

Tax Map/Block/Parcel
No. 59-22-981
Case 5721

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Garnet S. & Scarlett J. Bean
3251 Gamber Road
Finksburg, Maryland 21048

ATTORNEY: John Maguire

REQUEST: An application for a conditional use for a Winery and a Country Inn

LOCATION: The site is located at 3251 Gamber Road, Finksburg, MD 21048, on property zoned "C" Conservation District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-34 (G) & (M)

HEARING HELD: August 30, 2013

FINDINGS AND CONCLUSION

On August 30, 2013, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a Winery and a Country Inn. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The applicants have requested to establish a winery and a country inn on an 11.58 parcel that they own. The property also includes a lake. There is access to the parcel on Maryland Route 91, a state highway. The Baltimore/Carroll County line and the Liberty Reservoir are located to the east of the property. There are also a number of upscale dwellings around the property. The surrounding neighborhood is comprised of low density, single family residential development and agricultural land uses. The proposed uses would make use of existing structures on the property. The family home would be renovated to be the country inn of six rooms or so. Exhibit 6E - The property is on the National Register of Historic Places supporting the view that the nature of the use is enhancing to the neighborhood for its recreational, cultural and social characteristics. No variances would be required for the proposed uses. The winery would make use of an existing barn. Exhibits 6A-6D - The applicants also own an adjacent parcel with 33.10 acres, a small portion of which would be used for the winery and country inn. The property would also provide catering for banquets, weddings, receptions, reunions, and similar one-day events which would not be open to the general public.

Based on an August 12, 2013 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and an August 5, 2013 memorandum from Scott E. Graf, Comprehensive Planner, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the 1981 Finksburg Area and Environs Comprehensive Plan, and the Carroll County Master Plan for Water & Sewerage, and other functional plans. The surrounding area is comprised primarily of agrarian uses and large lot single family residential. The Planning staff did not believe that the creation of an inn/winery on this site would have an adverse impact on the immediate neighborhood. The request was also compatible with the vision and goals for the area. The Board accepted and agreed with this finding.

Brian Collins testified as a registered landscape architect. He was accepted by the Board as an expert in land design, land use and planning. The site plan in Exhibit 3 was developed under his supervision. He reviewed Exhibit 4, the Comprehensive Plan for the Finksburg Area Environs and found that the proposed use was consistent with this plan. This plan wanted to minimize strip commercial development, which the proposed plan satisfied. The use of existing structures on the property was also a positive factor. He reviewed Exhibit 5 and his opinion about the use of the property was consistent with the Carroll County Bureau of Comprehensive Planning. The paved parking lot for the inn would have approximately fifteen parking spaces and one of those would be for handicapped parking. He would expect that from 90-125 vehicles could be parked in unpaved overflow parking area.

Garnet Bean testified that he owned the subject property and that he had lived there for about thirty years. He sold off the part of the farm where Stacey Reed now lives. He stated that the house was built in 1765. He wanted to create a nice environment where people could enjoy the farm environment and experience. No more than two large trucks would come at harvest time for the winery operation. The bottling would be conducted indoors by a mobile bottling operation. Eventually he would want to have tours that would show the making of wine. He anticipated that the winery hours would be from noon to 7pm. He believes that a wedding of up to 250 would be the largest that he could accommodate. A van may come with regards to linen for the inn, but there would be no big trucks coming onto the property for that operation. He expects that the winery/inn would create five employees and the manager of the inn. He would try to maintain the current condition of the property, including the wooded areas. He believed that his requested use would be consistent with the orderly growth of the community and was an appropriate use of the land and structures. The vineyard would be approximately five acres. A few thousand bottles a year would be made initially.

Michael M. Lenhart testified as a professional traffic engineer. He was accepted as an expert witness in traffic engineering and transportation planning. He stated that the property had direct access to MD 91. MD 91 has existing shoulders along both sides of the roadway that are approximately 10 feet in width. As for the banquets, weddings, receptions, reunions, and similar one-day events he stated that these types of events are typically planned outside of the peak period (evenings or weekends) so that guest may have enough time to get home from work and travel to the event. The winery would be expected to generate very low volumes of traffic which would be fairly consistent throughout the day. The traffic volume for a six room inn would also

be negligible. He concluded that the requested uses would not cause any adverse impacts related to traffic flow or safety. Furthermore, he added that the proposed use would not cause any impacts at this location that would be above and beyond the impacts of a similar use at other locations in the Conservation Zone. Exhibit 8

Lisa R. Eckard was called and accepted as an expert in appraising and evaluations. She was asked to provide a determination on the impact of the proposed Winery and Country Inn on neighboring property values. She determined that the proposed use would not negatively impact the real estate values of neighboring properties. Exhibit 10 - She agreed with the Carroll County Bureau of Comprehensive Planning that the proposed use would not have an adverse impact on the immediate neighborhood. The request was compatible with the vision and goals for the area, as expressed in the plan. Discussions with the neighboring property owners of similar facilities as to the use proposed for the subject revealed no evidence that these properties were negatively impacted by similar uses. In some instances a winery/inn would have a positive impact on property values. People would rather have a winery/inn than a residential development. No one in her survey indicated that the winery/inn would harm their property values.

Stacey Reed was a neighbor who testified. She wanted the property in question to be preserved. Her concern was not so much the winery but the weddings from early spring to late fall. She was not opposed to music at such events to nine or ten in the evening. She stated that the Beans were good neighbors now. However, she was concerned how new ownership of the property may change how the property was handled.

Scott Wilson was a neighbor who testified. He stated that there had been fatalities on Maryland Route 91. People drinking and driving on 91 was a concern. People speeding on 91 were also a concern. People who drank and sped on 91 could cause a disaster. He also had a concern for future owners of the property. He questioned the Board whether they would want the proposed use in their back yards.

Alice Altstatt testified as a neighbor. She stated that the proposed development was the type that she would like to see in Finksburg. She added that establishing a use that makes use of the current buildings was highly desirable. She believed that a number of other uses could have a greater impact on neighbors. She recognized that the Beans could not just sit on the property without it generating any income. She stated that the parties at the Beans would be no noisier than other parties in the neighborhood. She found that the proposed use was a cultural and social opportunity for the county. The property in question was near and dear to her heart.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. For all of these reasons that the Board granted the conditional use.

9-5-13
Date


Harvey Tegeler, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.

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