

**Tax Map/Block/Parcel
No. 6-20-106**

**Building Permit/Zoning
Certificate No. 05-3795**

Case 5155

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

APPLICANT: James L. & Karen L. Yirka
2910 Patricia Court
Manchester, MD 21102

ATTORNEY: Clark R. Shaffer

REQUEST: A conditional use for a contractor's equipment storage yard (with wholesale firewood sales) and variances from required 400 ft. to about 145 ft.; in the alternative, conditional use request for parking facilities for commercial vehicles (with wholesale firewood sales) and yard variance, if needed to about 20 ft.

LOCATION: The site is located at W/S of Hanover Pike, South of the Pennsylvania Line, Manchester, on property zoned "A" Agricultural District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (5), (23) and 223-16

HEARING HELD: January 4, 2006

FINDINGS AND CONCLUSION

On January 4, 2006, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for a contractor's equipment storage yard (with wholesale firewood sales) and variances from required 400 ft. to about 145 ft.; in the alternative, a conditional use request for parking facilities for commercial vehicles (with wholesale firewood sales) and yard variance, if needed to about 20 ft. The Board made the following findings and conclusion:

The Applicant operates an arbor care business, which performs tree care, maintenance and tree removal services to businesses and residential customers. The subject property is 35.92 acres of land zoned "A" Agricultural in the northeast quadrant of the County. The surrounding area is predominantly rural, with scattered residential and "agri-business" uses. The property is a portion of a former farm, with steep slopes and rolling topography. It is located just off Maryland Route 30.

The Applicant employs six persons, who drive to the site each morning and park their personal vehicles. The arbor care business uses the property as an equipment storage yard and for employee parking. The employees leave the site to perform their duties and come back later in the day to return the equipment and retrieve their personal vehicles. The Applicant

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submitted a detailed list of equipment used by the business to the Board, which was accepted as Applicants' Exhibit 3 (attached). Equipment includes bucket, chipper and dump trucks, wood chippers and stump grinders, loaders, backhoes, trailers, front end loaders, and various blowers and related equipment. The equipment is stored on a 1.0 acre area on the property. In addition, there is a 100 x 100 foot area on the site for the storage of firewood collected during the tree removal and maintenance services performed by the Applicant. No retail sales of firewood occur at the site. There is no office on the site. Light vehicle maintenance is performed on the property.

The contractors' storage facility is located on a portion of the property previously used as part of a livestock operation. This area is flat, and it was graded prior to the Applicant obtaining the property. This yard is out of the field of view of almost all of the houses nearby. There are two residences in the vicinity of the yard that were apparently previously "carved off" of the Applicant's property. The Applicant owns 10 head of cattle which reside on the site. He intends to construct a 42' x 72' pole building to house the equipment for the arbor care business.

Based on the above, the Board finds that the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use, subject to conditions which follow. In addition, the Board finds that steep topography of the site, the existence of two adjoining residences, and the adjacent power company easement make this parcel unique. These conditions, as well as the pre-existing graded area where the yard is located, justify the grant of a requested variance in this case. The existing location minimizes the view of the yard from Route 30 and most nearby residences. Relocation of the yard would be impractical and would require massive grading and slope reduction.

In addition, the Board finds that a wholesale firewood operation, using only wood collected during Applicants' arbor care operation, is an accessory use to a storage yard for arbor care equipment. The firewood storage/sales are rationally and normally incident to the business, and are clearly subordinate to the use of the property as a storage yard for the arbor care equipment. All wood sold and stored will be generated by the arbor care operation, and a small number of employees will be used for the firewood sales/storage.

The Board finds that the following conditions are appropriate and they are imposed in this case:

1. As required by the Carroll County Public Local Laws and Ordinances, § 103-19, a site plan will be submitted, delineating 1.00 acres for use as a contractors' equipment storage yard/employee parking area and firewood storage and sales operation. Employees must park within this area.

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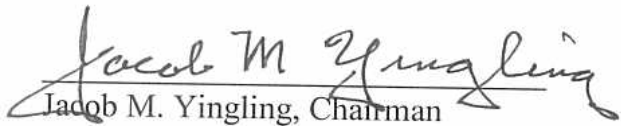
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2. Firewood must be stored in the 1.00 acre area and wholesale sales are permitted only as an accessory use to the arbor care business. No firewood may be stored anywhere else on the site, including the BGE easement area.
3. No mulch may be manufactured or sold at the site.
4. Hours of operation shall be from 7:00 a.m. to 5:00 p.m., with emergency hours as needed.
5. Only the equipment listed in Applicants' Exhibit 3 (attached) may be stored on site.
6. When the proposed 42' x 72' pole building is complete, all vehicles and equipment must be stored within the building.
7. The use approval is granted solely to Applicant and is non-transferable.

Date

1/31/06


Jacob M. Yingling, Chairman