

Tax Map/Block/Parcel
No. 46-15-1184A & 18

Building Permit/Zoning
Certificate No. 92-2409

Case 3781

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: National Building Leasing, Inc.
2922 Industrial Drive
Westminster, Maryland 21157

ATTORNEY: Charles M. Preston, Esquire
188 East Main Street,
P.O. Box 389
Westminster, Maryland 21158

REQUEST: A conditional use to allow a "B-G" General
Business District use in an "I-R" Restricted
Industrial District; to wit: a commercial
sports arena

LOCATION: 525 Old Westminster Pike in Election District 7

BASES: Article 12, Section 12.2(b); Article 11,
Sections 11.1(a), 11.5, and 11.6; Article 4,
Section 4.26; Ordinance 1E. (The Carroll County
Zoning Ordinance)

HEARING HELD: August 26, 1992

FINDINGS AND CONCLUSION

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 approved the conditional use.

The pertinent findings determining the Board's decision included the following facts:

The 12.96 acre tract is zoned "I-R" Restricted Industrial District as portrayed on zoning map 46A. The land use provisions for the district are expressed in Article 12. Principal permitted uses and conditional uses first allowed in the Local Business and General Business Districts are permitted as conditional uses in the "I-R" Restricted Industrial District. Such uses are governed by the regulations of the respective business districts.

If the zoning district were "B-G" General Business District, having more restrictive land use provisions than the "I-R" Restricted Industrial District, the commercial sports arena would

be allowed as a principal permitted use without the necessity of a public hearing and Board of Zoning Appeals' approval.

The proposal involves the construction of a building, 120 feet in width by 300 feet in length, utilizing a portion of the property for indoor sports, such as soccer, softball, and lacrosse. Possible uses in the future include, but are not limited to, ice skating, volleyball, tennis, and miniature golf. Tentatively, leagues would be formed with participants of various age groups.

An existing driveway will be improved and extended to provide vehicular access to the building. Parking facilities, as required by the zoning ordinance, will be constructed adjacent to the building.

The facility is intended to complement programs of the Carroll County Department of Recreation and large numbers of spectators are not expected to attend events.

Testimony and evidence were presented on behalf of the request by an expert in vehicular traffic. Based on a traffic impact study prepared for the commercial sports arena, the expert concluded that although the arena will generate additional vehicular traffic to and from the site, neither the existing roadway system or surrounding community will be adversely affected.

An expert in real estate appraisal also testified and presented evidence on behalf of the request, concluding that establishment of the commercial sports arena would not unduly affect the residents and owners of adjacent properties, or the values of those properties. Furthermore, the use will not adversely affect the adjacent commercial or industrial land uses, and will not preclude industrial use of the site in the future.

Opponents of the request questioned the effects of increased vehicular traffic and noise to residents and nearby homeowners. However, the Board found no evidence that establishment of the commercial sports arena would affect the neighborhood to a greater extent than one or more principal permitted industrial uses that do not require Board approval. In fact, the commercial sports arena may have less of an impact on the neighborhood than a principal permitted industrial use would have. More importantly, the Board found no evidence to substantiate that the proposed use would have particularly adverse effects at this location as opposed to other locations within the county zoned "I-R" Restricted Industrial District.

Therefore, the Board is convinced that the applicant has met his burden of proof in this case, and that the commercial recreation arena complies with the standards pertaining to a conditional use expressed in Article 17, Section 17.7 of the Case

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zoning ordinance, and the standard expressed in the decision of the Court of Appeals in the case of *Schultz v. Pritts*, 291 Md. 122 (1981).

Establishment of the proposed commercial sports arena will be subject to the provisions of the Carroll County Landscape Manual and Carroll County Zoning Ordinance regarding submission and approval of a site development plan, as well as all other applicable ordinances.

Sept. 11, 1992
Date

John Totura
John Totura, Chairman

JDN/bdc/C3781DEC
September 11, 1992