

ALLEGANY COUNTY BOARD OF ZONING APPEALS

**IN RE: APPLICATION OF
COUNTRYSIDE BAKERY
FOR A SPECIAL EXCEPTION**

* Case No.: 933
* Hearing Date: 09/04/13

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FINDINGS

This case came before the Allegany County Board of Zoning Appeals (the "Board") upon Countryside Bakery's request for a special exception to operate a bakery in a G-1 Zoning District.

A field inspection of the subject property was conducted by the members of the Board on August 29, 2013. The purpose of the field inspection was to familiarize the Board members with the site layout in order for them to develop an understanding as to where the proposed use would be located and as to whether the proposed use would be in compliance with the terms of the Zoning Ordinance.

At the hearing on September 4, 2013, the Board considered the attached list of exhibits which consisted of information gathered by the Division Chief and information provided by other agencies and individuals.

The proposed use is an existing structure located on the east side of West Flintstone Creek Road, Flintstone, Allegany County, Maryland, which will be used as a community bakery. This property is owned by Mr. James Petre.

The Board considered testimony presented at the hearing in order to ascertain whether the proposed use would meet the standards and criteria of the Zoning Ordinance. The Board's findings are as follows:

1. A bakery is a special exception use in the "G" General Urban Development District in accordance with Section 360-82 (A)(2)(c)(4) of the Ordinance.
2. The affected property area consists of approximately 2.966 acres as found in Deeds Liber 1858, Folio 366, among the land records of Allegany County, Maryland.
3. That the total square footage of all buildings utilized in the bakery operation is less than 2000 square feet as required by the ordinance.

4. That the existing structure meets all criteria found in the zoning ordinance regarding location and all permits necessary to operate said bakery have been obtained.

Based upon the foregoing findings, the Board found that the Applicant will comply with the criteria of the Zoning Ordinance. Having made that determination, the Board next considered whether "the facts and circumstances indicate that the particular special exception use and location proposed would cause an adverse effect upon adjoining and surrounding properties unique and different, in kind or degree, than that inherently associated with such a use, regardless of its location within the zone ...". Brandywine Enterprises v. County Council for Prince Georges County, 117 Md. App. 525 (1997).

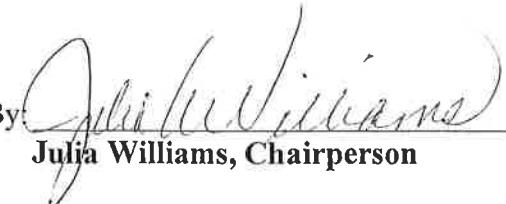
No evidence of site-specific adverse impact was presented. The Board found that there was no evidence offered to show that the site would cause any site-specific adverse impacts. The Board further noted that no objections have been raised by any party regarding this request for a special exception.

CONCLUSIONS

Based upon the findings set forth above, the Board voted at the conclusion of the hearing of September 4, 2013, 3-0 in favor of granting the Applicant's request for a special exception to operate a bakery in a G-1 Zoning District. As a condition to the granting of the Board's approval, the Applicant will be required to comply with the terms and criteria of the Zoning Ordinance at all times. The Applicant must also obtain the approval of all State, County, and municipal agencies whose approvals are required for the conduct of the proposed use, including, but not limited to, Soil Conservation District, Allegany County Health Department, ACDPW Roads Division, Zoning Certification, Building Codes Compliance, House Numbering, Floodplain Management, Subdivision Review and Structural/Electrical Inspection Agency.

ATTEST

BOARD OF ZONING APPEALS

 By 
Julia Williams, Chairperson

Copies to: See Attached List
Attachment: Exhibits List