

Tax Map/Block/Parcel
No. 7-21-306
Case 5989

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Lazarus United Church of Christ
C/O Robert Davidson
5101 S. Church Street
Lineboro, MD 21102

ATTORNEY: Kelly J. Shaffer, Esq.
Shaffer and Shaffer, LLP
73 East Main Street, Suite 1
Westminster, MD 21157

REQUEST: A request for expansion of a non-conforming use to rebuild and expand a church which was destroyed by fire.

LOCATION: The site is located at 5101 S. Church Street, Lineboro, Maryland on property zoned "A" Agricultural District, in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.033(A)(4) and (6), and 158.070(H).

HEARING HELD: December 28, 2016

FINDINGS AND CONCLUSION

On December 28, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for expansion of a non-conforming use to rebuild and expand a church which was destroyed by fire. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Robert Davidson stated that he was the chairman of the rebuilding committee for the church. The church was built more than 100 years ago and it was 105 years old at the time it burned down in 2013. The church operated continuously over those 105 years. The church conducted all of the activities of a typical church. Since the church burned down, church officials have been taking steps to get the church rebuilt. The new church will be larger than the original church. The expansion of the new church has to do with modern regulations. The bathrooms need to be larger due to the Americans with Disabilities Act (ADA) and other laws. The new church will have an elevator, which the old church did not have. The ADA compliance has resulted in other changes other than the bathrooms.

Melvin Arbaugh testified for the applicant. He is the architect involved with the rebuilding of the church. He has been involved in the project for the last two and one half years. He stated that in order to duplicate the functions of the original church much more area was needed. The toilets need more space. The stairways are much longer. A sprinkler system will be needed. The church is located at a very confined site. The square footage of the old church was 6,489 square feet. The square footage of the new church is 8,339 square feet. A concern about the new church is the proximity of the graveyard to the building. There is an existing well and septic system that would be utilized with the new church. Church officials do not want to damage or destroy any graves. The area for parking would be about the same. The changes to the elevator, stairs and bathrooms are the reason for the church to need a larger area. In order to maintain the same septic system the church would need about the same number of churchgoers. The old church seated about 210 people.


Randy Bachtel with BPR, Inc. testified for the applicant. He started working with the project at about the same time Mr. Arbaugh started working on it. He stated that there would be no change in the parking situation. There would also not be any traffic problems by moving the building ten feet closer to S. Church Street. A number of building approvals have already been obtained.

A December 14, 2016 memorandum by Lynda Eisenberg, Bureau Chief, and Clare Williams, Planning Technician, stated that the matter had been reviewed for consistency with the policies and recommendations contained in the *2014 Carroll County Master Plan, the Carroll County Water and Sewer Master Plan*, and other plans. The staff finding was that the applicant's request was consistent 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 church was built prior to 1965 when the County zoning ordinance was enacted. Jay Voight, the Zoning Administrator, wrote that the church does not meet with current bulk requirements for a church in the Agricultural zoning district. That district requires a 100 front yard setback.

The Board was convinced that authorization of the request with regard to the expansion of the non-conforming use was consistent with the purpose of the zoning ordinance. Based on the findings of fact made by the Board above, the Board found that the proposed project of rebuilding the church was an acceptable non-conforming use. The Board approved the expansion of the non-conforming use requested by the applicant.

1-3-2017
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.