Tax Map/Block/Parcel
No. 74-13-615

Building Permit/Zoning
Certificate 96-3582

Case ZA-297

OFFICIAL DECISION
ZONING ADMINISTRATOR
CARROLL COUNTY, MD.

APPLICANT: Carrolltown Center Development Co. LLC
c/o Black Rock Associates
2004 Stringtown Road
Sparks, MD 21152

REQUEST: A variance reducing the minimum required number of parking spaces from 1734 to 1722 for placement of any outside storage area.

LOCATION: 6400 Ridge Road (Carrolltown Center) in E.D. 5

APPLICABLE REGULATIONS: Art. 14, Sect. 14.1, Article 15, Section 15.5, Zoning Ordinance 1E.

HEARING HELD: December 4, 1996

FINDINGS AND CONCLUSION

Based on the testimony and evidence presented at the hearing, the variance is denied.

Facts which support the request for relief from the strict terms of the Ordinance, in this case a reduction in the minimum required number of parking spaces for an outside display area are as follows:

The applicants were proposing to place a detached 65x55 foot fenced display area on the parking lot at the southeast corner of the mall building. Testimony from the Carrolltown Center representative and perspective tenant indicated the primary product of NAMCO is swimming pools, pool supplies and accessories. Further testimony was provided that they would also handle patio furniture, bird feeders, pond kits, park benches, landscaping materials, and sand.

The fenced area would only be utilized from April to September.

The Carrolltown Center is located in "B-L", Business Local zoning. Section 10.4 (a) "B-L" zoning of the Carroll County Zoning Ordinance 1E states as follows:

"All business, services or processing shall be conducted wholly within a completely enclosed building, except for sale of automotive fuel, lubricants and fluids at service stations, off street automobile parking and loading areas, public utility uses, taxi stands, garden shops."

Counsel for the applicants proposed that the incidental accessory items sold would place the outside display area as proposed in the category of the exception noted in 10.4 (a), garden shops.

It is felt that this was not the intent when section 10.4 (a) was written to include pools, sheds or lumber and construction materials. Decisions have been consistently and habitually to interpret that the aforementioned items do not fall within a garden shop.

Section 15.5.3 of the Carroll County Ordinance 1E states "In making the

decision, the Zoning Administrator may grant the variance only in cases where the strict compliance with the terms of the ordinance would result in practical difficulty or unreasonable hardship which have not been caused by the act of the applicant or the applicant's predecessor in title. The Zoning Administrator shall not grant a variance if to do so would violate the spirit and intent of the regulation, or cause or be likely to cause substantial injury to the public health, safety and general welfare.

In this decision it has been determined that this application does not meet the intent and if the display were a bonified garden shop it would not be approved as proposed due to safety concerns.

DATE: 12/6/96 George L. Beisser

George Beisser, Acting Zoning Administrator

cc: Zoning Enforcement
Code: Case 297.D96