

Tax Map/Block/Parcel
No. 15-17-41
Case 5884

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Gary Floto
3870 Yellowstone Court
Hampstead, MD 21074

ATTORNEY: N/A

REQUEST: A request for a Conditional Use for a Country Inn and Catering Facility.

LOCATION: The site is located at Falls Road, Millers, Maryland, lot on Falls Road of 54.23 acres N & SS Falls Rd. and SS Schalk Rd., #1, Millers, Maryland on property zoned "A" Agricultural District in Election District 6.

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

HEARING HELD: September 30, 2015

FINDINGS AND CONCLUSION

On September 30, 2015, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a Country Inn and Catering Facility. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Gary Floto testified on behalf of the application. He planned to build a two story barn (64' X 72') for the country inn and catering facility. Initially, he and his wife Reba would live upstairs in the barn. The barn would have windows in it. He identified for the Board the location of the parking lot. That lot would accommodate about 75 parking spaces. He mentioned the landscaping that would occur around the parking lot. His plan was not to have any overnight guests stay at the country inn. However, at some point he mentioned that he might allow the bride and groom to spend the night there. The capacity of the barn would be about 150-175 guests. He believed that the design of the barn gave the property a rural feel.

Mr. Floto stated that he and his wife and two sons would work at the facility. He expected that the weddings performed there would be catered. He did not expect for food to be

prepared on the site. The hours of operation would be from Friday to Sunday from 12:00 noon to 10:00 p.m.


He planned to allow the farming operations to continue there for a few years. Then his intention was to start a vineyard. He did not plan to have wine tastings at the vineyard. He wanted to preserve the agricultural nature of the property. He stated that he wanted to be respectful toward his neighbors.

Donna Wilhelm testified as a neighbor to the property. She stated that the Falls Road address was a big marketing ticket to get people to an area. She did not believe that the site would accommodate many automobiles. She mentioned that the area was near a flood zone. She mentioned a railroad crossing without safety markings was nearby. She stated that there was a conservationist piece to the site. The site was also near a specialized type of butterfly in Maryland. She noted that bog turtles were near the property. She wanted to keep the area rural.

A September 3, 2015 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning and Nokomis Ford, Planning Technician, states that the subject property has a land use designation of agricultural. The request is compatible with the vision and goals for the area. The staff finding is that this request is consistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property or its surrounding 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.

10/2/2015
Date


Richard Simmons, 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.