

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANTS: William Jan Eckard and Renee L. Eckard
2556 Albert Rill Road
Westminster, Maryland 21157

ATTORNEY: David K. Bowersox, Esq.
127 East Main Street, Box 525
Westminster, Maryland 21157

REQUEST: A request for substitution of a custom woodworking
and sign shop and warehouse for the cider mill and
warehouse classified as a nonconforming use on
the premises.

BASES: Article 4, Section 4.3(b); Article 17, Section
17.7; Ordinance 1E.

HEARING DATE: December 29, 1988

FINDINGS AND CONCLUSION

On December 29, 1988, the above application was heard by the Board of Zoning Appeals. William Eckard, owner of the subject property, testified in favor of the application, as did Mark Cheyne, a prospective tenant of Mr. Eckard's and the owner of the woodworking and custom sign business. In addition, the Board received three letters supporting the requested change. Two persons appeared in opposition.

Based on the evidence, which included detailed descriptions of the proposed new business and of the operation of the cider mill, the Board finds that a custom woodworking and sign shop plus warehouse is a more appropriate use of the location than is the present nonconforming use. It is clear that the mill caused

traffic problems and operated until late at night during its busy seasons. Neither disruption of the neighborhood will occur if the premises are used in accordance with the testimony of Mr. Eckard and Mr. Cheyne.

The protestants attacked the proposed change on several grounds, none of which has merit. There was no evidence supporting protestants' allegations that the woodworking shop would create parking problems and overburden the right of way. For the time being, Mr. Cheyne intends to have no employees, outside of sporadic and infrequent assistance in moving signs to jobsites, and virtually no delivery or customer traffic to the premises. The Board similarly disagrees with the Protestant's claim that the existing nonconforming use ceased to exist under Section 4.3(d). The cider mill operated seasonally, and the six-month period that triggers Section 43(d) must be calculated from the beginning of the mill's first dormant season, fall of 1988. Obviously, six months have not elapsed since that time.

Accordingly, the Board hereby grants the above-described application, subject to compliance with the following conditions.

1. No regular employees, full or part-time, will be allowed without specific authorization by the Board. This proscription does not extend to occasional assistance for single, specific jobs.
2. The applicants shall not use the warehouse portion of the premises as a commercial enterprise, whether by leasing space or otherwise. They may, of course, continue storing their personal property there.
3. The applicants will prevent anyone visiting the premises in connection with the nonconforming use from parking on that portion of the location sketch (Applicants' Exhibit 3) marked "gravel drive."
4. The applicants will prevent anyone visiting the premises

in connection with the nonconforming use from obstructing access to the garage attached to the business or to the yard between the business and the dwelling.

5. The applicants may replace the existing sign but the maximum size of the new sign shall be 2' by 3'.

Jan, 30, 1989

Date

John Totura

John Totura, Chairman