

CARROLL COUNTY GOVERNMENT

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Acting Zoning Administrator
Gayle Fritz

Official Decision
Case ZA-1005
Permit – 06-0997
Acting Zoning Administrator
Carroll County, Maryland

APPLICANT: Carolyn A. Kutilek

REQUEST: Change from non-conforming use as a bank to non-conforming use as an antique and gift shop

LOCATION: 3462 Uniontown Rd.
Westminster, Md. 21158

MAP/BLOCK/PARCEL: 37/14/188

APPLICABLE REGULATIONS: Code of Public Local Laws and Ordinances, Sections 223-9H, 223-181.1 and 223-181.2

HEARING HELD: May 3, 2006

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing, the change in non-conforming use to an antique and gift shop is granted.

Section 223-9H allows the Zoning administrator to approve the change of a nonconforming use of a building, structure or premises to another nonconforming use which is of the same general character provided no structural alterations are made. Facts, which support the request for relief from the strict terms of the Ordinance, in this case, a change from non-conforming use as a bank to non-conforming use as an antique and gift shop, are as follows:

The bank ceased operation on May 13, 2005. An extension to November 13, 2006, was granted by the Acting Zoning Administrator pursuant to §223-9D based on the proposed sale to the applicant. The applicant, who was represented by her attorney, Mr. Jack Gullo, would like to open an antique and gift shop at this location. Mr. Gullo stated that the typical hours of operation would be 10:00 a.m. until 4:00 p.m., Monday through Saturday. The hours may differ to accommodate any seasonal events or festivals and during peak seasons but at no time would the business be open later than 9:00 p.m. There will be employees during peak times but the business would primarily be operated solely by Ms. Kutilek.

Mr. Charles Clarke from the Historic Preservation Committee, was in attendance and asked that there be no outside display of items for sale and stated that any changes to the exterior of the building or any sign would require approvals from the Historic Preservation Commission. Ms. Mary Ellen Bay, who is a resident of the County just outside of Historic Uniontown, stated that she would prefer a bank that would serve the residents of Uniontown to occupy this location rather than an antique shop that would bring in people from all locations.

Although antique and gift shops are a conditional use pursuant to §223-49A, the use constitutes a nonconforming use because the lot on which the use is proposed does not meet the minimum lot area for a conditional use and the structure does not meet front and side yard requirements. The property and building as it now exists is of a commercial nature as it was formerly a bank. There is an existing parking lot with 7 parking spaces and 3 more available in the drive thru area. The drive thru would not be needed for an antique and gift shop. According to testimony given there have been at least 2 antique shops approved in the past in Uniontown.

There was no testimony given that would provide sufficient reason to deny the substitution of the former non-conforming use for that of an antique and gift shop; therefore, the granting of this change in non-conforming use should have no adverse effect on any adjoining property owners.

This approval is valid for one year from the date of a Zoning Certificate.

Note:

An appeal of a Decision made pursuant to Section 223-181.2 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrator's decision in accordance with Sections 223-182 and 223-188 of the Code of Public Local Laws and Ordinances.

A decision of the Zoning Administrator made pursuant to Section 223-181 is final and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

May 10, 2006
Date

Gayle Fritz
Gayle Fritz
Acting Zoning Administrator