

Tax Map/Block/Parcel
No. 13-11-304

Building Permit/Zoning
Certificate No. 05-0110

Case 5023

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

APPLICANT: Nevin & Dixie Tasto
1434-E Deep Run Road
Westminster, MD 21158

ATTORNEY: N/A

REQUEST: A conditional use to conduct weekly auctions of hay/straw and other miscellaneous agricultural items and a variance from the required 400 ft. front yard setback and from the distance requirements of 223-16.

LOCATION: The site is located at 1434 East Deep Run Road, Westminster, on property zoned "A" Agricultural District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-71 (13) and 223-16

HEARING HELD: February 23, 2005

FINDINGS AND CONCLUSION

On February 23, 2005, the Board of Zoning Appeals (the Board) convened to hear a conditional use request to conduct weekly auctions of hay/straw and other miscellaneous agricultural items and a variance from the required 400 ft. front yard setback and from the distance requirements of 223.16. The Board made the following findings and conclusion:

The Applicant and his wife started a weekly hay auction 22 years ago and have been successfully conducting it at the Westminster Livestock Yard. He runs this auction and farmers bring in their hay for public sale. If the livestock auction would close, the Applicant wishes to continue this hay auction on his property. He would like permission to sell oats, corn, hay, ground corn, rough lumber (3-4 times per year), and firewood in the winter. The Applicant is licensed in Pennsylvania and Baltimore County. His parcel is 20 acres total. The area where he wants to hold auctions is 14.3 acres. Materials to be auctioned would arrive early Tuesday morning and all materials would be removed the same day. An auction usually lasts 2-3 hours with 50-75 people in attendance. He would like to start the auction at 11:00 a.m.


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on Tuesdays, with 50-80 people bringing products to sell. Parking would be provided on his property.

The Board finds that the proposed use at this location will not generate adverse effects greater here than elsewhere in the zone. In addition, the Board finds that the proposed location of the auction site on the property is the most logical and appropriate location on the parcel. Although the parcel is otherwise large enough for the auction, location of the auction site elsewhere on the parcel would result in unwarranted hardship for the Applicant. Therefore the use is approved, subject to the following conditions:

1. The area defined for auction will be 300 ft. back from Deep Run Road, 350 ft. wide, 400 ft. deep and be covered with pervious materials (stone and millings) for parking
2. A variance is granted from 400 ft. front yard to 300 ft.
3. The auction is to be held on Tuesdays from 10:00 a.m. to 3:00 p.m.
4. There is to be no parking on Deep Run Road
5. Materials to be auctioned will include straw, hay, oats, lumber, firewood and corn feed
6. A simplified site plan is required.
7. A temporary sign will be allowed to be erected on the day of each auction
8. The lighting is to be non-intensive to the neighbors and directed at the drop off area the night before the auction.

3/11/05


Jacob M. Vinoling, Chairman