

**Tax Map/Block/Parcel
No. 41-21-507 & 612**

Case 5365

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

APPLICANT: Hampstead Baptist Church
c/o Dwight Phillips
328 Hanover Pike
Hampstead, MD 21074

ATTORNEY: J. Brooks Leahy

REQUEST: An expansion of an existing conditional use (BZA Case 1395) for a church and variances from the required front yard setback of 100 ft. to 50 ft.; from the required side yard setback of 50 ft. to 30 ft.

LOCATION: The site is located at 328 Hanover Pike, Hampstead, on property zoned "IR" Restricted Industrial District in Election District 8.

BASIS: Code of Public Local Laws and Ordinances, Section 223-118 B, 223-108 (c), 223-78 B and 223-82

HEARING HELD: November 29, 2007

FINDINGS AND CONCLUSION

On November 29, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for an expansion of an existing conditional use (BZA Case 1395) for a church and variances from the required front yard setback of 100 ft. to 50 ft.; from the required side yard setback of 50 ft. to 30 ft. The Board made the following findings and conclusion:

The congregation at Hampstead Baptist Church has outgrown its current space. They must now hold two services on Sunday to accommodate their members. The Applicant would like to construct a new building to use for a sanctuary which would hold 730 persons. There would also be additional classroom space and offices. The services are currently held in the Church's gymnasium.

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The new construction will include a brick façade to match the existing buildings. In addition to Sunday services, the buildings will be used during the week for Bible study, choir practice and staff meetings. If approved, this will be the last building constructed on the site. There are currently no traffic problems caused by the activities of the Church.

The subject property consists of two plats of land totaling 5 acres (+/-). The potential use of the property is constrained by the large septic system and replacement area, the private water system, and test well drilled due to a gas station previously existing on the site. In addition, there is an unbuildable wetland area on the property.

Based on the above, the Board found that the proposed expansion would not generate noise, dust, fumes, gases, traffic congestion or other adverse effects greater here than elsewhere in the "I-R" zone. Accordingly, this conditional use was granted.

In addition, the Board found that this property had unique characteristics (small size of the lot, shape of the lot, large septic system, wetlands, test well and drinking water well) such that a strict application of the front and side yard setbacks would result in undue hardship. There is no location on the property for a building which would not necessitate a variance. Therefore, the requested variances were granted.

12/24/07
Date


Jacob M. Yingling, Chairman