

Tax Map/Block/Parcel
No. 30-5-50
Case 5678

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Mark E. Lynn
508 Old Bachmans Valley Road
Westminster, MD 21158

ATTORNEY: Richard R. Titus

REQUEST: An application for a conditional use for a commercial park and recreation facility and a variance from the required setback of 400 ft. to 161 ft.

LOCATION: The site is located on the N/S of Stone Road & MD Rt. 97, Westminster, MD 21158, on property zoned "A" Agricultural District in Election District 3.

BASIS: Code of Public Local Laws and Ordinances, 223-71 A (14) and 223-16

HEARING HELD: November 30, 2012

FINDINGS AND CONCLUSION

On November 30, 2012, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a commercial park and recreation facility and a variance from the required setback of 400 ft. to 161 ft. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Mark Lynn, the owner of the property, requested a conditional use for a commercial park and recreation facility. He has been seeking to develop the property in question for years. In 2011 he considered putting a private school (including a gym), a church with five hundred seats, or two commercial ball fields on the same property. A traffic study was done in 2011 for the planned intersection improvements at Maryland Route 97 and Stone Road.

To improve the traffic at the location noted above, Mr. Lynn gave some of his property to the county for road improvements and storm water management issues. In a deed he gave 6.5 acres in parcel B, .07 acres in parcel C, and .97 acres in parcel E in fee simple to the county. One of the main reasons for the gift of property was to complete road improvements. It was known that the road improvements would be of material benefit to the safety of the general public. Both the state and the county deemed the road improvements to be transportation project priorities. The intersection relocation was to provide a traffic safety improvement to the public. To that end, the state put out a bid to have the construction work done for the intersection relocation at the location in question. Those bids are scheduled to be opened on January 10, 2013.

The events above occurred when Mr. Lynn decided that his proposed use for the property would be a commercial park and recreation facility. Based on the intersection relocation traffic concerns were largely addressed. His hours of usage would be after school on weekdays and during the weekends from 7am to 10pm. He would employ from five to seven employees at the proposed site. The outdoor activities at the ball field would end at dusk and he had no intention of putting up outdoor lighting for the field. There was no proposal to sell food at the site. The only outside lights would be for the parking lot and the lights on the building structure. The building would be about 300 feet by 150 feet.

John Lemmerman testified as an expert in land surveying, planning and design. He noted that the new intersection relocation would be an improvement for traffic. He mentioned that drainage and septic issues would drive where the building would be constructed on the site. Due to these issues there was a limited layout for where the building could actually be erected. Considering topography, draining, and septic issues the site was unique in his opinion. Mr. Lemmerman noted that both the state and county had earlier been provided with conceptual plans to build a private school on the property before the proposed use in question. He addressed a question by stating that the best available technology would be used for the septic system.

A number of neighbors testified about the project including: Patricia Anderson, Tim Warehime, Betty Bish, Gray Anderson, and John Frock. The neighbors were concerned about noise from crowds at the outside ball field, lighting from the parking lots and the building, water and septic concerns, and traffic.

The Board noted the principal permitted uses for the zoned property. The Board was convinced that authorization of the request 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. Specifically, the Board noted that the traffic concerns would be addressed by the relocation of the intersection. The lighting was addressed by the fact that the only outside lighting would be for the parking lot and required lighting for the building. The Board further determined that the property was unique. The Board also approved the variances requested.

12/6/2012
Date


Richard J. Simmons, 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 all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.