

SPECIAL REPORT
to the
Carroll County Planning and Zoning Commission
August 15, 2023

Prepared by
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SUBJECT: M-22-0103, The Schwartzbeck Property
LOCATION: 4420 Middleburg Road, Union Bridge, MD 21791; C.D. 1;
OWNER: Joseph Schwartzbeck, Jr. & Nona B Schwartzbeck, 4330 Bark Hill Road, Union Bridge, MD 21791
DEVELOPER: Same as owner
ENGINEER: Hanover Land Services, 194 E. Main Street, Westminster, MD 21157
ZONING: Agricultural
ACREAGE: 2.17 acres (40.48 acre Remaining Portion)
WATERSHED: Double Pipe Creek
NO. OF LOTS: 1
FIRE DISTRICT: Union Bridge Volunteer Fire Company
MASTER PLAN: Agriculture- 2014 Carroll County Master Plan
PRIORITY FUNDING AREA: Outside
DESIGNATED GROWTH AREA: Outside

❖ **Action Requested:**

The project is before the Planning and Zoning Commission per Chapter 155.039(N) for review and determination of modification of the code requirements regarding the width and surface material of a use-in-common driveway. **Action is required.**

❖ **Property Overview:**

The subject property is located in the northwest region of the County, between the municipalities of Taneytown and Union Bridge. It is situated on the northern side of Middleburg Road. This 40.48 acre parcel is part of a 232 acre property that spans across the north and south sides of Middleburg Road. The 40.48 acres on the north side of the road is described as an independent parcel by deed and is divided from the rest of the owner's land by the road.

The property is irregularly shaped and is primarily farmland. There is a small portion of woods on its western side, and a stream forms within its southwest region. At its approximate center, there is a dwelling and its associated outbuildings. The property is accessed via a driveway that connects to the north side of Middleburg Road.

The property and the adjoining properties are zoned Agricultural. Most adjoining properties are farms and there are a number of smaller residential lots and a subdivision in the vicinity as well.

The subject property utilizes private water and sewer, however there is a region to its southwest that utilizes public water supplied from the County's Bark Hill well. This area lies outside of the designated growth area of both nearby municipalities and is not within a Priority Funding Area.

❖ **Plan Review:**

On June 9, 2023, a minor subdivision plan for the subject property was submitted for review. The plan proposes the division of one new 2.17 acre residential lot, resulting in a 38.3 acre Remaining Portion which includes the existing dwelling. The Remaining Portion will have additional subdivision yield available following approval of this division, however the property owner is currently in the process of enrolling the rest of property into the Agricultural Preservation program, which will restrict future development.

The plan indicates that the lot and the Remaining Portion will utilize the existing driveway for access from Middleburg Road, which will reclassify the driveway as a use-in-common (UIC) driveway per section 155.039 of the Code.

The existing driveway is a 11.5-foot-wide stone driveway, and regulations applicable to UIC driveways include the requirements that a UIC driveway be 12 feet in width and paved. A request for modification to these UIC driveway requirements to maintain the current condition of the driveway has been submitted and reviewed (attached).

The developer is requesting a modification from the requirement to widen the existing 11.5-foot-wide driveway to 12 feet, and from the requirement of paving the existing stone surface. The modification request was forwarded to the Office of Public Safety, Resource Management, and Engineering Review, who have all responded with no objection to the request.

Determination of a modification to the above-mentioned requirements on a UIC driveway lies with the Planning and Zoning Commission, per Section 155.039 of the Code:

📖 **§ 155.039 USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.**

(N) **Modifications.** Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with the UIC design requirements of this § 155.025 and the Development Review Manual, there may be granted a modification when requested by the subdivider or developer. However, no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Master Plan, the zoning regulations, this chapter or any other pertinent rules, regulations or laws of the county. Prior to considering such requests, the Planning Commission shall refer the matter for technical agency review, which will include the Office of Public Safety, which may request that the Fire Chief of the first due fire department provide input. In granting modifications, the Planning Commission will consider the comments from the technical review agencies and may require such conditions as will, in its judgment, secure substantially the objectives of the standards of the requirements so waived or Chapter 155, Development and Subdivision of Land modified. The applicant shall submit a written request for a modification to the county. The request shall include the specific conditions necessitating a modification and include supporting documentation. Any modification for a particular subdivision or development shall be noted on the final plat and appear in the records of the Division.

(2004 Code, § 103-11) (Ord. 04-14, passed 4-20-2004; Ord. 09-01, passed 4-7-2009; Ord. 2013-10, passed 11-14-2013)

Although the driveway is existing and the modification request seeks to permit the driveway to remain in its present condition, the property is being divided via the subdivision process and Chapter 155 requirements are applicable. According to these regulations, a Declaration of Maintenance Obligations for the shared driveway will need to be recorded with recordation of the subdivision plat, and the driveway apron will need to be upgraded to a paved surface. The modification request does not impact these requirements.

Staff and the developers are requesting a determination from the Commission regarding the request for modification from the requirement of a 12-foot-wide paved UIC driveway to instead accept the existing 11.5-foot-wide stone UIC driveway.

Following a determination from the Commission, the plans will continue through the minor subdivision process.