

Tax Map/Block/Parcel
No. 46-22-1511

Building Permit/Zoning
Certificate No. 94-0650

Case 3915

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

APPLICANT: Herbert M. Weinstein
33 South Lake Way
Reisterstown, Maryland 21136

REQUEST: A variance further reducing a side yard of five feet authorized for a muffler shop in Case 2778 to one foot

LOCATION: 1059 Baltimore Boulevard (Md. Rt. 14) in Election District 7

BASES: Article 12, Section 12.2(b); Article 11, Sections 11.1(a), 11.6 and 11.7; Article 15, Section 15.5.4(d); Article 4, Section 4.26; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: April 26, 1994

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 approved the variance as requested. The pertinent findings determining the Board's decision include the facts that the minimum required side yard for the proposed muffler shop was previously reduced to five feet in Case 2778. Establishment of the proposed muffler shop on the premises is restricted by required stormwater management and parking facilities that would otherwise hinder or prevent vehicular access to the proposed building. The adjacent property to the east, as shown on Applicant's Exhibit 1, is improved with an existing muffler shop which Mr. Weinstein plans to convert into a traditional service station. A conditional use was also authorized in Case 2778 for establishment of the muffler shop as a business use in the "I-R" Restricted Industrial District. The decision in that case notes that use of the property is severely restricted by topographic conditions which adversely affect development and potential principal permitted uses allowed within the "I-R" Restricted Industrial District. Furthermore, as in Case 2778, there is no indication that authorization of the variance as requested will unduly affect use of the adjacent properties, or the public interests.

5-20-94
Date

Claude R. Rash
Claude R. Rash, Chairman

JDN/bmh/c3915dec.bmh