

Tax Map/Block/Parcel
No. 39-10-934

Case 5372

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Charles H., III & Charlotte D. Wheatley
707 Wheatley Drive
Westminster, MD 21157

ATTORNEY: n/a

REQUEST: A conditional use for a winery and variances from the required 200 ft. setback to 91 ft. from the north side, 20 ft. from the east side, 32 ft. from the south side and 104 ft. from the west side of the property for an existing building.

LOCATION: The site is located at 707 Wheatley Drive, Westminster, on property zoned "C" Conservation District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-34 (M), 223-37(A) and 223-186 A (2) & (3)

HEARING HELD: January 2, 2008

FINDINGS AND CONCLUSION

On January 2, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a winery and variances from the required 200 ft. setback to 91 ft. from the north side, 20 ft. from the east side, 32 ft. from the south side and 104 ft. from the west side of the property for an existing building. The Board made the following findings and conclusion:

The Applicant wishes to open a winery in an existing 240 foot long building previously used to board horses. The winery operation would encompass 5 of the 48 acres of this farm property. Elsewhere on the farm, 10 to 12 acres of grapes would be planted to support the winery. The grapes would be processed into wine and bottled in the building on the 5 acres. The Applicant anticipates having wine tastings in the building as part of the winery operation. In addition, the winery hopes to sell its product to local stores and restaurants. Traffic will be

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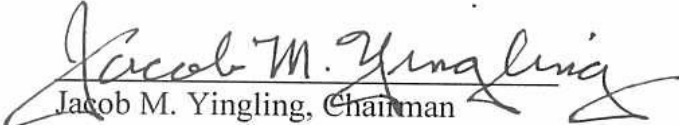
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minimal and sporadic, and much less than the horse operation previously run on the property. There is a garden center in the vicinity of the proposed winery which generates significantly more traffic. No new buildings are proposed and no existing buildings will be razed if the winery is approved.

The proposed 5 acre parcel already includes the necessary building and is the minimum size which will accommodate a winery. The property is unusually configured, and has what could be described as a "bent shovel" shape. The existing building, in its current location, cannot meet the requisite setbacks, and would have to be razed or relocated to accommodate the winery, absent the requested variances.

Based on the above, the Board found that a winery at this location will not generate traffic, noise, dust, fumes or decrease property values to a greater degree here than elsewhere in the zone. Accordingly, the conditional use was granted. In addition, the Board found that, due to the location of the existing building and the shape of the proposed winery lot, the strict application of the setbacks in this instance would result in undue hardship. Due to the topography of the rest of the parcel, there are no other suitable locations for the building. Accordingly, the requested variances were granted.

1/30/08
Date


Jacob M. Yingling, Chairman