

**Tax Map/Block/Parcel**  
**No. 52-1-379**  
**Case 5734**

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

**APPLICANT:** Katie Brooks  
A.J. Brooks Building and Remodeling  
521 Lakes Court  
Westminster, MD 21158

**ATTORNEY:** N/A

**REQUEST:** A request for an expansion of a nonconforming use from a residential building to a remodeling company office for the second floor of a residentially zoned building to be used for meetings and minimal secretarial work.

**LOCATION:** The site is located at 1306 Washington Road, Westminster, on property zoned "R-10000" Residential in Election District 7.

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

**HEARING HELD:** January 28, 2014

**FINDINGS AND CONCLUSION**

On January 28, 2014, the Board of Zoning Appeals (the Board) convened to hear the request for an expansion of a nonconforming use from a residential building to a remodeling company office for the second floor of a residentially zoned building to be used for meetings and minimal secretarial work. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Andrew Brooks testified as the witness in this case. He is the owner of A J Brooks Building and Remodeling, a company that has been in business approximately five years. He wants to move his business into an existing building. The building has had businesses on the first floor and ground floor in the past. The Country Stripper is currently housed in the building. He planned to make a number of improvements to the building, including, but not limited to, improving the façade of the building, updating the side porch, adding a small deck to the back, and cleaning up the debris in the yard. He would have one employee working out of the building, and he would periodically visit the site. On occasion a client might come to the site.

The Board acknowledged that there had been a nonconforming use at the site for more than thirty years. Previous Board's had approved a furniture refinishing business and an antique shop on the first floor and ground floor at the same location. Even in 1981 a previous Board envisioned the expansion of use in the building to the second floor in case 1464 at a hearing held on September 4, 1979. In case 942 heard on June 3, 1975 the Board was aware of the conversion of a business from a floor covering store to a furniture stripping and refinishing shop. Since the businesses have been at the location, there has been no indication of any adverse effects to the adjoining properties or to the public health, safety and general welfare.

Based on a December 4, 2013 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and an April 30, 2013 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the Freedom Community Comprehensive Plan, the 2007 Westminster Environs Community Comprehensive Plan, and the Carroll County Master Plan for Water & Sewerage, and other functional plans. The Board accepted and agreed with this finding.

The Board was convinced that authorization of the request with regard to an expansion of a nonconforming 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 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. Since the second floor of the existing building had been vacant and another business was already in the building, the proposed use would contribute to the community. The Board approved this non-conforming use request.

Signed 1/31/14

Date

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Harvey Tegeler, 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 223-192C 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.