

Tax Map/Block/Parcel
No. 21-10-264
Case 5282

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Jacquelyn MacMillan
3438 Littlestown Pike
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: A conditional use for an arts, crafts and music store and variances as needed.

LOCATION: The site is located at 3438 Littlestown Pike, Westminster, on property zoned "A" Agricultural District in Election District 3.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (1), 223-75 (if needed) and 223-186 A (2)

HEARING HELD: December 27, 2006

FINDINGS AND CONCLUSION

On December 27, 2006, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use and variances as needed for an arts, crafts and music store. The Board made the following findings and conclusion:

The subject property consists of 2 parcels under the joint ownership of the Applicant. The property includes a residence and some outbuildings. One outbuilding was converted by the prior owner to a studio.

The Applicant is an artist who wishes to open an art studio on the site for the display and sale of arts and crafts. She also wants to use the studio to teach music to the general public. There will be no employees except for the Applicant and her husband. She anticipates that up to 10 customers or students will visit the site per day. The neighborhood is mixed use and the property was formerly used as a general store in the past. The home was constructed around 1902. There will be few, if any, deliveries to the property.

The Board finds that, with certain conditions, the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. Noise, dust, gases, vibrations, and congestion will be minimal. However, the Board is concerned with the hazardous traffic conditions at or near the entrance to the proposed studio. Accordingly, the following conditions are imposed:

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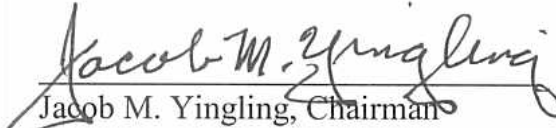
1. The access for the property at Rte. 97 shall be marked as "entrance only" for students and patrons of the studio. They shall exit via the rear alley way to Murkel Road.
2. There shall be a maximum of 3 employees (including the Applicant and her spouse).
3. The use is non-transferable.
4. All signage shall conform to Carroll County Public Local Laws and Ordinances § 223-138 and all applicable regulations.
5. Hours of operation shall be from 10:00 a.m. to 6:00 p.m. on Tuesdays through Saturday, except for special events.

In addition, the Board finds that the property is unique for purposes of the variance. It consists of 2 parcels under single ownership. It formerly housed a general store. The studio building already exists. Under these conditions, a strict application of the Zoning Ordinance to this property would result in practical difficulty and unnecessary hardship. Accordingly, the following variances are granted:

1. A variance to 10 feet (+-) for the side yard.
2. A lot size variance to 17,850 sq. feet

1-18-07

Date


Jacob M. Yingling, Chairman