

**Tax Map/Block/Parcel
No. 70-5-188**

**Building Permit/Zoning
Certificate No. 99-2744**

Case 4438

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

APPLICANT: Le Roy E. Schwaderer, Jr.
5810 Leslie Lane
Mt. Airy, MD 21771

ATTORNEY: Michelle M. Ostrander
23 North Court Street
Westminster, MD 21157

REQUEST: A conditional use for a Bed and Breakfast in an existing dwelling.

LOCATION: Located at 5810 Leslie Lane, Mt. Airy on property zoned "A"
Agricultural District in Election District 13.

BASIS: Basis: Article 6; Section 6.3(a) and Article 5, Section 5.2(f); Ordinance
1E (The Carroll County Zoning Ordinance).

HEARING HELD: October 25, 1999

FINDINGS AND CONCLUSION

On October 25, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of Le Roy Schwaderer Jr. for a conditional use for a bed and breakfast in an existing home. The Applicant presented the following testimony. His home is surrounded by trees on four sides. The proposed name of the bed and breakfast is Catoctin Meadow and it would only be opened on weekends (Friday, Saturday, Sunday) with breakfast being served on Saturday and Sunday. Two bedrooms would be available for rent. The Applicant and his wife will reside in the home and there will be no employees. Five parking spaces are available in front of the home with two additional spaces inside the garage. Additional space is available if needed. Motion activated outdoor lighting is installed on the site. The Applicant testified that seven people formerly resided in the home and have never experienced any water or septic tank problems. A sign identifying the project as a bed and breakfast would be affixed to the mailbox at the end of the driveway and a small sign would be posted along the driveway. No physical changes are proposed to the subject property. The Applicant has conducted market research and feels this type of operation would be a successful venture.

Several neighbors of the proposed conditional use testified in opposition to the request. The opponents presented a copy of the Declaration of Covenants and Restrictions for the subdivision, which state that all lots in the community are to be used exclusively for homes and are to be occupied by no more than one family. (These covenants expired in 1989). These neighbors testified that they purchased their homes in reliance upon the residential nature of the neighborhood, and they fear that increased traffic,

dangers to children and pedestrians from vehicles, and reduced property values would result from the proposed use in their residential neighborhood.

Ms. Bonnie Winkler, a real estate agent, testified that, in her experience, the creation of a "mixed use" neighborhood by the entry of a bed and breakfast would make it more difficult to sell properties for their maximum value in Airy Estates. She based this opinion on the desirability of homes located on residential "cul de sac" lots, which are attractive to buyers desiring minimal traffic.

Based upon the testimony of the Applicant and the opponents, the Board makes the following Findings of Fact. The proposed use is located in a colonial home located on a 3.86 acre lot that was built in 1985. The home is situated in a 30 lot residential subdivision known as "Airy Estates". There are no approved businesses operating within the area. While the zoning classification for this subdivision is "A" Agricultural, Airy Estates is a typical upscale residential subdivision, with large lots and sizeable homes.

The proposed use would generate additional traffic on the cul de sac. The bed and breakfast arrangement typically results in patrons coming to and from the establishment, rather than remaining in the home for their entire stay. In addition, there will be deliveries made during the week. On a busy street, this traffic increase would undoubtedly be considered minimal. However, on a suburban "cul de sac" street, the Board finds that traffic will increase and have an adverse effect on the neighborhood.

In addition, the Board questions whether the proposed location is appropriate for a commercial bed and breakfast operation. The subject of the Application is a 14 year old colonial home in a residential subdivision. The home has no unique structural or site characteristics which would lend themselves to an "inn type" setting. Nor is the surrounding neighborhood of any unique cultural or historical significance. Bed and Breakfasts are more appropriately located in historic structures or farmhouses, which are typically secluded.

A conditional use should be granted unless the adverse effects inherently associated with such uses are greater at the proposed location than they would generally be elsewhere within zones in the County where they may be established. In the instant case, the Board finds that, while the property is zoned "A" Agricultural, it is in fact located in a residential subdivision. This is evidenced by the fact that the community was governed at one time by covenants and restrictions typically found in a residential development. A commercial enterprise, (i.e., a bed and breakfast) is an inappropriate use at this particular location in the zone, as the traffic and change to the character of the neighborhood would be greater in this location than they would be on a farm, estate or manor located elsewhere in the zone, which would typically be isolated and on property more conducive to an "inn type" setting.

The request for a conditional use is denied.


Date


Karl V. Reichlin, Chairman