

Tax Map/Block/Parcel
No. 73-6-612
Case 5700

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Bryan K. Zuber
753 Rustling Leaf Court
Eldersburg, Maryland 21784

ATTORNEY: N/A

REQUEST: An application for a conditional use for a commercial recreational and fitness facility and a variance from 35 acres to a 5 acre maximum.

LOCATION: The site is located at 1332 Londontown Blvd., Ste.103, Eldersburg, MD 21784, on property zoned "I-R" Restricted Industrial District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-118 (B)

HEARING HELD: May 28, 2013

FINDINGS AND CONCLUSION

On May 28, 2013, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a commercial recreational and fitness facility and a variance from 35 acres to a 5 acre maximum. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Bryan Zuber testified as the applicant at the hearing. He lives in the Eldersburg area. He was the one and only witness there. He wanted to create a recreation facility for the youth in the Eldersburg area. He wanted to help take children off of the streets and into an organized and constructive release of their energy. He intended to have cameras strategically placed to capture the activities of all exercise areas of the facility. He would have approximately 35-40 employees at the facility. Safety monitors could be high school age on up. However, he would also have adult managers on duty. His hours of operation would be 10am to 10pm weekdays and 10am to 12pm weekends. The facility involved trampolines, running, bouncing and jumping. He stated that trampoline exercises was good for the cardiovascular system and was a low impact exercise. Parents would be required to provide identification to check in their children, but would not have to remain at the facility. Mr. Zuber would not charge parents an admission fee for staying with their young children. He wanted to consider giving the facility an observation deck for parents. During the weekdays he would expect for younger preschoolers to use the facility. Older children would use the facility after school on school days. He would expect to see about 800 people over the weekend. He anticipated that there would be a flat rate for entrance fees per hour. There would be a discount for the second hour or for a subsequent visit. He wanted to

cater to birthday parties. In the future he wanted to consider adding basketball, volleyball, and/or rock climbing.

Based on an April 30, 2013 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and an April 30, 2013 memorandum from Scott E. Graf, Comprehensive Planner, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the Freedom Community Comprehensive Plan, the 2001 Freedom Community Comprehensive Plan, and the Carroll County Master Plan for Water & Sewerage, and other functional plans. The Board accepted and agreed with this finding.

The subject property has a land use designation of Restricted Industrial. The northeastern quadrant of the MD 26 and MD 32 intersection contains a variety of uses such as retail, office, and distribution. Mr. Graf, the comprehensive planner, did not perceive that a fitness center in an existing structure would have an adverse impact on the surrounding area. He further wrote that the request for a fitness facility was “compatible with the vision and goals for the area, as expressed in the plan.”

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. Since the existing property had been and was currently vacant, the proposed use would contribute to the community. The trampoline park was compatible with the residential community, because it would give children in the area a place to obtain constructive exercise. For all of the reasons that the Board granted the conditional use, the Board also granted the requested variance.

6-3-2013

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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