

Case 3906

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

APPELLANT: Eggs I Corporation
Frederick Mark Gross, President
5 South Center Street
Westminster, Maryland 21157

ATTORNEY: Charles M. Preston, Esquire
Stoner, Preston and Boswell, Chartered
188 East Main Street
Westminster, Maryland 21157

APPEAL: An appeal of the zoning administrator's January 20, 1994, decision that Bowling Brook Country Inn does not qualify as a nonconforming use for catering; and, in the alternative, a conditional use for facilities and catering for banquets, weddings, receptions, reunions and similar one day events not open to the public generally

LOCATION: 6000 Middleburg Road in Election District 10

BASES: Article 17, Section 17.4; Article 6, Sections 6.3(bb) and 6.7; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: March 24, 1994

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board affirmed the appeal, reversing the zoning administrator's decision that Bowling Brook Country Inn does not qualify as a nonconforming use for catering. The alternative request for a conditional use in accordance with the amended provisions of Article 6, Section 6.3(bb) of Ordinance 1E is moot. The pertinent findings determining the Board's decision include the facts that testimony presented on behalf of the conditional use for the country inn in Case 3750 expressed intent to provide catering for guests at weddings. The zoning ordinance was subsequently amended with the adoption of Ordinance No. 112, effective January 4, 1994. The enacted amendment was not retroactive. From some time after the establishment of the country inn through January 20, 1994, catering was provided at the country inn. The principal use of the facility has been and continues to be the country inn.

Accordingly, the Board hereby affirms the appeal of the zoning administrator's decision. In accordance with the provisions of Article 17, Section 17.4.10 of the zoning ordinance, the Board extended the time to issue this decision.

4-29-94
Date
JDN/bmh/c3906dec.bmh

Claude R. Rash
Claude R. Rash, Chairman