

**Tax Map/Block/Parcel
No. 59-18-665**

Case 5531

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

APPLICANT: DeDe World, LLC
c/o Randy Cohen
P.O. Box 278
Monrovia, Maryland 21770

ATTORNEY: Clark R. Shaffer

REQUEST: A conditional use for a Planned Business Center and a variance from the 5 acre lot limitation to 5.4973 acres, more or less; conditional use request for a restaurant and/or bank or financial institution on proposed Lot 11A and a variance, if needed, from the “on premises” sign setbacks from 20 ft. to 10 ft. for a proposed sign along MD Route 140 and a proposed sign along Dede Road.

LOCATION: The site is located at NE/S Rte. 140, Walnut Park, Industrial Subdivision, Finksburg, MD 21048, on property zoned “I-R” Restricted Industrial District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 223-118B, 223-108B, 223-99A&E, and 223-2

HEARING HELD: January 6, 2010

FINDINGS AND CONCLUSION

On January 6, 2010, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a Planned Business Center and a variance from the 5 acre lot limitation to 5.4973 acres, more or less; conditional use request for a restaurant and/or bank or financial institution on proposed Lot 11A and a variance, if needed, from the “on premises” sign setbacks from 20 ft. to 10 ft. for a proposed sign along MD Route 140 and a proposed sign along Dede Road. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is 5.5 acres (+/-) of vacant land at the northeast corner of Route 140 and Dede Road. The Applicant purchased the land in 1986. However, the property was shortly thereafter declared “non-buildable” by the Carroll County Health Department due to a contamination of the soil from a nearby gas station. The property is now approved for a well and

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septic system and is ready to be developed. The Applicant is proposing to build a two-story 250 ft. long building on Lot 11B to house light industrial uses, retail uses, and medical or professional offices. In addition, a separate “stand alone” high turnover restaurant or a bank is proposed for Lot 11A on the site. The property will be bisected by a service road.

In the neighborhood, there are approximately 45 business uses within ½ mile of the proposed use. These uses include a gas station, a post office, an auto repair facility, a strip center for office and commercial uses, and an asphalt plant.

The lot is unusually small for an IR (Restricted Industrial) property. It could not accommodate large trucks typically associated with heavy industrial uses. In addition, it is bisected by a County service road. This will leave one acre of the property fronting Route 140, which is unsuitable for any true industrial uses. The property slopes downward from Dede Road to adjoining property (the Walsh property). Due to the size and shape of the property, the location of the service road, and the topography, the proposed locations for signs are the only feasible spots.

Based on the above, the Board found that the proposed light industrial/retail/professional center at this location would be an asset to the “gateway” of Carroll County and would be an attractive use on the site. In addition, any noise, dust or fumes would be no greater here than elsewhere in the zone. A credible traffic report submitted by the Applicant proved to the satisfaction of the Board that the existing road system will not be adversely impacted by the proposed center. As such a conditional use was granted based on the evidence presented.

As for the variances, the Board found that absent a variance, the lot would be unsuitable for the proposed use, which fronts a busy highway. The property is severed by a service road. The topography of this small parcel is sloped. The lot is unsuitable for heavy industrial users due to its size. Based on the above, a strict application of the lot size restrictions would result in undue hardship to the Applicant. The shape and location of this property cause it to front 2 roads. Furthermore, due to the location of the service road, the size, shape, and topography of the lot, a strict application of the sign setback would also result in unnecessary hardship to the Applicant. Accordingly, variances from both the lot size and sign setbacks were granted.

January 26, 2010
Date


Charles H. Wheatley, III, Chair