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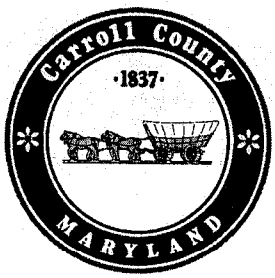

Office of
Zoning Administration

Official Decision
Case ZA-1130
Zoning Administrator
Carroll County, Maryland

APPLICANT: Jeanine M. Lindenstruth, Case No. 5476

LOCATION: 44 Ridge Road, Westminster, Maryland 21157

ZONING: "R-10,000" Residential District

DATE OF HEARING: Thursday, April 23, 2009

REQUEST: An accessory use for a resident professional office (pediatric occupational therapy) within a dwelling and variances from the required 25 ft. side yard setbacks to 19 ft. of the right side and 16ft. on the left side.

CODE PROVISIONS: § 223-82, 223-87 G, 223-181.1

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing, the Accessory Use is **GRANTED WITH CONDITIONS**.

Findings:

Facts which support the request for relief, in this case permission to establish a professional office as an Accessory Use within a dwelling pursuant to §223-87G, are as follows:

The applicant wishes to establish a Pediatric Occupational Therapy medical office in a dwelling which she is currently renting (with an option to purchase). The property is currently zoned R-10,000. Additionally, she is also requesting a variance to the side yard setback requirements of 25 feet.

The medical office will be located in the basement of the dwelling and will be used only during the hours of 12:00 pm and 6:00 pm, Monday through Friday with occasional Saturdays. Further the applicant will see one patient at a time for a period of 50 minutes per patient. The Applicant will treat no more than five (5) patients per each business day.

Currently the dwelling sits upon setbacks which extend 19 feet to the right side of the dwelling, and 16 feet to the left side of the dwelling (which abuts an undeveloped field).

A number of homeowners from the community appeared in opposition to the approval of the Accessory Use. Additionally, one such homeowner, Mr. Paul New, was represented by attorney, Mr. Richard Titus, in his opposition to the Applicant's request.

Conclusions:

It should be noted that setbacks of 25 feet as formerly required for a Conditional Use under the Carroll County Code are no longer required for the present request as an Accessory Use. So long as the normal side yard setbacks for a residence zoned R-10,000 (12 feet) are complied with, then no variance is required. As such, the Applicant's request for a variance is moot, and need not be addressed at this time.

After review of the testimony and evidence the Zoning Administrator finds that no adverse effects will result in the approval of Applicant's Accessory Use so long as the following conditions are met:

1.) The Pediatric Occupational Therapy Office shall only conduct business between the hours of 12:00 noon through 6:00 p.m. Monday through Friday.
2.) The Pediatric Occupational Therapy Office shall only conduct business on Saturdays, between the hours of 9:00 a.m. and 12:00 noon.
3.) The Pediatric Occupational Therapy Office shall only conduct business with one patient at any given time.
4.) The Pediatric Occupational Therapy Office shall only conduct business with no more than five (5) patients during the course of any business day, Monday through Friday.
5.) The Pediatric Occupational Therapy Office shall only conduct business with no more than two (2) patients on Saturdays.
6.) The Approval of this Accessory Use will only extend to the Applicant for as long as she is a resident of 44 Ridge Road, or for a period of five (5) years, which ever is the greater of the two. At the end of five (5) years, Applicant may reapply for an Accessory Use.

Note: This Decision may be appealed to the Board of Zoning Appeals within thirty (30) days of the date issued in accordance with Sections 223-182 and 223-188 of the County Code.

A Decision of the Zoning Administrator made pursuant to Section 223-181.1 is final and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

5/1/09
Date

Michael D. Maring
Zoning Administrator