

Tax Map/Block/Parcel
No. 33/14/121

Building Permit/Zoning
Certificate No. 91-0662

Case 3549

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Dewco Homes, Inc.
1804 Hanover Pike
Hampstead, Maryland 21074

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

REQUESTS: A conditional use to allow a "B-L" Local Business District Use in an "I-R" Restricted Industrial District; to wit: a retail store, and variances pertaining thereto as may be necessary

LOCATION: 1804 Hanover Pike (Md. Rt. 30) in Election District 8.

BASES: Article 12, Section 12.2(b); Article 10, Sections 10.1(a) and 10.6; Article 15, Section 15.5; Ordinance 1E. (The Carroll County Zoning Ordinance)

HEARING HELD: June 26, 1991

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 and variances necessary to allow the retail store, as proposed.

The pertinent findings determining the Board's decision include the facts that the building involved in this case predates adoption of zoning in Carroll County and was apparently constructed for residential purposes. With the adoption of Zoning Ordinance 1E in 1965, the property was zoned "B-L" Local Business District as depicted on Official Zoning Map 16. Later, the zoning was changed to "I-R" Restricted Industrial District.

From 1975 to some time in 1985 part of the first floor level was used for retail sales. In addition, Dewco Homes, Inc. has maintained business offices on the first floor since about 1978. The upper level of the building has continued to be used as an apartment.

An antique shop is now proposed to be established within a portion of the first floor of the building. As depicted by Applicant's Exhibit 1, the shop would occupy approximately 495 square feet, with 120 square feet used for storage. No structural alteration of the building will be necessary for establishment of the antique shop.

The business offices of Dewco Homes, Inc. will continue to be located as presently existing on the first floor of the building. Although the antique shop will be a separate enterprise, it is planned that the shop will be operated by an employee of Dewco Homes, Inc. Accordingly, the office and shop may be frequently open at the same time. At other times, particularly Saturdays and Sundays, only the antique shop may be open.

No change of the parking facilities, as depicted on Applicant's Exhibit 4, is planned in conjunction with the establishment of the antique shop. It should be noted that spaces 7 through 12 are apparently nonconforming with respect to present standards of the zoning ordinance.

In considering these findings, the provisions of Article 17, Section 17.7 of the zoning ordinance governing conditional uses, as well as the provisions of Article 15, Section 15.5 governing variances, there is no indication that authorization of the conditional use and necessary variances for the establishment of the antique shop as requested will unduly affect the adjoining properties or public interests.

July 5, 1991
Date

John Totura
John Totura, Chairman

JDN/bdc/C3549DEC
July 2, 1991