

Tax Map/Block/Parcel
No. 31-11-27

Case 5528

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Donald Dell and Gary Dell
1338 Sullivan Road
Westminster, Maryland 21157

ATTORNEY: n/a

REQUEST: Conditional use for a food processing and packing plant (milk processing), with a small retail operation for dairy and farm products produced on this farm.*

LOCATION: The site is located at 1436 Sullivan Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (11 & 16), 223-16 and 223-72 S

HEARING HELD: November 24, 2009, January 5, 2010

FINDINGS AND CONCLUSION

On November 24, 2009 and January 5, 2010, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a food processing and packing plant (milk processing), with a small retail dairy operation. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is an active dairy farm. The Applicants wish to open a dairy processing and packing plant and dairy store for bottled milk, ice cream, cheese, and other farm products. The operation will be housed in a 3,000 sq. ft. pole building. Approximately 380 sq. ft. of the new building will be used for the dairy store. The rest of the building will be used for milk processing, refrigeration, freezer units and storage. In addition to the dairy products, the Applicants will sell freezer beef from cattle raised on the farm, as well as vegetables grown there.

Hours of operation will vary but the store will never be open after 9:00 p.m. The Applicants estimate that the dairy store will generate 20 customers per day. Few deliveries associated with the operation will be received. The Applicants estimate that at most there will be

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nine employees. No noise, gases, fumes, dust or diminution in neighborhood property values will result from the plant or store. Furthermore, traffic generation will be minimal and will have no effect on the road system.

Based on the above, the Board found this use to be consistent with the agricultural nature of the neighborhood. Any adverse effects generated would be no worse here than elsewhere in the "A" Agricultural zone. Accordingly, the conditional use for a dairy food processing/packing plant and for retail sales of dairy products, freezer beef and vegetables generated on the farm was granted. The approval includes a condition that the retail store must close by 9:00 p.m.

January 26, 2010
Date

Charles H. Wheatley, III
Charles H. Wheatley, III, Chair

*Variance request and request for garden supply center withdrawn by Applicant at hearing.