

Tax Map/Block/Parcel
No. 51-09-671
Case 5748

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Jay H. and Virginia M. Baker
1550 Old Westminster Road
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: Request for a modification to a previously approved conditional use from case #5571 to change the location of a building, and for a conditional use for a Country Inn on property zoned Agricultural.

LOCATION: The site is located at 1550 Old Westminster Road, Westminster, MD, on property zoned "A" Agricultural District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-34 G and 223-188 I

HEARING HELD: March 26, 2014

FINDINGS AND CONCLUSION

On March 26, 2014, the Board of Zoning Appeals (the Board) convened to hear the request for a modification to a previously approved conditional use from case #5571 to change the location of a building, and for a conditional use for a Country Inn on property zoned Agricultural. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The Board approved the conditional use for a winery in case Number 5527 in 2009. Business has been improving for the applicant and a request is being made to expand the business opportunities for the winery.

Drew Baker and Jay Baker testified on behalf of the applicant. They wanted to shift the building that housed the tasting room by about 100 feet. They want to be able to provide dinners to wine club members and for other events. Although the request was for a country inn, the business would not have any rooms for rental. The country inn designation would allow them to hold weddings, receptions, and reunions. Outside caterers would serve meals at the events. They would not be serving meals to the public at large. The largest event that could be

accommodated would have as many as 100 people. The new one story building would have bathrooms and a kitchen area available for caterers. The building would have a metal roof that would be similar to the present winery building. They did not plan on going into the restaurant business.

Philip R. Hager, Director of Land Use, Planning, and Development, testified on behalf of the applicant. He stated that the Planning Commission had previously approved a site plan for the winery. He added that with the change in the site plan, there would need to be further approval by the Planning Commission. The project would move through the Planning Commission as a modified site plan rather than a new site plan. The Planning staff did not have any objections to the current application. All county agencies, including Planning and Zoning, have approved the current proposal.

John (Jack) Lyburn, Jr. of Economic Development testified on behalf of the applicant. He stated that tourism was the second largest industry in the county. The largest part of that industry was wineries. The proposed plan was a better program for the land use. The approval of these weddings and smaller events would be beneficial to the county.

Based on a March 19, 2014 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and a March 19, 2014 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the Carroll County Master Plan for Water & Sewerage, and other functional plans. The Planning staff did not perceive that allowing for a country inn on a site previously approved for a small winery would adversely impact the overall character of the surrounding neighborhood. The Board accepted and agreed with these findings.

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 specifically noted that with regard to the country inn, that the people previously invited to the one-time event would be allowed to park at the site. This exception was approved because a clause in the country inn authorization states that “these events would not be open to the public.”

Date

Harvey Tegeler, 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 Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C 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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