

Tax Map/Block/Parcel
No. 46-8-848

Building Permit/Zoning
Certificate No. 05-0598

Case 5058

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: KBM Enterprises, LLC
40 Fitzhugh Avenue
Westminster, MD 21157

ATTORNEY: Clark R. Shaffer

REQUEST: An appeal of a Notice of Violation from the Zoning Administrator concerning the operation of an unapproved business and/or modification of BZA Decision in Case 4679 concerning the approval of a professional office.

LOCATION: The site is located at 421 East Main Street, Westminster, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-86 A, 223-79 G, 223-186 A (2) and 223-188 B

HEARING HELD: June 1, 2005

FINDINGS AND CONCLUSION

On June 1, 2005, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation from the Zoning Administrator concerning the operation of an unapproved business and/or modification of BZA Decision in Case 4679, which was made part of the record in this case. The Board made the following findings and conclusion:

In 2002 the Board approved a conditional use for professional offices within a dwelling at 421 East Main Street in Westminster. The Applicant in that case was an insurance company with 3 full time employees, and two part time employees. The Applicant is now allowing the operation of a phone order/internet apparel company on the second floor of the building. They are essentially "middle men" for apparel orders made over the internet. The tenant and a partner works at the subject site, usually from 9:00 A.M. to 7:00 P.M. on Monday through Friday. There is almost no customer traffic to the site, as business is conducted over the phone or the computer.

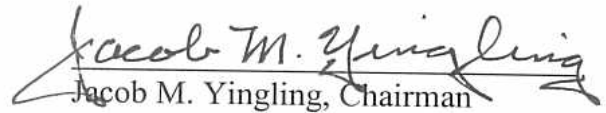
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The Board finds that the apparel office was not approved in Case No. 4679, and therefore, the issuance of the Notice of Violation was appropriate. However, the apparel business, as described to the Board, will not generate adverse effects greater here than elsewhere in the zone. Accordingly, a modification of our approval in Case 4679 to allow for the new business is warranted. The approval is non-transferable.

6/23/05
Date


Jacob M. Yingling, Chairman