

**Tax Map/Block/Parcel
No. 73-11-175**

Case 5441

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

APPLICANT: Onofrio A. Cimino
2206 Liberty Road
Sykesville, Maryland 21784

ATTORNEY: n/a

REQUEST: Conditional use for a professional office (theatrical school) in an existing dwelling and a variance from the required lot size of 20,000 sq. ft. to 14,331. sq. ft.; a variance from the required 25 ft. side yard setback to 14 ft.; a variance from the required 100 ft. lot width to 60 ft.

LOCATION: The site is located at 1129 Liberty Road, Sykesville, MD 21784, on property zoned "R-10,000" Residential District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Section 223-86, 223-79G and 223-82

HEARING HELD: October 28 & December 4, 2008

FINDINGS AND CONCLUSION

On October 28, & December 4, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a professional office (theatrical school) in an existing dwelling and a variance from the required lot size of 20,000 sq. ft. to 14,331 sq. ft.; a variance from the required 25 ft. side yard setback to 14 ft.; a variance from the required 100ft. lot width to 60 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is a 90-year old residence on a 60 ft. x 230 ft. lot. The lot is nonconforming and is served by public water and sewer. There are several other businesses in an immediate area.

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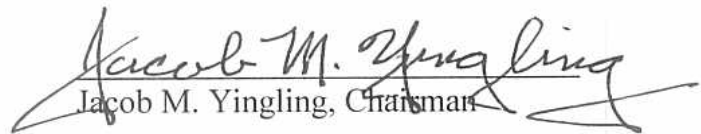
The Applicant wishes to open a nonprofit fine arts center in the building for the teaching of theatre and dance. The Applicant will employ 2 other individuals at the school. It is estimated that the building can accommodate 12 to 16 students at a time and 2 teachers. The building will be open every day and weekend sessions will usually be the most attended.

The Board found that, this use could be classified as a school/community center, in which case it would constitute a principal permitted use in this zone. Regardless, the Board applied the conditional use standards of 223-191, and concluded that the proposed use at this location will not generate adverse effects above and beyond those typically associated with such a use. Noise, dust, traffic, vibrations and any other potential adverse effects would not be greater here than elsewhere in the zone. The use is consistent with nearby uses, and will not adversely affect property values or the peaceful enjoyment of neighbors in their homes. Accordingly, the conditional use was granted.

As for the variance, the Board determined that the lot and building have been here for over 90 years and obviously pre-date the Zoning Ordinance. Furthermore, the house cannot be moved any other place on the lot which would not require a variance. Accordingly, a strict application of the setbacks would result in unnecessary hardship and practical difficulty, and the requested variances were granted.

The conditional use was conditioned upon the Applicant submitting a site plan if required by the County's Department of Planning or Bureau of Development Review.

1/06/09
Date


Jacob M. Yingling, Chairman