

Tax Map/Block/Parcel
No. 51-10-376

Building Permit/Zoning
Certificate No. 94-3592

Case 3977

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

APPLICANTS: Charles T. Rohe and Marlene M. Rohe
832 Rolling Ridge Drive
Westminster, Maryland 21157-6727

REQUEST: A conditional use for a professional office for a telephone answering service within the dwelling

ATTORNEY: Wesley D. Blakeslee, Esquire
104 East Main Street
Westminster, Maryland 21157

LOCATION: 832 Rolling Ridge Drive in Election District 7; Rolling Ridge subdivision, Section 2, lot 25 recorded in Carroll County Plat Records in book 7, page 9

BASIS: Article 5C, Sections 5C.2(a) and 5C.5; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: December 29, 1994; **DECISION:** January 17, 1995

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 and in accordance with the state Open Meetings Act, on January 17, 1995, the Board authorized the conditional use, subject to the conditions of authorization imposed below.

The pertinent findings determining the Board's decision include the facts that except for several vehicles being parked on the premises on a daily basis, there are no indications that the service is being operated within the dwelling. When originally established about five years ago, the office qualified as a home occupation. During the interim, employees have been hired, which is contrary to the provisions governing a home occupation. However, the principal use of the premises continues to be the residence of the applicants. In fact, operation of the service is less intrusive upon the residential character of the neighborhood than professions specifically listed in Section 5C.2(a) of the zoning ordinance.

While the Board is aware of criteria routinely used to describe professions such as physicians and lawyers, the provisions of Section 5C.2(a) extend beyond those professions to include

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insurance agents, realtors, and other professions determined by the Board to be similar in use and characteristics.

Accordingly, the Board is convinced that authorization of the telephone answering service as a professional office, as requested and conditioned below is consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses specified in Section 17.7 of the zoning ordinance, and will not unduly affect the residents of adjacent properties, the values of those properties, or public interests.

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

1. Authorization of the professional office as a conditional use is limited to three stations in accordance with applicants' testimony. These stations shall not be enlarged nor shall additional stations added to the service.
2. In accordance with the provisions of the zoning ordinance, employees' vehicles shall be parked on the premises.

1-25-95
Date

Claude R. Rash
Claude R. Rash, Chairman