

Tax Map/Block/Parcel
No. 46-14-697
Case 5838

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Kimberly & Bernard Good
2712 Wildorlyn Drive
Finksburg, MD 21048

ATTORNEY: David K. Bowersox, Esq.

REQUEST: Request to change from one non-conforming use to another in order to operate an antique and craft shop.

LOCATION: The site is located at 410 E. Main Street, Westminster, Maryland on property zoned "R-10,000" in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 158.033(B) and 158.133(G).

HEARING HELD: April 28, 2015

FINDINGS AND CONCLUSION

On April 28, 2015, the Board of Zoning Appeals (the Board) convened to hear the request to change from one non-conforming use to another in order to operate an antique and craft shop. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The applicant, Kimberly Good wants to open a craft shop for quilting and quilting classes. There would be no structural alterations to the existing building that was formerly a beauty parlor. There is a Residential Contract of Sale for the property as indicated in Exhibit 1. The applicant would purchase the property from JMJ2, LLC. JMJ2, LLC is the entity that received the zoning approval from a prior Board in 2001 for a beauty parlor. She would only change the imprint of the existing sign. The traffic for the quilting operation would probably be less than the traffic for the beauty parlor. There is only one quilt shop in Mt. Airy, Maryland and no quilt shop in Westminster, Maryland. She would not be selling antiques at the quilt shop. All of the activities would be conducted indoors. Supplies would be delivered a few times a week at the start of the operation and then probably once a week once the business was established.

JMJ2, LLC had operated a beauty salon from the property until January 2015 pursuant to the approval in Exhibit 2. The beauty parlor would typically have customers coming every hour that the business was open.

An April 6, 2015 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, states that the subject property is surrounded by high density residential and commercial land uses. The memo also stated that “the request is compatible with the vision and goals for the area as expressed in Chapter 10.” The staff finding is that this appeal is consistent with the 2007 Westminster Environs Community Comprehensive Plan and would not have an adverse effect on the current use of the property or its surrounding environs.

The Board was convinced that authorization of the request with regard to changing the non-conforming use from a beauty salon to a non-conforming use for a quilt shop 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 project 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 change of the non-conforming use 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.