

**Tax Map/Block/Parcel
No. 59-17-60**

**Building Permit/Zoning
Certificate No. 06-2410**

Case 5253

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

APPLICANT: Mark A. Tingler
2961 Old Westminster Pike
Finksburg, MD 21048

ATTORNEY: David K. Bowersox

REQUEST: Conditional use request for a contractor's equipment storage facility and storage of logs as an accessory use and variances from the require front yard setback of 40 ft. to 15 ft.; side yard setback of 10 ft. to 5 ft., and from the minimum distance requirement of 400 ft. to 10 ft.

LOCATION: The site is located at 2961 Old Westminster Pike, Finksburg, on property zoned "B-NR" and "R-10,000" Districts in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Section 223-16, 223-71 (5), 223-100, 223-105, 223-186 and 223-191

HEARING HELD: September 26, 2006

FINDINGS AND CONCLUSION

On September 26, 2006, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a contractor's equipment storage facility and storage of logs as an accessory use and variances from the required front yard setback of 40 ft. to 15 ft.; side yard setback of 10 ft. to 5 ft., and from the minimum distance requirement of 400 ft to 10 ft. The Board made the following findings and conclusion:

The Applicant has been operating at this location for over 27 years, albeit without the benefit of Board approval. He operates his own "part time" land clearing business and stores various pieces of equipment on the site. He repairs and services his own vehicles at the property. The equipment includes a stump grinder, 2 loaders, a grader, forklift, tractor loader, 2 dump trucks, and a flatbed truck. The property is "split zoned" B-NR (Business Neighborhood) and R-10,000, although all of the equipment is stored on the B-NR portion of the property. The neighborhood is mixed, and includes a number of other commercial and businesses. This is an older established neighborhood with existing natural buffers between the properties. The parcel is unique, due to its split zoning, and that the B-NR portion cannot be used for any business purpose due to the 66 foot right-of-way owned by the State Highway Administration on Old Westminster Pike. There will be no employees, office hours or customers. The Applicant also

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intends to store logs recovered from his land clearing operations on the site for sales of firewood or lumber.

Based on the above, the Board finds that any adverse effects at this location from this use will be no greater here than elsewhere in the B-NR zone. Traffic and noise are minimal. The use is consistent with the other uses in the neighborhood. Accordingly, the conditional use is granted. In addition, the Board finds that due to the uniqueness of the property, the Applicant is entitled to the requested variances. As for the storage of the logs, the Board finds that the practice is an accessory use to the Applicant's land clearing business.

10/23/06
Date

Jacob M. Yingling
Jacob M. Yingling, Chairman