

Tax Map/Block/Parcel
No. 28-16-219

Building Permit/Zoning
Certificate No. 97-0519

Case 4215

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Gotta Dance! Academy of the Arts
4401 Nusbaum Road
Taneytown, Maryland 21787

REQUEST: A conditional use request for a dance studio

LOCATION: 4401 Nusbaum Road on property zoned "A"
Agricultural District in Election District 1

BASIS: Article 6, Section 6.3(ee); Ordinance 1E (The
Carroll County Zoning Ordinance)

On March 19, 1997, the Board of Zoning Appeals received an application from Marty and Tammy Brown residing at 4401 Nusbaum Road, Taneytown, Maryland, for a conditional use for a dance studio. The property is zoned "A" Agricultural, identified as Parcel 219, Block 16 and Tax Map 219, in Election District 1. On April 24, 1997, the Board held a hearing on the above captioned request. At the conclusion of the hearing, the Board rendered an oral decision. However, prior to issuance of its written decision, the Board discovered that the lot area did not meet the 3 acre requirement for a conditional use in the agricultural zone. The Board, therefore, reset the matter for May 29, 1997, to consider granting a variance. The following are the Board's findings and conclusions.

The property, 4401 Nusbaum Road, consists of 2.5 acres and is zoned "A". The applicants, Marty and Tammy Brown, operate Gotta Dance Academy of the Arts, in Littlestown, Pa. They wish to provide a dance studio in their home located in the above captioned address. The dance studio would operate between the hours of 3:00 p.m. to 9:00 p.m., Monday through Friday. The maximum number of students would be between 30 and 50 students. Generally, the dance class consists of between 10 and 12 students. They would have no employees. They intend to improve the driveway by completing construction to form a "U" to promote better traffic conditions. They are currently renting the property and have a contract of sale for the property.

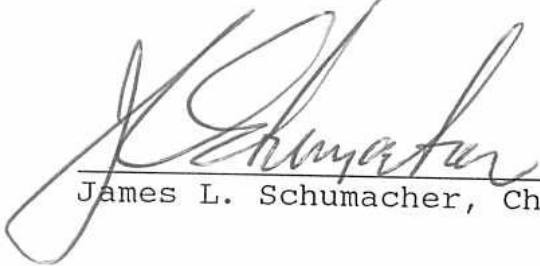
In support of the application, the applicants submitted letters of recommendation from past clients and neighbors. The only contiguous neighbor appeared at the hearing and expressed concern regarding a pond that he has located on his property some

600 feet away from the school. The applicants testified that children in their care are not allowed to wander and are under constant supervision during the time they are in the school. The applicants presented that they are purchasing the property with the intention of establishing the school, but were unaware that the conditional use required 3 acres. The applicants presented that the neighborhood is very rural surrounded by cornfields and a variance would not be harmful to anyone.

The Board finds that the applicants to be highly credible and that the location proposed for the proposed use to be uniquely suitable for their use. The Board hereby approves the application and the variance subject to the applicants constructing the driveway in a "horseshoe" fashion and that parking be addressed by the Zoning Administrator under a limited site plan review process. The Health Department must be consulted to approve the waste disposal facilities for the proposed school. The Board also restricts the use to the current applicants and to the hours of operation as stated earlier.

June 26, 1997
Date

IM/bmh/c4215dec.bmh
June 25, 1997


James L. Schumacher, Chairman