

Tax Map/Block/Parcel  
No. 69-14-56

Building Permit/Zoning  
Certificate No. 95-0389

Case 4011

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

**APPLICANT:** Richard P. Shafer  
5344 Wendy Road  
Eldersburg, Maryland 21784

**REQUEST:** A conditional use for a shop specializing in nail care within the dwelling by a resident

**LOCATION:** 5344 Wendy Road in Election District 5; Merryman Heights subdivision, Section 2, lot 84 recorded in Carroll County Plat Records in book 4, page 23

**BASIS:** Article 5C, Sections 5C.2(h) and 5C.5; Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** March 28, 1995

**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 and in compliance with the state Open Meetings Act, the Board authorized the request, subject to the conditions of authorization imposed below. The pertinent findings determining the Board's decision include the facts that the dwelling will continue to be the principal use of the premises; nail care will be provided solely by a resident within one of the existing rooms of the dwelling; customers will be accepted only by scheduled appointments; the service will be provided during normal business hours; and, no business identification sign will be erected.

In considering the provisions of the zoning ordinance governing conditional uses and the standard established by the court in *Schultz v. Pritts*, 291 Md. 1, 22 (1981), the Board is convinced that the applicant has met the burden of proof and that establishment of the nail shop as conditioned below will not unduly affect residents and owners of adjacent properties, the values of those properties, or public interests.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions of authorization:

1. No business identification sign is authorized in conjunction with the conditional use. However, this condition does not preclude erection of a sign not exceeding one foot by two feet which does not require a zoning certificate in accordance with the provisions of Section 14.21(a) of the zoning ordinance.

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2. Three parking spaces and maneuvering area shall be established on the premises in accordance with the standards of Section 14.1(b) of the zoning ordinance.
3. The technician providing the services offered by the nail shop shall reside within the dwelling in accordance with Section 5C.2(h) of the zoning ordinance.

4-25-95  
Date

Claude R. Rash  
Claude R. Rash, Chairman

JDN/bmh/c4011dec.bmh