

**Tax Map/Block/Parcel  
No. 29-13-431**

**Building Permit/Zoning  
Certificate No. 04-1047**

Case 4935

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

**APPLICANTS:** Geary Edward Myers, et al., and Trustees  
4110 Trump Road  
Westminster, MD 21157

**ATTORNEY:** David K. Bowersox

**REQUEST:** A modification and continuation of a non-conforming use of the land and buildings at the site of the Stuller Construction Company to a new use as a landscaping contractor's business.

**LOCATION:** The site is located at 3431 Old Taneytown Road, Taneytown, on property zoned "A" Agricultural District in Election District 2.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-9 B, C and D

**HEARING HELD:** June 22, 2004 (Continued from May 27, 2004)

**FINDINGS AND CONCLUSION**

On June 22, 2004, the Board of Zoning Appeals (the Board) convened to hear a request for modification and continuation of a non-conforming use of the land and buildings at the site of the Stuller Construction Company to a new use as a landscaping contractor's business. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject 3.35-acre property had been used as the home base for a construction company since 1924. Over the years, a block storage building was constructed, along with several other buildings. The proposed new use is for a landscape contractor's yard. The tenant will store one truck and two trailers on the site. The landscaping company currently consists of two people, and all work is performed "off site". Landscaping materials will not be stored on the site and no customers will visit. The property is virtually surrounded by farmland that is preserved through agricultural preservation easements.

**OFFICIAL DECISION**

**C4935**

**Page Two**

The Board finds that the proposed landscaping business is less intensive than the nonconforming construction company, and therefore the proposed use is appropriate. Traffic for employees and customers will be negligible, and the location seems ideally suited for the use. The Board also finds that the nonconforming status of the parcel was never abandoned. Accordingly, the request for modification and continuation of the nonconforming use as a landscaping contractor's business is granted.

Date

7/21/04

  
Jacob M. Yingling, Chairman