

Tax Map/Block/Parcel
No. 52-22-256
Case 5911

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: David T. Coyle, Jr. and Barbara A. Coyle
805 Wilda Drive
Westminster, MD 21157

ATTORNEY: N/A

REQUEST: A request for a conditional use for a Contractor's Equipment Storage Yard and a variance to reduce the required 400 foot distance from adjacent properties.

LOCATION: The site is located at 1016 Deer Park Road, Westminster, Maryland on property zoned "A" Agricultural in Election District 4.

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

HEARING HELD: January 5, 2016

FINDINGS AND CONCLUSION

On January 5, 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 a variance to reduce the required 400 foot distance from adjacent properties. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

David Coyle stated that he was a landscape contractor. He had been in the business since 1989. He had seven full time employees including his wife and himself. The landscaping business operates from Monday to Friday. He also had a snow removal operation which had varying hours. He wanted a structure to keep his trucks, material, and equipment stored inside. He noted that it was best to keep top soil inside of a structure. He stated that the business owned six trucks. The business was not open for retail operations.

He stated that typically two trucks would be sent to a job site. There would be the transport of a mowing trailer. Then there would be transport of a landscape trailer. Sometimes a third trailer would be brought for materials. Once he and his staff left in the morning they would

typically be gone for the day. Landscape materials were typically delivered to the job site or picked up at a business and taken to the job site.

In a December 10, 2015, Nokomis Ford, Planning Technician, and Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, sent a memorandum to the Board. The memo stated that the request is compatible with the vision and goals for the area as expressed in the Carroll County Master Plan. Due to the proposed access to Deer Park Road, the proposed use for this contractor's equipment storage yard could potentially have an impact on traffic. Planning staff did not believe that the proposed use for this contractor's equipment storage yard would have a major impact on traffic. The staff finding was that the request is not inconsistent with the 2014 Carroll County Master Plan. However, the staff found that the proposed use could have an intensity that has an adverse effect on the current use of the property and its environs.

Earl Nixon testified in opposition to the application. He stated that he moved to the county in 1987. He was concerned about the traffic impact and property values. Nixon Opposition Exhibit 1 was introduced through him. He believed that a large truck with a trailer would be unable to turn right onto Deer Park Road without crossing the center line because of a utility pole located at the intersection of Deer Park Road and the access road to the property. He also wanted it known that a school bus stop is located at the intersection of Deer Park Road and Jeffra's Court. He did not want the variance requests granted and wanted the Board to consider that the intent of the law was to restrict and isolate the business. He also wanted the Board to consider Goal 14 of the 2014 Carroll County Master Plan.

Paul Kleeman adamantly opposed the application. He was concerned about the storage of gas, oil and diesel fuel. He moved to his residence in 2004. He moved here under the premise that he lived in a residential area. He had a problem with a commercial business in a residential zone.

Richard Wess testified in opposition to the application. He was concerned with the road between his house and the Rosenberger property. He wanted to know who would be responsible for maintaining the road.

Joshua Keefer testified in opposition to the application. He did not like the fact that a business was being run out of the property. He bought his home in December 2014 and planned to retire there. Since the property in question is located on a hill, he would see whatever business was there. He was concerned whether the employees of the business would go through a criminal background check. He believed that the area was a poor spot for a Contractor's Equipment Storage Yard. He also thought that everything would run downhill onto his property. He owned the first brick house at the bottom of the hill.

Greg Reifer was a farmer at the bottom of the hill. He was also in opposition to the application. He gets all of his water from the property in question. He thought that a storage yard should be on level property. He also talked about the grade of the incline and the hill. He talked about the grade with John Lemmerman, a surveyor.

The Board was convinced that authorization of the request with regard to the request for 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 with regard to the storage of contractor's equipment to be stored inside the building structure. The Board also approved the requested variances.

8 January 2016
Date

Gary E. Dunkleberger
Gary E. Dunkleberger, 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.