

**Tax Map/Block/Parcel
No. 68-01-234**

**Building Permit/Zoning
Certificate No. 02-1681**

Case 4693

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

APPLICANT: 4717 Old Washington RD Associates, LLC
4717 Old Washington Road
Sykesville, MD 21784

ATTORNEY: Clark R. Shaffer

REQUEST: An application for a conditional use for parking facilities for commercial vehicles (in conjunction with an existing contractor's equipment storage yard previously approved in Cases 1872, 2565, and 3016) and approval of expansion and/or modification of a previously approved non-conforming/conditional use as depicted on sketch plan filed with the application (at the Board of Zoning Appeals Office).

LOCATION: The site is located at 4717 Old Washington Road, Sykesville, MD 21784, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 (A) (23) and 223-9

HEARING HELD: August 27, 2002

FINDINGS AND CONCLUSION

On August 27, 2002, the Board of Zoning Appeals (the Board) convened to hear the request for parking facilities for commercial vehicles (in conjunction with an existing contractor's equipment storage yard previously approved in Cases 1872, 2565, and 3016) and approval of expansion and/or modification of a previously approved non-conforming/conditional use as depicted on sketch plan filed with the application (at the Board of Zoning Appeals Office). Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The subject property was approved as a contractor's equipment storage yard in Case 1872 in October 1982, and an additional storage building and office trailer were approved later. The Applicant purchased the 6.71 acres and is seeking the Board's approval for a conditional use to

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park commercial vehicles in addition to the previously approved uses. The equipment currently owned by the Applicant consists of 14 buses, 5 street sweepers, 3 backhoes, 2 dump trucks, 2 tractors, 1 skid loader, 1 tanker trailer, 6 job trucks, 4 trailers and 5 septic trucks.

The Board finds that the Applicant has improved the property from its prior use, and notes that he resides at the site. The Applicant's use is less intense than the prior use. As a result, the Board finds that the proposed use here will not generate adverse effects above and beyond that ordinarily associated with such a use. Accordingly, the conditional use is granted. However, the Board notes that there have been extensive negotiations between the Applicant and some affected neighbors, and we agree that their recommended conditions are appropriate for this case. Specifically, our approval is subject to the following conditions:

1. Entrance. The entrance to the site is currently thirty-one feet wide. The entrance will be widened by an additional twenty feet so that vehicles can enter and exit the site in a safe manner without crossing the double yellow line. The road improvements contemplated herein shall be completed by Mr. Harrison within 120 days from the date of the decision of the BZA subject to the approval by the State Highway Administration which application shall be timely made and diligently pursued.
2. Screening. To screen the site from the adjoining property owners and reduce the noise emanating from the use of the property, a berm consisting of 60 to 80-foot-long double wall of "jersey wall" barriers 5 to 6 feet apart filled with dirt and planted with trees or suitable shrubbery will be erected and maintained by Mr. Harrison. The berm will run near the property line generally between the 50 Ft. x 100 Ft. Morton building and the row of pine trees. The berm shall be completed and planted by July, 2003.
3. Pumping of the sewage. Any pumping of sewage from one truck to another will be moved to the back of the property.
4. Number and Storage of Septic Pumper Trucks. The maximum number of septic pumper trucks permitted on the site shall be five. All the septic pumper trucks will be stored under cover so that there will be no pumping nor outside storage of pumper trucks near the proposed berm and that all pumping will occur either under cover or in the back of the property.

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5. Use of the Property. The use of the property for the approved conditional uses shall be limited to the subject property consisting of 6.71 acres more or less. The two trailers currently on an adjacent parcel of land, also owned by 4717 Old Washington Road Associates LLC, will be relocated on the 6.71 acres subject property within sixty days hereof.
6. The Applicant shall store no more than sixty (60) commercial or industrial vehicles on the site.

9/26/02

Date

Karl V. Reichlin
Karl V. Reichlin, Chairman