

Tax Map/Block/Parcel
No. 32-23-13

Building Permit/Zoning
Certificate No. 92-2498

Case 3786

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

APPLICANT: Patrick J. Flynn
3000 Snydersburg Road
Hampstead, Maryland 21074

REQUEST: A request for enlargement of a commercial recreation facility, known as Cascade Lake and classified as a nonconforming use, by construction of a banquet facility

LOCATION: 3000 Snydersburg Road in Election District 8

BASIS: Article 4, Section 4.3(a)1; Ordinance 1E. (The Carroll County Zoning Ordinance)

HEARING HELD: September 22, 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 request, subject to the conditions of authorization noted below. The pertinent findings determining the Board's decision include the following facts:

Cascade Lake is a 22.723 acre tract located on the north side of Snydersburg Road between Cape Horn Road to the northwest and Hampstead-Mexico Road (Md. Rt. 482) to the southeast. Improvements include three dwellings, a six acre lake with beach and swimming areas, a concession stand and game room, a bathhouse, two open pavilions, and parking facilities. Vehicular access to the premises is provided by a driveway connecting to Snydersburg Road near the west side of the property. Large evergreens screen the site from view from Snydersburg Road, and the topography restricts visibility of the premises from adjacent properties to the north, east and west.

As depicted on zoning map 32B, the property is zoned "C" Conservation District. The land use provisions for the district, Article 6 of Ordinance 1E, do not include commercial recreation facilities as either principal permitted or conditional uses. Since Cascade Lake was established prior to the adoption of Ordinance 1E in 1965, the use is nonconforming, and the governing provisions are Article 4, Section 4.3(a)(1).

The applicant, Mr. Flynn, and his wife, Susanne E. Flynn, recently purchased the property. Mr. Flynn proposes to raze an old unoccupied dwelling and the bathhouse, erect a new bathhouse near the concession stand, and construct a three story building, 50 feet in width by 100 feet in length, approximately 50 feet from the edge of the lake. The first floor will be open on one side to provide for sheltered picnicking. Banquet facilities will be

on the second floor, and an apartment for Mr. and Mrs. Flynn--replacing the razed dwelling--will be on the third floor. Additional improvements include widening the driveway and enlarging the parking facilities. The banquet facilities are contemplated to serve functions, including wedding receptions, primarily during the fall, winter and spring.

Recently, a concert held at night in an open pavilion severely disturbed residents of nearby properties. Several residents complained, ending the concert prematurely. Apparently the incident, although regrettable, is not characteristic of the operation of the facility, and similar circumstances are unlikely to reoccur. With establishment of the new banquet facilities, concerts will be permitted only within the building to minimize unreasonable affects of noise upon residents of nearby properties.

Accordingly, the Board is convinced that the request to enlarge the commercial recreation facility, including erection of the new bathhouse in conjunction with construction of the new multi-purpose building, will not unduly affect the residents of adjacent properties, the values of those properties, or the public interests, and is in accord with the provisions of the zoning ordinance.

In order to promote the intent and purpose of the zoning ordinance, the Board imposes the following conditions of authorization:

1. To improve vehicular traffic safety near the driveway connection to the road, the evergreens adjacent to the right-of-way line of Snydersburg Road shall be trimmed to increase the sight distance in each direction.
2. The driveway providing vehicular access to and from the premises shall be widened to comply with the provisions of the zoning ordinance. In addition, the new parking facilities shall comply with the requirements of the zoning ordinance.
3. The applicant is responsible for the preparation and submission of a site development plan for the proposed and required improvements and in accordance with the provisions of Section 4.26 of Ordinance 1E.

October 15, 1992
Date

William Law
William Law, Chairman

JDN/bdc/C3786DEC
October 9, 1992