

Jay C. Voight, Zoning Administrator

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Office of Zoning Administration

Department of
Land Use, Planning, & Development
Carroll County Government
225 North Center Street
Westminster, Maryland 21157

Official Decision
Case ZA-1322
Zoning Administration
Carroll County, Maryland

APPLICANT: John and Ginger Myers
REQUEST: Roadside Stand as an Accessory Use
LOCATION: 150 Rockland Road
Westminster, MD 21157
MAP/BLOCK/PARCEL: 45/01/499
APPLICABLE REGULATIONS: Chapter 223-72(S)
HEARING HELD: November 2, 2011

FINDINGS AND CONCLUSIONS

Based on the testimony and evidence presented at the hearing the accessory use is granted with conditions.

Facts which support the request for relief from the strict terms of the Ordinance; in this case, a roadside stand as an accessory use are as follows:

The applicant's propose to open a roadside stand to sell products from their farm. These products may consist of meat, eggs, produce, chicken and other items. The access to the property is back a long, semi-paved driveway that is shared by the Myers with their neighbors.

There was discussion about the amount of heavy truck traffic to the Myer's farm. The Myers have another business they run from the farm, and have a Zoning Certificate for a home occupation for an office to run their business. The large amount of truck traffic was associated with this business. The operations of this business were removed from the property to another location, thereby reducing the large truck traffic to their property. However, they are still operating a home office for that business on their property under the previous Zoning Certificate.

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A discussion was held on the maintenance of the driveway and the liability of the use of the driveway by the Myer's customers. As far as the County is concerned, these issues are a civil matter between property owners, and the County will not be involved. To alleviate some of the concern about truck traffic, the Myers have agreed, and it is one of the conditions of approval, to keep a log of all truck traffic to their property. In addition, another condition of approval is that store hours are to be no earlier than 7:00 a.m. and no later than 7:00 p.m.

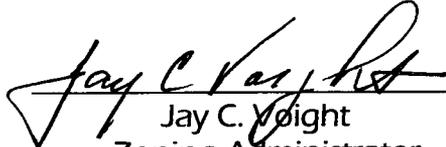
There were neighbors present at the hearing opposing this application for a roadside stand; however, the impact of the roadside stand on the neighbors should be no greater than any other farm operation. Due consideration was given to Article XXVIII, §223-191; therefore, the requirements of granting this accessory use should have no adverse effect on any adjoining property owners.

This approval is valid for one year from the date of this decision.

Note: An appeal of a Decision made pursuant to Chapter 223-181.2 may be made to the Board of Zoning Appeals within thirty (30) days of the date of the Zoning Administrator's decision in accordance with Chapter 223-182 and 223-181 of the Code of Public Local Laws and Ordinances.

A decision of the Zoning Administrator made pursuant to Chapter 223-181 is final and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the Zoning Administrator's decision.

Nov 8 2011
Date


Jay C. Yoight
Zoning Administrator