

**Tax Map/Block/Parcel
No. 45-3-602**

Case 5523

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

APPLICANT: Pauline Coker
1210 Chadwick Drive
Westminster, Maryland 21157

ATTORNEY: Clark R. Shaffer

REQUEST: A variance to allow six (6) users on a use-in-common driveway in a Residential Zoning District.

LOCATION: The site is located at 1210 Chadwick Drive, Westminster, on property zoned "R-20,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 103-11-C

HEARING HELD: October 28, 2009

FINDINGS AND CONCLUSION

On October 28, 2009, the Board of Zoning Appeals (the Board) convened to hear a request for a variance to allow six (6) users on a use-in-common driveway in a Residential Zoning District. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

This case stems from a proposed re-subdivision of a lot in an existing neighborhood. The re-subdivision would divide an existing lot into 2 separate lots of 2.66 acres and 2.22 acres respectively. Five lots in the subdivision are served by a paved common drive (Chadwick Drive). The subdivision regulations at Chapter 103-11-C limit the number of users of use in common driveways to 5. Therefore, the new lot (Lot 3) may not be connected to Chadwick Drive, absent a variance.

The Applicant sought a variance from Chapter 103-11-C to enable Lot 3 to be connected to Chadwick Drive, thereby eliminating the need for the private, single user driveway connecting Lot 3 to Bell Road.

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The Board found several unique features of this property which support a deviation from the 5 user limit of Chapter 103-11-C. The property is zoned R-20,000, but the lot is over 5 acres. It is not served by public or sewer. Chadwick Drive is paved and can easily accommodate another user. Connection of Lot 3 to Chadwick Drive will eliminate another entrance onto Bell Road. A new driveway serving only Lot 3 would be disruptive to the neighborhood and would likely result in the removal of trees and foliage. The Planning Commission recommended the variance.

Based on the above, a strict application of the limits of Chapter 103-11-C to this property would result in practical difficulty and unnecessary hardship. Accordingly, a variance from the 5 user limitation of Chapter 103-11-C to 6 users was warranted and was granted.

11/18/09
Date

Charles H. Wheatley, III
Charles H. Wheatley, III Chair