

**Tax Map/Block/Parcel
No. 46-15-100**

**Building Permit/Zoning
Certificate No. 00-2155 and
00-2156**

Case 4519

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

APPLICANT: Lewis Development Corporation
403 Malcolm Drive
Westminster, Maryland 21157

ATTORNEY: Clark R. Shaffer, Esquire
6 North Court Street
Westminster, Maryland 21157

REQUEST: An application for a conditional use request for a medical clinic and variances as needed from the lot area, lot width and yard setback requirements.

LOCATION: The site is located at 403 Malcolm Drive and 503-505 Old Baltimore Blvd., Westminster, MD 21157, on property zoned "R-10,000" Residence District in Election District 7 and is comprised of two parcels, one is .363 acres ± and one is .200 acres±.

BASIS: Article 8, Section 8.2; Article 17, Section 2(c); Zoning Ordinance 1E

HEARING HELD: August 29, 2000

FINDINGS AND CONCLUSION

On August 29, 2000, the Board of Zoning Appeals (the Board) convened to hear the application filed on behalf of Lewis Development Corporation. Lewis Development Corporation proposes to acquire two parcels of property varying in sizes, one being .363 acres and one .200 acres. The properties are located at the corner of Malcolm Drive and Old Baltimore Road, one is known as the Bollinger parcel, which is the corner parcel where the existing chiropractic office of Dr. Greg Lewis is located. The other parcel is located directly behind, adjacent and contiguous to the chiropractic office and is known as the Versace property. The original application sought to expand the existing building on the 403 Malcolm Drive property. This has been revised and a new plan has been submitted. The plan now is to raze both of the existing structures in order to build a new medical clinic for chiropractic care. The current clinic will be used until the new structure is built.

Mrs. June B. Bollinger is the current owner of the property located at 403 Malcolm Drive. In his testimony, Mr. Bollinger stated that the home was built in 1954 and the property was his residence until 1977. The residence included two side rooms, which were used for the office of Bollinger Insurance. The property was used as a professional office until 1984. In 1984, their agency merged with Wayne Barnes located at 95 West Main Street. As a result of that merger, the office was rented to Dr. Shavall, who had a medical practice. Thereafter Dr. Lewis rented the office for approximately 6 or 7 years. Throughout the years, the property was used continuously for physician offices. The Bollinger family has agreed to sell the property to Dr. Lewis.

Mr. Melvin Arbaugh, Architect, presented exhibits to the Board regarding the proposed building site and design of the new medical building for the Lewis Chiropractic Center. The new proposed design would increase the existing 1,700 Sq. Ft. office building to 5,500 Sq. Ft., which is anticipated to house four practitioners. Mr. Arbaugh investigated the possibility of enlarging the existing building; however, it was felt a larger parking arrangement, offices, and zoning ordinances could be achieved by razing the existing building. The new building design would be compatible with the area, since the area is currently comprised of residential and commercial buildings.

Mr. Al Stroud, Land Surveyor, testified that a full field survey was conducted of the involved properties. The basic building and parking footprints are to remain the same. Mr. Stroud also stated that according to the deeds there is not a right-of-way, but is an in-fee strip for the Livingstons, which is a guaranteed access for the Livingston property. The site plan is specifically designed so it is not dependent upon using that access.

Dr. Greg C. Lewis, testified that the Bollinger property has been the location of his chiropractic office for the past six years. Currently, Dr. Lewis has three practitioners at the site with plans for the fourth joining him next week. Dr. Lewis employs six employees in addition to the other practitioners. Dr. Lewis testified to the fact that Carroll County practices a drugless profession. Due to the growth of Dr. Lewis' practice and the need for additional parking, Dr. Lewis had been searching for a suitable location for over two years. Dr. Lewis testified that an agreement has been reached for the sale of the properties and he intends to settle and establish the use on the properties after settlement. Studies have been completed regarding the size and accessibility to this building for the growth and convenience of his patients. It is planned to reduce the current signage to one sign on the building and one sign in the front of the office. The proposed use and design of the properties will be conducive to the neighborhood. The basement level of the proposed building will be used for storage.

The applicant applied for an enlargement of a non-conforming use and, as an alternative, a conditional use for a medical clinic and variances as needed for lot area, lot width and yard setback requirements. The Board finds that the property at 403 Malcolm Drive to be a non-conforming use. The Board also finds that the applicant qualifies for a conditional use for a medical clinic as the use proposed at the location proposed will cause no greater adverse effects at this location than elsewhere within an R-10,000 District. However, since non-conforming use never extended to the Versace property at 503-505 Old Baltimore Blvd., and since the conditional use proposed will be dependent on that parcel, the Board will require that both

parcels be merged by a deed of consolidation prior either to the conditional use being established or, in the alternative, the non-conforming use expanded. This approval is based in large measure to the representation that the current structures will be razed. Finally, as requested by the Bureau of Development Review, this application is subject to a site plan review.

9/28/00

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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