

Tax Map/Block/Parcel
No. 39-21-515

Building Permit/Zoning
Certificate Nos. 97-2865 & 97-2867

Joint Cases 4273 and 4274

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

**APPLICANT/
APPELLANT:** C & F Properties, Inc.
1224 Martin Drive
Westminster, Maryland 21157

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

REQUESTS: An appeal of the Zoning Administrator's September 15, 1997, determination regarding interpretation of conversion or alteration of dwellings existing at the time of enactment of the Carroll County Zoning Ordinance 1E, or in the alternative, a conditional use request for a two-family dwelling (Case 4273) and a conditional use request for a two-family dwelling (Case 4274)

LOCATION: 320 Cranberry Road on property zoned "R-10,000" Residence District in Election District 7

BASES: Article 17, Section 17.2 and Article 8, Section 8.2(e); Ordinance 1E (The Carroll County Zoning Ordinance)

On December 2, 1997, the Board of Zoning Appeals (the "Board"), convened to hear the following cases: Case 4273, an appeal of the Zoning Administrator's September 15, 1997, determination regarding the interpretation of the zoning ordinance, to wit: Article 8, Section 8.2(b), conversion or alteration of a building existing at the time of enactment of the Zoning Ordinance to accommodate two or more families. In the alternative, a conditional use request for a two-family dwelling pursuant to Article 8, Section 8.2(e) of the Zoning Ordinance at 320 Cranberry Road on property zoned "R-10,000" Residence District, by C & F Properties, Inc., LLC; Case 4274, a conditional use request for a two-family dwelling at 320 Cranberry Road on property zoned "R-10,000" Residence District, by C & F Properties, Inc., LLC. Although the cases involve two separate pieces of property, and two separate requests, they were heard together by the Board at the request of the applicants/appellants. As the cases involve similar questions of fact, the Board will render a joint decision. The following are the Board's findings and conclusion.

C & F Inc., LLC, (hereinafter C & F) acquired a parcel of land

on Cranberry Road. The parcel was subdivided by the creation of an off-conveyance. The off-conveyance parcel is the subject of Case 4274 wherein C & F seeks conditional use approval to erect a two-family semi-detached dwelling. (See Appellant's Exhibit 3). Each unit of the semi-detached dwelling would be approximately a 30' by 30' two-story structure with two parking spaces and a separate driveway accessing the property with an existing 14 foot access road maintained by the State Highway Administration. No variances are requested. The units will be served by public water and sewer.

The Board finds that the use proposed at this location to be well suited for the parcel and hereby approves the request of Case 4274, subject to a limited site plan review.

The remainder of the original parcel comprises of .7 acres and is the subject of Case 4273. It is improved by two two-story frame dwellings. The first of the two dwellings is already being used as a two-family structure served by public water and sewer. The second two-story dwelling is smaller and serves as a single family residence. C & F proposes to erect a 24' x 24' addition to the second smaller unit to permit it to be used as a two-family dwelling also. The total dwelling units on the remainder would be four. The buildings were constructed prior to 1965. The Zoning Administrator's decision was simply that the ordinance provides for a conversion of a single family unit to a two-family unit. What C & F proposes is not a conversion by an addition.

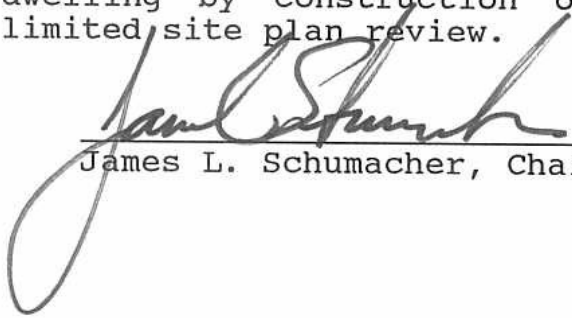
From testimony presented, the Board finds that many of the surrounding properties are two-family structures. No adverse affects would occur if the uses are authorized. By authorizing the requests, the property can be upgraded and the values of the properties would be enhanced.

Due to the unique surrounding properties, i.e. numerous other two-family dwellings, the railroad tracks to the east, the sewer treatment plant across from Cranberry Road, and the existence of the dwelling prior to the enactment of the Zoning Ordinance, the Board will overrule the Zoning Administrator's decision and approve the request in Case 4273 for conversion or alteration of the dwelling existing at the time of enactment of the zoning ordinance into a two-family dwelling by construction of the proposed addition subject to a limited site plan review.

1/21/98

Date

IM/bmh/c4273dec.bmh



James L. Schumacher, Chairman