

Tax Map/Block/Parcel
No. 73-11-480

Building Permit/Zoning
Certificate No. 94-0503

Case 3910

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

APPLICANT: Bevard Farm Corporation
8480 Baltimore National Pike
Suite 415
Ellicott City, Maryland 21043

ATTORNEYS: William B. Dulany, Esquire and
Amber Dahlgreen Curtis, Esquire
127 East Main Street
P.O. Box 525
Westminster, Maryland 21158-0525

REQUEST: A conditional use to allow a "B-G" General Business District
use in the "I-R" Restricted Industrial District, to wit: a
sales store known as Wal-Mart

LOCATION: Property adjoining the northeast corner of Sykesville Road
(Md. Rt. 32) and Liberty Road (Md. Rt. 26) in Election
District 5; New Carroll Center subdivision, lot 2, recorded in
Carroll County Plat Records in plat book 37, page 53

BASES: Article 12, Section 12.2(b); Article 11, Sections 11.1(a),
11.5, 11.6, and 11.7; Article 4, Section 4.26; Ordinance 1E
(The Carroll County Zoning Ordinance)

HEARING HELD: April 28, 1994

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 and in accordance with the Open Meetings Act of the state, the Board approved the conditional use. The site development plan, including connections to Sykesville Road and Liberty Road, and provisions for vehicular access between parcels where appropriate to provide internal circulation, is subject to the review and approval of the Carroll County Planning Commission.

The pertinent findings determining the Board's decision include the facts that experts in the fields of traffic, land planning, fiscal impact analysis, and real estate presented testimony and evidence on behalf of the request. Residents and owners of businesses within the community also expressed their support of the request. Development of this site, and the previously approved banking center in Case 3848 will influence future land use of the adjoining "I-R" Restricted Industrial acreage. However, the public should recognize that growth, whether it is residential, business, industrial or a mixture, will intensify vehicular traffic on both Sykesville and Liberty Roads. If the goals of the master plan

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for the area are to be achieved, it is imperative that individual land uses, whether business or industrial, compliment industrial development of the area. The site development process, administered by the planning commission, provides the opportunity to guide and coordinate development of the area.

In considering the provisions of Section 17.7 pertaining to conditional uses, as well as the standard expressed in the Court of Appeals' decision in *Schultz v. Pritts*, 291 Md. 1, 22 (1981), the Board is convinced that establishment of the store will not unduly affect use of adjoining properties, the values of those properties, or public interests, and that authorization of the conditional use complies with the standard established by the Court of Appeals.

5-27-94

Date

Claude R. Rash

Claude R. Rash, Chairman

JDN/bmh/c3910dec.bmh