

**Tax Map/Block/Parcel
No. 73-5-620**

**Building Permit/Zoning
Certificate No. 06-0570**

Case 5209

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

APPLICANT: Rite Aid Corporation
Store Development Department
P.O. Box 3165
Harrisburg, PA 17105

ATTORNEY: Clark R. Shaffer

REQUEST: Conditional use for a drug store, such as a Rite-Aid, and a variance from the parking requirements of 78 spaces to 68 spaces and a variance from the height requirements for a free standing sign to allow a 40 ft. high sign.

LOCATION: The site is located at the NWC MD Rt. 32 and Bartholow Road, Eldersburg, on property zoned "I-R" Restricted Industrial District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Section 103-24, 223-118 B and 223-138 D

HEARING HELD: April 27, 2006

FINDINGS AND CONCLUSION

On April 27, 2006, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a drug store, such as a Rite-Aid, and a variance from the parking requirements of 78 spaces to 68 spaces and a variance from the height requirements for a free standing sign to allow a 40 ft. high sign¹. The Board made the following findings and conclusion:

The Applicant is proposing to build a 14,564 square foot pharmacy with a drive through window on the north side of Bartholow Road west of Maryland Route 32. The store would be located on 1.8 acres. The site will be served by an underground storm water management system.

¹ The request for a variance from the sign was withdrawn by the Applicant at the hearing.

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The Applicant has been working with County Planning staff to design the store. They changed the design and architecture of the store to accommodate the County's plans for a "boulevard style" district in the area. As a result, their parking lot size was reduced, necessitating the need for a variance. In addition, the topography of the site with its elevation changes and retaining walls, also limits the size of the parking area.

This will be a prototype Rite Aid store, with a drive through window for pharmaceutical pick-ups. There will be a maximum of 10 employees per shift and the store will be open 7 days per week. Hours of operation will be from 8:00 a.m. to 10:00 p.m.

A traffic impact analysis was submitted by the Applicant which was prepared by The Traffic Group, Inc. These traffic engineers studied the proposed development and its impact on traffic operations at each of the key intersections in the area during morning, evening and peak hours. The engineers concluded that the proposed Rite Aid at this location would either have little effect on the traffic at the intersections or that mitigation for the traffic impacts could be considered and implemented during the County's site plan process.

Two access points are proposed for the drug store. One is a right in/right out along Maryland Rte. 32. The other access point is a full movement entrance along Bartholow Road. The Board is concerned with the request for the full service entrance on Bartholow Road. The Board is aware that the stretch of Bartholow Road above the proposed store is quite steep and includes a sharp corner.

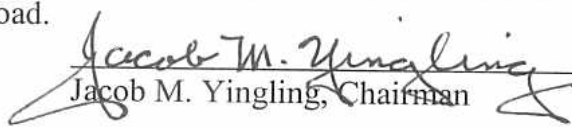
The Board finds that this is a small lot for the IR zone. In addition, the Board finds that the Applicant's attempt to create a harmonious project in accordance with the County's design requests has necessitated a reduction in the size of the parking lot. Accordingly, the Board finds that uniqueness and hardship has been proven, such that a variance is warranted to reduce the number of parking spots from 78 to 64.

In addition, the Board finds that, subject to the following conditions, the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use is granted with the following conditions:

The access to the site via Bartholow Road shall be a right in/right out entrance, unless Applicant satisfies the criteria of the appropriate state and county authorities to obtain a permit for a "full service" entrance from Bartholow Road.

Date

5/17/06


Jacob M. Yingling, Chairman