

**Tax Map/Block/Parcel
No. 30-12-213**

**Building Permit/Zoning
Certificate No. 99-2747**

Case 4440

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

APPLICANTS: Richard L. Bauerlein.
2829 Murkle Road
Westminster, MD 21158

Mark Schmidt
2581 Cemetery Lane
Westminster, MD 21158

ATTORNEY: Charles D. Hollman
189 East Main Street
Westminster, MD 21157

REQUEST: A request for the structural alterations and enlargement of the existing non-conforming automobile repair shop and related facilities on the premises; variances to lot area (from 3 Ac. To 0.54637 Ac., more or less), lot width (from 200 ft. to approximately 101 ft.), front yard (from 40 ft. to approximately 24 ft.), and side yard (from 30 ft. to approximately 20 ft.).

LOCATION: Located at 2228 - 2230 Littlestown Pike on property zoned "A" Agricultural District in Election District 7

BASIS: Basis: Article 6; Section 6.7 and Article 4, Section 4.3(a) (1); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: October 29, 1999

FINDINGS AND CONCLUSION

On October 29, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of Richard L. Bauerlein and Mark T. Schmidt for structural alteration and enlargement of an existing non-conforming automobile repair shop and for lot variances upon the premises known as 2228 and 2230 Littlestown Pike in Election District 7.

Richard Bauerlein testified that he and his partner, Mark Schmidt, have owned the property for three years. The property consists of a garage on the north side and an old brick house on the immediate south side. The Applicant proposes to demolish the house and replace it with a "Morton Building" type garage. Since 1986, automobile repairs have been performed on the site. Currently automatic transmissions are repaired and rebuilt. The authenticity of the plot plan used as Exhibit #1 was verified showing the addition of a new garage with a parking area to the west of the property. The owners have improved the property considerably over the past three years and there is no opposition from the neighbors to the proposed use.

The Applicant stated that traffic on Littlestown Pike has presented no problems since business has been ongoing at this location for many years. The Applicant believes that the proposed changes would have a favorable impact on the neighboring property values, and would present no adverse effects to the community.

Variations were requested as the proposed garage does not meet the requisite front yard setback.

Albert Snyder, a professional surveyor, testified that the plot plan was prepared under his supervision and direction and that he was familiar with the property. He testified that the plan was prepared in accordance with all zoning guidelines and the requested variances would permit the most feasible use of this property. The existing building is only 5' from the property line and a variance for the front yard from 40' to approximately 24' is required to facilitate the project.

Mr. Hollman urged the Board to waive the Site Plan Requirement on this project, citing Zoning Ordinance Section 4.26. He argued that this requirement would result in a substantial cost to his clients and that this provision is intended for new commercial and industrial uses, not ongoing non-conforming uses. He stated that Health Department comments will be addressed as their approval is required before any improvements can be made on the site.

The Board finds that the Applicant's plan is a logical and reasonable expansion of the non-conforming use. Accordingly, the Board hereby confirms and authorizes the proposed use as consistent with its current status. In addition, the Board finds that the grant of a variance is warranted, as the expansion of the use requires the erection of a new structure to replace the house which will be demolished, and the strict enforcement of the set back requirements would result in undue hardship to the Applicant. In addition, the Board agrees with Mr. Hollman on the requirement of a site plan being unnecessary and recommends that a full site plan not be required.

11/29/99
Date

Karl V. Reichlin
Karl V. Reichlin, Chairman