

Tax Map/Block/Parcel
No. 61-19-280

Building Permit/Zoning
Certificate No. 05-0114

Case 5026

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

APPLICANT: Sergio Ivan Castillo
4233 Buffalo Road
Mt. Airy, MD 21771

ATTORNEY: Gregory A. Dorsey

REQUEST: A conditional use for a home office with two non-residential employees, parking of three (3) commercial vehicles and a variance from lot size restrictions.

LOCATION: The site is located at 4233 Buffalo Road, Mt. Airy, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (21) & (23) and 223-75

HEARING HELD: March 1, 2005

FINDINGS AND CONCLUSION

On March 1, 2005, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a home office with two non-residential employees, parking of three (3) commercial vehicles and a variance from lot size restrictions. The Board made the following findings and conclusion:

The Applicant runs the administrative office for his flooring and remodeling business from his home. He is a professionally licensed contractor who resides there with his family. The lot is a substandard size lot in the "A" Agriculture zone, which was apparently created prior to the adoption of zoning in the County. No customers will visit the site, as business is either transacted by telephone or outside the office. There will be 1 non-resident employee who will answer telephones at the office. The Applicant's other employees work off-site, and visit the base office only once a week for a staff meeting. Materials in connection with the business will not be kept at the home office.

The Board finds that the proposed use is for an administrative office for the receipt of telephone calls, mail, and paperwork. The use will not generate traffic, and any adverse effects generated will be no greater here than elsewhere in the zone. Accordingly, the conditional use is granted, subject to the following conditions:

1. Hours of operation are limited to 8:00 AM to 5:00 PM – Monday through Friday.
2. Only one non-resident employee may work at the home office.
3. No building materials shall be stored outside the building and the property shall be kept in a neat and tidy condition such that the existence of the business is not evident.
4. A site plan shall be submitted designating a surfaced parking area to be provided for vehicles.
5. The commercial van serving the business may not be parked at the site.
6. No sign may be erected.

As for the variance, the Board finds that this is a non-conforming substandard lot, created before the adoption of the lot area, lot width and yard requirements of 233-75. In this respect, the property is unique, and strict application of the provisions of 223-75 would result in hardship to the Applicant. Accordingly, the variances are granted.

Date

3/16/05


Jacob M. Yingling, Chairman