

Tax Map/Block/Parcel
No. 74-14-155

Building Permit/Zoning
Certificate No. 96-3052

Case 4159

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Mr. Albert Craemer
4817 Deer Park Road
Owings Mills, Maryland 21117

REQUEST: Enlargement of an existing beauty shop classified
as a nonconforming use

LOCATION: 2132 Liberty Road on property zoned "R-20,000"
Residence District in Election District 5

BASIS: Article 4, Section 4.3(a)(1); Ordinance 1E (The
Carroll County Zoning Ordinance)

On October 25, 1996, the Board held a hearing on the applicant's request for enlargement of an existing beauty shop classified by the applicant as a nonconforming use. During the hearing, the applicant requested and the Board approved a modification of the request to that of a conditional use for a beauty parlor as authorized in Section 7.2(b) of Ordinance 1E. The subject property is 1.038 acres and is zoned "R-20,000".

FINDINGS AND CONCLUSION

Mr. Albert Craemer, the applicant, appeared and testified on behalf of his application. Based on the testimony and the record, the Board makes the following findings of fact. The property consists of a little more than one acre and is zoned "R-20,000" Residence District. It is improved by a building which was at one time used by its resident as a beauty shop. The beauty shop use ceased operation in December of 1995. The nature or extent of the beauty shop operation is unknown as there was no testimony or evidence presented regarding the issue. The applicant's testimony is that the use abated in December of 1995, well over six months from the date of the hearing. If the use qualified as a nonconforming use, the Board finds that it no longer does. Confronted with the lack of evidence regarding the nonconforming status, the applicant petitioned the Board to modify his request to that of a conditional use for a beauty parlor as authorized in Section 7.2(b) of the zoning ordinance.

The applicant testified and the Board finds that he would like to remodel the building and provide adequate parking for the

proposed beauty parlor. The parlor would have twelve stations with twelve operators. In addition, the upstairs would continue to be used as rental property for a residence. The shop would be open six days a week between the hours of 8:30 a.m. and 6:00 p.m. and two nights a week until 8:00 p.m. There would be no Sunday hours. The applicant testified that he would be the owner/operator.

The Board concludes that the degree of the operation proposed to be contrary to that which is authorized in the ordinance as a beauty parlor in Section 7.2(b). In making this conclusion, the Board is guided by several factors. The parking requirements for the proposed use would require the construction of at least 38 parking spaces.¹ To construct such a large number of parking spaces on such a small area in the residential zone is contrary to the purpose of the residential zone. To make the twelve station operation viable, a large number of clients would have to visit the site daily. The number of customers which would be attracted to this facility would create a dangerous traffic problem. The traffic generated by the large number of customers would be particularly onerous at this location as the site is serviced by a very heavily trafficked road with very limited access. The use as described at this location is simply not an appropriate use of the land.

The Board finds that the reduction of the number of stations would adequately address many of the Board's concerns. By reducing the number of stations authorized the traffic generated would be equally reduced. The parking requirement would equally be reduced and the adverse effects of the use upon peaceful enjoyment of people in the adjoining residences at this location would be reduced to an acceptable level.

The applicant and the Board discussed the issue of the number of stations at the hearing at great length. To be economically viable, the applicant first argued that the minimum number of stations he can have is eight, and then six. However, the Board is convinced that reducing the number of stations to six does little to ameliorate the adverse effects the use would have at this location. The Board concludes that more than four stations at this location would be unacceptable, and therefore approves the request limited to four stations. The hours of operation are also limited to the hours requested. The Board notes that by limiting the number of stations to four, it is balancing the desire of the applicant and the adverse effects the use will have on the neighborhood. The reduction of the number of stations will reduce the parking requirements, the traffic and the overall commercial nature of the venture. The Board finds that any more than four stations at this location would have a greater adverse effect than

¹ Three parking spaces for each station plus two parking spaces for the residence. See Article 14, Section 14.1(a)(5) and Section 14.1(a)(24).

