

**Tax Map/Block/Parcel**  
**No. 59-18-564**  
**Case 5902**

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

**APPLICANT:** Gary W. Underwood, Jr.  
104 Spring Hill Lane  
Littlestown, PA 17340

**ATTORNEY:** N/A

**REQUEST:** Request for a conditional use for a retail garden store and a variance to the lot size requirement of not more than 5 acres to 5.25 acres.

**LOCATION:** The site is located at 3150 A Baltimore Blvd., Finksburg, Maryland on property zoned “BG” Business-General and “IR” Industrial-Restricted in Election District 4.

**BASIS:** Code of Public Local Laws and Ordinances, Section 158.079 (D)(2).

**HEARING HELD:** December 2, 2015

**FINDINGS AND CONCLUSION**

On December 2, 2015, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a retail garden store and a variance to the lot size requirement of not more than 5 acres to 5.25 acres. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

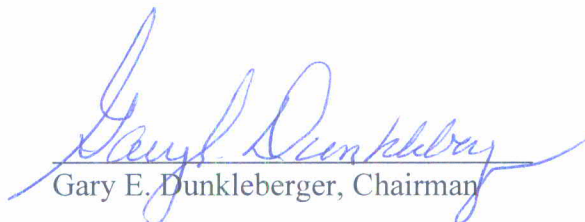
Gary W. Underwood, Jr. testified as the applicant. He is the owner of two other gardening operations. He believes that the present location has good access for the entry of vehicles. His business would be a retail garden supply store and not a nursery. The business would be located in a pre-existing building. He would sell seeds and gardening soils within his leased space in the building. The only part of his business that would be outside would be the parking of vehicles. He would utilize approximately two thirds of the building. His business would be the fourth one in the building. He planned to start off with hiring two employees and would hope that the business would be profitable enough so that he could hire up to six employees. The hours of operation would be from 10 a.m. until 6 p.m. He planned to do advertising via the internet and radio ads. The premises that he would be using has been vacant for more than one year.

A November 5, 2015 memorandum by Lynda Eisenberg, Chief, and Nokomis Ford, Planning Technician, stated that the request was compatible with the vision and goals for the area. The staff finding was that the applicant's request was consistent with the *2013 Finksburg Corridor Plan* and would not have an adverse effect on the current use of the property or its environs.

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. The Board approved the conditional use requested by the applicant. The Board also approved the requested variance to the lot size requirement.

8 December 2015

Date

  
Gary E. Dunkleberger, 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 Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) 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.