

**Tax Map/Block/Parcel
No. 77-22-467**

**Building Permit/Zoning
Certificate No. 01-0258**

Case 4580

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

APPLICANT: Rt. 97 Enterprises, LLC
10005 Emily Fox Court
Columbia, Maryland 21042

ATTORNEY: Richard R. Titus

REQUEST: An application for a conditional use for a contractor's equipment and storage yard and a variance reducing the applicable setback requirements from 800 feet to 180 feet.

LOCATION: The site is located on the west side of Rt. 97, south of Hoods Mill Road, Woodbine, MD 21797, on property zoned "I-G" General Industrial District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Chapters 223-126C, 223-16 and 223-181.

HEARING HELD: March 28, 2001

FINDINGS AND CONCLUSION

On March 28, 2001, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment and storage yard and a request for a variance reducing the applicable setback requirements from 800 feet to 180 feet. The Board makes the following findings of fact and conclusions of law.

Rt. 97 Enterprises, (the Applicant) owns approximately 60 acres of property along the west side of Rt. 97 that was recently rezoned from Agricultural to General Industrial. They plan to lease six acres of this tract to Arbor Valley Landscaping for a contractor's equipment storage yard. The only available feasible site for the storage yard would require a setback variance for a pole barn type building near the adjoining residence. This site was selected because of the flat terrain and for privacy and security. Arbor Valley Landscaping has 18 employees and does restorative work in Carroll County for BGE. The prefabricated pole building will house all equipment including 4 single axle dump trucks, 4 pick up trucks, 1 mobile mixer. The Applicant plans to erect a fence around the building for security reasons. No substantial traffic will be

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generated by this use, as crews will leave the site in the morning and return at the end of each day. The Applicants plan to access Rt. 97 from an existing driveway.

The topography of the property is very steep and it is subject to a 50-Ft. easement owned by Colonial Pipeline running through the middle of the parcel. This particular area where the 50-Ft. x 98 Ft. building is being proposed (5,000-sq. ft. Morton building) is most appropriate flat area. The building would be 180 Ft. from a neighbor's property line.

The Board finds that the proposed use is appropriate at this location and it will generate no adverse effects above and beyond those normally associated with such a use. The Board also finds that the Applicant has met its burden of proving that the topography of their property justifies the grant of a variance from 800 Ft. to 180 Ft. The Board orders that a double row of tree screening be planted on the southeast side of the building to screen the use from their nearest neighbor. The conditional use and variance requests are granted, subject to the tree screening requirements.

4-17-01

Date

Ronald F. Hoff

Ronald F. Hoff, Chairman