

Tax Map/Block/Parcel  
No. 46-14-1433

Building Permit/Zoning  
Certificate No. 94-2496

Case 3940

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

**APPLICANT:** C & E Investments, Incorporated  
16829 Bull Frog Road  
Taneytown, Maryland 21787

**REQUEST:** Enlargement of an existing building, classified as nonconforming due to dimensional regulations

**LOCATION:** 452 East Main Street in Election District 7

**BASES:** Article 4, Section 4.3(a)(1); Article 11, Section 11.6; Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** August 26, 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 compliance with the state Open Meetings Act, the Board approved the request subject to conditions of authorization imposed below. The pertinent findings determining the Board's decision include the following facts:

The applicants, who are experienced and successful in operating a restaurant, propose to enlarge and remodel the existing building in order to establish a new restaurant. Several attempts to do so have failed in the past--to the detriment of the business community.

Since construction of that part of the building nearest East Main Street, prior to the adoption of zoning in Carroll County, the building has been enlarged a number of times and improvements made to the "B-G" General Business District property. Two additions to the building are presently under construction. The addition of 17 feet by 38 feet at the southeasterly corner of the building complies with the minimum required setbacks and was authorized by the zoning administrator. The addition of 15 feet by 30 feet adjacent to the westerly property line and East Main Street was referred to the Board for consideration because it does not conform with the minimum required front setback.

As portrayed by a plat, Applicant's Exhibit 1, the building's setback from the right-of-way line of East Main Street is 13 feet. The proposed addition, some of which is below grade and will serve as a retaining wall, is 30 feet from the right-of-way line. Although there is no indication that the enlargements will unduly affect residents or businesses of adjacent properties, the values of those properties, or public interests, there is evidence that conditions of authorization are necessary in this case.

In the interests of public safety and in accordance with the recommendations of the Engineering Access Permits Division of the State Highway Administration, the Board finds that, prior to opening the restaurant to the public, it is imperative to correct the hazardous vehicular traffic safety condition resulting from unrestricted vehicular access to and from East Main Street to the property.

Furthermore, the Board is convinced that erection of a suitable fence, as described below, is appropriate for separation of the restaurant from the adjoining horticultural land use.

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

1. In accordance with the recommendation of the Engineering Access Permits Division of the State Highway Administration, curb and gutter shall be constructed extending from the westerly side property line through the frontage of the property on East Main Street to the driveway providing vehicular access to and from the parking area on the premises.
2. An appropriate fence, 6 feet in height, shall be erected extending from the southwesterly corner of the building or westerly side property line around the southerly perimeter of the parking area to a point intersecting the minimum building line of 40 feet paralleling Md. Rt. 97.

Although not conditions of authorization by the Board, establishment of the restaurant is subject to the provisions of Article 4, Section 4.26 of the zoning ordinance regarding site development plans, and to the Carroll County Landscape Manual, as well as all other applicable laws and ordinances.

9-14-94  
Date

Claude R. Rash  
Claude R. Rash, Chairman