

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

Building Permit/Zoning
Certificate No. 90-0033

Case 3483

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

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

ATTORNEY: Charles M. Preston, Esq.
188 East Main Street
P.O. Box 389
Westminster, Maryland 21157

REQUEST: A conditional use for a garden supply center

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

BASIS: Article 6, Sections 6.3(q) and 6.7; 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 request to establish a garden supply center as a conditional use at 2510 Littlestown Pike (Md. Rt. 97).

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

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 will approve the request. The pertinent findings determining the Board's decision 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. A farm market was previously conditionally approved March 26, 1987, by the Board in Case 2674. 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 garden supply center is proposed to supplement the farm market. No significant changes of the facilities or operation of the farm market are anticipated. The addition of the garden supply center to the farm market operation is not expected to significantly increase vehicular traffic to and from the premises, or otherwise adversely affect the adjacent properties or public interest.

APPLICABLE LAW

The property is zoned "A" Agricultural District as depicted on zoning map 30B. The land use provisions for the district are specified in Article 6 of the zoning ordinance. Section 6.3, Conditional Uses (requiring Board authorization), paragraph (g) reads:

Garden supply centers, including the sale of small or light garden supplies, equipment and tools, customary and incidental to the sale of garden plants and nursery stock; and including the sale of woodburning stoves, fireplaces and their accessories.

Section 6.7, Lot Area, Lot Width and Yard Requirements, specifies, for principal permitted uses not otherwise listed and conditional uses, the following minimum requirements: a lot area of 3 acres, a lot width of 200 feet, front yard of 40 feet, side yards of 30 feet each, and a rear yard of 50 feet.

Article 17, Board of Appeals, Section 17.2, General Powers, paragraph (b) and Section 17.7, Limitations, Guides and Standards, govern the Board in considering conditional use requests.

Article 4, General Provisions, Section 4.23, Compliance with Landscape Manual, of the zoning ordinance is applicable in this case.

REASONING

In considering the record of this case, the Board finds that the request is in keeping with the provisions of the zoning ordinance, and that establishment of the garden supply center will not unduly affect the residents of the adjacent properties, the values of their properties, or the public interest.

The conditions of authorization imposed in Case 2674 remain in effect. Conditions similar to 1, 3 and 4, are appropriate in this case, and shall be imposed as conditions of authorization. Condition 2 has been complied with by construction of the driveway connection to Littlestown Pike in accordance with the requirements of the Division of Engineering Access Permits of the State Highway Administration.

CONCLUSION

Accordingly, the Board authorizes the conditional use, subject to the following conditions of authorization:

1. No enlargement of the existing building, or additional construction is authorized by this decision.
2. Operation of the garden supply center shall be subject to the requirements and regulations of the Carroll County Health Department.
3. A revised site development plan, drawn to scale, depicting the improvements as constructed shall be prepared by a Land Surveyor or Professional Engineer. The plan shall include the building; parking facilities as required by the zoning ordinance; the acceleration and deceleration lanes, and the driveway connection to the highway; the location of the well, sewerage disposal system, and the replacement area for the sewerage disposal system; and, a landscaping plan including appropriate landscape screening to screen the market and parking facilities from the adjoining dwelling to the north. The purpose of the landscape screening is in order to conserve the residential property values of the adjoining property to the north. Copies of the revised site development plan shall be submitted to both the Division of Zoning Enforcement, and the Board of Zoning Appeals to be filed with this case.
4. All exterior lighting fixtures shall be designed with opaque shielding to concentrate the illumination directly beneath the light fixture, and to prevent observation of the light source except from beneath the light fixture. The purpose of this condition is to minimize the effects of illumination upon the adjoining properties and drivers proceeding in either direction on Littlestown Pike.

Date

Feb. 13, 1991

JDN/bdc/C3483DEC
February 11, 1991

John Totura, Chairman

John Totura