

Case 5408

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Shaun F. O'Neill
2905 Timber Ridge Drive
Mt. Airy, MD 21771

ATTORNEY: n/a

REQUEST: Conditional use for a contractor's equipment storage yard and a variance from the required setback of 400 ft. to 200 ft. on the north side of the property.¹

LOCATION: The site is located at 5601 Ridge Road, Mt. Airy, on property zoned "A" Agricultural District in Election District 13.

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

HEARING HELD: April 30, 2008

FINDINGS AND CONCLUSION

On April 30, 2008 the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage yard. The Board made the following findings and conclusion.

The Applicant operates a landscaping business. He wishes to lease a portion of a 30 acre(+/-) equestrian facility so he can store his materials and equipment there. The equipment and materials to be stored includes mulch, mowers, excavation equipment, a skid steer and similar pieces. The Applicant will erect a 42 ft. x 70 ft. building at this location, and most equipment will be kept indoors. He will occupy no more than one acre on the property with his equipment storage yard. The business also includes two pickup trucks and two landscaping trucks.

The landscaping business is seasonal, with little or no activity in the late fall and winter months. During the busy season, five employees will arrive at 7:00 a.m. at the site and leave shortly thereafter. They will return to pick up their cars by 5:00 p.m. The yard will be open Monday through Friday. Light vehicular maintenance will be performed on the equipment at this location. Noise generated by the facility will be minimal. No customers will visit the site. The topography of the site will naturally screen the view of the building. No distance variances are needed at this location.

¹ The variance request was withdrawn by the Applicant at the hearing.

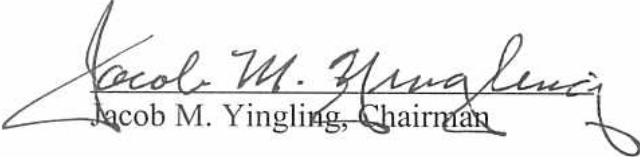
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Based on the above, the Board found that the proposed use will generate negligible traffic, which will consist strictly of the employees. No noise, dust, fumes, or gases will be generated by the proposed use. The yard will be unoccupied most of the day and on weekends. There was no evidence of any diminution in neighborhood property values or any potential disruption of the peaceful enjoyment of the neighborhood from the proposed use. The proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. Accordingly, the conditional use was granted.

5/21/08
Date


Jacob M. Yingling, Chairman