

Tax Map/Block/Parcel
No. 68-13-470

Building Permit/Zoning
Certificate No. 99-3435

Case 4466

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

APPLICANT: Emory N. Stull
1126 Woodbine Road
Woodbine, MD 21797

ATTORNEY: J. Brooks Leahy, Esquire
127 East Main Street
Westminster, MD 21157

REQUEST: A conditional use request to allow contractor's equipment and storage yard in an IR zone and a variance from 600' to 350' in an "R" District

LOCATION: Located approx. 300' west of Klee Mill Road, Plat B, Section 2-D of Central Maryland Service and Distribution Center on property zoned "IR" Restricted Industrial District in Election District 14

BASIS: Basis: Article 12, Section 12.2(a), and Section 4.12; Zoning Ordinance 1E

HEARING HELD: February 22, 2000

FINDINGS AND CONCLUSION

On February 22, 2000, the Board of Zoning Appeals (the Board) convened to hear the application of Emory N. Stull (the Applicant) for a conditional use request to allow a contractor's equipment and storage yard on Plat B, Section 2-D of Central Maryland Service and Distribution Center on property zoned "IR" Restricted Industrial. The Board makes the following findings of fact.

The Applicant owns a land clearing business and wishes to open a contractor's equipment and storage yard for his equipment. He will erect a building containing 3,000 square feet of office space and 8,000 square feet for maintenance and repair of his equipment. Five employees will work at the building, and the Applicant expects infrequent customer visits to the site. The Applicant's equipment consists of two truck tractors, four trailers and several other machines for his business. There are

several other businesses in the area. The Applicant also requests a variance from the terms of Article 12, Section 12.2(a), as his proposed use is 350 feet from a residence, rather than the requisite 600 feet.

A conditional use should be granted when the adverse effects of the proposed use would be no greater at the proposed location than elsewhere in the zone. The Board finds that any adverse effects from the Applicant's proposed equipment and storage yard (i.e., noise, dust, traffic) would be no greater here than elsewhere in the zone. In addition, the Board finds that although the nearest residence is less than 600 feet from the proposed use, it is located across the street (Klee Mill Road). The Board finds that the street provides an adequate buffer, and that the lot, located in an industrial park, could never be used for an industrial purpose if the setback requirements are strictly applied. Accordingly, the conditional use and variance are granted, as requested.

3/20/00

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman