

Tax Map/Block/Parcel  
No. 73-6-612C

Building Permit/Zoning  
Certificate No. 95-0120

Case 4003

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

**APPLICANT:** Eldersburg/Bevard Joint Venture  
1133 Greenwood Road  
Pikesville, Maryland 21208

**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  
planned business center on about 8.3 acres

**LOCATION:** North of Liberty Road (Md. Rt. 26) and east of Sykesville Road  
(Md. Rt. 32) in Election District 5

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

**HEARING HELD:** February 23, 1995

**FINDINGS AND CONCLUSION**

On February 23, 1995, the Board of Zoning Appeals heard testimony and received evidence concerning a conditional use to allow a "B-G" General Business District use in the "I-R" Restricted Industrial District, to wit: a planned business center on about 8.3 acres located north of Liberty Road (Md. Rt. 26) and east of Sykesville Road (Md. Rt. 32).

Articles and Sections cited below are of Ordinance 1E.

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 state Open Meetings Act, the Board approved the conditional use. The pertinent findings determining the Board's decision include:

**FINDINGS OF FACT**

As proposed, the planned business center (center) will be located adjacent to the southeast corner of Londontown Boulevard and Sykesville Road (Md. Rt. 32). Vehicular access to the center is planned from the north from Londontown Boulevard, from the east from Bevard Road to be constructed extending south from Londontown Boulevard, and from the south from a proposed road connecting with Sykesville Road. Preliminary plans include a supermarket of 67,602 square feet

and a detached two-story building of 15,275 square feet per floor.

In conjunction with development of the center, Londontown Boulevard and Georgetown Boulevard will be extended to intersect to provide for vehicular traffic from and to Liberty and Sykesville Roads. Construction is planned for the spring of 1995.

John T. Lyburn, Director of Economic Development for Carroll County, testified on behalf of the request and noted that the center would compliment existing and adjacent business and industrial uses.

Experts in the fields of vehicular traffic, economics, real estate appraisal, land use, and commercial site development planning also testified and introduced exhibits on behalf of the request.

In addition, several residents of the area attended the public hearing and testified in support of the request.

No testimony or evidence was introduced in opposition to the proposed center.

#### CONCLUSION

The Board of Zoning Appeals is governed provisions of the zoning ordinance including those of Article 14, Division VI, and Article 17, Section 17.7. The Board is also governed by decisions of the court. The standard established by the court in the case of *Schultz v. Pritts*, 291 Md. 1, 22, (1981) reads:

We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse affect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse affects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. (Citations omitted.)

In considering the testimony and evidence in this case, the provisions of Section 17.7, and the standard express above, the Board is convinced that the applicants have met their burden of proof and that the proposed planned business center complies with the provisions of the zoning ordinance and will not unduly affect the residents or occupants of adjacent properties, the values of those properties, or public interests.

3-20-95  
Date

Claude R. Rash  
Claude R. Rash, Chairman