

**Tax Map/Block/Parcel
No. 51-9-671**

Case 5527

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

APPLICANT: Jay and Virginia Baker
1550 Old Westminster Road
Westminster, Maryland 21157

ATTORNEY: J. Brooks Leahy

REQUEST: Conditional use for a winery and request for variances from the setback requirement of 600 ft. from any lot of less than 3 acres to 147 ft., 167 ft., 188 ft., 334 ft., 363 ft., 427 ft., and 579 ft. from any lot in a Residential District.

LOCATION: The site is located at 1550 Old Westminster Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (11, 223-186 A (3) and 223-16

HEARING HELD: November 24, 2009

FINDINGS AND CONCLUSION

On November 24, 2009, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a winery and a request for variances from the setback requirement of 600 ft. from any lot of less than 3 acres to 147 ft., 167 ft., 188 ft., 334 ft., 363 ft., 427 ft., and 579 ft. from any lot in a Residential District. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property is 17 acres (+-) in the Agricultural zone. The Applicants reside there with their family. The Applicants hope to open a winery on the property. They will construct a 1,500 sq. ft. pole building to house the wine making operation. Two and ½ acres will be planted with vines initially, and the Applicants hope to plant up to 12 acres. The wine making operation will generate no noise. The bottling process will take 1 day. There will also be a wine tasting room for customers to taste and purchase wine with 7 parking spaces for patrons. The tasting room will be open from Thursday through Sunday from 1:00 p.m. to 5:00 p.m. The Applicants hope to sell bottles of their product to local restaurants, liquor stores, and wine festivals. Additional grapes will be delivered to the property once a year.

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The 14 acre parcel is an unusual reverse "L" shape. As a result, there is no place on the property where a winery operation could be located absent variances.

The Board found that the proposed use would not generate noise, dust, fumes, gases or similar adverse effects. In addition, there was no evidence of any potential decrease in property values from the proposed winery. Traffic from customers and deliveries will be minimal and the neighborhood roads can easily accommodate it. In short, the Board found that a winery here would not generate adverse effects above and beyond those normally associated with a winery. Accordingly, the conditional use was granted.

Furthermore, this property, despite its large size, is unable to accommodate a winery on it in any place absent the requested variances due to its odd shape. As a result, a strict application of the setbacks would result in unnecessary hardship and the variances were granted.

December 16, 2009

Date

Charles H. Wheatley, III
Charles H. Wheatley, III, Chair