

**Tax Map/Block/Parcel  
No. 23-7-576**

**Building Permit/Zoning  
Certificate No. 05-0943**

Case 5079

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

**APPLICANT:** Michael E. Hart  
606 Old Bachman's Valley Road  
Westminster, MD 21157

**ATTORNEY:** Clark R. Shaffer

**REQUEST:** A conditional use for a contractor's equipment storage facility.

**LOCATION:** The site is located at the northeast side of Eckard Road,  
Westminster, on property zoned "A" Agricultural District in  
Election District 6.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-71 A  
(5), 223-75, and 223-186 A (2)

**HEARING HELD:** June 2, August 2, and September 27, 2005

**FINDINGS AND CONCLUSION**

On June 2, August 2, and September 27, 2005, the Board of Zoning Appeals (the Board) convened to hear a conditional use request for a contractor's equipment storage facility. The Board made the following findings and conclusion:

The Applicant operates a tree and stump removal business. He recently purchased 31 acres of land zoned "A" Agricultural at the referenced address. After two residential lots are carved off, there will be 29 acres left as a remainder. The Applicant would like to relocate the contractor's equipment associated with his business on to a portion of the remainder as depicted on Applicant's Exhibit No. 1. A 40 x 80 foot pole type building is to be erected in that location to house some of the equipment. The equipment to be stored is set forth in a list prepared by Applicants, attached hereto as Exhibit "A", and includes several trucks, wood chippers, a skid loader, stump grinders, and a storage trailer. Access to the property is attained by using a right and privilege to use in common with other adjoining neighbors, a 50 foot wide right-of-way known as Solomon Lane, leading southward onto Eckard Road. The neighborhood is rural, with scattered residences on large farm parcels.

**OFFICIAL DECISION**

**C5079**

**Page Two**

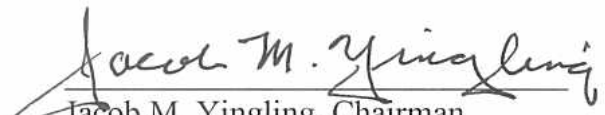
The Applicant employs three individuals in the spring, fall and winter. Tree removal is a seasonal business, and there is only one employee in the winter. No work is performed at the site, as the jobs are handled at the home or business of the customer. The yard would be open Monday through Friday during typical working hours, with emergency weekend work as needed.

The Board finds that the proposed use at this location will not generate adverse effects above and beyond those normally associated with such a use. We do not find the testimony of the appraiser presented by the Protestants to be of any particular value, as he did not conduct a true appraisal of the impact of the proposed use on neighboring properties and did not appear well versed in the zoning and development regulations of the County. In addition, he did not prove to any degree that this yard at this location would devalue properties more so here than anywhere else in the Agricultural zone. In addition, the right-of-way and supporting County roadway, while not up to current County road standards, are in no way atypical of those found in the County's agricultural zone. According, the conditional use is granted, subject to the following conditions:

1. The hours of operation are limited to 7:00 A.M. to 5:00 P.M. on Monday through Friday, Saturday and Sunday hours as needed during emergencies (storms, etc.).
2. No retail sales may be made from the site.
3. No more than three (3) employees may use the yard.
4. No more than ten (10) pieces of contractor's equipment may be stored at the yard.
5. As a condition of the site plan process, non-intrusive lights shall be used at the yard.
6. The conditional use approval is non-transferable and is issued to the current Applicant only.

Oct 19, 2005

Date

  
Jacob M. Yingling, Chairman

*Exhibit A  
to Application*

**Expert Tree & Stump Removal, Inc.  
606 Old Bachmans Valley Road  
Westminster, MD 21157  
(410) 857-8000  
Fax (410) 386-0078**

---

### **EQUIPMENT LIST**

|      |                                |
|------|--------------------------------|
| 1999 | Kenworth Triaxle Log Truck     |
| 2000 | International Chipper Truck    |
| 1999 | Ford F800 Chipper Truck        |
| 1988 | Ford F700 Bucket Truck         |
| 1997 | Ford F250 Truck                |
| 2003 | Brush Bandit Chipper           |
| 2001 | Brush Bandit Chipper           |
| 1996 | Brush Bandit Chipper           |
| 2001 | New Holland Skid Loader        |
| 1998 | Rayco Stump Cutter             |
| 1998 | Rayco Jr. Stump Cutter         |
| 2003 | Carlton Stump Cutter           |
| 1989 | F350 Service Truck             |
| 1997 | Huskee Log Processor           |
| 2000 | New Holland LW130 Wheel Loader |
|      | Storage Trailer for Supplies   |