

Tax Map/Block/Parcel
No. 73-11-202
Case 6015

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Paris Cimino
1115 Liberty Road
Eldersburg, MD 21784

ATTORNEY: Isaac Menasche, Esq.
Walsh & Fisher, PA
179 East Main Street
Westminster, MD 21157

REQUEST: An application for the expansion of a non-conforming use to expand to use the second floor and construct an elevator to comply with ADA requirements.

LOCATION: The site is located at 1115 Liberty Road, Eldersburg, Maryland on property zoned "R-10,000" Residential District in Election District 5.

BASIS: Basis: Code of Public Local Laws and Ordinances, Section 158.033(B).

HEARING HELD: April 26, 2017

FINDINGS AND CONCLUSION

On April 26, 2017, the Board of Zoning Appeals (the Board) convened to hear the application for the expansion of a non-conforming use to expand to use the second floor and construct an elevator to comply with ADA requirements. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

In 1977 the property was zoned as Business General (B-G) as set forth in BZA case number 3184. The business was changed to a nonconforming use when the zoning changed to residential. At the time of this hearing the zoning is "R-10,000" and remains residential. However, based on a April 13, 2017 letter by Philip R. Hager the property is to be zoned as Commercial Medium under the current Accepted Freedom Community Comprehensive Plan.

Jay Voight testified as the Zoning Administrator. He stated that the reason for the hearing was that a prior Board placed a condition on the second floor in case 3291. The decision stated that the use on the second floor shall be restricted solely to the owners' use or storage. The applicants are now applying to use the second floor for hair stations.

Paris Cimino testified in favor of the application. She is the owner of the business and a cosmetologist. She has been the owner for about twenty-six years. She took over the business from her parents. She has thirty-four employees. Twenty-one of those employees are full time and thirteen are part time. The business is open seven days a week. In 2016 the business serviced 21,886 clients with its eight hair stations on the first floor. The business has received both national and local awards for many years. She is requesting an elevator to be located on the outside of the building. The need for the elevator is to comply with the Americans with Disabilities Act (ADA). She stated that there was adequate parking with forty-seven parking spaces. Approximately one half of the clients made an appointment for the hair service. The addition of four new hair stations on the second floor would not create much more traffic. The potential congestion would be lessened by the fact that one half of the clients come as a result of an appointment.

Kimberly Walker testified as a shareholder of the business and a cosmetologist. She has worked there since she was eighteen years old. She was there before Paris became the owner. Many successful hairdressers were trained at the site. She stated that people work in six hour shifts due to the wear and tear on the body. There are two six hour shifts at the business. There is not a high degree of turnover there.

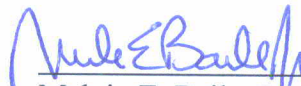
An April 18, 2017 memorandum by Lynda Eisenberg, Chief, and Clare Stewart, Planning Technician, stated that the matter had been reviewed for consistency with the policies and recommendations contained in the *2014 Carroll County Master Plan*, the *2001 Freedom Community Comprehensive Plan*, the *Carroll County Water & Sewer Master Plan*, and other plans. The staff finding was that the applicant's request is not inconsistent with the *2014 Carroll County Master Plan*, and would not have an adverse effect on the current use of the property or its environs.

In an April 13, 2017 letter from Philip R. Hager to the Board, he wrote that "there are mitigating factors in support of granting this non-conforming use expansion. The Applicant is not changing the existing footprint of the property; the area inside the building is simply being reconfigured. In addition, under the current Accepted Freedom Community Comprehensive Plan, this property is to be classified as Commercial Medium making this use consistent with the Plan and therefore no longer non-conforming."

The Board found that the expansion of the non-conforming use was reasonable. The expansion would not change the use in any substantial way. No significant structural alterations would be made. The addition of the elevator is required by federal law under the ADA. The increase in traffic would not be a factor. It is noteworthy that half of the service occurs with appointments. Therefore, the business has some control of the flow of traffic. The current parking and entrances and exits were sufficient to accommodate the addition of hair stations to the second floor. The business has been in operation at the same place since 1977. The increase of hair stations to the second floor demonstrates that the business is successful.

4-28-2017

Date



Melvin E. Baile, Jr., 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 Land Use Article, Section 4-401 of the Annotated Code of Maryland.

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.

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