

Tax Map/Block/Parcel
No. 10-21-236

Building Permit/Zoning
Certificate No. 05-2445

Case 5114

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

APPLICANT: Sam Haines
1 Antrim Street
Taneytown, MD 21787

ATTORNEY: Clark R. Shaffer

REQUEST: A conditional use for a contractor's equipment storage facility and variances from the lot size requirements from 3 acres to 1.5 acres.

LOCATION: The site is located at 4010 Fringer Road, Taneytown, on property zoned "A" Agricultural District in Election District 1.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 A (5) and 223-186 A (2)

HEARING HELD: August 30, & September 28, 2005

FINDINGS AND CONCLUSION

On August 30, & September 28, 2005, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use and variances from the lot size requirements from 3 acres to 1.5 acres for a contractor's equipment storage facility. The Board made the following findings and conclusion:

The subject property is owned by Richard E. and Jennabell A. Haines. The Applicant, their son, wishes to store contractor's equipment associated with his lawn maintenance company at the property. He will occupy 1-1/2 acres of the property with the equipment. He also intends to erect a 40 x 60 foot pole building on the property in which to store all of the equipment.

The landscaping business is seasonal, and runs from mid March to early December. In addition to the Applicant, there is one other employee. The contractor's equipment is picked up at 7:00 A.M. and returned between 4:00 P.M. and 6:00 P.M. There is some work on Saturdays and Sundays from March to mid-July. There will be no signs for the business and no retail operations will be conducted there. A pile of dirt and mulch is kept on site for use by the business.

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The Board finds that the proposed contractor's equipment storage yard at this location will not generate noise, dust, traffic or any other adverse effects. The visual effect of the yard will be eliminated by the erection of the pole barn. Accordingly, the conditional use is granted, subject to the conditions listed later in this decision.

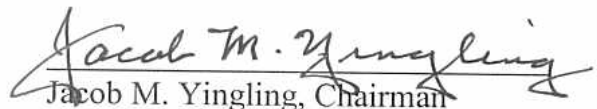
As for the variances, it is noted that the lot closest to the proposed contractor's yard which necessitates the distance variances is owned by the Applicant's parents, who are obviously not opposed. In addition, the subject property is unusual, as it is one of 2 small rectangular shaped parcels surrounded by large swaths of farm land. The other small lot is also owned by the Applicant's parents. We find that under the particular circumstances, a strict application of the lot size/setback provisions would result in unnecessary hardship.

The approval is expressly conditioned on the following:

1. The conditional use is non-transferable
2. There shall be no more than three (3) employees using the yard, including the Applicant.
3. No sign shall be erected at the property
4. No retail sales shall be conducted at the property
5. When the pole barn is erected, all equipment except for 1 truck shall be stored inside.

Oct 19, 2005

Date


Jacob M. Yingling, Chairman