

**Tax Map/Block/Parcel  
No. 21-10-241**

**Building Permit/Zoning  
Certificate No. 03-0406**

**Case 4787**

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

**APPLICANT:** Rick Jones  
1955 Running Brooke Drive  
Westminster, Maryland 21158

**ATTORNEY:** John Hodgeson

**REQUEST:** An appeal of a Notice of Violation from the Zoning Administrator concerning property being used illegally as a business.

**LOCATION:** The site is located at 3416 Littlestown Pike, Westminster, MD 21158, on property zoned "A" Agricultural District in Election District 3.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-188B

**HEARING HELD:** April 23, 2003

**FINDINGS AND CONCLUSION**

On April 23, 2003, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation from the Zoning Administrator concerning property being used illegally as a business. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property was before this Board in Case No. 4774, the file and decision of which were incorporated into and taken administrative notice of this case. In that case, the Appellant (then the Applicant) testified forthrightly that he purchased an old bank building at 3416 Littlestown Pike, Westminster, MD and he is using it for offices and a small showroom to support his home building business, (R&J Custom Homes). In Case No. 4774, we denied the request to change the use of this nonconforming structure to allow the office/showroom as the nonconforming use ceased years ago.

The Appellant was served with a Notice of Violation dated February 5, 2003, which found that, based upon the Appellant's testimony in Case No. 4774, he was operating an illegal business in the Agricultural zone. At this hearing, a neighbor presented testimony and photographs proving to us that R&J Custom Homes is still operating on the subject property.

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The neighbor cited the existence of the showroom and traffic which were all consistent with the continued existence of the home building business at this site, despite our holding in Case No. 4774 denying such a use at this location.

Accordingly, the Notice of Violation is upheld, as we are convinced that the Appellant is still operating the illegal business (namely, the home building office) in the Agricultural zone.

5/13/03

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman