

**Tax Map/Block/Parcel
No. 46-19-566**

Case 5383

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

APPELLANT: Green Development, LLC
c/o Tom Green
1255 Baugher Road
Westminster, MD 21158

ATTORNEY: Clark R. Shaffer

REQUEST: Request to alter and/or enlarge and/or change a non-conforming use from an auto sales, repair, body shop, and auto storage yard to an office building.

LOCATION: The site is located at the 844 Washington Road, Westminster, on property zoned "R-10,000" Residential District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Section 223-9

HEARING HELD: February 26, 2008

FINDINGS AND CONCLUSION

On February 26, 2008, the Board of Zoning Appeals (the Board) convened to hear a request to alter and/or enlarge and/or change a non-conforming use from an auto sales, repair, body shop, and auto storage yard to an office building. The Board made the following findings and conclusion:

The subject property is a 5.38 acre (+/-) parcel zoned R-10,000 on the west side of Maryland Route 32, approximately 700 feet south of Smith Avenue to the south of Westminster. The property is currently being used as an automobile service center with an automobile sales and storage area at the back of the lot.

A longtime resident of the area testified credibly to the Board that the property had been used in this manner in varying degrees for in excess of fifty years. The use was therefore nonconforming under the Zoning Ordinance.

The Applicant wishes to redevelop the property with a 60,000 square foot mixed use office building. The four-story building would be 49-50 ft. high with a two-story underground parking deck. There will be a single entrance to the project from Washington Road. The architect who designed the building testified that the lot has a sloped topography. He testified further that the use is compatible with other uses in the neighborhood. The property will need to

OFFICIAL DECISION

Case 5383

Page 2

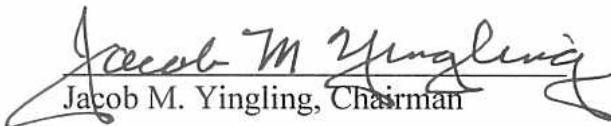
be cleaned up if the office building is approved, and some environmental remediation may be required. The footprint of the building will be 120 ft. by 170 ft. and the outdoor parking area will be will be 130 ft. by 270 ft. The property is served by public water and sewer.

The Applicant testified that he will use the building for commercial offices such as insurance companies, real estate offices and government uses. In addition, he hopes to set aside approximately 8,000 sq. ft. of the building for potential retail uses to serve the building and nearby offices. The building will be used by 80 to 100 occupants, and will be one of the largest mixed use offices in the County.

A traffic engineer who was recognized as an expert by the Board prepared a traffic impact and analysis for the proposed use. He concluded that if the site is redeveloped as an office building, all intersections in the immediate area will continue to operate at good levels of service. He testified further that there is adequate sight distance for motorists entering and exiting the property.

Based on the testimony of the architect, the Board found that the proposed office building will be an attractive addition to the neighborhood and it will be compatible with other nearby uses. It will also fill a need for additional office space in the area. In addition, the Board found that this proposal would rehabilitate the property, and would be an improvement over the junkyard and auto sales uses that have been located there over the years. The Board found the traffic expert's testimony to be credible, and found that the use would not adversely affect the road system in the area. There was no evidence presented regarding excess noise, diminished property values, odors, dust or any other adverse effects from the proposed use. Accordingly, the requested alteration and enlargement of the nonconforming use was granted. The size, height, and other aspects of the proposed development will be determined during the review process in accordance with the Code of Public Local Laws and Ordinances, §103-19(e).

3/19/08
Date


Jacob M. Yingling, Chairman