

**Tax Map/Block/Parcel
No. 46-16-616 and 799**

**Building Permit/Zoning
Certificate No. 00-2157 and
00-2158**

Case 4520

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

APPLICANT: Sterling Land Company VII, LLC
Sterling L. Leppo, Owner
P.O. Box 264
Finksburg, MD 21048

ATTORNEY: J. Brooks Leahy, Esquire, Dulany & Leahy, LLP
127 East Main Street
Westminster, MD 21157

REQUEST: A conditional use request to construct a two-story office building with one retail use in a portion or all of the ground floor as permitted on property zoned "I-R" Restricted Industrial District.

LOCATION: 1012 Baltimore Blvd., Westminster, MD 21157 (consisting of 1.2 acres) and 0.36 acres on the south side of Hemlock Lane, Westminster, MD 21157 in Election District 7.

BASIS: Article 12, Section 12.2(b); Zoning Ordinance 1E

HEARING HELD: August 30, 2000

FINDINGS AND CONCLUSION

On August 30, 2000, the Board of Zoning Appeals (the Board) convened to hear the application of Sterling Land Company VII, LLC, to construct a two-story office building with one retail use in a portion or all of the ground floor on property located at 1012 Baltimore Blvd. and the south side of Hemlock Lane. The two parcels of property are zoned "I-R" Restricted Industrial District in Election District 7. J. Brooks Leahy, Esquire, represented the Applicant. The two parcels will be consolidated prior to the use being initiated and will be referenced to as "the Property" hereinafter.

Sterling Leppo has formed Sterling Land Company VII, LLC to develop the Property. The proposed project is a two-story building with parking available under and around the premises with elevator access. The building is being proposed with a residential flavor (rather than an office building look). The size of the building will be approximately 18,000 sq. ft. (9,000 sq. ft. on each floor). Interior walls will be moveable to accommodate the tenants needs.

The two lots are being combined to make this project work. A major site plan would be required pursuant to the Zoning Ordinance. The applicant has depicted two entrances on Rt. 140 but is willing to accept the reduction to one ingress and egress point on Rt. 140, should this be recommended by the site plan review process.

Mr. Kenneth W. Schmid, Traffic Engineer/Vice President of Traffic Concepts, Inc., was accepted as an expert witness in the field of traffic engineering and presented a Traffic Impact Brief. Comparisons were made which showed office space generating less traffic than a restaurant at this site. Mr. Martin W. Hackett, Vice President/Principal Project Manager, CLSI, was accepted as an expert witness in the field of land engineering and testified that the parking (93 spaces) under and around the building, based on its use of office and retail, meets the Zoning Ordinance for the number of parking spaces. Mr. Hackett also testified that storm water management would not be a problem at this site. Mr. Hackett finds the site is too small to be used as an industrial site, therefore lending itself towards commercial use.

The Board finds the proposed use is consistent with existing uses at or near this location. The Board finds that there will be a negligible increase in traffic and noise at the location and will have no adverse impact on area residents. The Board hereby approves the request of Sterling Land Company, VII, LLC, for a conditional use for a two story office building located at 1012 Baltimore Blvd. and the south side of Hemlock Lane, Westminster, MD on property zoned "I-R" Restricted Industrial District. This approval is conditioned on the consolidation of the two parcels.

9/28/00

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman