

**Tax Map/Block/Parcel
No. 14-9-319**

Case 5310

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

APPLICANT: Joseph W. Dingus
c/o Cedarbrooke, Inc.
4831 Hanover Pike
Manchester, Maryland 21102

ATTORNEY: Charles M. Preston

REQUEST: An application for a conditional use for a contractor's equipment storage facility and variance from the front yard setback of 40 ft. to 2 ft.; a variance from 400 ft. to 145 ft. from a residential lot of less than three (3) acres; and variances from 400 ft. to 370 ft. and 85 ft. from residences located on three (3) or more acres of land.

LOCATION: The site is located at 4600 Hanover Pike, Manchester, MD 21102, on property zoned "B-G" General Business District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-109 E., 223-100 A, 223-71 A (5), 223-75 A., 223-16 B. and D.

HEARING HELD: August 29, 2007

FINDINGS AND CONCLUSION

On August 29, 2007, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a contractor's equipment storage facility and variance from the front yard setback of 40 ft. to 2 ft.; a variance from 400 ft. to 145 ft. from a residential lot of less than three (3) acres; and variances from 400 ft. to 370 ft. and 85 ft. from residences located on three (3) or more acres of land. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant wishes to continue to use a 3.8 acres (\pm) located at 4600 Hanover Pike in Manchester as a contractor's equipment storage facility. The Applicant operates a general contracting and masonry business. The site was previously used by other tenants for the storage of coal and mulch.

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The contractor's equipment yard is used to store 3 small trucks, a Bobcat loader on a trailer and 3 fork lifts. In addition, the Applicant uses a portion of a 3,000 square foot building on the property to store mixers, saws, scaffolding, and keeps a small office and workbench there. Some material (blocks, bricks) is occasionally stored at the site. The Applicant employs 6 other people. They arrive at 6:30 a.m. and leave the yard by 7:00 a.m. They return for their personal vehicles at 4:30 – 5:30 p.m. The yard is typically unoccupied for all but one hour a day. No major vehicle repairs are performed at the site.

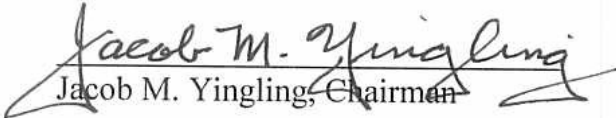
A stream runs through the property, which is heavily wooded at the rear. The surrounding neighborhood is wooded, with scattered businesses. In addition, there are residences in the vicinity which are screened by woods. The property fronts busy Route 30. There is no place to locate the yard on this property that would not require the grant of a variance.

Based on the above, the Board found that this use does not generate excess traffic, noise, dust, fumes or odors. Employee traffic is minimal. There is no customer traffic. There was no evidence of adverse effects on property values and no neighbors complained of any interference with the peaceful enjoyment of their homes. Accordingly, the Board found that the use here does not generate adverse effects above and beyond those normally associated with a contractor's equipment storage yard. Accordingly, the conditional use was granted.

In addition, the Board found that this property has several unique characteristics. It fronts a busy state highway, and it is lower than the street. A stream runs through it, limiting the available locations on the property for such a use. In addition, portions are heavily screened by trees, lessening the visual impacts. The building housing some of the equipment and has been there for an undetermined number of years and cannot be moved. The use is appropriate for this location. Based on the above factors, the Board found that a strict application of the setback provisions to this property would result in practical difficulty and unnecessary hardship. Accordingly, the requested variances were granted.

Date

9 / 26 / 07


Jacob M. Yingling, Chairman