

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY MARYLAND

APPLICANT: The International Church of the Four Square Gospel, Inc.
Post Office Box 1747
Westminster, Maryland 21157

ATTORNEY: James Willard Davis, Esq.
237 East Main Street
Westminster, Maryland 21157

REQUEST: Conditional use for a church, seasonal activities building, and
parsonage.

LOCATION: 907 Old New Windsor Road in Election District 7; Avondale Ridge,
lot 3 recorded in Carroll County Plat Records in Book 19, page 47.

BASIS: Article 5, Section 5.2(e); Ordinance 1E.

HEARING HELD: October 25, 1988

On October 25, 1988 the Board of Zoning Appeals heard testimony and received evidence concerning the Application for Hearing requesting permission for the establishment of a church as a conditional use of the property at 907 Old New Windsor Road. Based on the record of this case, the Board will approve the request, subject to the conditions noted below.

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. The pertinent findings are as follows:

FINDING OF FACTS

The property at 907 Old New Windsor Road (Md. Rt. 852K) is also known as Avondale Ridge subdivision, lot 3. The subdivision plat is recorded in the Carroll County plat records in Plat Book 19, page 47. The subdivision was accomplished for purposes of residential development. As shown by the site location map for this case, several of the lots have been resubdivided with a total of 11 lots shown on the map. Lot 2 is located to the northeast of lot 3, but is separated from Lot 3 by the fee simple strip of land providing frontage on Old New Windsor Road and

access to the principal acreage of Lot 4 abutting the rear property line of Lot 3. Lot 5 adjoins Lot 3 along the southwesterly side property line. Lots 2 and 5 are improved with single family dwellings. Lot 4 is presently unimproved. In addition to Old New Windsor Road, the right of way of Md. Rt. 31, New Windsor Road, is located to the northwest of the subdivision. The nearest connections between Old New Windsor Road and Md. Rt. 31 are approximately 1,500 feet to the southwest and 2,500 feet to the northeast. This should be ample space to minimize potential congestion of vehicular traffic coming to, or leaving the premises. The property on the opposite side of Md. Rt. 31 is within the corporate limits of the City of Westminster and is being developed residentially as shown by Applicant's Exhibits 3a, 3b, and 3c.

The revised preliminary site development plan, identified as Applicant's Exhibit 1, shows the church building with the future edition, a separate parsonage, and parish house. A total of eighty-seven parking spaces are shown on the plan. However, only thirty-eight spaces are proposed for initial construction. The additional forty-nine spaces are designated for construction in the future to provide for anticipated growth of church attendance. While not shown on the revised plan, testimony was presented indicating that low level lighting of the parking facilities is planned. Landscaping will be established to minimize the impact of the parking areas upon residents of the adjacent properties. The church building will probably be constructed first. Although architectural plans have not been prepared, testimony presented on behalf of the request indicated that the intention is that the church building be readily identifiable as a church, and that the accessory buildings will be compatible with the adjacent residences in the subdivision. Services and activities will be conducted during normal hours, with no sound amplification used to broadcast outside of the buildings. An appropriate identification and information sign will be erected adjacent to the driveway connection to Old New Windsor Road. The sign will be located outside of a reservation strip, twenty feet in width, for the future widening of Old New Windsor Road (Md. Rt. 852K). Due to the circumstances involved in developing the necessary plans and approvals for the church, parsonage, and parish house the applicant requests an extension of time until 1991 to apply for the required Zoning Certificate.

An expert in real estate appraisal testified on behalf of the request, noting that the property was zoned "R-40,000" Residence District when the land was subdivided and that it has since been rezoned to "C" Conservation District. Principal permitted uses allowed in that district as specified in Article 5, Section 5.1 of the Carroll County Zoning Ordinance (Ordinance 1E) include schools, and public buildings. Churches, parish houses and other places of worship were legislatively added as conditional uses in the district on April 17, 1979. The lot and proposed improvements comply with the minimum lot area, lot width, and yard requirements as specified in Section 5.5 of Ordinance 1E. The expert concluded that the establishment of the proposed church and other improvements would be compatible with the nearby residential development and would not adversely affect the property values of adjacent dwellings.

Owners of the adjoining lots in the subdivision attended the public hearing and presented testimony in opposition to the request, and to express concerns regarding the revised preliminary site development plan. However, no probative evidence was introduced that refuted the expert's conclusions concerning establishment of the church, parsonage, and parish house.

CONCLUSION

Article 17, Section 17.7 of Ordinance 1E governs this Board in considering conditional use cases. In considering the record of this case with regard to the provisions of Section 17.7, the Board concludes that the church, parsonage, and parish house as generally proposed will be a reasonable and appropriate use of the property. Accordingly, the request is hereby authorized, subject to the following conditions of authorization which are imposed in order to promote the intent and purpose of the Carroll County Zoning Ordinance. The conditions are as follows:

1. Due to the circumstances in this case, the authorization is based on the preliminary site development plan, identified as Applicant's Exhibit 1, and the testimony presented to the Board at the public hearing.
2. In accordance with testimony presented, occupancy of the church building shall be limited to two hundred forty people.
3. The authorization is restricted solely to the applicant and shall not be transferable.
4. An extension of time to apply for the required zoning certificate is

approved until December 13, 1991. If the application is not filed by that date and a further extension is desired, a request may be submitted in writing to the Zoning Administrator. The Zoning Administrator may approve a further extension of time not to exceed one year upon good cause shown.

Dec. 13, 1988
Date

John Totura
John Totura, Chairman