

Cases 3107 and 3108

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: MIE Development Company
5720 Executive Drive
Baltimore, Maryland 21228

ATTORNEY: E. Susan Miller
Patricia McDonald
c/o Miller and McDonald
196 East Main Street
Westminster, Maryland 21157

REQUEST: Variances reducing the minimum front setback
and distance requirements pertaining to
proposed buildings and parking on two parcels
of land, approximately 2 acres and 30.5 acres

LOCATION: East side of Md. Rt. 97 about 1,400 feet north
of Md. Rt. 140 in Election District 7

BASES: Article 12, Sections 12.1 and 12.5; Article 4,
Sections 4.12 and 4.16; Article 15, Section
15.5; Ordinance 1E

HEARING HELD: February 28, 1989

FINDINGS AND CONCLUSION

The applications, testimony and evidence comprising the record of these cases are hereby included by reference in this decision. Based on the record the Board, on motion by Mr. William Law and second by Vice Chairman Lucy Thomas, hereby authorizes the requested variances as generally depicted by the revised sketch plan identified as Applicant's Exhibit 2. The Chairman, Mr. John Totura, opposed the authorizations. The pertinent findings of the Board favoring authorization of the requested variances include the following facts:

1. The use of the properties for principal permitted uses within the "I-R" Restricted Industrial District would otherwise be unduly limited by the minimum distances required from the adjoining residential zoning districts located to the east and west of the site.
2. The properties will be affected by construction of the Westminster By-pass and dualization of Maryland Route 97.

3. An expert in real estate appraisal, testifying on behalf of the Applicant, indicated that the adjacent residential properties to the west would not be adversely affected to a greater degree by the proposed development than they are presently affected by vehicular traffic on Maryland Route 97; and, that the proposed open space and anticipated redesign of the preliminary residential subdivision plan of land to the east will minimize possible adverse affects to the future subdivision.

The Applicant's attention is directed to the provisions of Article 10, Section 10.4(d) of the Carroll County Zoning Ordinance which are applicable in these cases.

March 15 1989
Date

John Totura
John Totura, Chairman