

Tax Map/Block/Parcel
No. 52-1-494
Case 5857

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Andrew Brooks
3332 Wilhelm Lane
Manchester, MD 21102

ATTORNEY: N/A

REQUEST: A request for a non-conforming use for a showroom, equipment and materials storage, and a light secretarial duties office.

LOCATION: The site is located at 1300 Washington Road, Westminster, MD 21157, on property zoned "R-10,000" District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 158.033

HEARING HELD: June 23, 2015

FINDINGS AND CONCLUSION

On June 23, 2015, the Board of Zoning Appeals (the Board) convened to hear the request for a non-conforming use for a showroom, equipment and materials storage, and light secretarial duties office. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Andrew Brooks testified on behalf of his company A.J. Brooks Building & Remodeling. He is requesting a non-conforming use of the building for a showroom, equipment and materials storage, and a secretarial office. He wants his customers to be able to come into the establishment and pick out all of their materials. He would have displays and samples in the building. He would only make cosmetic changes to the property and would leave the building essentially intact.

Byron Taylor testified that he was the owner of the building. He stated that the last tenant to the property was Bowhunters' Den. That tenant vacated the property approximately two months ago. The property has been used for businesses since its existence. There was a tractor dealership on the property, a car dealership, and Taylor's Equipment business. There was a commercial business on the property since the 1930s.

The file in this case showed that the Board approved a tenant for the property on July 26, 2012 and on April 23, 1986.

Philip R. Hager testified in the case. He sent a June 15, 2015 letter to the Board. He stated that he had no objection to the application. He stated that the land use designation was Suburban Residential in the 2007 Westminster Environs Community Comprehensive Plan. He stated that the applicant's request is inconsistent with the Approved and Adopted Carroll County Master Plan. He stated that at the owner's request there could be a land use designation change and then a zoning change for the property.

The June 1, 2015 memorandum from the Bureau of Comprehensive Planning stated that the case had been reviewed for consistency. The memo stated that the request is compatible with the vision and goals for the area as expressed in the law and regulations. The request will not be affected by a planned community facility. The site has housed a number of commercial establishments over the years. Planning staff does not perceive that a contractor's office would have a major impact on traffic. The following was also written in the memorandum:

The staff finding is that this request is consistent with the vision and goals but not consistent with the land use of the 2007 Westminster Environs Community Comprehensive Plan. However, staff also finds this use would not have an adverse effect on the current use of the property or its surrounding environs.

The property in question had not been residential for more than forty years. The Board was convinced that authorization of the request with regard to a 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 non-conforming use 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 non-conforming use as requested by the applicant.

Date

Gary E. 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.