

**Tax Map/Block/Parcel**  
**No. 52-21-76**  
**Case 5629**

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

**APPLICANTS:** James & Merryl Forster  
2113 Sykesville Road  
Westminster, Maryland 21157

**ATTORNEY:** David Bowersox, Esquire

**REQUEST:** Request for a conditional use for the establishment, in phases over time, of a privately owned and operated facility for teaching baseball and athletic skills and recreational competition and a variance from the required side yard setback of 25 ft. to 21 ft.

**LOCATION:** The site is located at 2113 Sykesville Road, Westminster, MD 21157, on property zoned "R-40,000" Residential District in Election District 4.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-63 C, 223-66, 223-16, 223-186 and 223-191

**HEARING HELD:** April 25 & 26, 2012

**FINDINGS AND CONCLUSION**

On April 25 & 26, 2012, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for the establishment, in phases over time, of a privately owned and operated facility for teaching baseball and athletic skills and recreational competition and a variance from the required side yard setback of 25 ft. to 21 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The record in this case is hereby included by reference in this decision. Based on the testimony and evidence comprising the record, the Board authorizes the request for a conditional use. The site at 2113 Sykesville Road, Westminster, Maryland is zoned "R-40,000" Residential District in Election District 4. The property is owned by James Forster. Mr. Forster leased the property to Samuel Adams, III (Butch) and his son, Samuel Adams, IV (Hank) in October 2011. Both Butch and Hank participate with Titans Baseball, LLC, and Butch is a principal with the company. Butch and Hank leased the privately owned property for the establishment, in four phases over time, of a privately owned and operated facility for teaching baseball and athletic skills and recreational competition. Hank lives on the property with his family. Existing buildings on the site will be used for training during the colder winter months. Their proposal involves creating a number of baseball fields. The baseball training facility was described as a baseball academy or baseball complex for showcase level players or players that wanted to take

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their game to the next level. The baseball academy would cater to players from ages nine to eighteen. The first phase of the project would involve two smaller fields for younger players and a parking lot. A later stage would involve a mini baseball stadium with outside lights.

John Lyburn, the Economic Development Administrator for Carroll County, and a former long term resident on Sykesville Road, testified that the project was much needed and that the county needed more baseball fields.

Jeff R. Degitz, Administrator, with the Carroll County Recreation and Parks, submitted a letter in support of the efforts to establish additional baseball fields in the Westminster community.

Randy Bachtel, a land surveyor with BPR, Inc., testified as an expert witness before the board. Applicants' Exhibits 5 and 6 were prepared under his review. He testified that his professional opinion was that the forty acre lot could accommodate thirty individual residential lots. When he worked with previous owners at the site a hog farm and a go cart track were considered as uses.

Carl Wilson, a traffic engineer, prepared a traffic impact analysis on the baseball academy project. He was accepted as an expert witness in traffic study. It was his opinion that there would be no quantifiable adverse impact regarding traffic if the baseball academy was created.

David Straitman, a real estate appraiser, was accepted as an expert witness. He testified that the use of the property as a baseball academy would not create an adverse use on neighboring properties. His conclusion was that there would be a positive impact to neighboring properties.

A number of neighbors testified in opposition to the Board granting a conditional use to the Applicants. The neighbors were concerned about a number of subjects including the following: the lights and the light poles; people trespassing on their property; trash; vandalism; stray baseballs; traffic and accidents; property values; wanting a strictly residential neighborhood; water; grading; a buffer from the baseball academy; the county should be creating more baseball fields; private owners should not be building baseball academies; whether the facility would have bathroom and showers; and a stream on the property. A number of other neighbors submitted letters in opposition to the project.

The principal permitted uses on an "R-40,000" Residential District includes religious establishments, schools, colleges, playgrounds, and community centers. Although a baseball academy is not specifically included in the principal uses, features of the baseball academy could be part of some of the permitted uses. A school or college could certainly have fields such as baseball fields as a part of the campus. Playgrounds could also likely include playing fields.

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Some of the expert witnesses testified that the baseball academy was similar to some of the principal uses permitted on the property. It was established that the impact of 30 residential units and/or some of the principal uses permitted could have a greater impact on the neighbors than the baseball academy.

Some of the concerns by the neighbors would be addressed as the project proceeded with the development of a site plan. The neighbors would have further opportunities to make their views known in other public proceedings concerning the development of the site plan.

The conditional use of the baseball academy is approved. Based on the above, the Board found that the proposed baseball academy would not generate adverse effects (i.e. noise, traffic, dust, water issues, light issues, property depreciation, etc.) greater here than elsewhere in the zone.

5/8/2012

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.