

**Tax Map/Block/Parcel  
No. 39-16-518**

**Case 5445**

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

**APPLICANT:** JHB MD Properties  
c/o James H. Belt, Jr.  
P.O. Box 374  
Finksburg, Maryland 21048

**ATTORNEY:** Charles M. Preston, Esquire

**REQUEST:** Structural alteration/enlargement of a nonconforming use, namely the addition of a two-story (with attic) office building at a garden supply center.

**LOCATION:** The site is located at 619 Lucabaugh Mill Road, Westminster, MD 21157, on property zoned "C" Conservation District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, 223, Article III, Section 223-9

**HEARING HELD:** October 30, 2008

**FINDINGS AND CONCLUSION**

On October 30, 2008, the Board of Zoning Appeals (the Board) convened to hear a request for a structural alteration/enlargement of a nonconforming use, namely the addition of a two-story (with attic) office building at a garden supply center. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is the former Green Thumb Nursery located along the east side of Lucabaugh Mill Road north of Route 27 near Westminster. The property has a single access to Lucabaugh Mill Road and there is no direct access from Route 27.

The Applicant wishes to reopen and expand the nursery and landscaping operation. The improvements to the property will include a 2-story barn style building with a basement and attic, totaling 4,200 square feet of gross floor area. The new building will be used as office space for the garden shop and landscaping business. The existing building will continue to be used as the main shop. The three greenhouses and other outbuildings on the property will also

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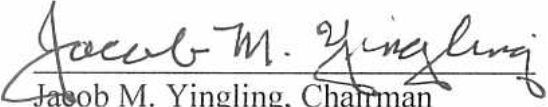
be used for the nursery. The new building will be connected to the existing building by an outdoor breezeway.

The property is non-conforming and was first opened as a garden supply center as a conditional use in 1972 in BZA Case No. 768. The proposed operation will be substantially similar to the prior garden center uses at this location. Office hours will be from 8:00 a.m. to 5:00 p.m., Monday through Friday. Retail garden center sales will be conducted Monday through Friday, 7:30 a.m. to 6:00 p.m., Saturday from 9:00 a.m. to 8:00 p.m. and Sunday from 10:00 a.m. to 4:00 p.m. The landscaping business will operate Monday through Friday from 6:30 a.m. to 5:00 p.m. There will be a total of 35-40 employees, most of whom will be working off site. Seven of these employees will be working in the new building performing office and clerical functions for the business.

The Board heard credible testimony from a traffic engineer, which established that the reopening and expansion of the nursery will not adversely impact traffic conditions in the surrounding neighborhood. In addition, the Board heard uncontroverted testimony from a real estate appraiser which proved that the proposed use will not adversely affect property values in the area.

Based on the above, the Board confirmed the non-conforming status of the garden supply center at this site. In addition, the Board found that the reopening and expansion of the garden supply center at this location will not adversely impact traffic, property values, or the peaceful enjoyment of the neighborhood. The proposed improvements to the facility will be attractive and a benefit to the community. Accordingly, the request for a structural alteration and enlargement of the nonconforming garden supply center was granted.

11 / 19 / 08  
Date

  
Jacob M. Yingling, Chairman