

Tax Map/Block/Parcel
No. 71-15-235
Case 5581

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Gary R. Walker & Patricia Lynn Walker
6419 Davis Road
Mt. Airy, MD 21771

ATTORNEY: Isaac Menasche, Esquire
179 East Main Street
Westminster, MD 21157

REQUEST: An application for a conditional use for a landscaping service (and the storage of vehicles in connection therewith) in conjunction with a nursery operation on the same premises; and requested variances.

LOCATION: The site is located at 6419 Davis Road, Mt. Airy, MD 21771, on property zoned "C" Conservation District in Election District 13.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-34 E, 223-16, 223-185, 223-181 AND 223-186.

HEARING HELD: April 27, 2011

FINDINGS AND CONCLUSION

On April 27, 2011, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a landscaping service (and the storage of vehicles in connection therewith) in conjunction with a nursery operation on the same premises; a variance from the required lot size of 20 acres to 6.24 acres; variances from the 400 ft. distance requirement to 185 ft., 350 ft., 309 ft. and 0 ft.; variance from the side yard requirement of 100 ft. to 50 ft. and rear yard requirement of 50 ft. to 27 ft. for an existing building to be used in conjunction with the use.

Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicants run a landscaping business at 6419 Davis Road in Mt. Airy in the "C" Conservation District. The business employs up to 10 employees. Landscape trees are currently imported to the property for planting at job sites. The Applicants intend to grow their own

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landscaping trees in the future on the property for use in the business. No customers visit the property. The total acreage is 6.24 acres (+/-).

The typical day at the property begins at 5:30 – 6:00 a.m., when employees arrive and depart in two trucks 15 minutes later. They usually return between 2:30 – 3:30 p.m. Bulk deliveries of mulch arrive several times in the spring. Up to 20 pieces of contractors' equipment are stored on the property, including trucks, trailers, 9 loaders, a backhoe and similar equipment. The property is naturally screened by trees and topography. Neighbors were supportive.

The Board found that this seasonal use is quiet, and well screened from the neighbors. Traffic and noise from two truck trips in and out per day is negligible. There is no dust or fumes generated by this use. There was no evidence of any decrease in property values in the neighborhood from this use. This is a small scale operation. A landscaping business in conjunction with a nursery here does not generate adverse affects above and beyond those normally associated with such a use. Accordingly, the conditional use was granted.

As to the variances, the Board found that a failure to grant the requested relief would have a disproportionately harsh effect on the owner. The Applicant cannot change the size or location of his lot. Also, this is a small scale operation which does not require 20 acres to function. Based on the above, a strict application of the lot size/setback/distance requirements would result on practical difficulty and undue hardship and the requested variances were granted.

24 May 2011
Date

Gary Dunkleberger
Gary Dunkleberger, Chairman