

Tax Map/Block/Parcel
No. 30-5-50

Building Permit/Zoning
Certificate No. 91-0032

Case 3482

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPELLANT: John D. Myers, Jr.
460 Old Bachman Valley Road
Westminster, Maryland 21157

ATTORNEY: Charles M. Preston, Esq.
188 East Main Street
Westminster, Maryland 21157

APPEAL: An appeal of a Notice of Violation, dated October 11, 1990, pertaining to the sale of goods in an "A" Agricultural District in violation of Section 6.3(t) of the Carroll County Zoning Ordinance, the Board of Zoning Appeals' approval in Case 2674, and the Maryland Court of Special Appeals' decision in Case 1005, September 1989

LOCATION: 2510 Littlestown Pike (Md. Rt. 97) in Election District 3

BASIS: Article 17, Section 17.4; Ordinance 1E. (The Carroll County Zoning Ordinance)

HEARING HELD: January 29, 1991

On January 29, 1991, the Board of Zoning Appeals heard testimony and received evidence concerning the appeal of the Notice of Violation dated October 11, 1990, pertaining to the sale of goods in an "A" Agricultural District in violation of Section 6.3(t) of the Carroll County Zoning Ordinance, the Board of Zoning Appeals' approval in Case 2674, and the Maryland Court of Special Appeals' decision in Case 1005, September 1989 at 2510 Littlestown Pike (Md. Rt. 97).

The Board visited the site January 24, 1991, prior to the public hearing.

The appeal, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board will deny the appeal and affirm the Notice of Violation, dated October 11, 1990, issued by Zoning Enforcement.

The pertinent findings include the following facts.

FINDINGS OF FACT

The 163.88 acre property is located on the west side of Littlestown Pike and north side of Stone Road. The property is zoned "A" Agricultural District as depicted on Zoning Map 30B. The farm market was previously conditionally approved March 26, 1987, by the Board in Case 2674 in accordance with the provisions of Article 6, Sections 6.3(t) and 6.7 of Ordinance 1E. The provision reads, "[r]oadside stands for the sale of fresh fruits, vegetables and other farm produce in season."

The market has been established by construction of a building, 50 feet by 60 feet, located near the northerly side property line of the property. Vehicular access to the market from Littlestown Pike has been constructed in accordance with the requirements for commercial entrances established by the Engineering Access Permits Division of the State Highway Administration.

The issue now before the Board is an appeal of the issuance of the Notice of Violation dated October 11, 1990 to Bachman Valley Farms, John Myers, Jr., pertaining to the sale of goods in an "A" Agricultural District in violation of Section 6.3(t) of the Carroll County Zoning Ordinance, the Board of Zoning Appeals' approval in Case 2674, and the Maryland Court of Special Appeals' decision in Case 1005, September 1989.

From the record of this case, it is evident that, during 1990, items other than fresh fruits, vegetables and other farm produce in season, as specified by Article 6, Section 6.3(t) of the zoning ordinance, have been sold from the premises. In addition, the Notice of Violation is consistent with the relevant portions of the Court of Special Appeals' decision in Case 1005 pertaining to sale of items other than fresh fruits, vegetables, and other farm produce in season.

Issuance of the Notice of Violation by the Division of Zoning Enforcement was appropriate and consistent with enforcement of the provisions of the Carroll County Zoning Ordinance.

CONCLUSION

Accordingly, the appeal of the Notice of Violation dated October 11, 1990 is hereby denied and the Notice of Violation is affirmed.

Feb. 13, 1991
Date

John Totura
John Totura, Chairman