

**Tax Map/Block/Parcel**  
**No. 66-12-422**  
**Case 5610**

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

**APPLICANT:** Thomas & Lisa Hurley  
4757 Buffalo Road  
Mt. Airy, Maryland 21771

**ATTORNEY:** N/A

**REQUEST:** An application for a cottage industry as an accessory use and variances from the size of the structure from 2,000 sq. ft. to 3,520 sq. ft. and for the number of non-resident employees from 2 to 6.

**LOCATION:** The site is located at 4757 Buffalo Road, Mt. Airy, MD 21771, on property zoned "A" Agricultural District in Election District 9.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-72 (v), 223-2 and 223-186

**HEARING HELD:** September 28, 2011

**FINDINGS AND CONCLUSION**

On September 28, 2011, the Board of Zoning Appeals (the Board) convened to hear the request for a cottage industry as an accessory and variances from the size of the structure from 2,000 sq. ft. to 3,520 sq. ft. and in the number of non-resident employees from 2 to 6. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant operates a small imaging and image equipment assembly business on the property where he resides. He outgrew his basement operation and moved his business to a 3,500 sq. ft. pole barn on the property. The barn is equipped with plumbing and electric service. The business is a quiet, self contained operation with six (6) non-family employees. No manufacturing occurs at the site and little inventory is stored there. The property is 5.289 acres (+/-) and includes their residence. Hours of operation are from 8:30 a.m. – 5:00 p.m. There is little or no customer traffic to the property.

No noise, dust, fumes, odors or vibrations are generated by the business. The pole building is not unusually large for this type of property. The Zoning Administrator testified that he was not opposed to the request.

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The Board found this use to be a quiet home business operated in conjunction to the Applicants' residence. No traffic is generated from the request. Thus, this use constitutes a viable cottage industry in accessory to the Applicants' residence. In addition, failure to grant the requested variance would result in unnecessary hardship, and render the property not useable for such a cottage industry. Accordingly, the requested variances were granted, and the accessory use status of this cottage industry is confirmed.

10/19/2011  
Date

  
Richard J. Simmons, Chairman

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Pursuant to Section 223-192C of the County Code, this approval will become void within 1 year from the date of this decision unless the use or variance is implemented. Please contact the Zoning Administrator at (410) 386-2980 to obtain a zoning certificate.

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.