

Tax Map/Block/Parcel
No. 12-23-179
Case 5569

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Silver Run Nursery
c/o Richard Hubble
3919 Old Hanover Road
Westminster, Maryland 21158

ATTORNEY: N/A

REQUEST: An application for a conditional use for a contractor's equipment storage facility and variances from the distance requirements.

LOCATION: The site is located at 3919 Old Hanover Road, Westminster, MD 21158, on property zoned "A" Agricultural District in Election District 3.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (5) and 223-16

HEARING HELD: October 26, 2010

FINDINGS AND CONCLUSION

On October 26, 2010, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a contractor's equipment storage facility and variances from the distance requirements. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

Applicant Richard Hubble has resided on 18 acres (+/-) in the Agricultural zone for 5 years ("the property"). He operates a landscaping business at this property. He hopes to construct a 50 ft. x 30 ft. pole building on the property to house equipment and supplies for the landscaping business, including 2 dump trucks, a Bobcat, a pickup truck, mowers, and a sod cutter.

The busiest time of year for the landscaping business is the spring. Three employees will arrive at the property at 7:00 a.m., leave for a job site, and return around 5:00 p.m. Business drops off significantly by the late fall and winter months.

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The new building will be located on the same spot on the property as a previously existing barn. The lot is long, thin, and "L" shaped, and there is no place on the property where a variance would not be necessary from the proposed use. No neighbors were opposed to the application.

Based on the above, the Board found that there will be little or no traffic generated by this use. Namely, three employees (and no customers) will visit the property during the busy months of the year. There was no evidence that this use will generate noise, dust, fumes, gases or decrease neighboring property values. There was no evidence that this use will generate adverse effects greater here than elsewhere in the zone. As such, the conditional use was granted.

Also, the Board found that due to the unusually narrow and long shape of the lot, a strict application of the setback provisions would make it impossible to locate the barn anywhere on this large but oddly shaped lot. As such, failure to grant the requested variance would result in practical difficulty and unnecessary hardship. Accordingly, the variance was granted.

17 November 2010

Date

Howard B. Kramer
Howard B. Kramer, Chairman

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Pursuant to Section 223-192C of the County Code, this approval will become void within 1 year from the date of this decision unless the use or variance is implemented. Please contact the Zoning Administrator at (410) 386-2980 to obtain a zoning certificate.

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 Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.