

Tax Map/Block/Parcel
No. 38-15-22
Case 5964

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Gina J. Taylor
1232 Old Taneytown Road
Westminster, MD 21158

ATTORNEY: N/A

REQUEST: Appeal of the Zoning Administrator’s decision denying a request for an accessory use for an arts & crafts store.

LOCATION: The site is located at 1232 Old Taneytown Road, Westminster, Maryland on property zoned “A” Agricultural District, in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070(F)(13) and 158.130.

HEARING HELD: August 30, 2016

FINDINGS AND CONCLUSION

On August 30, 2016, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Administrator’s decision denying a request for an accessory use for an arts & crafts store. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Jay Voight testified about the June 1, 2016 hearing that he conducted in the matter. He wrote in his decision that:

“Old Taneytown Road is a state maintained, two lane road, that at this location has a sharp curve approaching the property from the west, and a hill as it approaches from the east. Due to these factors, traffic visibility is limited in both directions. Ms. Taylor’s driveway is single lane in width, and there could be issues with traffic entering and exiting the property which is exacerbated by the short sight distance.”

He added that the speed limit on the road was 35 mph. He believed that the site distance required to be met in the case was approximately 400 feet.

Gina Taylor testified as the applicant in the case. She stated that the site distance from one direction was approximately 200 feet and from the other direction was about 400 feet. Exhibit 2C demonstrated the 400 foot site distance; Exhibit 2F demonstrated the 200 foot site

distance. Since the hearing held by Mr. Voight, Mrs. Taylor testified that she had a new full time job that would have her working about eight hours a day and five days a week. She intended to operate the arts & crafts business for two days a week and not the extended time noted in her original application. She would be the only person running the business. She believed that the traffic to her business would be about four or five cars coming in a day.

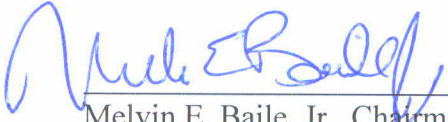
Vanessa Armstrong is a neighbor who has a business across the street from Mrs. Taylor known as "We've Gone to the Dogs." She had to get Board approval for this kennel business. She has been in business for about eight years. She stated that there had not been an accident on the road near her home where her employees or customers were involved. She noted, however, that people would typically drive 50, 60, or 70 mph down Old Taneytown Road. The accidents on the road would generally occur about one quarter of a mile from her location though. She mentioned that there were also other businesses located on the road. In her opinion Mrs. Taylor would add minimal traffic to the road. She, on the other hand, had between 25-40 dogs come to her business in a day.

An August 15, 2016 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, and signed by Clare Williams, Planning Technician stated that "the staff finding is that this request is not inconsistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property or its environs."

The Board found that Mrs. Taylor's business would not cause a traffic problem. The business across the street from her property had 20-40 dogs arrive a day. The site distances for vehicular traffic was better for Mrs. Taylor's property than they were for the Armstrong business across the street. Although there were witnesses in opposition to the application in Mr. Voight's hearing, no one testified in opposition to the application before the Board.

The Board was convinced that authorization of the request with regard to the accessory use for an arts & crafts store 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 granted the accessory use for an arts & crafts store as presented by the applicant.

8-31-2016
Date


Melvin E. Baile, Jr., 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.