

**Tax Map/Block/Parcel
No. 34-04-58
Case 5961**

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

APPLICANT: Daniel W. Tamminga, Sr.
7933 Forest Stream Club Road
Keymar, Maryland 21757

ATTORNEY: David K. Bowersox, Esq.
Hoffman, Comfort, Offutt, Scott & Halstad, LLP
24 North Court Street
Westminster, MD 21157

REQUEST: A request for a Conditional use for holding seasonal meets of dog competitions, creating a recreational area, and use as a Country Inn for weddings, wedding receptions and other one-day special events in an Agricultural Zoning District.

LOCATION: The site is located at 7933 Forest and Stream Club Road, Keymar, on property zoned "A" Agricultural District in Election District 10.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070 (E)(1)(c)(f)(k)(t)(u).

HEARING HELD: August 31, 2016

FINDINGS AND CONCLUSION

On August 31, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a Conditional use for holding seasonal meets of dog competitions, creating a recreational area, and use as a Country Inn for weddings, wedding receptions and other one-day special events in an Agricultural Zoning District. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

The Board approved of the very same uses that Daniel W. Tamminga, Sr. sought at the hearing in 2014 in case number 5744. The Board decision in case 5744 became void because requirements and steps that needed to occur after the Board approval had not occurred in a timely manner. At that point, the Board approval became void and Mr. Tamminga was in violation of a few County requirements. The 2016 case was Mr. Tamminga's attempt to regain the approval of the Board for the same uses approved in 2014. At the beginning of the hearing, Mr. Bowersox withdrew the seasonal meets of dog competitions.

Jay Voight testified that since the prior Board's decision had become void that Mr. Tamminga was given violations by County agencies with regard to Development Review and the Zoning Administration offices. He explained that notices were sent to Mr. Tamminga before the Board's approvals were voided. When steps were not taken by Mr. Tamminga to correct the deficiencies, the prior Board's approvals in case number 5744 were voided.

Daniel W. Tamminga, Sr. testified on behalf of the applicant. He is the owner of Detour Winery. The winery was previously approved by the Board. He originally started the winery with the planting of five acres of grapes. He has now increased the amount of acreage for grapes to be planted from five to forty. Through the winery business he has discovered that people like coming to his property. Therefore, he wants to expand the occasions when people could come to his property for different events. He wants to be permitted to have weddings, receptions, and private events. He wants visitors who come to his property once to be satisfied enough with the experience that they would want to return to his property for other events. More particularly Mr. Tamminga requested permission to use the property for: recreational areas, country inn (for weddings, receptions and other one day events), and retreats.

The winery is open from 12:00 noon to 6:00 p.m. Weddings would be expected to occur in the time frame from afternoons to about eight o'clock. He would provide lighting for the events. The weddings or receptions, with no more than two hundred guests, would also occur on the weekends. Mr. Tamminga stated that he did not want to get into the catering business. His vision was to allow a tent to be pitched for an outdoor event. When the new building is constructed, the event could occur inside. He would not allow people to stay on the property overnight. He also stated that he did not want a restaurant on the property. He did not want to offer daily meals. He stated that he was not in the lodging business either.

Mr. Tamminga has an area where he could not grow grapes that he wanted to use as a recreational area. He might include hiking trails. He might allow children to go on tours. He also thought of creating ball fields. He testified that other wineries in the County and elsewhere in the state had requested similar land uses as the uses he was requesting.

Mr. Tamminga testified that he realized that it was his responsibility to see that the project was completed in a timely manner this time around. He would follow the requirements to move forward with the project after Board approval.

Martin W. Hackett is the president of CLSI. He was accepted as an expert in land use and land planning. He testified that he prepared Exhibit 4, the site plan. He was working with all of the County agencies in the course of the site review process. The uses had to be approved by the Board first before the site review process could continue. He testified that other wineries in the County and elsewhere in the state had requested similar land uses as the uses he was requesting.


A July 18, 2016 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, and signed by Nokomis Ford, Planning Technician stated that "the staff finding is that this request is consistent with the 2014 Carroll County Master Plan and would not have an adverse effect on the current use of the property or its environs."

Gilbert Breeding read a statement at the hearing. He had no objection to the requested uses "so long as it does not adversely impact our farming operation." He wanted all to know that with a livestock and farming operation that there would be certain odors and noises certain times of the year.

Ellen Willhide testified in opposition to the application. She stated that there would be strong odors in the area and Mr. Tamminga's guest would complain. She talked about her 360 acre farm. She talked about another nearby farm of 400-500 acres. She believed that the area was farm country and not a commercial area. She did not want to see a traditional country inn at the location. She also mentioned that the sound of the music played at his events carries to her property.

The Board was convinced that authorization of the request with regard to the requested conditional uses 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. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board granted the conditional uses as presented by the applicant.

9-13-2016
Date


Melvin E. Baile, Jr., 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 Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) 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.