OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Mike Kremer
                    15 East Main Street, Suite 223
                    Westminster, Maryland 21157

ATTORNEY: Clark R. Shaffer

REQUEST: An application for a conditional use for professional offices within
                    a dwelling, expanded by a 1296 sq. ft. addition and variances to the
                    lot area from 20,000 sq. ft. to 9,200 sq. ft.; lot width from 125 ft. to
                    about 40 ft.; front yard setback from 40 ft. to about 28 ft.; side yard
                    setback from 25 ft. to about 2 ft.; front yard and side yard setback
                    for signage; parking space requirements from 20 to 12 and parking
                    aisle width from 25 ft. to 18 ft. and parking setback from 10 ft. to
                    about 8 ft.; any and all other variances required to develop the site
                    in accordance with the plan on file with the application.

LOCATION: The site is located at 421 E. Main Street, Westminster, MD 21157,
                    on property zoned "R-10,000" Residential District in Election
                    District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-63 (A);
                    223-82; 223-133 and 223-134

HEARING HELD: May 29, 2002

FINDINGS AND CONCLUSION

On May 29, 2002, the Board of Zoning Appeals (the Board) convened to hear the request
for a conditional use for professional offices within a dwelling, expanded by a 1296 sq. ft.
addition and variances to the lot area from 20,000 sq. ft. to 9,200 sq. ft.; lot width from 125 ft. to
about 40 ft.; front yard setback from 40 ft. to about 28 ft.; side yard setback from 25 ft. to about 2
ft.; front yard and side yard setback for signage; parking space requirements from 20 to 12 and
parking aisle width from 25 ft. to 18 ft. and parking setback from 10 ft. to about 8 ft.; any and all
other variances as depicted in the Applicant's sketch plan submitted as Exhibit "1" at the
hearing.

The Board makes the following Findings and Conclusion. The subject property is an existing dwelling at 421 East Main Street in Westminster. The property is zoned R-10,000. Professional offices are permitted at this location as conditional uses in accordance with § 223-86 of the Zoning Ordinance. The site was created in 1897, with a very small lot area of 40' wide and 4' on each side. The property is adjacent to another professional office. This section of East Main Street is undergoing a transformation from strict residential to professional offices and light commercial. The Applicant is proposing a one-story addition to the residential structure on the site.

The Applicant wishes to operate an insurance agency at this location. He will have three full-time employees, one part-time employee and his wife will work part-time with him. Hours for the office will be 9:00 a.m. to 5:00 p.m. Monday through Friday with limited evening hours. The proposed addition will facilitate use of the site as an office.

The Board notes the changing character of the neighborhood, and finds that the proposed use will not generate adverse effects here above and beyond those normally associated with such a use. Therefore the Board approves the conditional use request with the following conditions:

1. The residential character of the exterior of all structures should be maintained.
2. Only one sign to be placed on the Main Street side of the building should be permitted.

Turning to the variance, the Board finds that the existing structure is non-conforming and on a very small lot, and does not meet the current setbacks and other requirements for the "R-10,000" zoning. Thus, although the list of variances at first appears exhaustive, almost any structural alteration of the residence would impinge upon setbacks. Accordingly, given the existing small lot and circumstances, hardship will result if the variances are not granted. Accordingly, the request for the variances listed in the application and set forth in Exhibit "1" is granted.

6/17/02
Date

Karl V. Reichlin
Karl V. Reichlin, Chairman

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