

**Tax Map/Block/Parcel
No. 57-19-424**

**Building Permit/Zoning
Certificate No. 04-0149**

Case 4917

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

APPELLANT: Rodney and Linda Hidey
3112 Ridge Road
Westminster, Maryland 21157

ATTORNEY: Daniel Murphy

REQUEST: An appeal of a Notice of Violation issued by the Zoning Administrator, dated November 14, 2003, concerning the manufacturing of mulch.

LOCATION: The site is located at 3112 Ridge Road, Westminster, MD 21157, on property zoned "A" Agricultural District in Election District 9.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-70, 223-71, 223-72, 223-117(2) and 223-191

HEARING HELD: March 23, 2004

FINDINGS AND CONCLUSION

On March 23, 2004, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation issued by the Zoning Administrator, dated November 14, 2003, concerning the manufacturing of mulch. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Appellants were approved for a contractor's equipment storage yard and garden supply center for the sale of mulch and other garden supplies in 2001 in Case No. 4578. An investigation by the Zoning Administrator was conducted in 2004, and personnel observed a tub grinder and large piles of mulch 15 to 25 feet high. The Appellant, Rodney Hidey, testified forthrightly at the hearing that he uses a 125 horsepower "Haybuster" to process and grind wood or wood debris into varying degrees of refined mulch. Quality mulch results from "double grinding" the wood and aging the product.

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Based upon the above, the Board finds that the Appellants are in fact manufacturing mulch at the site, as they are taking wood or less refined mulch and fabricating a refined, quality mulch product through the process of grinding and aging it on the site. The manufacture of mulch was not included in the Board's approval of Case No. 4578. In addition, mulch manufacturing is not permitted in the "A" Agricultural district. Accordingly, the Notice of Violation is upheld. The Appellant must cease mulch manufacturing at the site within six (6) months of the date of this decision.

4-23-04

Date


Jacob M. Yingling, Chairman