

Tax Map/Block/Parcel
No. 74-7-687

Building Permit/Zoning
Certificate No. 91-0635

Case 3546

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Frank E. Dimick
1912 Liberty Road
Eldersburg, Maryland 21784

REQUEST: Variances, waiving the minimum required front setback of 40 feet, and authorizing 318 square feet of additional sign area in excess of the maximum allowable sign area of 160 square feet

LOCATION: 1838 Liberty Road (Md. Rt. 26) in Election District 5; South Carroll Commercial Park subdivision, Section 1, lot 1, recorded in the Carroll County Plat Records in book 22, page 6

BASES: Article 14, Division II, Section 14.23(c) and (f); Article 15, Section 15.5; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: May 23, 1991

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision.

This request has been before the Board previously in Case 2730 on August 29, 1987 and Case 3025 on October 27, 1988. In Case 2730, the request for the additional sign area of 318 square feet in excess of the maximum allowable sign area of 160 square feet was authorized, but waiver of the minimum required front setback of 40 feet was found not to be warranted. A reduction of the minimum required front setback was authorized to not less than 17 feet for the pylon (supporting posts) with the leading edge of the double-faced sign extending not closer than 8 and 1/2 feet to the front property line.

Attention was directed to the facts that the proposed pylon sign would have to be relocated outside of the perpetual easement for the use-in-common driveway serving lots 1 and 2 of South Carroll Commercial Park, and that it not be less than 17 feet from the front property line.

The decision required that the corrected location for the pylon sign be shown and identified on the required site development plan.

The findings justifying the Board's decision included the facts that the orientation of the building minimizes the allowable sign area; the proposed signs will facilitate identification of the business to drivers proceeding in either direction on Md. Rt. 26, providing additional time to slow and turn into the use-in-common driveway shared with the then adjacent fast food restaurant; and, there was no indication that the conditional authorizations would unduly affect the adjoining properties or public interest. The Board's authorization in that case expired.

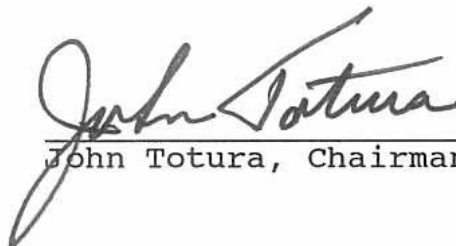
In Case 3025, the Board reinstated the conditional authorization expressed in its decision in Case 2730. Although Mr. Dimick applied for and received the building permit and zoning certificate timely, construction of the proposed facility was delayed. Mr. Dimick applied for an extension of time for the building permit and zoning certificate only to discover that the time limit for the zoning certificate had expired.

In accordance with Mr. Dimick's testimony, the substance of this application is to request the Board to again conditionally authorize the variances. Based on the record of this case, the Board finds that the circumstances are essentially the same, and that reinstatement of the authorization as expressed in Case 2730 and more recently Case 3025 is reasonable and will not unduly affect the adjoining properties or public interest.

Attention is directed to the fact that the time limit for Zoning Certificate #91-0635 will expire one year from the date of its issuance if the construction or use for which the certificate was issued has not been started. Article 16, Section 16.2(e); Ordinance 1E.

May 29, 1991
Date

JDN/bmh/c3546dec
May 28, 1991



John Totura, Chairman