

**Tax Map/Block/Parcel  
No. 39-13-387**

**Case 5309**

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

**APPLICANT:** Paul Bowersox  
713 Eden Farms Circle  
Westminster, MD 21157

**ATTORNEY:** Michelle M. Ostrander

**REQUEST:** Conditional use for the conversion of an existing two-family residence to a dental office on the first floor and one dwelling unit on the second floor, and a variance from the required front yard setback of 40 ft. to 8 ft. and a variance from the required side yard setback of 25 ft. to 12 ft.

**LOCATION:** The site is located at 206 Pennsylvania Avenue, Westminster, on property zoned "R-7,5000" Residential District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-93 (A) , 223-85 (A), 223-79 (C) & (G) and 223-82 A

**HEARING HELD:** February 22, 2007

**FINDINGS AND CONCLUSION**

On February 22, 2007, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for the conversion of an existing two-family residence to a dental office on the first floor and one dwelling unit on the second floor, and a variance from the required front yard setback of 40 ft. to 8 ft. and a variance from the required side yard setback of 25 ft. to 12 ft. The Board made the following findings and conclusion:

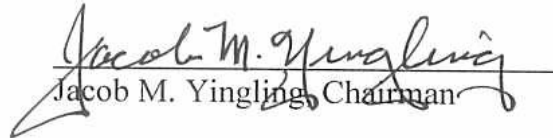
The Applicant is a practicing dentist. He has one employee for his office. He wants to purchase a residence and move his dental practice there. He will see 8 to 12 patients per day. The office will be open from 8:00 a.m. to 4:30 p.m. Monday through Thursday. There will be no structural alterations to the building except for the installation of a handicap ramp. The first floor of the residence will be the dental office and the second floor will be an apartment.

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The surrounding neighborhood includes residences and commercial uses. Traffic to and from the office will be minimal. The building has been in this spot for over 80 years and could not meet the setback provisions. The building is currently vacant.

The Board finds that adverse effects from the proposed use: i.e.) noise, dust, traffic, smoke, vibrations, glare, would be no worse here than elsewhere in the zone. Accordingly, the conditional use for a dental office is granted. In addition, the Board finds that the structure has existed in its current location for at least 80 years. Short of demolition, there is no way for the building to meet today's setbacks. Accordingly, practical difficulty and undue hardship have been proven, and the requested variances are granted.

3/21/07  
Date

  
Jacob M. Yingling, Chairman