

**Tax Map/Block/Parcel
No. 46-15-100**

Case 5514

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

APPLICANT: Schaefer Mechanical Services, Inc.
c/o Steven M. Schaefer, President
620-622 Old Westminster Pike
Westminster, Maryland 21157

ATTORNEY: Ronald B. Katz

REQUEST: An expansion of a non-conforming use of a plumbing and heating contracting business in the main building to include the recently re-constructed garage and walkway and a variance from the required 50 ft. rear yard setback to 25 ft. for the existing garage.

LOCATION: The site is located at 620-622 Old Westminster Pike, Westminster, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-9

HEARING HELD: September 23, 2009

FINDINGS AND CONCLUSION

On September 23, 2009, the Board of Zoning Appeals (the Board) convened to hear a request for an expansion of a non-confirming use of a plumbing and heating contracting business in the main building to include the recently re-constructed garage and walkway and a variance from the required 50 ft. rear yard setback to 25 ft. for the existing garage. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is a non-conforming plumbing and heating contracting business in a converted residence in the "R-10,000" Residential Zone. It was previously used as a printing company until the current use was approved by the Board in 2001 in Case 4636.

In 2007, a garage at the rear of the property was razed by the Applicant. The garage was reconstructed in the exact location and has the same dimensions as the prior structure. Unfortunately, the building permit for the garage issued in 2007 listed the garage as being used for residential purposes. When the Applicant built a covered walkway from the converted

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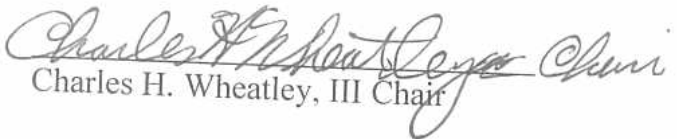
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residence to the garage in 2009, the flaw in the garage permit was discovered and the issues of a variance and expansion of the non-conforming uses were brought to the fore.

The Board determined that the rebuilt garage was located in the exact spot as the previous structure. It was also of the same dimension. In addition, the enclosure was installed over an existing walkway. It did not expand the width or length of the walkway.

Based on the above unique facts, the "expansion" of the non-conforming use was found to be minimal and was appropriate. It did not enlarge the use in any way. Accordingly, the garage and enclosed walkway were approved. As to the variance, the Board found that the new garage was in an identical location and was of the same size as the old one. As such, a strict application of the rear yard setback would require the garage to be demolished and relocated, resulting in undue hardship and practical difficulty. Accordingly, the requested variance was granted.

10/21/09
Date


Charles H. Wheatley, III Chair