

Tax Map/Block/Parcel
No. 44-21-13
Case 6016

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Arthur D. Seibel, Jr. and Shearl V. Seibel
1001 Green Valley Road
New Windsor, MD 21776

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

REQUEST: A request for a conditional use for a Country Inn and Wedding facility for no more than ten (10) weddings per annum and/or recreational area for indoor recreation as a co-use of the wedding event building.

LOCATION: The site is located at 1001 Green Valley Road, New Windsor, Maryland on property zoned "A" Agricultural in Election District 11.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070(E)(1)(k) and (t), and 158.071(D)(7).

HEARING HELD: April 26, 2017

FINDINGS AND CONCLUSION

On April 26, 2017, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a Country Inn and Wedding facility for no more than ten (10) weddings per annum and/or recreational area for indoor recreation as a co-use of the wedding event building. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The Bureau of Permits and Inspections sent the owners a December 4, 2001 letter about a complaint over a sign. The Code Official, Michael Maring, stated that "the use of the property as a recreation area or center, public or private noncommercial would be a permitted use in the Agricultural zoning district. If any fees are charged for that use Board of Zoning Appeals approval would be required." The building permit noted that the gym was for family use and not for commercial use.

Jay Voight testified as the Zoning Administrator. In 2017 he received a complaint about a family gym using the gym for outside groups. The complaint was from a governmental agency. The gym was being used for volleyball clubs for their practices. The building was changed from a farm building to a gymnasium in approximately 2001. The use was for family use and not commercial use. There were also weddings being held on the property. The Zoning Office confirmed via the internet of the activities that were taking place on the property. Mr. Voight notified the owners that the violations could be abated if the owners made a request for the uses with the Board.

Arthur D. Seibel, Jr. testified on behalf of the application. He was born and raised in New Windsor, Maryland. He and his wife are owners of the property. They also reside on the property. He bought the property on July 29, 1983 at public auction. The total farm has 110 acres. He had the gym built for family use. The gym was in a building that was 60' by 120'. He used the gym for basketball when he was younger. The gym was also used for volleyball practices for his daughter years ago. He has also had a few family weddings on the property.

In this request the Seibels would allow weddings to take place on the property from May to October. The weddings would be catered. The facilities would only be used for the changing of clothes for the bride and her bridesmaids. It was expected that the weddings would take place from 3:00 pm to midnight. He stated that twelve teams use the barn for volleyball practice between 4:30 pm and 9:30 pm. The facility would receive payments for the volleyball practices and the weddings.

In 1993 the Maryland Environmental Trust was against Mr. Seibel holding weddings on the property for other than family members.

Wallace Wolff testified in favor of the application. Although he is retired, he is still a licensed architect. He prepared Exhibit 3. He believed that the site was ideal for weddings. The buildings are away from the property lines. The uses clearly meet the 400 foot distance requirements for recreational facilities.

Robert Tyson testified against the application. He bought his property in 1991 and has been there for twenty-six years. The area is usually tranquil and quiet. The previous owner of the property, Mr. Bixler, had said that he had put the property with the Maryland Environmental Trust and that it would not be developed. The property would remain farm land. The only time he hears sounds that are not usual is during the New Windsor Carnival. He is concerned about the music and dancing that would occur at weddings. He can clearly hear bands during the carnival. He can hear people talking at the Seibel barn.

Debbie Landsman testified in opposition to the application. She stated that the acoustics are such that she can hear the winning numbers being announced during carnival drawings. She thought that a midnight end to a wedding was too late. She noted that there were other wedding venues in the area. She had anxiety about weddings occurring every weekend.

Kim Martin noted that alcohol could be available at weddings. It was confirmed that alcohol could be present at the request of the wedding party for the weddings held at the site.

Neil Roop, the Mayor of New Windsor, testified in favor of the application. He stated that Mr. Seibel built a gym for the benefit of the community. He had a vision for New Windsor to be a destination point. It was even more important since the town had lost the use of the gym at the middle school due to the school closing. He believed that the granting of the request would be good for economic development in New Windsor.

Mike Mathias testified in opposition to the application. He has been upset since the barn was built. He claimed to be upset that the Seibels could be in violation of the law for fifteen

years. If the barn was for family use, it was no longer being solely used for family use. He claimed there was a spotlight outside at the barn that sometimes bothered him. He believed that the Seibel's were somehow permitted to get away with violating their building permit for family uses. Although he has been aggravated for fifteen years, he never registered a complaint with county officials.

An April 18, 2017 memorandum by Lynda Eisenberg, Chief, and Clare Stewart, 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 *2007 New Windsor Community Comprehensive Plan*, the *Carroll County Water & Sewer Master Plan*, and other plans. The staff finding was that the applicant's request is not inconsistent with the *2014 Carroll County Master Plan*, but due to the proposed intensity of use, the request could have an adverse effect on the current use of the property or its environs.

An April 13, 2017 letter from Philip R. Hager to the Board stated that the staff finding "must be stressed that the subject parcel is encumbered by a conservation easement held by the Maryland Environmental Trust. Approval from the Trust must be secured prior to pursuing physical alteration. Any finding of relief should be conditioned upon approval from MET."

The Maryland Environmental Trust sent an April 24, 2017 letter to the Seibel's that listed conditions for the approval of ten weddings per year on the easement property. The MET letter and the Seibel's agreement to the terms of the letter are reflected in Exhibit 1. The Seibels agreed to forego these activities:


- Providing overnight lodging for paying guests;
- Serving meals daily for overnight guests;
- Installing commercial kitchen facilities and preparing meals for catering onsite banquets, receptions, reunions and similar one-time events not open to the public; and
- Installing a permanent double-faced, illuminated sign to advertise the Country Inn.

The Board found that the conditional use for the property was appropriate. The improvements were basically in the middle of the property. The Board granted the request for a country inn and wedding facility and indoor recreational area that meets all restrictions that MET put on the property. The approval of the MET was secured. A point was made of such approval in the letter from Mr. Hager. The Board's approval is subject to the approval and the restrictions made by MET as set forth in Exhibit 1. The Board did not find that the noise, which concerned those in opposition, was a major factor. Weddings would be at most ten times a year. All of the weddings may not be outside. Parking was sufficient. Access to the site from Maryland Route 75 was appropriate.

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.

4-28-2017

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.

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