

**Tax Map/Block/Parcel
No. 23-3-327 & 007
Case 5949**

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

APPLICANT: Four Thistles, LLC
P.O. Box 30
Manchester, MD 21102

ATTORNEY: J. Brooks Leahy, Esq.
127 East Main Street
Westminster, MD 21157

REQUEST: A request for a conditional use for a winery and variances to Parcel 407 of 521 feet and 533 feet, and to Parcel 500 to 528 feet from the 600 foot requirement.

LOCATION: The site is located at 2427 Ebbvale Road, Manchester, Maryland on property zoned "A" Agricultural District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070(E)(1)(h), 158.133(B)(1)(c), and 158.040.

HEARING HELD: October 25, 2016

FINDINGS AND CONCLUSION

On October 25, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a winery and variances to Parcel 407 of 521 feet and 533 feet, and to Parcel 500 to 528 feet from the 600 foot requirement. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Charles Mewshaw testified as the applicant in the case. He owns a farm of about 60 acres. Twelve acres of the farm consists of a vineyard. He purchased the property in approximately July, 2015, from Robert White, the former president of the Maryland Grape Growers Association. There is a building that is a workshop that is about fifty feet from his house. As noted in Exhibit 1A the property includes a vineyard, a house and a pole building that serves as a workshop. The vineyard includes grapes from ten to eleven years old to about three years old. Therefore, the property was utilized as a vineyard for a number of years. It was previously known as the Quail Vineyard. During his first year of ownership he harvested about forty-five tons of grapes. During his second year of ownership he harvested fewer grapes due to

the weather. He grows various types of grapes. One ton of fruit would create about 1500 bottles of wine. The bulk of the grapes on his farm would be sold to other individuals.

Other than the vineyard as shown in Exhibit 1, the property is a wooded area. Some of the wooded areas are included in a conservation easement. Near the workshop is a wooded area with a steep slope. The wine would be made and bottled in the workshop. The property is located within the County's Agricultural and Conservation Zones. Mr. Mewshaw was given approval by both the State of Maryland and the Ag Preservation Advisory Board for his requested use of the property.

Mr. Mewshaw has a need for a variance from his neighbor, Mr. Cole. He testified that he had spoken to his neighbor and Mr. Cole had no concerns about his use. The only other location for the workshop would be down a steep slope and in a wooded area. The applicant would be utilizing an existing building in his wine making operation.

Martin W. Hackett is the president of CLSI. He was accepted as an expert in land use planning and civil engineering. He testified about the variance needed to Mr. Cole's property. He noted that if the workshop was relocated further away from Mr. Cole's property that it would be in an area with a steep slope and in a wooded area. The relocation of the workshop would not be feasible for that reason. He testified that Mr. Mewshaw's use of the property would be satisfied under the Pritt case standard.


An October 13, 2016 memorandum by Lynda Eisenberg, Chief, and Clare Williams, Planning Technician, stated that the matter had been reviewed for consistency with the policies and recommendations contained in the *2014 Carroll County Master Plan* and other plans. The staff finding was that the applicant's request was consistent with the *2014 Carroll County Master Plan* and would not have an adverse effect on the current use of the property or its environs.

The Board approved the requested variance because it was not a situation created by the applicant. The applicant was merely utilizing a preexisting building for his wine making operation. To move the building further back on the significant slope and the wooded area would be costly if indeed feasible at all. To move the building in the area of a conservation easement would likewise be problematic and expensive if possible at all.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use requested by the applicant. The Board also approved the variance from the neighboring property owner.

10-26-2016

Date


Melvin E. Baile, Jr., 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 Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) 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.

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