

Tax Map/Block/Parcel
No. 46-15-17

Building Permit/Zoning
Certificate No. 95-0089

Case 3998

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

APPLICANTS: Herman and Frances Mitchell
18 Bellinger Court
Reisterstown, Maryland 21136

REQUEST: A conditional use to allow a "B-L" Local Business District use in the "I-R" Restricted Industrial District, to wit: a day care center

LOCATION: 535 Old Westminster Pike in Election District 7

BASES: Article 12, Section 12.2(b); Article 10; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: February 23, 1995

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 authorized the request, subject to the conditions of authorization imposed below.

The pertinent findings determining the Board's decision include the facts that until several years ago the existing building was occupied for years by a clothing manufacturer employing 300-350 workers. The business closed, and the building has not been used for manufacturing since then. More recently, it was determined that the building was no longer marketable for uses first allowed in the "I-R" Restricted Industrial District and renovations have been initiated to facilitate use of the building for business purposes.

Day care centers are allowed as principal permitted uses in "B-L" Local Business Districts. This type of land use is legislatively considered to be much less likely to demonstrate characteristics that would be intrusive and likely to adversely affect the neighboring community than land uses first allowed in the "I-R" Restrictive Industrial District. The evidence in this case supports that conclusion. In fact, even though the property is zoned "I-R" Restricted Industrial District, it is evident that its best use is not industrial.

The proposed day care center will be located in the northeast corner of the building, occupying approximately 2,400 square feet (see Applicants' Exhibit 1, Case 4001). In addition, a playground area may be established adjacent to the northeast corner of the property, as indicated on Exhibit 1 of this case. As planned, the day care will be offered for infants and preschool children from 7:00 a.m. to 6:00 p.m. The maximum allowable occupancy of the center will be determined by state standards governing the facility.

In addition to the day care center, a business office for Carroll County General Hospital, Case 3999, and a karate academy, Case 4001, are requesting authorization by this Board for use of the premises. As proposed, the day care center will not conflict with other uses within the building.

In considering the provisions of the zoning ordinance governing conditional uses and decisions of the courts establishing the standards governing the Board in deciding whether to approve or deny conditional use requests, the Board finds that establishment of the day care center, as proposed and conditioned below, is reasonable and appropriate and will not unduly affect the residents or occupants of adjacent properties, the values of those properties, or public interests.

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

1. A revised site development plan shall be prepared and submitted portraying a minimum of 70 on-site parking spaces that comply with the requirements of the zoning ordinance.
2. The drop-off zone at the easterly side entrance to the building shall be appropriately identified on the site development plan and the premises, and signs shall be erected prohibiting parking within the drop-off zone.
3. Signs shall be erected prohibiting parking, where such parking would obstruct vehicular traffic using the access driveway paralleling the westerly side of the building.
4. In addition to classes devoted to the instruction of karate, classes in physical fitness may also be offered to the public.

3-9-95
Date

Claude R. Rash
Claude R. Rash, Chairman