

Tax Map/Block/Parcel
No. 67-14-489
Case 5966

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: James DuBois
5515 Woodbine Road
Woodbine, MD 21797

ATTORNEY: N/A

REQUEST: A request for a conditional use for a contractor's equipment storage yard and multiple variances to adjacent properties.

LOCATION: The site is located at 5515 Woodbine Road, Woodbine, Maryland, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Sections 158.070(E)(1)(c) and 158.040.

HEARING HELD: August 30, 2016

FINDINGS AND CONCLUSION

On August 30, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a contractor's equipment storage yard and multiple variances to adjacent properties. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Jay Voight testified for the Board in the case. His office received a complaint that a business was being run from a house on the property. He approved the home occupation for the office after the complaint was lodged. However, he noted that he did not have the authority to approve a contractor's equipment storage yard.

The applicant operates a tree service business known as the DuBois Tree Service. It is a small operation that he described as a mom and pop situation. He has only had two employees since he bought the property in October 2015. His business works for mostly residential and some commercial properties. Every truck that he owns does not leave the site every day. He merely takes out the vehicles that he needs for a given day. The operating hours for his business are from 7 a.m. to 3-4 p.m. Monday through Friday. He sometimes works until 6 p.m. over the summer. He also occasionally works on Saturdays. His work is limited during the winter months, and he performs snow removal work during that time. In the future he would like to put up a garage. His property goes out to Woodbine Road.

Based on the photograph supplied by the Bureau of Comprehensive Planning for BZA case 5966, the DuBois house is located on P418. The contractor's equipment storage yard would be

included in lot P489. The Hidey's own property at lot P43, and the Sorge's own property at lot P40. Both of these properties are more than three acre lots. Helen Gensel lives at lot P389.

Christine DuBois testified in behalf of the application. She stated that the house she lives in sets on a two acre lot. The contractor's equipment storage yard would be on a one acre lot. The business did not intend to increase beyond the two employees. She stated that there was the 8000 foot Hidey property between hers and the Gensel properties.

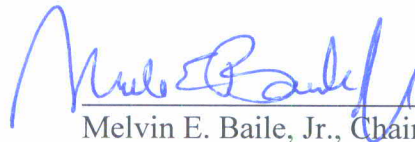
Helen Gensel testified in opposition to the application. She has lived on her property for more than forty years. She did not want her property to be compromised by a business. She also noted that people drive more than 40 mph up and down the road. She also did not want the neighbor property to become a junk yard.

An August 15, 2016 memorandum by Lynda Eisenberg, Chief, and Clare Williams, Planning Technician, stated that the request was compatible with the vision and goals for the area. The staff finding was that the applicant's request was consistent 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 found that the business was somewhat isolated. The Board observed that there were a number of businesses on Woodbine Road though. The business proposed by the applicant was approved for a home occupation. One variance request is from the residence where the applicants live at P418. The applicants, who are the owners of both lot P418 and P489 agree that the variance should be granted. It is a small mom and pop business. The applicant did not wish for the business to be anywhere but near the house. It would be a practical difficulty and an unreasonable hardship to have the mom and pop business with only two employees away from the residence.

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. The Board also approved the requested variances where needed including from the DuBois house.

8-31-2016
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.