

Tax Map/Block/Parcel
No. 63-12-81

Building Permit/Zoning
Certificate No. 90-3102

Case 3448

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

APPLICANTS: Joseph H. Ray and June E. Ray
3921 Poole Road
Finksburg, Maryland 21048

ATTORNEY: Daniel Murphy, Esquire
237 East Main Street
Westminster, Maryland 21157

REQUEST: A conditional use for an antique shop

LOCATION: 3921 Poole Road in Election District 4

BASIS: Article 6, Sections 6.3(a) and 6.7; Ordinance
1E. (The Carroll County Zoning Ordinance)

HEARING HELD: October 25, 1990

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, the Board hereby authorizes the conditional use request, subject to the condition of authorization imposed below. The pertinent findings determining the Board's decision include the following facts:

In August of 1977, Mr. Ray applied to the Board of Zoning Appeals requesting a conditional use for the establishment of a garden supply center on 4.57 acres located at the southeast corner of Sykesville Road (Md. Rt. 32) and Poole Road. The Board authorized the conditional use in its written decision dated September 21, 1977, (Case 1199) in accordance with the provisions of the zoning ordinance. The Board did not impose any conditions of authorization in its decision.

Mr. Ray testified that, after receiving approval of the conditional use, he was required to submit a site development plan for the center for review and approval. The approval process required three submissions of the plan. The plan, as eventually approved, required Mr. Ray to widen and regrade a portion of Poole Road, relocate a utility pole that would have obstructed the proposed driveway entrance, and construct the driveway connection to Poole Road in compliance with applicable standards. Following inspection and acceptance of the construction, the required bond for the work was released to Mr. Ray.

The building, 30.1 feet in width by 39.4 feet in length, was completed about 1985. In 1986, Mr. Ray experienced physical and financial difficulties that prohibited him from pursuing establishment of the garden supply center. In November of 1989, Mr. Ray filed a request for variances for reduction of the minimum required lot area of 3 acres and lot width of 200 feet for the garden supply center. The purpose of the application was to establish two residential lots, with the garden supply center and an existing dwelling located on the remaining corner lot. The Board denied the requests in its written decision dated March 9, 1990. (Case 3301.)

Mr. and Mrs. Ray now propose to establish an antique shop within the building, in lieu of the garden supply center. As the minimum lot area and lot width requirements for an antique shop are 20,000 square feet and 100 feet respectively, division of the lots, as proposed, may be accomplished in accordance with the provisions governing off-conveyance lots.

As proposed, the premises of the antique shop and existing dwelling will have a lot area of 1.18 acres. The plat, submitted with this application and identified as Applicant's Exhibit 1, shows that the parking lot is presently surfaced with stone. The minimum number of parking spaces required for the sales area of the antique shop will be one space for every 150 square feet of floor area of the shop, excluding preparation and/or storage areas. (Article 14, Division I, Section 14.1(a)15 of Ordinance 1E.) Although the individual parking stalls, or spaces, are not indicated on the plan, there is adequate space to establish at least eight parking spaces in accordance with the design standards of the zoning ordinance. Eight such spaces would satisfy the minimum requirement for use of the entire first floor of the building for sales area for the antique shop.

Mr. Ray testified that the antique shop would be operated as a low-key family enterprise, and that it would be unlikely for the shop to generate very much vehicular traffic to and from the premises. The articles to be offered will be antiques--not items customarily available in an arts and crafts shop. In the event that Mr. and Mrs. Ray wish to expand their sales inventory into arts and crafts products, it will be necessary to reapply to the Board for authorization as a conditional use.

In considering this request and the provisions of Article 17, Section 17.7 of the Zoning Ordinance, which govern the Board in conditional use requests, the Board finds that establishment and operation of the antique shop, as proposed and conditioned below, will not unduly affect the adjoining properties or public interests.

As a site development plan--Section 10.4(d)--was required for the garden supply center and Section 6.3(a) of the zoning ordinance

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does not require one, the Board will not require a site development plan as a condition of this authorization.

However, a plot plan will be required in accordance with the provisions of Article 16, Section 16.2(b) of the zoning ordinance. This may be accomplished by amending the plan (Applicants' Exhibit 1) to show the required number of parking spaces, or stalls, based on the square footage of the antique shop's sales area.

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

1. Any exterior lighting erected in association with the antique shop and parking spaces shall be shielded on the sides and top to direct illumination downward and prevent visibility of the light source from adjacent properties, or adjoining roads.

Oct 30, 1990
Date

JDN/bmh/c3448dec
October 29, 1990

John Totura
John Totura, Chairman