

Tax Map/Block/Parcel
No. 74-14-289

Building Permit/Zoning
Certificate No. 92-1556

Case 3739

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

APPLICANT: Harry Maynes
6402 Taper Court
Sykesville, Maryland 21784

ATTORNEY: Michael G. Ritchey, Esquire
188 East Main Street
Westminster, Maryland 21157

REQUEST: A request for substitution of a nonconforming use, to wit: a sales office for a real estate sales office

LOCATION: 2108 Liberty Road (Md. Rt. 26) in Election District 5

BASIS: Article 4, Section 4.3(b); Ordinance 1E. (The Carroll County Zoning Ordinance)

HEARING HELD: June 23, 1992

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 approves the substitution of the request, subject to the conditions of authorization imposed below. The pertinent findings determining the Board's decision include the facts that a conditional use was conditionally authorized for the establishment of professional offices within the then existing dwelling, and related variances on December 3, 1981 in Case 1769. The conditions of authorization specify that a maximum of two professional offices could be established within the building, but not so as to require parking facilities in excess of 14 spaces to be constructed within the rear yard. The driveway connection to Liberty Road (Md. Rt. 26) is subject to the requirements of the Bureau of Engineering Access Permits of the State Highway Administration. Since then the provisions of the zoning ordinance governing professional offices within the "R-20,000" Residence District were amended, and the real estate sales office then operated from the premises became a nonconforming use.

Article 4, General Provisions; Section 4.3, Nonconforming Uses (Amended 3/17/81) paragraph (b) specifies:

If no structural alterations are made, a nonconforming use of a building, structure or premises may, with approval of the Board, be changed to another nonconforming use which in the opinion of the Board is of the same or a more appropriate use or classification.

From the testimony presented in this case, it is evident that operation of the real estate sales office from the premises adversely affected residents of adjacent residential properties. As now proposed, the sales office will have substantially fewer employees and generate substantially less vehicular traffic to and from the premises. In addition, an apartment will be established in the lower level of the building, which should diminish any unauthorized use of the parking area located within the rear yard. Therefore, the Board is convinced that the proposed sales office will be a more appropriate use of the property, with substantially less adverse affects to residents of the adjacent properties, the values of those properties, and the public interests than the real estate sales office.

Article 4, Section 4.3(b) of the zoning ordinance does not require a site development plan, nor will the Board require revision of the site development plan required in conjunction with the authorization of the conditional use in Case 1769.

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

1. No exterior storage of materials, or equipment shall be permitted on the premises in conjunction with establishment and operation of the sales office.
2. Due to the unusual circumstances in this case, this authorization is limited solely to the applicant, Mr. Harry J. Maynes, and shall not inure to the benefit of heirs or assigns. This condition shall not preclude reapplication to this Board in the future by anyone having lawful interest in the use of the premises and in compliance with the provisions of the zoning ordinance.

June 29, 1992
Date

JDN/bdc/C3739DEC
June 25, 1992


John Totura, Chairman