

Tax Map/Block/Parcel
No. 67-13-395

Building Permit/Zoning
Certificate No. 96-3827

Case 4184

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPELLANT: Bonita L. Harmon
5306 Woodbine Road
Woodbine, Maryland 21797

REQUEST: An appeal of the Zoning Administrator's denial of Building Permit/Zoning Certificate Application 96-3827 for an arts and craft shop within the existing dwelling

LOCATION: 5306 Woodbine Road on property zoned "C"
Conservation District in Election District 14

BASIS: Article 17, Section 17.2(a); Ordinance 1E (The Carroll County Zoning Ordinance)

On January 28, 1997, the Board of Zoning Appeals held a hearing on the appeal of the Zoning Administrator's denial of the Building Permit/Zoning Certificate Application 96-3827 for an arts and craft shop within the existing dwelling at 5306 Woodbine Road on property zoned "C" Conservation in Election District 14, by Bonita L. Harmon. Ms. Harmon appeared and testified in support of her appeal. The Zoning Administrator presented a statement to the Board. The following are the Board's findings and conclusions.

The subject property is 5.49 acres of land and is improved by a two-story dwelling. The dwelling has a in-law apartment which is currently vacant due to the demise of Ms. Harmon's parents. Ms. Harmon wishes to make and sell crafts in the two rooms of the apartment which were formerly the living and dining rooms. The appellant also wishes to formally display her crafts in the residence, during such times when she is not displaying or participating in shows.

Customers will come to the house and pickup special orders and view alternate selections. In addition, Ms. Harmon proposes to offer for other artisans the opportunity to display their wares at her home to be sold on a consignment basis. She does not anticipate having any employees. The appellant and her sister-in-law, Nancy S. Wallace, propose to be the sole operators of the enterprise. Both work full-time and do the crafts on a part-time weekend basis for their enjoyment. The Zoning Administrator's testimony indicated that the arts and crafts as described by the appellants are not a listed principal or conditional use in the Conservation District. Further, he

testified that the Board is without authority to authorize an accessory use of such a nature. The use is neither usually or customarily found in the Conservation District. The sale of consignment work further indicated that it is not an accessory to the principal dwelling.

The Board finds that the use as proposed by the applicants is not an authorized use within the Conservation District and upholds the Zoning Administrator's determination. The Board however, notes that the appellants can perform some of the activities that they describe as an accessory use to the dwelling. The degree and intensity of the use proposed by the appellants cannot be sanctioned by this Board. However, nothing prevents the applicants from making their crafts within their dwelling and occasionally, having someone come to their house to either purchase or view their crafts.

MARCH 5, 1997
Date


James L. Schumacher, Chairman

IM/bmh/c4184dec.bmh
March 4, 1997