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Official Decision
Case ZA-1051
Permit - 07-0194
Zoning Administrator
Carroll County, Maryland

APPLICANT:	Financial Phoenix, Inc.
REQUEST:	A variance from the Carroll County Code of Public Local Laws and Ordinances, Chapter 223-105(B), to increase gross floor area from 10,000 square feet to 13,000 square feet, in building B, for three separate businesses: a restaurant, a banquet facility and property management.
LOCATION:	Lot 64 N/W Piney Ridge Parkway and Johnsonville Road Eldersburg, MD 21784
MAP/BLOCK/PARCEL:	73/10/732
APPLICATION REGULATIONS:	Code of Public Local Laws and Ordinances, Chapter 223-105(B)
HEARING HELD:	February 21, 2007

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence at the hearing, the variances in excess of the 10,000 square feet are granted.

Testimony and square footage calculations were presented for the Restaurant, Banquet and Property Management of both buildings as follows:

Building B	
Restaurant	10,772
Banquet	11,447
Property Management	
Buildings A & B	12,800

The uniqueness of the project is that it is designed as a Planned Business Center in a BNR Zoning District. Therefore, there are multiple uses within the two buildings with common areas, such as hallways, stairwells, and elevators that serve all occupants of the building unlike a stand alone building with a single use. My interpretation of the common use areas is they are not part of the square footage for the individual use within the building and therefore do not count toward the maximum of the 10,000 square foot requirement.

The 12,800 square footage calculations for the property management occupancy was a total of both buildings including the common use areas under their control.

The 10,723 square footage calculation for the restaurant included areas in the basement level of the building for storage and office use that supported the main use on the first level. The actual size of the restaurant on the first floor which included the patio was just over 10,000 square foot requirement by 396 square feet.

The 11,447 square footage calculation for the banquet hall also included areas in the basement used for freezer/refrigeration storage, office and marketing, laundry and food preparation area that supported the main banquet hall use on the 2nd level of the building. The actual square footage of the banquet area on the 2nd level was under the 10,000 maximum square footage requirement.

Prior to this project being submitted for concept plan, the Carroll County Planning Department requested the Developer to redesign their project so it would better blend into the future anticipated BNR Zoning District to compliment the surrounding residential community. In doing so, the submittal to Development Review followed the new designated BNR Zoning. If they were permitted to submit the plan as originally designed, they would have been in compliance with the previous zoning district designation of General Business and the square footage waiver would not have been required.

Those present at the hearing were not in objection with the waiver.

In conclusion, the granting of this waiver of the maximum 10,000 square footage requirement should have no adverse effect on the adjoining property owners and therefore is approved.

Note:

An appeal of a Decision made pursuant to Chapter 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 Chapter 223-182 and 223-188 of the Code of Public Local Laws and Ordinances.

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

MARCH 1, 2007
Date

Ralph E. Green
Zoning Administrator