December 10, 1997, the Board of Zoning Appeals (the "Board"), convened to hear the appeal of the Carroll County Planning and Zoning Commission's (the "Commission"), decision of September 16, 1997, denying the final subdivision plat for "Eldersburg Estates," Sections 7, 8 and 9 consisting of 19.1559 acres, on the south side of Macbeth Way on property zoned "R-10,000". The appeal was filed by Blevins-Hill, Inc., owner and developer.

This appeal continues where Case 4223 ended. Board of Zoning Appeals Case 4223 was an appeal of the Planning Commission's denial of the final subdivision plat for Section 6 of the same subdivision. The reason for the denial of Section 6 was the same as for Sections 7, 8 and 9. Much of the evidence is the same for both cases and in fact, the parties stipulated to the introduction of the transcript of many of the witnesses who testified in Case 4223 in lieu of repeating the evidence. The Board's composition in both cases is the same, Mr. Hoby Wolfe, Mr. Ronald Hoff and Mr.

Karl Reichlin.

The Board's findings in this case are the same as those in Board of Zoning Appeals' case 4223 and are incorporated herein by reference. The following are additional findings of the Board.

Section 7, 8 and 9 of Eldersburg Estates are for an additional 63 lots. Section 7 is 23 lots, Section 8 is 26 lots and Section 9 is 14 lots. The bases of the denial of the final plats for 7, 8 and 9 is the same as in the case of Section 6. For the same reasons enunciated in Section 6, this Board will reverse the Planning Commission's decision. To address the concern of the overcrowded high school, subject to all other applicable subdivision regulations, the Board will impose the following restrictions:

1. Section 7 may not be recorded before September 1, 1998;
2. Section 8 and 9 may not be recorded before September 1, 1999.

The Bureau of Development Review is instructed to process the sections in compliance with this decision.

1/21/98

Date

Karl V. Reichlin  
Karl V. Reichlin, Acting Chairman

IM/bmh/c4267dec.bmh  
January 16, 1998