

**Tax Map/Block/Parcel**  
**No. 67-1-223**  
**Case 6012**

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

**APPLICANT:** Steven P. Murray  
P.O. Box 363  
New Market, MD 21774

**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 a contractor's equipment storage yard and related accessory uses and variances to two adjacent properties.

**LOCATION:** The site is located at 1615 W. Old Liberty Road, Sykesville, Maryland on property zoned "BG" Business General in Election District 9.

**BASIS:** Code of Public Local Laws and Ordinances, Sections 158.078(D)(5), 158.040, 158.133(B)(1)(b) and (c).

**HEARING HELD:** March 30, 2017

**FINDINGS AND CONCLUSION**

On March 30, 2017, the Board of Zoning Appeals (the Board) convened to hear the request for a Conditional Use for a contractor's equipment storage yard and related accessory uses and variances to two adjacent properties. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Steven Murray testified that he is the owner of a construction business. His business deals with building cell phone sites. He stated that his business built all of the equipment that one would see in a corn field. The current use of the property is for a sales lot for horse trailers. The property is located in the BG—Business General zoning district. Other commercial properties near the proposed site include: a restaurant and bar, an auto mechanic shop, a pizza and carryout restaurant, and the Gartrell business. There is an approved site plan on the property. Exhibit 1 is the February 18, 2010 approved amended site plan. He did not plan on constructing any new buildings. He also did not plan on altering existing features at the site or in the site plan. He essentially plans to use the site as it is today. The site provides him with a large

storage yard. He currently has his materials in storage at two separate locations. With the approval of this contractor's equipment storage yard he could have all of his materials at one location. The site also includes an office and a bathroom. He would not have a full time person working in the office. He noted that it was difficult to find locations on the market for a contractor's equipment storage yard within the County.

Mr. Murray would not have many materials delivered to the site. Most of the materials and supplies would be sent to the job site. He would not be doing much if any preassembly on the property. Some of his materials and supplies included 20' length of rebar, sea containers, a couple of 25' trailers, a 16' landscape trailer, and a 14' dump truck. The trailers he uses are like landscaping trailers. Exhibit 3 is an aerial photograph of the property.

He was not sure of the use of the house on the property. He seemed fairly sure that the house had lead paint that would need to be abated. He did not believe that the house would be utilized in his business.

He described what would occur in a typical day in his business. There was rarely any work on Saturdays and there would be no work on Sundays. Nothing would be happening at the site while his employees were out working on a job.

Thomas Henry Gartrell testified in favor of the application. He has lived next door to the property since 1973. He had no objection to the proposed use. In fact, he believed that the proposed use would be less intensive than the current use.

A March 13, 2017 memorandum by Lynda Eisenberg, Chief, and Clare Williams, Planning Technician, stated that the matter had been reviewed for consistency with the policies and recommendations contained in the *Carroll County Master Plan*, the *Carroll County Water & Sewer Master Plan*, and other plans. The staff finding was that the applicant's request is not inconsistent with the *2014 Carroll County Master Plan* and would not have an adverse effect on the current use of the property or its environs.

The Board approved the use of the contractor's equipment storage yard on the property. The Board recognized that the property was located in a commercial area. The current use of the property was for a commercial business and the use requested by the applicant was also for a commercial business. As Mr. Gartrell testified, the proposed use would not be as intensive as the current use. No one objected to the proposed use of the property as a contractor's equipment storage yard. Mr. Murray's use would be compatible with other commercial uses in the area. His use would not negatively affect neighboring property values. It was also important that the requested variance currently existed for the current owner of the property. The applicant would not be able to move things around such that he would not need a variance for the business.

The Board was convinced that authorization of the request with regard to a conditional use 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 approved the conditional use requested by the applicant of a contractor's equipment storage yard. The Board also approved the variances requested by the applicant.

April 3, 2017

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.

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