

Tax Map/Block/Parcel
No. 31-13-228

Building Permit/Zoning
Certificate No. 93-0255

Case 3825

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

APPLICANT: John A. Lescalleet
390 Georgetown Road
Littlestown, Pennsylvania 17340

REQUEST: A conditional use for an antique shop within a garage approved for construction by Permit Application 91-3311

LOCATION: 1835 Littlestown Pike (Md. Rt. 97) in Election District 7

BASES: Article 6, Sections 6.3(a) and 6.7; Article 4, Section 4.26; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: March 23, 1993

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board approved the request, subject to the conditions of authorization imposed below.

The pertinent findings determining the Board's decision include the facts that on March 1, 1977, in Case 1125 the Board conditionally authorized establishment of an antique shop in an existing barn on the property. The shop has apparently been operated since then without unduly affecting adjacent properties or public interests, except for a business identification sign located adjacent to the intersection of Littlestown Pike (Md. Rt. 97 and Bachman Valley Road (Md. Rt. 496). Due to its size and location, the sign partially obstructs view of northbound vehicles on Littlestown Pike as they approach the intersection. After viewing the sign during inspection of the property on March 22, 1993, the Board is convinced that the sign, as presently located, is detrimental to vehicular traffic safety at the intersection. In discussing the problem during the public hearing, Mr. Lescalleet agreed to relocate the sign to eliminate the problem.

Mr. Lescalleet now proposes use of a recently erected accessory building, located adjacent to the original shop and parking area, to increase storage and sales space in conjunction with operation of the original shop. The addition, as well as the original shop, will usually be open for business from 10:00 a.m. to 5:00 p.m. Thursday through Sunday. The conditions imposed in Case 1125, which remain in effect, are:

1. Vehicular ingress and egress to the subject property shall be subject to the

recommendations and requirements of the Bureau of Engineering Access Permits of the Maryland State Highway Administration and the Maryland Department of Transportation.

2. No customer parking shall be permitted within the right-of-way or on the shoulders of U.S. Route 140 (now identified as Littlestown Pike, Maryland Route 97) or Maryland Route 496.
3. On site parking and maneuvering space shall be provided for five vehicles as indicated on the plot plan by the applicant during the public hearing of the subject case, and as submitted to this Board.
4. One identification sign no greater than two feet by three feet may be erected on the subject property in connection with the operation of the Antique Shop.
5. The applicant's attention is directed to the fact that furniture which does not qualify as antique shall not be sold or traded from the subject property under the authorization of the Zoning Certificate for the Antique Shop.
6. No exterior display or storage of items shall be permitted on the subject property.

Since authorization of the conditional use in 1977, the zoning ordinance has been amended numerous times. The amendments include provisions governing site plans and parking, which are applicable in this case. Accordingly, the Board hereby imposes the following additional conditions of authorization:

1. In accordance with Mr. Lescalleet's testimony, the business identification sign shall be relocated so that the sign does not interfere with or obstruct the vision of drivers proceeding on either Littlestown Pike or Bachman Valley Road.
2. Mr. Lescalleet is directed to submit a new site development plan to the Zoning Administrator and to the Board of Zoning Appeals depicting the parking facilities on the premises, including the five parking spaces required originally by condition 3 in Case 1125, in compliance with the

requirements of the zoning ordinance as specified in Article 14, Division I, Sections 14.1(a) and (b). In addition, the site of the relocated business identification sign shall be depicted on the plan, as well as the days and hours that the antique shop will be open for business.

3/31/93
Date


William Law, Chairman

JDN/c3825dec.bmh