

**Tax Map/Block/Parcel  
No. 39-16-518  
Case 5688**

**OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND**

**APPLICANT:** Belt Enterprises, Inc., c/o Jay Belt  
P.O. Box 1330  
Westminster, Maryland 21158

**ATTORNEY:** Charles M. Preston

**REQUEST:** A request for the alteration/enlargement of an existing nonconforming use in phases, namely, the addition of two (2) new buildings, an addition (glass enclosure) to an existing building and the conversion of an on-site driveway into pedestrian walkways.

**LOCATION:** The site is located at 619 Lucabaugh Mill Road, Westminster, on property zoned "C" Conservation District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-9 A (2 & 4), 223-37 A

**HEARING HELD:** January 29, 2013

**FINDINGS AND CONCLUSION**

On January 29, 2013, the Board of Zoning Appeals (the Board) convened to hear the request for the alteration/enlargement of an existing nonconforming use in phases, namely, the addition of two (2) new buildings, an addition (glass enclosure) to an existing building and the conversion of an on-site driveway into pedestrian walkways. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

There have been three prior cases before the Board on this property. The three prior Board decisions were introduced into evidence from 1972, 1991, and 2008. In the 2008 Board decision, the Board approved the applicant to reopen the nursery and landscaping operations. The applicant also wanted to make additional improvements to the property. The improvements to the property were not made at that time, because the bank providing the loan could not proceed with it.

Two separate businesses are located on the property: NaturaLawn of America and Living Waters Garden Center. There are approximately thirty employees working in the NaturaLawn business at this location, which is the larger of the two businesses. The first phase of the request

pertains to an office building as reflected in Exhibits 7A, 7B, and 7C, and a storage building as reflected in Exhibit 8. The second phase, expected to be conducted a few years later, will involve glass building enclosures as reflected in Exhibits 9A, 9B, and 9C.

Lisa R. Eckard, of Bitzel & Associates, Inc., was accepted by the Board as an expert in real estate appraisal. After researching the subject's marketing area, she determined that structural alteration and expansion of the existing non-conforming garden supply center would not negatively impact the neighboring property values.

Mickey A. Cornelius, a registered professional engineer with The Traffic Group, was accepted by the Board as an expert in traffic engineering. He found that the accident data shows that the existing site access intersection currently operates in a safe manner. The proposed site additions will not affect the safety of the property. Based upon the data and analyses presented in his study, the proposed additions to be located on the subject property can be accommodated by the surrounding road system. Acceptable traffic conditions are expected to remain at the key intersections in the study area, and the site access will continue to provide safe ingress and egress for the subject property.

Accordingly, the Board is convinced that authorization of the request to construct the alteration/enlargement of an existing nonconforming use in phases is consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses in the zoning ordinance, and will not unduly affect residents of adjoining properties, the values of those properties, or public interests.

2/6/2013  
Date

  
Richard J. 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 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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