

Tax Map/Block/Parcel
No. 11-16-218

Case 5409

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Union Paving, LLC
c/o Joyce E. and Benny J. Beal
4154 Babylon Road
Taneytown, Maryland 21787

ATTORNEY: John T. Maguire

REQUEST: A conditional use for a contractor's equipment storage facility and a variance from the required 400 ft. to 328 ft. from the curtilage area of the residence to the north.

LOCATION: The site is located at 4154 Babylon Road, Taneytown, MD 21787, on property zoned "A" Agricultural District in Election District 3.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (5), 223-16 and 223-186

HEARING HELD: July 29, 2008

FINDINGS AND CONCLUSION

On July 29, 2008, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage facility and a variance from the required 400 ft. to 328 ft. from the curtilage area of the residence to the north. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicants' company is a family run paving business. It includes the Applicants Benny and Joyce Beal, their daughter, and 3 other employees. The property is 14.313 acres (+-) with "A" Agricultural district. It is served by Babylon Road, which is a lightly traveled gravel thoroughfare.

The Applicants reside on the property. They would like to park some of their equipment on the property at night. The equipment includes seven trucks, 2 trailers, and a bobcat. There will be no building constructed for the yard. There will be no deliveries or customer visits to the property. No grading or tree removal will be necessary for the yard. Employees will

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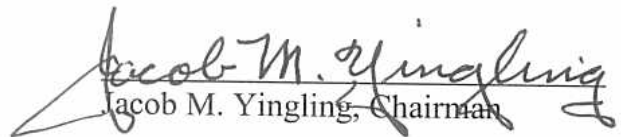
arrive at the property in the morning, depart with equipment and return between 4:00 P.M. and 5:00 P.M. The business operates from Monday through Friday.

The property is heavily wooded. The location for the yard was selected due to its natural tree screening, which will effectively hide the yard from the neighbors. The lot is irregularly and is long and narrow.

Based on the above, the Board found this to be a passive, quiet and appropriate use of the property. There will be little traffic generated by the use, and it is largely screened by the woods. There was no evidence of noise, dust, fumes, diminution of property values, or any other adverse effects. Any such effects would be no greater here than elsewhere in the "A" Agricultural zone. Accordingly, the conditional use was granted for the location set forth in Applicants' Exhibits 1 and 2 that were presented at the hearing. As for the variance, the Board noted the irregular shape of the lot, which is long and narrow. The selected location for the yard is ideal, and effectively screened from all the neighbors. It is one of the few cleared areas on this large lot. As such, a strict application of the required 400 foot setback would result in practical difficulty and undue hardship. Accordingly, the required variance was granted.

Date

8/20/08


Jacob M. Yingling, Chairman