

Tax Map/Block/Parcel
No. 1-22/23-78

Building Permit/Zoning
Certificate No. 97-2628

Case 4265

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

APPLICANTS: Samuel G. & Linda C. Battaglia
3910 Bark Hill Road
Union Bridge, Maryland 21791

REQUEST: A conditional use request for a farm equipment sales and service business and variances as required

LOCATION: Northeast corner of Brown Road and Maryland Route 194 on property zoned "A" Agricultural District in Election District 1

BASIS: Article 6, Section 6.3(e)(2); Ordinance 1E (The Carroll County Zoning Ordinance)

On October 29, 1997, the Board of Zoning Appeals (the Board) convened to hear the application of Samuel and Linda Battaglia for a conditional use for a shop for the service, repair and sale of farm machinery and farm equipment on property zoned "A" Agricultural District located at the northeast corner of Brown Road and Maryland Route 194. The following are the Board's findings and conclusions.

The applicants are in the business of purchasing, repairing and selling used and new farm machinery. They have recently purchased the subject property which consists of 54 +/- acres on which they seek to relocate their business. They will construct a Kodiak Pole Building to house their operation. The location of the building must meet the distance of Section 6.3(e)(2) of the Ordinance. Originally, the applicants had requested a variance to the distance requirements but modified their request at the hearing, agreeing to locate the building and outside operation in compliance with the distance requirements of the Zoning Ordinance. Therefore, no variances were requested and none was granted. The hours of operation will primarily be Monday through Friday, 8:00 a.m. to 5:00 p.m., and Saturday, 8:00 a.m. through 12:00 noon. They anticipate an average of ten customers a day. Repairs will be conducted within the proposed building. They also intend to hold several auctions a year.

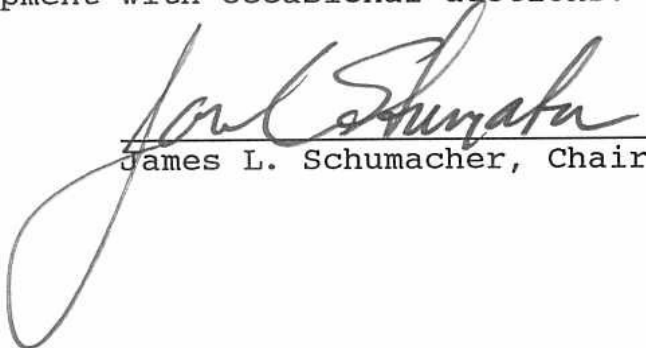
The Board finds with the conditions hereinafter noted that the use proposed at this location will have no greater adverse effect at this location than elsewhere in the agricultural zone. The

Board hereby approves the conditional use requested limited to the findings noted and subject to the following conditions.

1. The use is subject to a limited site plan review. The location of the building and outside operations area must comply with the distance requirements of Ordinance 1E.
2. Access to the site would be limited to Brown Road.
3. The use is limited to a maximum of three acres on the site.
4. The use will be limited to the sale and repair of large and small farm equipment with occasional auctions.

12/18/97

Date
IM/bmh/c4265dec.bmh
December 15, 1997


James L. Schumacher, Chairman