

**Tax Map/Block/Parcel**  
**No. 51-9-671**  
**Case No. 5571**

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

**APPLICANT:** Jay and Virginia Baker  
1550 Old Westminster Road  
Westminster, MD 21157

**ATTORNEY:** J. Brooks Leahy

**REQUEST:** A conditional use for a winery and variances from set-back requirements of 600 ft. from any lot of less than 3 acres to 347 ft., 354 ft., 448 ft., 581 ft., 589 ft., and 490 ft., and any other variances as needed.

**LOCATION:** The site is located at 1550 Old Westminster Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 7.

**BASIS:** Code of Public Local Laws and Ordinances, Section 223-16, 223-71 (11) and 223-186A (3)

**HEARING HELD:** November 30, 2010

**FINDINGS AND CONCLUSION**

On November 30, 2010, the Board of Zoning Appeals (the Board) convened to hear a request for a winery and variances from the set-back requirements of 600 ft. from any lot of less than 3 acres to 347 ft., 354 ft., 448 ft., 581 ft., 589 ft., and 490 ft., and any other variances as needed. The Board made the following findings and conclusion:

In Case No. 5527, decided on December 16, 2009, the Board granted conditional use approval and variances to the Applicants to operate a winery on the subject property. Due to a significant change to the Applicants' plan and the necessity for revised variances, the case returned to the Board for additional approvals in accordance with Section 223-188 (I) of the Code.

The subject property is 17 acres (+/-) in the Agricultural zone. The Applicants reside on the property. They hope to open a winery on the property. Eight and one-half (8-½) acres has already been planted with grapes for the wine. The grapes were planted in the only location on the property where they could thrive. The Applicants will erect two 30 ft. x 50 ft. buildings on the property for the winemaking and retail operations of the winery. The winery will be initially staffed by the Applicants' family. Two additional persons will be hired when the winery is fully operational. The winery hopes to attract up to 75 customers per week, and will be open Thursday through Sunday.

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Shipments of the wine from the winery to local stores and restaurants will be made by the Applicants using a small truck. Once a year, an outside company will come to the property to bottle the wine using a mobile bottling truck. No odor, noise, dust or fumes will occur during the winemaking process. There is no location on the property where the buildings could be erected without the variances. The winery and vineyard will encompass all but two acres on the property.

The lot has a “reverse L shape”, and is very long and narrow, which severely limits the availability of “buildable” sites on the property. The Applicants’ revised plan moves the buildings further away from the neighbors.

Based on the above, the Board found that the proposed winery is consistent with the purposes of the Agricultural zones as it constitutes “agri-business.” The winery will generate minimal traffic from customers or others. No odors, fumes, dust, noise, or vibrations will be generated by this use. Adjoining owners’ property values will not be adversely affected. Any adverse effects generated by this use will be no greater here than elsewhere in the Agricultural zone. Accordingly, the conditional use was granted.

As for the variances, the Board cited the unique long, thin shape of this large lot. In addition, the Board noted that grapes must be planted in the selected 8 acre area on the property due to soils and topography. A strict application of the setback provisions under these conditions would result in undue hardship and practical difficulty, as the winery buildings could not be located on the property without variances. As such, the requested variances were granted.

15 December 10

Date

Howard B. Kramer

Howard B. Kramer, 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 a concept site plan has been submitted to and accepted for review by the Bureau of Development Review within 6 months from the date of this decision. This approval may become void if the applicant fails to take action to secure approval of the site plan in a timely manner as determined by the Bureau of Development Review. For more information on the site plan process, please contact the Bureau of Development Review at (410) 386-2143.**