

Tax Map/Block/Parcel
No. 59-17-665

Building Permit/Zoning
Certificate No. 03-2146

Case 4813

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

APPLICANT: Mudgett Family, LLC
2901 Dede Road
Finksburg, Maryland 21048

ATTORNEY: Clark R. Shaffer

REQUEST: An application for a conditional use for a Planned Business Center.

LOCATION: The site is located at the northwest corner of Dede Road and MD Rt. 140, on property zoned "I-R" Restricted Industrial District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-118 B, 223-151, 223-186 and 223-191

HEARING HELD: July 29, 2002

FINDINGS AND CONCLUSION

On July 29, 2003, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a Planned Business Center. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

This property is located on Rt. #140 at Dede Road, which is a signalized intersection. The sole access to the site is on the northern end off of Dede Road. Mudgett Auto Body Shop is currently located to the rear of the site, which was originally purchased from the Griffith Family when they sold the automotive business. As part of development of this site, it is planned to subdivide this total property into two separate lots. Part of the development will preserve the access rights to serve both properties. Any subdivision would have to be approved by the Planning and Zoning Commission, as well as a site plan review. The front portion of the property will be developed with two commercial buildings as part of the planned business center. It is being proposed that the building on the corner will contain a restaurant and a gas/convenience store and the other building will contain offices and retail space. The office/retail building will have 24, 240 Sq. Ft. and the restaurant and convenience store is 4,032 Sq. Ft. The proposed buildings will be masonry construction. There will be one common access point entering the center. The concept plan has been designed to comply with the county's

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existing development regulations. Ample parking and walkways will be provided to serve the customers of the proposed uses. Landscaping will be installed to enhance the site. In the corner is a water quality basin in order to comply with the storm water management regulations. Appropriate steps have been taken to allow truck deliveries, refuse disposal, and lighting for the sites. The property is surrounded by commercial/industrial uses with some limited residential.

The site itself is conducive to retail uses as the highest and best use based on the site's orientation toward Rt. 140. The site is very small, so it cannot generate any major industrial type of use.

The proposed use of the property would not have any more adverse impact than currently exists on the surrounding traffic conditions. The access design to the property is safe and efficient.

Based on the testimony and evidence presented, the Board finds that the proposed use will not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the Board approves this application for a conditional use as a planned business center.

8/25/03
Date

Karl V. Reichlin
Karl V. Reichlin, Chairman