

Case 5386

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

APPLICANT: George E. & Patsy C. Mezardash
Constance W. Fogel & Georgia Suter
c/o Two G's, LLC
3405 Ridge Road
Westminster, MD 21157

ATTORNEY: Charles M. Preston

REQUEST: An expansion of an existing non-conforming use to increase the size of a convenience store by 330 sq. ft. and a variance from the required 40 ft. front yard (corner lot) setback to 33 ft. (requested variance is 7 ft.).

LOCATION: The site is located at 3405 Ridge Road, Westminster, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Section 223-2, 223-75 (A), 223-9 A (1), 223-186 A(3)

HEARING HELD: January 24, 2008

FINDINGS AND CONCLUSION

On January 24, 2008, the Board of Zoning Appeals (the Board) convened to hear a request for an expansion of an existing non-conforming use to increase the size of a convenience store by 330 sq. ft. and a variance from the required 40 ft. front yard (corner lot) setback to 33 ft. (requested variance is 7 ft.). The Board made the following findings and conclusion:

The Applicant operates a convenience store at 3405 Ridge Road. The store is a valid non-conforming use in the Agricultural zone. The Applicant wishes to expand the store with a 330 square foot addition to the rear of the building. The addition will enable the store to modernize and install new fixtures. Also, the addition will "square off" the area between the store and an adjoining residence and improve the appearance of the front of the store. The variances are necessary because the store, which was constructed prior to the adoption of zoning regulations in the County, is 33 feet from Ridge Road.

Based on the above, the Board found that the proposed expansion will not result in additional traffic or dust, fumes or gas. There will be no effect on property values or the peaceful enjoyment of the neighborhood. In addition, the modest expansion will serve the public need and convenience. Accordingly, the request for the expansion was granted.

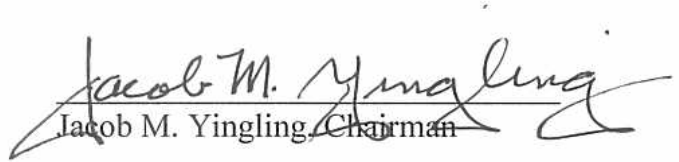
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In addition, the Board found that the variance was warranted. The building is non-conforming, and any attempt to enforce today's setbacks to the structure would result in unwarranted hardship, namely, demolition of the structure. Accordingly, the requested variance was granted.

2/22/08
Date


Jacob M. Yingling, Chairman