

Case 3060

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANTS: James Turner and Laura Turner
131 Church Street
New Windsor, Maryland 21776

REQUEST: A conditional use for an antique shop, and
variances reducing the minimum lot width, front
yard, and side yards.

LOCATION: 1940 Old Taneytown Road (Md. Rt. 832) in Election
District 2.

BASES: Article 6, Sections 6.3(a) and 6.7; Article 15,
Section 15.5; Ordinance 1E.

HEARING HELD: December 29, 1988

FINDINGS AND CONCLUSION

Based on the application, testimony and evidence comprising the record of this case, the Board hereby authorizes the requests, subject to the provision that the driveway connection to Old Taneytown Road (Md. Rt. 832) be approved by the Bureau of Engineering Access Permits of the State Highway Administration. The pertinent findings include the following facts:

The lot, dwelling, and accessory buildings were established prior to the adoption of the county zoning ordinance in 1965. As neither the location of the dwelling, two of the three accessory buildings, nor the width of the lot conform to the dimensional requirements of the "A" Agricultural District specified in

Article 6, Section 6.7 and Article 15, Section 15.2(b) of the Carroll County Zoning Ordinance (Ordinance 1E), they are classified as nonconforming. While the premises have been used primarily for residential purposes, they have also been used to operate an antique shop. Apparently the antique shop was also a nonconforming use that was terminated more than six months ago. With purchase of the property, the applicants, Mr. and Mrs. Turner, now propose to move their home and existing antique shop from New Windsor to the premises. The principal use of the dwelling will continue to be residential, with two rooms of the dwelling used for the shop. Plans are to operate the shop similar to their practice in New Windsor. The days and hours that the shop will be open will vary. A special "open house" will be normally held in November on three consecutive days. It is anticipated that vehicular traffic to and from the shop will be similar to residential levels, except possibly during the "open house."

To comply with the requirements of the zoning ordinance and provide parking spaces on the premises, the area in front and slightly to the east of the detached two car garage will be improved to provide two additional parking spaces and maneuvering area. As the dwelling was existing prior to the adoption of the zoning ordinance, the amendment to the ordinance in 1983 requiring two spaces for a dwelling does not apply. However, the floor area of the shop will require three parking spaces in accordance with applicable provisions of the zoning ordinance. Hence, one of the spaces in the garage and the two new spaces will satisfy the minimum spaces required. It is understood that the driveway connection to Old Taneytown Road will be widened, as space permits, to facilitate the entrance and exit of vehicles

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and promote traffic safety. As the dwelling is classified as nonconforming relative to the minimum required front yard, a permanent business identification sign may be erected on the architectural front of the dwelling. However, if a free standing sign, such as the sandwich signboard discussed during the public hearing is desired, an application to the Board requesting relaxation of the minimum front yard requirement will be necessary.

Jan. 11, 1989
Date

John Totura
John Totura, Chairman