

Tax Map/Block/Parcel
No. 59-19-612

Building Permit/Zoning
Certificate No. 03-4244

Case 4896

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

APPLICANT: Paul L. Bortner
c/o Sands Electric Company
P.O. Box 65
Reisterstown, MD 21136-0065

ATTORNEY: Clark R. Shaffer

REQUEST: An application for modification of conditional use approvals granted in Case 770 (hearing 12/20/72) and Case 1526 (hearing 2/4/80) to allow offices and storage; or, in the alternative, a request for the enlargement and/or change of a non-conforming use.

LOCATION: The site is located at 1938 Deer Park Road, Finksburg, MD 21048, on property zoned "R-40,000" Residential District in Election District 4.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-186 A (2) and (3) and 223-186 B

HEARING HELD: January 28, 2004; Continued February 6, 2004

FINDINGS AND CONCLUSION

On January 28, and February 6, 2004, the Board of Zoning Appeals (the Board) convened to hear the modification of conditional use approvals granted in Case 770 (hearing 12/20/72) and Case 1526 (hearing 2/4/80) to allow offices and storage; or, in the alternative, a request for the enlargement and/or change of a non-conforming use. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The 3-acre (±) property was originally used as a poultry operation until 1972. In 1972, in Case No. 770, the Board granted a conditional use to the prior owner to operate a garden supply center on the site. In 1980, in Case 1526, another owner was granted a conditional use for a contractor's equipment storage building and antique shop and approval for the garden supply shop to sell garden tractors, riding mowers, chain saws and typical landscaping tools and equipment. In 1972, the zoning for the property was changed to "A" Agricultural. In 1981, the property was rezoned "R-40, 000. There are two buildings on the site. Since case No. 1526, an

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electrical contractor (the Applicant) now has an office at the site, as well as a landscaper and an assembler of floor mats. In addition, there is indoor storage of contractor's equipment, outdoor storage of materials and the overnight parking of vehicles at the site. There have been no significant modifications of the buildings on the site since 1980. The site currently resembles an industrial park.

After hearing the evidence, it is apparent that the site is a non-conforming use, by virtue of the several zoning changes that have occurred. It is also apparent that the non-conforming use has expanded and intensified to its present state. The Board is willing to approve the expansion, and does so, while imposing the following conditions:

1. Application for a commercial site plan approval shall be submitted to the County within three (3) months of the date of this decision, which will include, among other things, provisions for:
 - a. Tree screening between the subject property and neighboring properties; and
 - b. The paving of all parking areas
2. Businesses that are permitted at this site are limited to light contracting businesses including electrical, plumbing, landscaping, drywall and similar uses, as well as light assembly uses such as the existing car mat business.
3. Landscaping materials must be stored in the area of the property north of the driveway in stacks not to exceed four (4) feet in height.
4. No overnight parking of vehicles is permitted on the north side of "Building A" as depicted in the site drawing submitted with the application.
5. The park shall be closed on Sundays, except for emergency work.

3-12-04

Date


Jacob M. Yingling, Chairman