

Tax Map/Block/Parcel
No. 46-8-668
Case 5287

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

APPLICANT: Harvey I. Tegeler, Jr.
Brenda Myers
c/o Interstate Financial Services, Inc.
10 North Court Street
Westminster, MD 21157

ATTORNEY: Clark R. Shaffer

REQUEST: A conditional use for a professional office (financial services) within a dwelling and variances from the lot size requirement of 20,000 sq. ft. to about 11,934 sq. ft.; front yard setback from 40 ft. to 10 ft. (East Main St.) or 0 ft. (North Colonial Avenue); side yard setback from 25 ft. to about 19 ft. or 0 ft.; from the minimum width requirement of 125 ft. to about 54 ft.; or in the alternative, confirmation of the dimensional nonconformity of the existing lot and structure.

LOCATION: The site is located at 401 East Main Street, Westminster, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-86 A, 223-89, 223-79 G and 223-186 a (3)

HEARING HELD: December 27, 2006

FINDINGS AND CONCLUSION

On December 27, 2006, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a professional office (financial services) within a dwelling and variances from the lot size requirement of 20,000 sq. ft. to about 11,934 sq. ft.; front yard setback from 40 ft. to 10 ft. (East Main St.) or 9 ft. (North Colonial Avenue); side yard setback from 25 ft. to about 19 ft. or 0 ft.; from the minimum width requirement of 125 ft. to about 54 ft.; or in the alternative, confirmation of the dimensional nonconformity of the existing lot and structure. The Board made the following findings and conclusion:

The subject property is a house currently divided into apartments. The lot was created in 1945 and it is 11,934 square feet. The Applicants want to relocate their financial services/insurance/brokerage operation to the residence. The business consists of the Applicants

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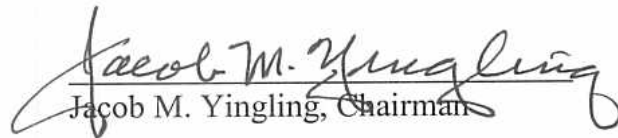
and 1 part-time employee who provides clerical services 6 hours per week. Most business will occur outside the office, and very little traffic will be generated by the use. The neighborhood is mixed use, and nearby properties includes two other residences that were converted to professional offices with Board approval. The exterior of the structure will retain its residential appearance. Office hours will typically be from 9:00 a.m. to 5:00 p.m. from Monday through Friday.

The Board finds that the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. Dust, noise, fumes, glare, and traffic will be minimal. In addition, it appears from the testimony of the Applicants that the appearance of the building will be improved. Accordingly, the conditional use is granted.

In addition, the Board finds that absent the grant of the requested variances, unnecessary hardship would result. The house and lot were created prior to zoning and are non-conforming. To comply with today's setbacks, the house would have to be razed. In addition, the parking requirements for a business office could not be met if current setbacks are strictly applied. Accordingly, the requested variances as listed above are granted.

1-18-07

Date


Jacob M. Yingling, Chairman