

**Tax Map/Block/Parcel
No. 76-12-142**

Case 5393

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

APPLICANT: Shirley Y. Dubbert
7326 John Pickett Road
Woodbine, MD 21797

ATTORNEY: n/a

REQUEST: Conditional use for a beauty salon and a variance from the required 20,000 sq. ft. lot size to .351 acre.

LOCATION: The site is located at 7326 John Pickett Road, Woodbine, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (3) and 223-75 A

HEARING HELD: March 25, 2008

FINDINGS AND CONCLUSION

On March 25, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a beauty salon and a variance from the required 20,000 sq. ft. lot size to .351 acre. The Board made the following findings and conclusion:

The Applicant wishes to reopen a one-chair beauty salon in her home. She closed the previous shop 15 years ago after operating it for 20 years at this location.

The property, while zoned "A" Agricultural, is only .351 acre (+-). In addition, the Applicant owns a small "L" shaped parcel adjacent to this property. The Applicant has resided at this location for 38 years. She anticipates being open 4 days a week, and hopes to receive thirty to forty customers per week. The shop will not be open after 6:00 p.m. Space exists on the property for 4 cars. Customers' appointments will rarely overlap.

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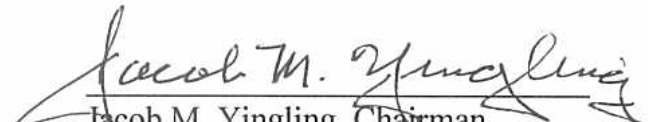
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Based on the above, the Board found that the proposed beauty shop in this residence will not generate any fumes, dust or similar harmful effects. The shop will be quiet, and generally only 1 customer will be served at one time. In addition, traffic will be minimal, given the relatively small number of appointments. Property values in this relatively sparsely populated area will not be affected. In short, the proposed use will not generate adverse effects greater here than elsewhere in the "A" Agricultural zone. Accordingly, the conditional use was granted.

Turning to the variance, the Board found that the house likely pre-dated the adoption of zoning, and the lot size is well under the current 1 acre requirement for a residence in the "A" Agricultural Zone. In addition, the Board found the adjacent "L" shaped parcel which is also owned by the Applicant to be a unique feature, as well as the "pre-existing" shop in the home. Based on the above, the Board found that a strict application of the lot size regulations in Chapter 223 of the Code of Public Local Laws and Ordinances would result in practical difficulty and undue hardship. Accordingly, the lot size variance to .35 acres (+-) was granted. This use is granted to the Applicant solely and is non-transferable.

Date

4/23/08


Jacob M. Yingling, Chairman