

Tax Map/Block/Parcel
No. 37-14-188
Case 5827

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Nancy R. Powel
1275 Trevanion Road
Union Bridge, MD 21791

ATTORNEY: Jeff Griffith, Esq.

REQUEST: A request to change from one non-conforming use to another in order to operate a veterinary clinic.

LOCATION: The site is located at 3462 Uniontown Road, Uniontown, Maryland on property zoned “Heritage” in Election District 2.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-37

HEARING HELD: March 25, 2015

FINDINGS AND CONCLUSION

On March 25, 2015, the Board of Zoning Appeals (the Board) convened to hear the request to change from one non-conforming use to another in order to operate a veterinary clinic. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The applicant, Nancy R. Powel, is a licensed veterinarian. The subject property contains a brick structure built in 1979 for use as a bank. The current nonconforming use as an antique shop has been in place since 2006. The owner of the antique shop has a Trader’s License that is due to expire on April 30, 2015. Applicant’s Exhibit 1. Ms. Powel has a contract to purchase the property from Ms. Kutilek, the current owner. Applicant’s Exhibit 3.

Carolyn Kutilek testified as the current owner of the building. She obtained the conditional use for the antique shop in 2006. She stated that she has been in continual operation of the antique shop since 2006. Her Trader’s License expires on April 30, 2015. She noted that the taxes, insurance and license for the property and business were current. She stated that she also obtained approval from the Carroll County Historic Preservation Commission for her use of the property.

Nancy Powel has lived in the area since she was six years old. She owns Maryland Mobile Veterinary Clinic, LLC. She has performed as a vet in the county since 1999. When she

started out as a vet most of her business was with cattle and farm animals. She has grown her business to now be 85-90% small animals such as cats and dogs. Most of her clients come from within the County. The location of the building is in the middle of her customer base.

With the purchase of the building she will be able to provide diagnostic and surgical services for her clients. She cannot now provide these diagnostic and surgical services with her mobile vans. Currently, she would need to farm out such services to others. She did not intend to make any structural changes to the existing building. She did not expect to make any changes to the shed in the back. She might need to construct a rear door for safety reasons if County officials so require. She has two full time employees and two part time employees. Upon Board approval she would schedule surgeries for two or three days a week. Those surgeries would occur in the mornings. She would have clients bring in the animals on a more urgent basis in the evenings. She stated that the building would not serve more than two clients at the same time. She stated that there would not be any boarding at the establishment. She did not expect there to be a need for overnight stays of animals in the building. For the most part, animals that needed 24 hour care would be farmed out to other places. The facility has a ½ bathroom. There is no kitchen and no shower.

William Powel testified in favor of the application. He stated that a vet clinic is a permitted use in the district. He worked for the county's agricultural preservation program for more than twenty years. He stated that the county's agricultural preservation program was the biggest one in the state and maybe in the nation. He added that the agricultural preservation program had the most contiguous properties in one area in the state. He stated that the proposed use was needed in the region.

Martin W. Hackett is the president of CLSI. He was accepted as an expert in land use planning and site development. He said that the building was built in 1979. The building was initially used as a bank. He stated that this property was the only commercial use in the Uniontown area. The building has been a commercial property since its construction in 1979. The building could not serve as a residence without major modifications since it did not have a kitchen, bathroom, or shower facilities. The addition of a back door would not be considered a structural alteration of the building. He testified about the lack of an adverse effect in having a vet clinic at this location.

Nick Vincent, a former member of the Historic Preservation Commission, testified in favor of the application. He has lived in the area for more than twenty years. He stated that an old school closed in the area. An older bank also closed in the area. He was concerned about vacant buildings in the area. He noted that the antique shop was rarely open. The vet clinic was a sound business for the location and would have a small impact on the community. He was not concerned about any traffic concerns.

Nokomis Ford, planning technician, wrote a March 13, 2015 memorandum for the Board. The memo stated that the request is compatible with the vision and goals for the area as expressed in the Master Plan. The staff found that the appeal was consistent with the Master Plan and would have a positive effect on the current use of the property and its surrounding environs.

The Board was convinced that authorization of the request with regard to a change of one non-conforming use to another non-conforming use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the change of one non-conforming use to another non-conforming use as requested by the applicant.

Date

Gary Dunkleberger, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.