Jay C. Voight, Zoning Administrator

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Office of Zoning Administration

Department of
Land Use, Planning & Development
Carroll County Government
225 North Center Street
Westminster, Maryland 21157

Official Decision
Case ZA-1361
Zoning Administration
Carroll County, Maryland

APPLICANT:	James L. Thomas
REQUEST:	An Accessory Use Request for a Professional Office within a Dwelling
LOCATION:	4148 Diehl Road Taneytown, MD 21787
MAP/BLOCK/PARCEL:	19/11/41
APPLICABLE REGULATIONS:	Chapters 223-72(W) and 223-181
HEARING HELD:	May 2, 2012

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing the accessory use is granted.

Facts which support the request for relief from the strict terms of the Ordinance; in this case, an accessory use for a professional office within a dwelling, are as follows:

Mr. James Thomas is applying for a professional office on his property to re-establish his acupuncture practice. In Chapter 223, Article IX, §223-72(W), it allows for a professional office of a physician or other profession within a dwelling. The question then becomes, is the studio building he wishes to use considered as part of a dwelling.

In §223-72, accessory uses, there are various accessory uses such as, a beauty parlor, barbershop, cottage industry, antique shops and arts and crafts shops that state the use is allowed in a dwelling or accessory structure on the property. All of these uses are subject to increased traffic greater than normal residential use. The question remains then, should a professional office of a physician or similar profession be restricted to within the dwelling only or should it be allowed in an accessory structure.

The intent of the ordinance was that if you were having customers come to the property, a hearing was to be held to determine if the proposed use would impact the property or adjoining properties, and if there were any mitigating actions that could be taken to lessen the impact.

Mr. Thomas's proposed use would have no greater impact on the property or adjoining properties whether it was in his dwelling or in an accessory structure; therefore, Mr. Thomas's proposed use in an accessory structure for a professional office is granted.

No neighbors were present at the hearing opposing the accessory use; therefore, the granting of this accessory use should have no adverse effect on any adjoining property owners.

This approval is valid for one year from the date of this decision.

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 223-181 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.

May 7 2012
Date

Jay C Voight
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Zoning Administrator